



An  
Bord  
Pleanála

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

## Inspector's Report ABP-311826-21

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### Strategic Housing Development

227 no. apartments and associated site works.

### Location

Lands at Knockrabo, Mount Anville Road, Goatstown, Dublin 14.  
([www.knockraboshd.com](http://www.knockraboshd.com))

### Planning Authority

Dun Laoghaire Rathdown County Council

### Applicant

Knockrabo Investments DAC

### Prescribed Bodies

Department of Housing, Local Government and Heritage; Irish Water; Transport Infrastructure Ireland

### Observer(s)

1. Birchfield Residents Association

2. Chris Andrews
3. Ciaran Molloy
4. Eamon Finnegan
5. Emma Crowley (Stephen Mason)
6. Frank Duignan
7. Grainne Ferris
8. John Kennedy
9. Mark Parfrey
10. Susan and Giovanni Zaidan

**Date of Site Inspection**

2<sup>nd</sup> February 2022

**Inspector**

Una O'Neill

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The subject site (1.78 ha in area) is located on the northern side of Mount Anville Road in south county Dublin, in the administrative area of Dun Laoghaire Rathdown County Council. The junction with Goatstown crossroads/neighbourhood centre is c. 400m to the west of the site and the junction with Roebuck Road is 700m to the northeast. The N11 is c.1.4km to the northeast and the M50 is 2.8km to the south. The site is c. 1.5km north of the green Luas line which travels northwest-southeast through the area. The Kilmacud Luas Stop is c.1.6km south of the site and the Dundrum Luas stop is 1.6km west. The closest bus stops are on Mount Anville Road (c. 100m from the site) and on Goatstown Road (c. 480m from the site). Approx. 200m to the northeast of the site entrance is Deerpark, which is a regional park owned and managed by DLR County Council. The Roebuck Road entrance to UCD campus is c.1km to the northeast. The site is c.1.9km from Dundrum Major Town Centre, c.2.4km from Stillorgan village centre and c.2.7km from the Sandyford Business District.
- 2.2. The site is bounded to the east by Knockrabo Way, which is an access street off Mount Anville Road serving the Knockrabo residential development to the east of the site (Knockrabo Way and the streets within that development are in the applicant's ownership/outlined in blue and are referenced as Phase 1 of the overall site development). Mount Anville Road forms part of the southern boundary of the site, with the remainder of the southern boundary bounded by the rear boundaries of dwellings fronting onto Mount Anville Road, namely 'Mount Anville Lodge', 'Thendara' (RPS Ref. 812), 'The Garth' (RPS Ref. 819), 'Chimes', and the corner rear boundary of 'Hollywood House' (RPS Ref. 829). Part of the southern and the western boundary is to 'Cedar Mount' (RPS no. 783), and 'Knockrabo Gate House West' (RPS no. 796), which are in the applicant's ownership. The remainder of the western boundary abuts allotments. To the north is the reservation corridor for the

Dublin Eastern By-Pass, presently a greenfield site, on the opposite side of which is a relatively new housing and apartment development. On the opposite side of Mount Anville Road to the south is Mount Anville School.

- 2.3. The site is a greenfield site and consists of ground sloping northwards away from Mount Anville Road, with levels ranging from 76mAOD at Mount Anville Road to 59mAOD at the northern end of the site. There are a number of mature trees across the site.

### 3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 227 units across four apartment blocks.
- 3.2. The following tables set out some of the key elements of the proposed scheme:

#### Key Figures

<b>Site Area</b>	1.78ha
<b>No. of Residential Units</b>	227 units
<b>Density</b>	127 units per hectare
<b>Height</b>	<u>4 Blocks, part 2-part 8 storeys in height:</u> Block E: 5 storeys incl. semi-basement podium. Block F: Part 2-Part 8 storeys incl. semi-basement podium. Block G: Part 6-Part 8 storeys, incl. semi-basement podium. Block H: Part 6- Part 7 storeys, incl. semi-basement podium.
<b>Dual Aspect</b>	51.1%
<b>Childcare Facility</b>	To be provided as Part of Extant Permission on adjoining lands in Cedar Mount (on level 00; area of 400sqm). It is stated that work commenced but ceased due to Covid 19.

<b>Tenant Amenity</b>	537.2sqm in Block G and H at level 0 – business suite; lounge; kitchen; gym; reception; meeting room; security office; estate management office; and post room.
<b>Public Open Space</b>	5679 sqm (31.9% of site)
<b>Part V</b>	22 units

### Unit Mix

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
<b>Apartments</b>	76	142	6	227
<b>Duplex</b>		3		
<b>As % of total</b>	33%	64%	3%	100%

\*I note a typographical error in the site notice in relation to the number of 2 bed units and 1 bed units, with the figures accidentally switched for Block F. The overall number of units per block stated in the site notice is correct and it has not affected public understanding of the scheme. The figures in the HQA and elsewhere are correctly stated. This has not impacted my assessment or other figures in the submitted documentation.

### Parking Provision

<b>Car Parking</b>	178 car spaces (of which 125 at podium level; 35 on street; 16 visitor/drop off; 2 car sharing spaces) + 12 motorcycle spaces
<b>Bicycle Parking</b>	519 cycle spaces (of which 389 for residents and 130 for visitors)

- 3.3. The development will be accessed via the permitted access road 'Knockrabo Way'. It is stated in the application that the proposal does not impact on the future construction access for the Dublin Eastern By-Pass (DEBP) or impact on the reservation line related to that road. The DEBP reservation runs in a north-east to

south-west alignment along the north western boundary of the site and swings south at the western boundary. A construction access agreement is in place between the applicant and Dun Laoghaire Rathdown County Council as part of an extant permission relating to the majority of these application lands and as part of the development of the lands at Knockrabo to east of the site.

3.4. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject to a valid connection agreement being put in place and conditions listed, the proposed connections to the Irish Water network can be facilitated.

3.5. In addition to the architectural, landscaping, and engineering drawings, the application was accompanied by the following reports and documentation:

- Statement of Consistency and Planning Report
- Material Contravention Statement
- EIA Screening Statement Report
- Statement of Response to An Bord Pleanála Opinion
- Childcare Capacity Audit
- Architectural Design Statement
- Schedule of Accommodation
- Housing Quality Assessment
- Engineering Assessment Report
- Flood Risk Assessment
- Traffic and Transport Assessment
- Travel Plan
- Construction Management Plan
- Outdoor Lighting Report
- Planning Stage Structural Report

- Energy Statement
- Hydrological and Hydrogeological Qualitative Risk Assessment
- Landscape Architecture Report
- Arboriculture Assessment
- Landscape and Visual Impact Assessment Report
- Photomontage and CGIs
- Management Strategy and Lifecycle Report
- Daylight, Sunlight and Overshadowing Report
- Ecological Impact Assessment Report
- Appropriate Assessment Screening
- Statement in accordance with Article 299B
- Noise and Vibration Assessment
- Conservation Report
- Operational Waste Management Plan
- Construction and Demolition Waste Management Plan
- Archaeological Assessment

#### 4.0 **Planning History**

Subject site including lands of Cedar Mount and Eastern Access Road called Knockrabo Way:

D17A/1124 – Grant - 93 units, childcare facility and community/leisure uses – Block E omitted by condition in order to protect setting of the Protected Structure.

Eastern Portion (excludes the subject site):

D16A/0960 – Grant - 18 apartments in a proposed Block D, south of permitted Block C and 3 houses – (Phase 1 A)



D16A/0821 – Grant - Amend D13A/0689/APB 243799 – increase in apartments from 41-51 (total increase from 88 to 98 units)

D13A/0689/ABP 243799 – Grant - 88 dwellings (47 houses, including existing Gate Lodge and 41 apartments)

D04A/1546 (PL06D.213 634) – Refused - 369 units in total (330 no. apartments, 34 no. duplex apartments and 5 no. townhouses) in 8 blocks ranging in height between 2 to 12 storeys.

## **5.0 Section 5 Pre-Application Consultation**

### **5.1. Pre-Application Consultation**

5.1.1. A Section 5 pre application consultation took place via Microsoft Teams due to Covid-19 restrictions on 2<sup>nd</sup> September 2021. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála (Ref. ABP-309990-21) and that the following specific information should be submitted with any application for permission:

1. Further justification, and where appropriate amendment/omission, for the provision of proposed Block E within the site, having regard to the concerns of the Planning Authority as expressed at the Tri-Partite Meeting and as set out in the Planning Authority's submission on this proposal, including that as set out within the report of the Conservation Officer.
2. Justification, and where appropriate amendment, to demonstrate that the proposed car parking quantity is appropriate, having regard to local, regional and national policy on same. In addition, it should be demonstrated road and pedestrian layouts, including footpath provision, permeability, design and materiality of the different street types within the street hierarchy complies with DMURS. To this end, matters raised in at the Tri-Partite Meeting and as set out in the Planning Authority's submission on this proposal, including that

as set out within the Transportation report should be addressed in any report/justification relating to the outlined transport issues.

3. A report (or reports) that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to an amended daylight/sunlight/overshadowing analysis, overlooking, visual impact and noise. The report(s) shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development. The daylight/sunlight/overshadowing analysis shall have regard to the requirements of 'Building Research Establishment (BRE) Report 209 "Site Layout Planning for Daylight and Sunlight – a guide to good practice, 2nd Edition, 2011' and BS8206 – Part 2: 2008 Code of Practice for Daylighting, where applicable, and in relation to surrounding developments, should include a detailed analysis of all dwellings and amenity spaces with the potential to be impacted by the proposed development.
4. A Housing Quality Assessment (HQA) which provides the specific information regarding the proposed apartments/duplex units as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December, 2020). The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
5. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments.
6. Drainage details such as would clearly address and respond to comments within the internal report from the Drainage Division of the Planning Authority, and having regard to the submission from Irish Water, namely additional details as relates to surface water proposals and additional details as relates to Flood Risk.
7. Additional CGIs/visualisations/3D modelling.
8. All supporting technical/environmental reports to be updated as required.

9. A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces.

10. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

## **5.2. Applicant's Statement**

5.2.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the specific information raised in the Opinion.

5.2.2. It is noted that a Material Contravention Statement was also submitted with the application documentation.

## **5.3. Applicant's Statement of Consistency**

5.3.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with the policies and objectives of section 28 guidelines and the operative Development Plan.

5.3.2. It is noted that a Material Contravention Statement was also submitted with the application documentation. This shall be addressed further within the main assessment.

## **6.0 Relevant Planning Policy**

### **6.1. National Policy**

#### **6.1.1. Project Ireland 2040 - National Planning Framework**

A number of key national policy objectives are noted as follows:

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

- National Planning Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: 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: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### 6.1.2. Section 28 Ministerial Guidelines

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

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020)
- Urban Development and Building Height Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)

- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Architectural Heritage Protection – Guidelines for Planning Authorities (DEHLG) and Shaping the Future – Case Studies in Adaptation and Reuse in Historic Urban Environments (DAHG) 2012

## 6.2. Regional Policy

### **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

The site is located within the Dublin City and Suburbs area of the ‘Dublin Metropolitan Area’.

The Dublin Metropolitan Area Strategic Plan (MASP), which is part of the RSES, sets out a number of Guiding Principles for the sustainable development of the Dublin Metropolitan Area, including:

- Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.
- Integrated Transport and Land use – To focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of ‘BusConnects’, DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.

The MASP seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion.

The following Regional Policy Objective (RPOs) are of note:

- **RPO 3.2** - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin City and suburbs and a target of at least 30% for other urban areas.
- **RPO 4.41**: Encourage transition towards sustainable and low carbon transport modes through the promotion of alternative modes of transport and ‘walkable communities’ whereby a range of facilities and services will be accessible within short walking or cycling distance
- **RPO 5.4**: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities’.
- **RPO 5.5**: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

### 6.3. Local Planning Policy

#### 6.3.1. Dun Laoghaire Rathdown Development Plan 2016-2022

##### Zoning and Map Based Local Objectives

- Zoning Objective A, which seeks to ‘protect and-or improve residential amenity’.
- Map based Local Objective for a Strategic Road Reservation - This reservation relates to the Long-Term Road Objectives as part of the Dublin Eastern Bypass (as identified in the Dublin Eastern Bypass Corridor Protection Study, TII 2011) in Table

2.2.6 of the County Development Plan (2016-2022). The development plan footnote in relation to same states: 'Should proposals for the Dublin Eastern Bypass be progressed at some point in the longer term, a full assessment of the potential ecological impacts associated with the proposals will be required to be carried out to include the appropriate research and survey work necessary in order to inform a robust Environmental Impact Assessment and Appropriate assessment of the potential impacts associated with the proposed works'.

- Map Based Objective for Proposed Quality Bus / Bus Priority Route along Goatstown Road, Lower Kilmacud Road, Taney Road and Mount Anville Road.
- Map Based Specific Objective: to preserve Trees and Woodlands.
- There are three protected structures contained within the overall Knockrabo lands comprising two gatelodges and Cedar Mount House situated to the west of the development site. These protected structures are not part of the application site boundary.

The following policies are noted:

- **Policy UD1:** It is Council policy to ensure that all development is of high quality design that assists in promoting a 'sense of place'. The Council will promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.
- **Policy UD6:** It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.

### **Section 2 Sustainable Communities Strategy**

- **Policy RES3:** It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to

the policies and objectives contained in the following Guidelines: • ‘Sustainable Residential Development in Urban Areas’ (DoEHLG 2009). • ‘Urban Design Manual - A Best Practice Guide’ (DoEHLG 2009). • ‘Quality Housing for Sustainable Communities’ (DoEHLG 2007). • ‘Irish Design Manual for Urban Roads and Streets’ (DTTaS and DoECLG, 2013). • ‘National Climate Change Adaptation Framework - Building Resilience to Climate Change’ (DoECLG, 2013).

- It is stated under RES3 that ‘Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged’.
- It is stated ‘As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives ‘GB’, ‘G’ and ‘B’) shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to ‘greenfield’ sites or larger ‘A’ zoned areas....To enhance and protect ACA’s, cACA’s, Heritage Sites, Record of Monuments and Places, Protected Structures and their settings new residential development will be required to minimise any adverse effect in terms of height, scale, massing and proximity’.
- In some circumstances higher residential density development may be constrained by Architectural Conservation Areas (ACA) and Candidate Architectural Conservation Areas (cACA) designations, Protected Structures and other heritage designations. To enhance and protect ACA’s, cACA’s, Heritage Sites, Record of Monuments and Places, Protected Structures and their settings new residential development will be required to minimise any adverse effect in terms of height, scale, massing and proximity.
- **Policy RES4:** It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.
- In implementing RES4, it is stated ‘There is the need to retain residential services and amenities in existing built-up areas. It is important to stem population loss in these areas by promoting and encouraging additional dwelling units. Implementation



of this policy will necessitate the use of the Council's powers under planning - and other associated legislation - to: 'Encourage densification of the existing suburbs in order to help retain population levels – by 'infill' housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.... Prevent any new development or change of use which would seriously reduce the amenity of nearby dwellings'.

- **Policy RES7:** It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.
- **Policy ST3:** It is Council policy to promote, facilitate and cooperate with other transport agencies in securing the implementation of the transportation strategy for the County and the wider Dublin Region as set out in Department of Transport's 'Smarter Travel, A Sustainable Transport Future 2009 –2020' and the NTA's 'Greater Dublin Area Draft Transport Strategy 2016-2035'. Effecting a modal shift from the private car to more sustainable modes of transport will be a paramount objective to be realised in the implementation of this policy.
- **Policy ST15:** It is Council policy to promote, facilitate and co-operate with other agencies in securing the extension of the Luas network in the County as set out in the NTA's 'Greater Dublin Area Draft Transport Strategy 2016-2035' and including any future upgrade to Metro.

### **Chapter 6 Built Heritage Strategy**

- **Policy AR1:** It is council policy to... ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.  
iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).

### **Section 8 Development Management**

- S. 8.2.3.1 Quality Residential Design - Density - Higher densities should be provided in appropriate locations. Site configuration, open space requirements and the characteristics of the area will have an impact on the density levels achievable.
- S.8.2.3.2, Quantitative Standards, (ii) Residential Density - In general the number of dwellings to be provided on a site should be determined with reference to the Government Guidelines document: 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009). As a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location and accessibility to public transport. However, the overriding concern should be the quality of the proposed residential environment to be created and higher densities will only be acceptable if the criteria which contribute to this environment are satisfied... In Dún Laoghaire-Rathdown, apart from in exceptional circumstances, minimum residential densities should be 35 dwellings per hectare.
- S.8.2.3.3(iii), Mix of Units – Apartment developments should provide a mix of units to cater for different size households, such that larger schemes over 30 units should generally comprise of no more than 20% 1-bed units and a minimum of 20% of units over 80 sq.m.
- S.8.2.3.3(vii) Minimum Apartment Floor Areas - All apartment developments shall accord with or exceed the prescribed National Guidelines for minimum overall apartment floor areas, as set out in the Table 8.2.2. below....One bedroom, 55sqm; two bedroom, 85-90sqm; three bedroom, 100 sqm.
- S.8.2.3.5 Residential Development – General Requirements – (ii) Habitable Room Sizes: The minimum size of habitable rooms for houses/ apartments/and flats shall conform with appropriate National guidelines/standards in operation at the date of application for planning permission, including the minimum dimensions as set out in 'Sustainable Urban Housing: Design Standards for New Apartments' and 'Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)
- S.8.2.4.5 Car Parking Standards - The principal objective of the application of car parking standards is to ensure that, in assessing development proposals, appropriate consideration is given to the accommodation of vehicles attracted to the

site within the context of Smarter Travel, the Government policy aimed at promoting modal shift to more sustainable forms of transport. The Council considers the application of maximum parking standards for non-residential land uses to be a key measure in influencing the travel mode choice for all journeys...Reduced car parking standards for any development (residential and non-residential) may be acceptable dependant on:

- The location of the proposed development and specifically its proximity to Town Centres and District Centres and high density commercial/business areas.
- The proximity of the proposed development to public transport.
- The precise nature and characteristics of the proposed development.
- The availability of on-street parking controls in the immediate area.
- The implementation of a Travel Plan for the proposed development where a significant modal shift towards sustainable travel modes can be achieved.
- Other agreed special circumstances where it can be justified on sustainability grounds.

- Table 8.2.3 Residential Land Use - Car Parking Standards.
- Table 8.2.4 Non Residential Land Use – Maximum Car Parking Standards.
- Table 4.1 sets out the cycle parking standards.
- S.8.2.11.2:
  - The inclusion of a structure in the Record of Protected Structures does not prevent a change of use of the structure, and/or development of, and/or extension to, provided that the impact of any proposed development does not negatively affect the character of the Protected Structure and its setting (Refer also to Section 6.1.3).
- S.8.2.11.2(iii) Development in Proximity to a Protected Structure:
  - The overall guiding principle will be an insistence on high quality in both materials and design which both respects and compliments the Protected Structure and its setting.
  - All planning applications for development in proximity to a Protected Structure must be accompanied by a design statement, with supporting illustrative material, demonstrating how it has been developed having regard to the built heritage, topography and landscape character of the site.
  - Any proposal for development will be assessed in terms of the following:

- The proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure, to ensure that harmony produced by particular grouping of buildings and the quality of spaces and views between them is not adversely affected.
- The quality and palette of materials and finishes proposed.
- Works to the Protected Structure should take place in tandem with the proposed development to ensure a holistic approach to the site.
- Impact on existing features and important landscape elements including trees, hedgerows and boundary treatments.
- Impact of associated works including street furniture, car parking, hard landscaping finishes, lighting and services

### **Appendix 9: The Building Height Strategy**

Section 4.1.8 of the Height Strategy sets out that guidance on Building Height will also be provided in forthcoming Local Plans, including the Goatstown Local Area Plan.

Section 4.2 states that local plans are the most appropriate vehicle for providing the kind of fine-grained analysis which can determine if taller buildings are appropriate or not to any given location.

#### **6.3.2. Goatstown Local Area Plan 2012 (as extended to 2022)**

- The Goatstown LAP was adopted in April 2012, and subsequently extended up to and including 10th April 2022.
- The following is a summary of just some of the relevant objectives within the LAP.

#### **Section 3 Development Policy**

- RD1: It is an objective of the Plan that all new residential development within the Plan area shall provide for a mix of household types, sizes and tenures that both complements and enhances the existing residential mix.
- AH1: It is an objective of the Plan to protect the architectural heritage of the area including Protected Structures within the Plan area in accordance with the relevant legislation and best practice procedures.

- AH3: It is an objective of the Plan that any proposal for development within the curtilage of a Protected Structure shall be designed to protect the setting and character of the protected structure.
- WD2: It is an objective of the Plan to ensure that all development proposals incorporate appropriate Sustainable Drainage Systems (SuDS).

#### Section 4.3 Height:

- UD5: It is an objective of the Plan that height in excess of two-storeys shall only be permitted where it is considered by the Planning Authority that the proposed development can be easily absorbed into the existing urban landscape and will not be visually obtrusive or overbearing.
- UD6: It is an objective of the Plan that a benchmark height of three storeys (with a possible additional set back floor or occupied roof space) shall apply on the sites of the Goat Public House, Topaz garage and adjoining retail units and the former Victor Motors site. Height should graduate down to a maximum of two-storey along the site boundaries where they adjoin existing low-rise development.

#### Section 4.2 Urban Design

- UD1: It is an objective of the Plan that new development within Goatstown shall be of a high quality design and layout that makes a positive contribution to the local built environment and enhances the identity and sense of place of the Plan area and its environs.
- UD3: It is an objective of the Plan that any planning applications for the redevelopment opportunity sites identified on Map 3 shall include a design statement that sets out the overall design, context and aims of the proposal.

#### Section 4.4 Density:

- UD7: It is an objective of the Plan to promote the efficient use of land by facilitating higher densities within the Plan area in accordance with County Development Plan policy.

#### Section 4.5 Public Realm

- UD8: It is an objective of the Plan to improve the appearance, quality and overall function of the public realm within the Plan area.

- UD9: It is an objective of the Plan to require applications for multiple residential / mixed-use development to clearly demonstrate the measures proposed to enhance the public realm.

### Section 5 Movement

- MT2: It is an objective of the Plan to protect the Eastern Bypass reservation.
- MT4: It is an objective of the Plan to encourage and prioritise sustainable modes of transport including walking, cycling and public transport and reduce reliance on the use of private cars.
- MT6: It is an objective of the Plan to ensure that all new development within the Plan area helps promote an improved permeable urban environment and maximises opportunities to provide direct pedestrian and cycle links both within the Plan area itself and with the immediate environs. A specific objective is to investigate the possibility of improving cycle/pedestrian access from Goatstown to UCD via the Knockrabo sites.
- MT7: It is an objective of the Plan that all new development will provide car parking in accordance with the minimum and maximum standards set out in the County Development Plan.

### Site Framework Strategies

- Section 6.4 Knockrabo Sites – ‘The lands at Knockrabo comprise of two potential development sites, subdivided by the road reservation for the Dublin Eastern Bypass. The southern site is accessed from Mount Anville Road...’
  - I note the southern development site relates mainly to the site area of the recently development Knockrabo development to the east. The application site falls partially within this development site (where proposed Block F is located), but is mainly outside it, ie those areas relating to Block E, G and H.
- The Development Guidance for Knockrabo in the LAP states that the site should provide a variation of height; it should provide a benchmark height of four or five storeys depending on levels (with possible setback floor or occupied roof space on four storey buildings) and a maximum height of two storeys along boundaries with existing residential properties

- Table 6.3 set out development guidance for ‘Knockrabo Sites’.

Zoning	<ul style="list-style-type: none"> <li>• ‘A’ - To protect and/or improve residential amenity</li> </ul>
Height	<ul style="list-style-type: none"> <li>• Variation of height</li> <li>• Benchmark height of four or five storeys depending on levels (with possible setback floor or occupied roof space on four storey buildings)</li> <li>• Maximum height of two storeys along boundaries with existing residential properties</li> </ul>
Density	<ul style="list-style-type: none"> <li>• In accordance with County Development Plan</li> </ul>
Design Objectives	<ul style="list-style-type: none"> <li>• Respect the residential amenity of adjoining properties</li> <li>• Provide for a mix of residential units that enhances the overall residential mix within the plan area</li> <li>• High quality architectural design that makes a positive contribution towards the local built environment</li> <li>• Provide a sensitive response to the streetscape along Mount Anville Road</li> <li>• Protect and provide for the reuse of the existing Gate Lodge, which is a protected structure</li> <li>• Integrate Gate Lodge in any redevelopment proposal</li> <li>• Design to provide for a high standard of residential amenity in terms of orientation, internal layout, private open space and public open space</li> <li>• Address and maximise orientation</li> <li>• Provide measures to mitigate noise impact from any future road / BRT</li> <li>• Consider location and design of ESB substations and bin storage</li> </ul>
Open Space	<ul style="list-style-type: none"> <li>• Residential units to be provided with adequate high quality useable private open space</li> </ul>

	<ul style="list-style-type: none"> <li>• Provide high quality useable public open space</li> <li>• Provide a safe suitably located play area for children</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>• Protect and enhance existing biodiversity - habitat assessment to be carried out</li> <li>• Retain and integrate existing mature trees and planting</li> <li>• Provide a detailed tree survey, landscape plan and planting plan</li> </ul>
Movement	<ul style="list-style-type: none"> <li>• Permeability analysis to be carried out</li> <li>• Provide for direct, safe pedestrian and cycle links</li> <li>• Cycle parking to be provided for residents and visitors</li> <li>• Mixture of underground and surface level car parking</li> <li>• Minimise traffic impacts on the residential amenities of adjoining estates through the promotion of walking/cycling and traffic calming or other equivalent measures, where appropriate.</li> </ul>

### 6.3.3. Draft Dun Laoghaire Rathdown County Development Plan 2022-2028

NOTE: Material Alterations to the Dún Laoghaire-Rathdown County Council Draft County Development Plan, 2022-2028 came off public display on Monday 17th January, 2022.

## 7.0 Observer Submissions

- 7.1. In total 13 submissions were received, of which 3 are from prescribed bodies (see section 9 hereunder in relation to prescribed bodies).
- 7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

### Density, Design and Layout

- The height contravenes the Development Plan and table 6.3 of Goatstown LAP.
- Density contravenes the development plan, being twice the max. permitted.



- Densities set out in section 2 of Apartment Guidelines are twice minimum of 45 units per hectare and represents overdevelopment of the site.
- The LAP states that building heights should not exceed 4 or 5 storeys. The proposal exceeds the maximum height and is out of character with the surrounding area.
- Objective UD5 and issue of height has been ignored, as has benchmark height of 4 or 5 storeys. 8 storeys would dominate the landscape, particularly given the elevated nature of the site.
- Scale would result in negative visual impact.
- Proposal is excessive in scale and contravenes the Goatstown LAP which provides guidance for a 3 storey benchmark and 2 storeys on boundaries with existing residential development. Section 1.9 of the Urban Development & Building Height guidelines indicate the need for 3 to 4 storey developments to increase density and compact growth within existing suburban locations. At 8 storeys this development is twice the indicative levels and represents over development of the site.
- It does not reflect the height of other nearby apartment complexes at 3/4 storeys.
- The development constitutes overdevelopment of the site by increasing the number of units from previously permitted 93 units to 227 units.
- The density is excessive. The development will result in an increase in density by 72% from the approved net density.
- The previous approved Net Density figure for the overall site of phase 1 and 2 was 48no. units/ha. The proposed overall density is now 83 units/ha, which is an increase of c.72% from the approved net density.
- The previous site net density was 56.25 units/ha. The proposed Net Density for this submission site only as proposed is 157.1 units/ha, which is considered excessive.
- Schemes of a similar size and scale in the have been refused (e.g. The Goat and Vector Motors).
- Concern that there is no car access to the creche through Cedar Mount gate.

- No views have been included which identify the impact of the 8-storey development on phase 1.
- The proposal to provide a 5-storey block beside Cedar Mount House is unacceptable. The green area beside Cedar Mount house should be retained as a green area.
- The site abuts Mount Anville Lodge (a protected structure), Thendara (a protected structure), the Garth (a protected structure), Chimes, Hollywood House (a protected structure)
- The visualisations have been taken at dips/ low points in the area to provide a perspective that understates and misrepresents the actual impact of the development.
- Site sections and 3D views do not appear to indicate the relationship of the 8 stories high apartment blocks to the as-built houses within Phase 1.
- The pedestrian access proposed from the site to the 3 no. exits is circuitous. This will have an impact on the 'access' to public transport, as you will need to walk through the estate and up / out to then go access public transport.
- Cedermount House is a protected structure and the green area adjacent to Cedermount House should be retained as a green area; a 5 storey block would completely undermine the integrity of this protected structure.

#### Impact on Residential Amenity

- The development will dominate and overshadow existing properties and negatively impact residential and visual amenities.
- Negative visual impacts on the surrounding area.
- The development is not family orientated - only providing 6 no. 3 bed units and therefore does not accord with the Goatstown LAP.
- The apartments do not provide dedicated rooms/ spaces for people working from home during this pandemic.
- A gym and creche was originally permitted and has now been removed.

- Blocks E and F overshadow and dwarf existing structures, including the gate lodge.
- Existing Homeowners in Knockrabo purchased houses on the basis of the initial plans, space and amenities. The new proposed plans substantially change the concept they were sold. It will almost certainly negatively impact the value of the existing properties.
- In the original plan there was a creche and a gym planned for this development which has been removed. It is vital for the social infrastructure of the community that these facilities are included.

#### Open Space

- There is a reduction in green space and playground amenities in comparison to the permitted permission.
- There is no increase in amenities given the increase in unit numbers.

#### Traffic and Transportation

- The proposed density will result in an increase in traffic in the area, particularly considering the development of a proposed new school opposite Deerpark.
- Many of the main roads around the Goatstown area have been upgraded with the addition of cycle lanes, including Goatstown Road, Clonskeagh Road, Kilmacud Road. While this has the positive impact of providing safer cycling, it reduces the road capacity for vehicular traffic.
- The recent closure of Eden Park Road at the junction with Drummartin Road has added to traffic volumes on other roads in the area. This has led to the situation where exiting from Birchfield Estate during rush hour can take up 15 minutes.
- Congestion has increased in the area due to the one-way system on Dundrum Main Street and covid mobility interventions in the area.
- Mount Anville feeds onto very busy road junction of “Goatstown Cross”. Birches Lane and Stoney Road are very narrow to provide relief to traffic. The provision of 350 approx. car spaces will only increase traffic problems with congestion on this junction and failing to address concerns raised in the LAP of rat running through estates in the area. Serious congestion also at Drummartin Link Road and

congestion from Dundrum impacts on Taney Lane. Traffic from UCD. Traffic from the Mosque on Fridays. All impact on Goatstown Cross.

- Traffic congestion at school times with Mount Anville Junior and Secondary School. The increased housing will add to existing gridlock in the area.
- 140% increase in unit numbers from original plan for 2<sup>nd</sup> phase, with no increase in parking.
- 65% increase in number of units approved on the full original Knockrabo site (Phase 1 & 2) with no increase in amenities, parking or access.
- Similar applications in the area have been refused i.e. The Goat, Vector Motors.
- Concern regarding the provision of a single vehicular access point to the development (originally 216 units to now 356 units, 65% increase).
- Vehicular access to the creche will not be via Cedarmount gate but will be via Knockrabo Way drop off which increases the risk of safety for the children as well as congestion on Knockrabo way, especially during the construction phase.
- Construction traffic and pedestrian safety.
- During the construction phase, the impact of site traffic will cause considerable disruption.
- There are safety concerns regarding the entrance to the development which is below the top of a hill making it difficult for drivers to cross on to the west bound lane.
- Public transport in the area is operating at capacity particularly during peak times.
- The site is only served by 2 no. Infrequent buses (11 and 175), 5-7 mins from the site. There is no bus corridor for the no. 11 bus on Goatstown Road.
- The no. 11 bus departs between from Glasnevin 07:00 and 09:00 with a 15-minute interval. The interval in the evening is 20 minutes. The northern bound route departing Sandyford has a shortest interval of 20 minutes in the morning and evening peaks. Public transport in the area is limited.
- Buses are often caught up in the gridlock on local roads, particularly those that do not have bus lanes.

- The Luas provides a very efficient and attractive travel option for the community but unfortunately it is also operating at capacity.
- Premature to grant permission for a massive development such as the Knockrabo site without having adequate public transport provision in place. With current road infrastructure in Goatstown and the surrounding areas, it is impossible to see how this can be improved.
- Concern regarding the proposed parking provision which is considered too low and will result in parking overspill to surrounding area and will result in safety issues.
- Concern there is overprovision of bicycle spaces to compensate for car parking.
- Questions whether the development is premature pending the construction of the Dublin Eastern Bypass and a new junction is constructed to provide access to a new second vehicular entrance to the development.
- Construction traffic impacts: Heavy traffic/Truck parking on main road; Only one road access for Construction and existing residents; Parking of Construction Workers vehicles around the existing estate where parking is already extremely limited.

#### Environment

- Concerns regarding the proximity of the development to the allotment area and wider community.
- Reduction of Green space and current playground amenities as per proposed plan.

#### Surface Water and Flood Risk

- The creation of hard surfaces will impact the absorption rate of rainfall.
- The development will produce a large volume of foul and surface water.
- Flooding concerns.

#### Other Matters

- Concern about whether creche will have capacity to adequately cater for phase 1 and the increased numbers in this phase 2 over original permitted numbers.
- The applicant has still not finished phase 1 of the development.

- Apartments in phase 1 were sold to a pension fund and it is likely that a similar situation will arise with the subject development.
- The SHD system is undemocratic.
- The scale of development proposed is unfair on residents who purchased houses in phase 1.

## 8.0 Planning Authority Submission

### 8.1. Overview

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Dun Laoghaire Rathdown County Council submitted a report of its Chief Executive (CE) in relation to the proposal. This was received by An Bord Pleanála on 22<sup>nd</sup> December 2021. The report notes the planning history in the area, policy context, site description, proposal, planning history, summary of observer submissions, and summary of views of the relevant elected members. The submission includes several technical reports from relevant departments of Dun Laoghaire County Council. The Chief Executive's Report concludes that it is recommended that permission be refused. The CE Report from Dun Laoghaire Rathdown County Council is summarised hereunder.

#### 8.1.1. Summary of Inter-Departmental Reports

- Housing – condition recommended.
- Environmental Health Officer – conditions recommended.
- Transportation Report – conditions recommended, notably requirement for 1 parking space per apartment and unsatisfactory pedestrian access, with no footpath on the western side of Knockrabo Way.
- Parks Report – Recommend grant of permission subject to conditions. It is stated that the landscape proposals are an appropriate response to a site with an engaging topography and many existing, exceptional trees. The scheme will form a continuation of the work completed in Phase 1 which is a successful green space amenity.
- Conservation Report - Block E should be omitted from the scheme and an alternative proposal sought for this location which will protect the character and

setting of the Protected Structures on site. The building height/scale of development to the front of the site should be relative to Cedar Mount House, but in no case should the building height exceed that of the protected structure.

- Drainage Report – There are a number of clashes between utilities and tree route protection zones and insufficient wayleave corridors provided for maintenance access. The applicant has not demonstrated how they will protect trees during construction or provide 24hour vehicular access to utilities. The applicant also appears to have located a number of trees above the attenuation system which is unacceptable as this will impede access for maintenance and may damage the system. Conditions recommended.

#### 8.1.2. **Summary of View of Elected Members:**

- Residents precluded from being heard. Flawed process, due to contract issues with landowner and residents not being able to object to any future development proposals.
- Both density and height are in breach of county and local area plans.
- Internal traffic issues will result in overflow car parking gong to occur in phase one.
- One entrance not sufficient.
- Irregular bus routes in the area, not within walking distance of good public transport.
- Lack of social infrastructure.
- Lack of car and motorcycle parking spaces.
- Need for car storage.
- Development not suitable for downsizing given lack of car parking and design of units.
- The proposed development does not complement Cedarmount house.
- Oversubscription of SHD's puts pressure on infrastructure.
- Excessive tree removal.
- Developers need to work with nature and the environment.

- Requirement to protect hedgerows in order to protect wildlife corridors.
- Lack of communal storage space for bulky items.
- Concerns in relation to overlooking of existing and proposed residential units.
- There is a lack of three or four bed roomed units.
- More units required to facilitate home ownership as opposed to a community of renters.
- The previous application was an appropriate design response and the proposal is unwelcome.
- The application is premature pending the final determination of the eastern bypass route.
- Requirement that direct pedestrian and public access be provided on to the eastern bypass lands.
- Passive surveillance required over the eastern bypass lands.
- A good location for such a development as it is within 10 minutes of Dundrum and Stillorgan by bicycle and it is close to UCD.
- One access is appropriate.
- Car parking ratio is appropriate however there are not enough car sharing spaces.
- SHD is a particularly anti-democratic and unconstitutional process.

### 8.1.3. Planning Analysis

- **Principle** - The proposed intensification of what are considered well-serviced lands within an existing built-up area is welcomed subject to compliance with the relevant County Development Plan policies and local and national development management guidance. Policy RES3 and RES4 are noted.
- **Density** - Noting the positioning of the site in relation to University College Dublin, Dundrum Shopping Centre and public transport, as well as the site constraints, the proposed increase in net density from 50.6 to 83 units per hectare for the overall landholding, is in principle welcomed by the PA, subject to an assessment of other pertinent matters.



- **Building Height and Conservation**

- Proposal is a contravention of the Goatstown LAP, which the planning authority would seek to uphold. Note the case before the board that the development of blocks F, G and H would present a strong urban edge to the Dublin Eastern By-Pass and also providing strong visual continuity in association with Block B when viewed from Cedar Mount House.

- The PA states the contravention of height has not been sufficiently justified in terms of the impact on the immediate surrounding, in particular to the existing residential dwellings located to the south west of the site on Mount Anville Road where Block H containing 5 no. floors with a 6 th floor set back are positioned 11.8m from the boundaries with Chimes, The Garth and Thendara on Mount Anville Road.

- It is not considered that the proposal responds to the district/ neighbourhood/street as required by the Building Height Guidelines. The Landscape Visual Impact Assessment (LVIA) does not assess the impact of the proposed development on The Chimes, The Garth and on Thendara. Proposal does not demonstrate the impact of the height proposed on adjacent residential dwellings, two of which are protected structures (Thendara and The Garth).

- Block E by way of its scale and height also fails to protect the character of Cedar Mount House and gate lodge, and will therefore have a detrimental impact on the setting and amenity of Cedar Mount House and gate lodge, failing to accord with Policy ARI and Section 8.2.11.2 (iii) of the County Development Plan, and National Policy in the form of the Department's Architectural Heritage Protection Guidelines, Chapter 13, Section 13.5 and 13.7. In addition, block E does not respond to the natural environment as it will require the removal of 2 no. Category A trees.

- Block G in terms of its design and massing is monolithic.

- The proposal does not make a positive contribution to wayfinding and legibility through the site and fails to successfully integrate the overall development as a number of key desire lines have not been provided. As highlighted in the Transportation Report, the development does not provide a footpath along the western side of the entrance road on Knockrabo Way. The pedestrian link to the north of block E and the rear of the permitted creche is considered to be circuitous.

- Minimum separation distances of 11.7m are noted between blocks G and H which will impact the residential amenities of future residents by way of overlooking and overbearing.
- The height, in addition to the scale, massing and layout, constitutes overdevelopment of the site.
- **Standard of Accommodation**
- Proposal appears to comply with SPPR1, SPPR 3, SPPR 4, SPPR5 and SPPR 6 with regards to unit mix, minimum floor areas, dual aspect, floor to ceiling heights and number of apartments per core.
- The Planning Authority welcomes the provision of 1, 2 and 3 bedroom apartments, which provide a greater overall housing mix to the wider area and provide a sustainable density on the site.
- No concerns with regards to the ADF results achieved.
- It is regrettable that the tenant amenity facilities have not been more centrally located on the site in closer proximity to all future residents of the development and in a position where they could engage with the public open space.
- Regard is had to the Noise and Vibration Assessment report which concludes that due to the positioning of the site adjacent to the future Dublin Eastern Bypass, enhanced acoustic glazing, winter gardens and boundary treatments are required to mitigate noise.
- Notwithstanding the NTA's Draft Transport Strategy for the Greater Dublin Area, it is considered that a greater setback from the Eastern Bypass Corridor along the northern boundary would improve the quality of the development further.
- **Design and Finishes** – Proposed materials are of a high quality.
- **Open Space, Trees and Public Realm** - Concern is raised regarding the proposed interface in the north-western corner of the site between blocks G and H and the Dublin Eastern Bypass corridor. The proposal fails to integrate cohesively within its setting due to its overall height, massing and separation distances proposed.

- The applicant has not achieved a suitable balance between tree retention and making sustainable use of the land.
- **Access, Car and Bicycle Parking** - The Planning Authority raises serious concern that a footpath is only located on the eastern side of Knockrabo Way, as permitted under D17A/1124.
- More car parking provision is required in the subject suburban location in order to ensure that the development is not reliant on parking provision / car storage within the adjoining area and as a result adversely impacting neighbouring property / residential amenity.
- **Childcare** - Having regard to the 400 sq.m childcare facility permitted in phase 1, and the 20% vacancy highlighted in the submitted audit, it is considered that there is sufficient capacity in Cedar Mount House to cater for the subject development.
- **Residential and Visual Amenity** - Concern regarding the 11.7m separation distance between blocks G and H, which will result in creating an overbearing appearance on opposing apartments and will result in overlooking and impacts on privacy.
- Serious concern regarding the overlooking and overbearing impact of block H on the private amenity space of dwellings to the southwest and consider that it will be negatively impacted by the proposed development.
- It is noted that 20 out of the 22 windows examined at Cedar Mount House will still have Vertical Sky Component values in excess of the BRE recommendations when assessed against the proposed development. This is welcomed by the Planning Authority. It is noted however that the ADF of Cedar Mount House was not examined. This is considered a serious omission in the application.
- **Biodiversity** – Condition required in relation to Japanese Knotweed.

## 8.2. Statement in accordance with 8 (3) (B) (II)

Dun Laoghaire Rathdown County Council Chief Executive's Report recommends a refusal based on the following reasons:

1. The proposed development fails to meet the criteria set out in Section 3.2 of Specific Planning Policy Requirement 3 of the Urban Development and

Building Heights Guidelines for Planning Authority, December 2018, in that at the neighbourhood street level, the proposed development, ranging in height from two to eight stories would create a visually dominant and overbearing form of development when viewed from Cedar Mount House (a protected structure), Knockrabo Gate Lodge west (a protected structure), Chimes, The Garth and Thendara on Mount Anville Road and as a result would significantly injure the visual amenities of the area. In addition, noting the massing and height of blocks G and H and the proposed separation distance to boundaries, the proposed development is considered monolithic and imposing when viewed from within the site and surrounding areas.

2. The proposed development would have a detrimental impact on the setting and amenity of both Cedar Mount House (a protected structure) and Knockrabo Gate Lodge west (a protected structure) and would therefore be contrary to Policy AR1 and Section 8.2.11.2 (iii) (Development in Proximity to a Protected Structure) of the Dun Laoghaire Rathdown County Development Plan 2016 - 2022.
3. Having regard to the proposed height, scale and separation distances to the boundaries, it is considered that the proposed development would appear visually obtrusive and overbearing when viewed from the properties at Chimes, The Garth and Thendara on Mount Anville Road, Cedar Mount House (a protected structure) and Knockrabo Gate Lodge west (a protected structure). The proposed development would significantly detract from existing residential amenity and would depreciate the value of these properties, materially contravening the zoning objective A, which seeks 'to protect and or improve residential amenity' as set out in the Dun Laoghaire Rathdown County Development Plan 2016 - 2022.
4. Having regard to the proposed separation distances between the apartment blocks, the proposed development if permitted, would result in overlooking of habitable rooms and create a substandard level of residential amenity for future occupants of the proposed residential scheme. Therefore, the proposed development, by reason of its overall scale, massing, layout and height would constitute overdevelopment of the site and would be contrary to the Dun

Laoghaire Rathdown County Development Plan 2016 - 2022 and to the proper planning and sustainable development of the area.

5. Having regard to the suburban location of the site, it is considered that the proposed development would, by reason of the inadequate number of car parking spaces provided to serve the future occupants and visitors to the development, result in car parking overspill on surrounding residential roads. The proposed development would, therefore, seriously injure the amenities of properties in the vicinity and, as such, would be contrary to the Dun Laoghaire Rathdown County Development Development Plan 2016 - 2022 and to the proper planning and sustainable development of the area.
6. The removal of tree nos. 0711 and 0710 both of which are category A trees, consisting of a Blue Cedar tree and a Copper Beech tree respectively, in order to construct block E, fails to accord with Policy OSR7 of the County Development Plan and the objective on the site which seeks to protect and preserve trees. The proposed development would therefore seriously injure the amenities of properties in the vicinity and be contrary to the proper planning and sustainable development of the area.

8.2.1. A number of conditions are recommended should the Board be minded to grant permission and I note the following in particular:

- C2: Block E shall be omitted in its entirety. Levels 2, 3 and 4 shall be omitted in block F. The maximum height permitted in this block shall be 5 no. storeys. Levels 2, 3 and 4 shall be omitted in block G. The maximum height permitted in this block shall be 5 no. storeys. Levels 2, 3 and 4 shall be omitted in block H. The maximum height permitted in this block shall be 4 no. storeys.

## 9.0 Prescribed Bodies

The applicant notified the following prescribed bodies prior to making the application:

1. The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs
2. The Heritage Council
3. An Taisce
4. Irish Water

5. National Transport Authority
6. Transport Infrastructure Ireland
7. Minister for Transport, Tourism and Sport
8. Dun Laoghaire Rathdown Childcare Committee

Three of the bodies have responded and the following is a summary of the points raised.

- 9.1. Irish Water: Based upon details submitted by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection agreement being put in place between IW and the developer, the proposed connections to the Irish Water networks can be facilitated.
- 9.2. Department of Housing, Local Government and Heritage:
  - Conditions recommended in relation to clearance of vegetation; Japanese Knotweed; lighting relating to bats; CEMP.
- 9.2.1. Transport Infrastructure Ireland:
  - TII's Dublin Eastern Bypass Corridor Protection Study Sector A: Dublin Tunnel to Sandymount Strand 2014 continues to afford protection for the M50 Dublin Port South Access within the Eastern Bypass corridor, until a decision is made on the preferred solution for the future M50 Dublin Port South Access Scheme and Eastern Bypass. TII's Dublin Eastern Bypass Corridor Protection Study Sector: Corridor Protection Study Booterstown to Sandyford continues to afford protection for the possible future use of the corridor for transport provision and the Eastern Bypass. Any further queries related to the contents of the Draft Transport Strategy for the Greater Dublin Area should be directed to the NTA.
  - The Authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.

## 10.0 Assessment

### 10.1. Introduction

10.1.1. Having examined the application details and all other documentation on file, including the C.E. 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 and Unit Mix
- Development Layout, Permeability and Open Space
- Height, Scale, Mass and Design
- Architectural Heritage – Impact on Protected Structures
- Biodiversity, Ecology and Landscaping
- Quality and Residential Amenity of Proposed Development
- Impact on Amenity of Neighbouring Properties
- Traffic, Transportation and Access
- Water Services, including Flood Risk
- Material Contravention
- DLR CE Report – Refusal Recommended
- Other Matters

These matters are considered separately hereunder.

10.2. I have carried out an Environmental Impact Assessment Screening and Appropriate Assessment Screening in respect of the proposed development, as detailed later in this report.

10.3. Each section of the report is structured to guide the Board to the relevant section of the EIA Screening, AA Screening, relevant policy, substantive issues raised in the submissions / observations and the applicant's response as appropriate.

## Procedural Matters - Extant Permission and Boundaries

- 10.3.1. In terms of procedural matters, the submitted CE Report from DLR Co.Co. raises concerns that the applicant, as per the submitted description of development, is amending 'Phase 2' of the residential development permitted under DLRCC Reg. Ref. D17A/1124, however, the red line boundary of this application does not include the entirety of the site relating to D17A/1124, excluding as it does Cedar Mount and the access road Knockrabo Way (now partially constructed and serving existing Knockrabo development to the east). The CE Report considers it problematic that part of D17A/1124 is being implemented alongside the entirety of a permission that could issue under SHD and it is not in the PA opinion possible to implement component parts of mutually exclusive permissions. The PA consider the red line boundary should be the same as that permitted under D17A/1124 and it is not. The PA references the case of Dwyer Nolan v DCC IR 1985 No. 4567P and states that this case concludes that a developer cannot operate two mutually exclusive inconsistent planning applications at the same time but must opt for one or another. The CE Report states that this case sets out that if a developer opts for one permission and does not want to complete the development, the developer must apply for a variation to the permission which has been taken up. The CE Report advises that the Board satisfy themselves that the appropriate application mechanism, red line boundary, and development description are used in any subsequent application. It is also indicated that the timeline of this application if granted should be linked to that of the parent permission, D17A/1124, which expires on 10/10/23.
- 10.3.2. The submitted Architectural Design Statement discusses the extant and history permissions relating to this site (see page 11 of statement) and includes the layout of the previous permission, but does not include the site boundary relating to D17A/1124, however, this can be viewed on DLR Co.Co. website.
- 10.3.3. I note the CE Report indicates two commencement notices have been submitted in relation to D17A/1124 on portions of the site outside the area of the current application. It would appear that the area of the site that has commenced development relates to Cedar Mount, Knockrabo Way (access street, partially constructed) and open space to the northeast (delivered). I note the applicant states that in this permission they are not making any changes to the permission relating to



Cedar Mount and its gate lodge and are currently implementing that element of the permission as granted. It is stated that works ceased on Cedar Mount due to covid but will be continuing. The application documentation shows a right of way over Knockrabo Way (access road). The proposed access off it to serve Block E is within the red line boundary. The area of Cedar Mount and the access road are in the blue ownership line of the applicant.

- 10.3.4. This application, as per the site description, proposes to amend the parent permission and states, inter alia, 'The proposed development will consist of the amendment of the permitted 'Phase 2' residential development...The proposed development will provide for the reconfiguration and redesign of the approved residential development. The Knockrabo Way entrance road (constructed and unconstructed), the renovation of Cedar Mount House including childcare facility and community/leisure uses, the Coach House, Gate Lodge (West), the Gate House and all associated landscaping permitted under D17A/1124 which are outside the boundary of the current application are proposed to remain as previously granted'.
- 10.3.5. I have examined the extant permission relating to the site and adjoining lands, the current application and the drawings submitted. I have considered the description of development submitted, which is clear in its extent and impact on D17A/1124. Work has commenced on the previous application. I consider it reasonable that an applicant may wish to alter an application after commencement but what is questioned here is the red line boundary. I note that the current site development could be implemented without impacting the permitted and commenced works in relation to Cedar Mount. The access road permitted and that section built to date would not require alteration in term of its alignment/design to accommodate the increased number of vehicles proposed as part of this development. I consider that the two applications in so far as they relate to the extent of the work proposed to be undertaken and that undertaken to date are mutually exclusive and are not inconsistent in that the proposed development is not dependent on significant changes to any elements built to date and nor are changes proposed as per the site description to those elements currently under construction.
- 10.3.6. While the CE Report raises concerns in relation to the site boundaries, I consider the Board can legally consider this application. The development subject of this current application could co-exist with those elements commenced to date on foot of

D17A/1124 and if granted this application would supersede that section of the site where its boundaries coincide with the extant permission. I note S3(d) Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) allows for the alteration of a permission granted under section 34. I consider that the application as now proposed can stand on its own and is subject to its own timelines and any concerns in terms of legality/enforcement issues around those elements commenced under D17A/1124 are a matter for the planning authority, outside the remit of the Board. As noted previously, the access street is within the blue line ownership of the applicant as per the submitted site plan, and I note S.34(4)(a) of the Planning Act gives power to impose a condition on land which is under the control of the applicant as long as the condition is expedient for the purposes of or in connection with the development authorised by the permission. Similarly the timing of the delivery of the renovated Cedar Mount (childcare facility, community uses and two apartments) and open space around Cedar Mount, which are within the blue ownership line of the applicant, could be addressed by way of condition should this be considered necessary by the Board to ensure the timely delivery of the childcare facility and other proposed uses in that building, the public open space, and to ensure the protection of this protected structure. I note no amendment is proposed to the legal agreement in place in relation to the construction route related to the Dublin Eastern Bypass and given its relevance to this application, a condition in relation to this legal agreement may be appropriate to be included in any permission.

#### **10.4. Principle of Development**

- 10.4.1. The site is governed by zoning objective 'A', in which residential development is 'permitted in principle'. The LAP adopted in 2012 has determined that the application site is an appropriate place for residential development, and it is zoned accordingly. 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.
- 10.4.2. I am of the view that the residential development of this site would be in keeping with national and local planning policy. The principle of the proposed development is acceptable, subject to assessment of other planning matters. The planning authority in the CE Report concurs that the proposed development is acceptable in principle and states 'The proposed intensification of what are considered well-serviced lands

within an existing built-up area is welcomed subject to compliance with the relevant County Development Plan policies and local and national development management guidance’.

## 10.5. **Density**

- 10.5.1. The proposed development comprises 227 units on a site of 1.78 ha with a resulting net density of 127 units per hectare. I note both the applicant in some of the documents and the CE Report refer to the density as 157 units per hectare – this is a stated net density calculation which is based on exclusion of part of the access route to the DEBP and the area surrounding Cedar Mount. Given the DEBP route at the northern end of the access street where the open space is proposed is intended as a temporary construction access route only and would revert back to open space for the future residents of the scheme, I do not consider it necessary to exclude this element to calculate a net density and given the lands around Cedar Mount are zoned but are not proposed for development as part of the proposed local open space strategy by the architects for the site, I also do not consider it necessary to exclude this element to achieve a net density calculation. I refer in this regard to the definition of net density as per guidelines on the Sustainable Residential Development in Urban Areas, 2009. I consider the net density for the site to be 127 units per hectare. The applicant states that when Phase 1 (development to the east, named Knockrabo) is considered in conjunction with this proposed phase 2, the overall density of the site is 83 units per hectare (or 65 units per hectare if the excluded elements are included in the net site area). Given the interconnectedness of the sites, I consider it is worth noting the overall density of the two sites, in addition to the density on this portion of the site.
- 10.5.2. The CE Report states in relation to density ‘Noting the positioning of the site in relation to University College Dublin, Dundrum Shopping Centre and public transport, as well as the site constraints, the proposed increase in net density from 50.6 to 83 units per hectare for the overall site area, is in principle welcomed, subject to an assessment of other pertinent matters’.
- 10.5.3. A number of observer submissions and Elected Members have expressed concern in relation to what is considered to be an excessive density and scale of development at this location, out of character with the surrounding residential area.

- 10.5.4. I consider hereunder national policy and the locational context of the site (other planning issues arising in relation to impact of design/density on the residential amenity on the area are considered further in Section 10.10 and Section 10.11 of this report).
- 10.5.5. In terms of the national policy context, the National Planning Framework (NPF) 2018 promotes the principle of ‘compact growth’ at appropriate locations, facilitated through well designed higher density development. Of relevance is NPO 13, 33 and 35 of the NPF which prioritise the provision of new homes at increased densities through a range of measures including (amongst others) in-fill development schemes and increased building heights. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within the existing urban envelope. It is recognised that a significant and sustained increase in housing output and apartment type development is necessary. It recognises that at a metropolitan scale, this will require focus on underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.
- 10.5.6. The RSES for the region further supports consolidated growth and higher densities, as per Regional Policy Objective (RPO) 5.4 which states that future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards. In relation to Section 28 guidance, the documents Sustainable Residential Development Guidelines 2009, the Urban Development and Building Height Guidelines 2018, and the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020, all provide further guidance in relation to appropriate densities and support increases in densities at appropriate locations in order to ensure the efficient use of zoned and serviced land. All national planning policy indicates that increased densities and a more compact urban form is required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.
- 10.5.7. The Guidelines on Sustainable Residential Development in Urban Areas (SRDUA) states that for sites located within a public transport corridor, it is recognised that to maximise the return on this investment, it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns, including higher densities. The guidelines state that minimum net densities

of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, ie within 500 metres walking distance of a bus stop (the application site is within 500m of bus stops relating to two routes), or within 1km of a light rail stop or a rail station. With regard to infill residential development, it is detailed that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

10.5.8. The Urban Development and Building Height Guidelines (2018) state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels. The guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities. Section 3.2 of the Building Height 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'. I note observer submissions raise concern in relation to the capacity and frequency of public transport in this area. I would note that capacity is intrinsically linked to frequency. The site is c.480m from the no. 11 bus on Mount Anville Road and c.100m from the no. 175 bus stop on Goatstown Road. The no. 11 has a frequency of 15-20 minutes in peak hours and no. 175 has a frequency of 30 minutes. The seated capacity of a double decker bus 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 am peak capacity for the no. 11 is therefore c.320 passengers and the hourly am peak capacity for the 175 would be c.160 passengers (noting variations in frequency given dominance of passengers demand for access to UCD via the 175 in the am peak vs to Citywest in the am peak). In addition to the immediate bus stops, the site is also accessible to the no. 17 on Roebuck Road (which links to the DART and is c.670m/7min walk) and 1500m (15min walk) will allow access to a range of high frequency services on the N11 linking to the city centre along a QBC. The site is also proximate to two Luas stops,

c. 1.6km from the site (16min walk) and I note the no. 175 also stops proximate to the Dundrum Luas stop.

10.5.9. I note that a number of observers refer to the lack of public transport in the area. I would disagree with these comments as the bus service, existing and proposed (BusConnects), the Luas, and links to the DART, are in my opinion of high frequency and high capacity, suitable for the immediate area. I consider the services suitable to accommodate the proposed development, in particular noting the scale of the development in the context of the existing population. I discuss public transport in more detail in Section 10.12 hereunder.

10.5.10. The Sustainable Urban Housing Design Standards for New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector. The guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. The site is proximate to the local neighbourhood centre of Goatstown (400m); to the town centre of Dundrum (c.1.9km); distance to third level institute of UCD which is also a high employment location (c.1km to Roebuck entrance); to the main employment zone of Sandyford (c.2.7km, also served by no. 11 bus); to two high capacity Luas stops (marginally beyond the 1.5km recommended walking distance, with the site being 1.6km from both stops); and proximate to high frequency bus services (guidelines also state 'or where such services can be provided' and given this site is already serviced by Dublin Bus, it is clear that it is possible to increase the services at this location with increased demand, and this is the NTA strategy across Dublin for bus based public transport, and capacity and frequency are intrinsically linked). It is my view that the site is located in what can be described as an 'Intermediate Urban Location' and in accordance with the guidelines such locations can support 'Medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net)'. I note the site being above 45 dwellings per hectare net is meeting the guidelines density recommendation. I would

highlight the guidelines also state that 'The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors' and I have had regard to all other relevant planning matters throughout this report in addition to the site location.

10.5.11. The DLR County Development Plan (CDP) 2016-2022 reaffirms the national policy context as per the Guidelines on SRDUA and under RES3 promotes higher densities in appropriate locations, including within the catchment of high-capacity public transport, and seeks to ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. Under S.2.1.3.3 it is stated that 'Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged'. It is also recognised that 'In some circumstances higher residential density development may be constrained by Architectural Conservation Areas (ACA) and Candidate Architectural Conservation Areas (cACA) designations, Protected Structures and other heritage designations. To enhance and protect ACA's, cACA's, Heritage Sites, Record of Monuments and Places, Protected Structures and their settings new residential development will be required to minimise any adverse effect in terms of height, scale, massing and proximity'. I note the statement under S.2.1.3.3 in relation to a default minimum density, as follows: 'As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives 'GB', 'G' and 'B') shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas'. The development plan highlights the overriding concern should be the quality of the proposed residential environment to be created and higher densities will only be acceptable if the criteria which contribute to this environment are satisfied'. The Goatstown LAP under Policy UD7 states 'It is an objective of the Plan to promote the efficient use of land by facilitating higher densities within the Plan area in accordance with County Development Plan policy'. As such, no specified density is given in the LAP.

10.5.12. I note the Development Plan criteria for higher densities and that the density may be limited or require reduction on the basis of the proximity or inclusion of protected structures on site. To this end, the design approach to the proposed density has resulted or facilitated a relatively low plot ratio, with c.35% of the site being open space and with most of the proposed blocks being located at a distance from the protected structures. While there is an issue raised by the PA and observers with regard to Block E and the protected structures of Cedar Mount and Knockrabo Gate Lodge West, I am satisfied that the potential impact here arises due to height as opposed to density. In principle the density proposed is reasonable and would not be precluded by the development plan or 2009 guidelines. I consider the potential impact on foot of the proposed height, scale and massing separately in section 10.8.

10.5.13. Having regard to national and local planning policy, I am satisfied that the site, which is within the Dublin City and Suburbs area of the Metropolitan area as defined in the RSES, is sequentially well placed to accommodate growth and in terms of the density proposed of 127 units per hectare (improving the overall density of the site to 65 uph/85 uph), this is in compliance with minimum densities recommended under the various scenarios which are considered in existing S.28 guidelines, and under local development plan and LAP guidance, and is therefore acceptable, subject to further assessment in relation to qualitative standards achieved and other planning matters. There is no material contravention issue arising regarding density and the PA accept and express no objection to the principle of the density proposed. The merits of the density are considered further in this report in terms of design and potential impact on protected structures, residential amenities and availability of support/enabling infrastructure.

## 10.6. **Development Layout, Permeability and Open Space**

### Overall Development Layout

10.6.1. The layout of the scheme has been informed, inter alia, by the existing site context, namely its sloping topography; proximity of Cedar Mount (protected structure), Knockrabo Gate Lodge West (protected structure) and other protected structures to the southwest of the site boundary; design and scale of Knockrabo development to the east; proximity to the reserved corridor of land for the Eastern Bypass and associated construction access route via the Knockrabo Way access street.



- 10.6.2. The application site is roughly an inverted L shaped. The proposed development comprises four blocks of apartments, accessed off Knockrabo Way (previously permitted and partially constructed street serving Knockrabo development to the east), which in turn is accessed off Mount Anville Road. Block E is 5 storeys including a semi-basement level; Block F is 2-8 storeys including semi-basement; Block G is 6-8 storeys including semi-basement; and Block H is 6-7 storeys including semi-basement. Block E is located at the site entrance, c. 21.6m back from Mount Anville Road, along the entrance street of Knockrabo Way, proximate to Block D on the opposite side of the street. Blocks F, G and H are located on the northern end of the site in an east west alignment, with Block F positioned at the northern end of Knockrabo Way opposite the constructed Blocks A and B to the east.
- 10.6.3. In terms of the height strategy previously permitted under the extant permission related to these lands, higher buildings of 4 to 6 storeys were permitted, with the apartment blocks previously permitted generally of smaller footprints and intermixed with a two-storey housing layout to the northwest of the site. The higher buildings in the extant permission were located at the northern end of the site where the ground levels are lower, as is currently proposed in this application. A 4 storey building was proposed at the site entrance (omitted by condition) under the extant application and a 4 storey building over semi-basement is also proposed in this application. The apartments blocks constructed along the eastern side of Knockrabo Way, opposite the application site, are 4-5 storeys in height (the northern most block, Block D, is 5 storeys over an undercroft level of car parking), with two storeys dwellings constructed to the east of the blocks. The current proposal comprises entirely of apartments with the permitted two storey dwellings under the extant permission omitted.
- 10.6.4. The main open space proposed is located to the north of the site, connected into the existing public open space associated with Knockrabo development (phase 1) to the east, with the entirety of this space to operate as one space for both developments. A large area of open space is also proposed to the east of Cedar Mount House (protected structure) and south of proposed Block E, and this space will connect into the permitted open space to the front/south of Cedar Mount House, with these spaces acting as one. Two communal open space areas are proposed, one within

Block F and one between Blocks G and H. A roof terrace space is also proposed as part of Block F.

#### Permeability - Knockrabo Way and Footpaths

- 10.6.5. As noted above, the site is proposed to be accessed off Knockrabo Way, which is accessed off Mount Anville Road. Knockrabo Way is partially constructed up to the access point into the Knockrabo housing and apartment development immediately east of the site. This street is not within the red line boundary of this application, but is within the ownership of the applicant, as indicated in blue on the site layout map. Permission was granted under Reg. Ref. D16A/0960 to construct this street up to the proposed open space at the northern end of the site. I note the planners report associated with the extant permission D17A/1124, stated that D16A/0960 showed Knockrabo Way with a footpath along its western side as well as the eastern side and it was requested by way of FI under D17A/1124 that the western footpath be indicated on the site plan. Revised plans were subsequently submitted as part of D17A/1124 showing the western footpath as part of the road design, which was permitted as part of that application, as well as the previous application of D16A/0690.
- 10.6.6. The footpath on the western side of Knockrabo Way has not been constructed to date. I note the applicant has stated the road will be constructed as permitted, but the footpath is not indicated on the plans despite previous queries in relation to footpaths with the PA. It is not clear to me from the application documentation submitted if the footpath will be provided as permitted and if it will connect in with this proposed development, nor is it indicated why this footpath has not been delivered to date/if there is a practical issue with its delivery. There are no issues raised by the PA that the permitted road with footpath would in any way affect the construction access route for the Dublin Eastern By Pass or that the long term proposals for the Eastern Bypass would impede the delivery of the footpath, which was part of the design under both D16A/0960 and D17A/1124. The CE Report and Transportation Section of the planning authority have raised concerns in relation to the lack of a footpath on the western side of Knockrabo Way to serve the proposed development.
- 10.6.7. In my opinion it is imperative that the footpath on the western side of Knockrabo Way is delivered from the site entrance along the entirety of its permitted length, in the

interests of connectivity, permeability and pedestrian safety. This development is for 227 units on the western side of Knockrabo Way and it is in my opinion undesirable that a development of this scale would not be served by a pedestrian path on the same side of the permitted access street as the development now proposed. I note the other pedestrian paths through the scheme are indirect and more leisurely in nature given their routes through open space. Given the lack of clarity regarding the timing of/commitment to the delivery of a footpath on the western side of Knockrabo Way, despite this being part of the permitted road design, I consider a condition would be warranted to the effect that the footpath be delivered as per permission D17A/1124 prior to the commencement of any development on the application site, should the Board be minded to grant permission. As per section 34(4)(a) of the Planning and Development Act 2000 (as amended), a condition requiring the delivery of this footpath is expedient for the purposes of and in connection with the proposed development if permitted.

- 10.6.8. Overall there is a high degree of permeability for pedestrians east-west and north-south within this site and connecting with the sites to the east and west, namely Knockrabo and Cedar Mount House. The pedestrian path at the location of Block E connects into a permitted path to the west and to the existing path parallel to Mount Anville Road through the Knockrabo development to the east, similarly the open space which runs east-west across the northern boundary will be open and operate as one space utilised by occupants of this development and the existing development to the east, as will the open space around Cedar Mount House. I note the CE Report raises concerns in relation to the indirect nature and requirement for steps on the route between Block E and the childcare facilities, however, I have reviewed this route and I am satisfied in terms of its alignment through the open space. My only concern in relation to pedestrian movement is the lack of an existing path to the west of Knockrabo Way, which is discussed above, and I believe this issue can be adequately addressed by way of condition.

#### Public Realm

- 10.6.9. In terms of the internal street layout proposed and positioning of blocks relative to Knockrabo Way and proposed streets, I note the proposed buildings overlook and address existing/proposed streets and open spaces within the site, providing for a strong urban edge, activity at street level, and high levels of passive surveillance. I

am satisfied that the layout is proposed and positioning of the blocks would deliver on a high quality public realm.

### Open Space

- 10.6.10. Concerns are raised by observers in relation to the level of open space provision. The PA Parks Department has no objection to the open space provision.
- 10.6.11. Section 8.2.8.2 of the DLR County Development Plan 2016-2022 requires public / communal open space to be provided at a rate of 15sqm to 20sqm per person on the basis that 3.5 persons would occupy dwellings having three bedrooms or more and 1.5 persons would occupy dwellings have two bedrooms or less. I note the development plan defines public open space as all areas of open space within a new development (be that public (taken in charge), communal, semi private or otherwise) that is accessible by all residents/ employees of the development and in certain cases may be accessible by the wider general public. A default minimum of 10% of the overall site area is required irrespective of the occupancy standards, where exceptionally high quality open space is provided on site and in such cases developments may be subject to financial contributions.
- 10.6.12. Public open space is proposed at the northern end of the site and to the east of Cedar Mount/north of Block E. Areas of communal open space are in addition identified to the south/southwest of Block E, in the courtyard between Blocks G and H, courtyard of Block F and roof garden on section of Block F.
- 10.6.13. 10% of the site equates to 1780sqm. Based on population figures, the proposed 227 no. unit scheme requires between c. 5287sqm and c. 7050sqm of open space based on occupancy calculations. The proposed development provides for 5,679 sqm of public open space. The proposed masterplan provides for 31.9% of the overall site area for Public Open Space which is well over 10% of the overall site area requirement in the Development Plan. The CE Report raises no concerns in relation to the quantum of open space proposed.
- 10.6.14. The report of the Parks Section of DLR Co.Co (see Appendix A of CE Report) notes the high quality open space delivered to the northeast as part of the Knockrabo development, which this development proposes to extend and connect into, with the proposed open space and the existing open space acting as one. I

consider the quantum and quality of the open space proposed, in conjunction with the landscape plan, will deliver open space of a high quality for future residents.

- 10.6.15. I further note c. 200m to the northeast of the site is the entrance to Deerpark Regional Park, managed by DLR Co.Co., with sports pitches, playground, footpaths and other facilities extending across the park area with a woodland area at its eastern extent. This is a high-quality amenity also available to future residents.

#### Childcare Facility

- 10.6.16. A childcare facility was permitted under the extant permission to be located within Cedar Mount with an area of 400sqm. The proposed development comprises 227 units, of which 151 units are 2 bed and above, generating a requirement in accordance with the Childcare Guidelines of 40 childcare spaces. If considered in the context of the existing Knockrabo development, the overall development (based on unit numbers of 262 units of 2 beds and more), would generate a requirement for 70 childcare spaces. The childcare facility in Cedar Mount at 400sqm and is shown to accommodate 42 children on the plans submitted in the Architectural Design Statement. I note the capacity could be increased depending on whether sessional or full-time care is provided. I further note the applicant has submitted an audit of existing facilities and these show capacity within the area. I am satisfied that the permitted childcare facility within Cedar Mount is of sufficient scale to cater for childcare demands arising from this development and Knockrabo Phase 1.
- 10.6.17. The development of Cedar Mount commenced under extant permission D17A/1124 but work has ceased and from site inspection does not appear to be very advanced. I note that Cedar Mount is within the blue line ownership boundary as per the submitted drawings. To ensure adequate childcare facilities are available for future occupants, and given the completed nature of the existing Knockrabo development to the east, I consider it reasonable that a condition be attached to any grant of permission to ensure the childcare facility in Cedar Mount is completed and open prior to the occupancy of any of the residential units within this development.
- 10.6.18. I note observer submissions raise concern in relation to vehicular access to the childcare facility. I note the access provisions to the childcare facility via Cedar Mount is subject of a separate permission. I am satisfied that this application allows

for access to the childcare facility, including a set down area and pedestrian connections. I have no concerns in this regard.

## 10.7. Height, Scale, Mass, and Design

- 10.7.1. The height, design, scale and massing of the proposed development is considered hereunder in terms of the quality and visual impact of the proposed development and heights proposed, with impacts on residential amenities considered in more detail separately in Sections 10.10 and 10.11 of this report.
- 10.7.2. As previously noted, the application site is roughly an inverted L shape and comprises four blocks of apartments (Blocks E, F, G and H). Block E is located at the site entrance, c. 21.6m back from Mount Anville Road, along the western side of the entrance street, with existing apartment Block D set a further 15m back on the opposite side of the street. Blocks F, G and H are located on the northern end of the site in an east west alignment, with Block F positioned at the northern end of Knockrabo Way opposite the constructed apartment Blocks A and B in the Knockrabo development to the east.
- 10.7.3. The height in the submitted application is described by way of number of storeys including semi-basement level. I have stated hereunder the number of floors of accommodation over the basement level, which given the topography of the site is fully below ground in places and in others is above ground or in semi-basement form and therefore reads as a floor less than indicated.
- Block E has 4 floors of accommodation over a semi-basement level;
  - Block F has 2 floors of accommodation (duplexes on western side of block) to 7 floors of accommodation in an inverted L shape, over a semi-basement at level 0 (which also comprises one apartment at this level). Level 6 is smaller in footprint and relates to the northern end of the building only and level 7 is half the size of level 6, with remaining area comprising a roof terrace at the Knockrabo Way corner of the building);
  - Block G has 7 floors of accommodation, with the upper 2 floors covering the northern half of the building, being approx. half the size of lower floors. The building is over a semi-basement labelled level 0, with the northern end of Block G and H comprising at level 0 residential amenity areas in addition to car parking; and

- Block H has 6 floors of accommodation (with upper floor set back and small footprint), over a semi-basement at level 0.

- 10.7.4. The site topography drops from Mount Anville Road (76.9mAOD) toward the northern end of the site (62mAOD), with the higher buildings positioned on the northern portion of the site. Block E at the entrance has a FFL of 74.76mAOD (basement level of 71.5m); Block F at the northern end of the site has a FFL of 67.9mAOD (basement level of 63.9); and Blocks H and G have a FFL of 66.55mAOD(basement level 62.5).
- 10.7.5. Submissions raise concerns in relation to the height and scale of the development proposed, which is considered excessive and contrary to the Goatstown LAP and associated height benchmark. Concerns are raised in submissions that the proposal will give rise to negative visual impacts on the existing landscape, on existing protected structures and would detract from the established character of the surrounding area. Submissions consider the development constitutes overdevelopment of the site. The visual impact assessment is questioned, with concerns raised in relation to where views were taken from, height of visualisations taken, lack of visualisation including the Phase 1 development to the east and concern regarding the lack of views relating to the neighbouring protected structures on Mount Anville Road to the west.
- 10.7.6. While I note concerns raised in relation to the photomontages, I have reviewed all submissions made, the CE Report from DLR Co.Co., as well as the architectural drawings and site sections submitted, and I have visited the site and viewed it from various locations. I am satisfied I have sufficient information before me to address the visual impact of the proposed development and that there is sufficient information on file for observers to be informed in respect of the scale of the development and the potential visual impact.
- 10.7.7. The Planning Authority in the submitted CE Report highlights that Goatstown LAP should be followed in relation to heights proposed. It is stated that the development Guidance for Knockrabo in the LAP indicates the site should provide a variation of height and further states that the site should provide a benchmark height of four or five storeys depending on levels (with possible setback floor or occupied roof space on four storey buildings) and a maximum height of two storeys along boundaries with

existing residential properties. The proposal at 2-8 storeys is considered in the CE Report to comprise a material contravention of the Goatstown LAP. It is stated that the justification by the applicant by way of reference to SPPR3A of the building height guidelines does not give enough consideration to its impact on the immediate surrounding, in particular to dwellings to the southwest which back onto Block H. The CE Report recommends that the application be refused for six reasons. Two of the reasons specifically relate to the height of the proposal and the resultant visual dominance and overbearing form of the development when viewed from the surrounding area, including from neighbouring protected structures, and consequential impacts on visual and residential amenity of the surrounding area. While refusal is recommended, if permission is granted the Planning Authority recommend that development of the subject site be to a maximum 5 storeys for Block F and G, maximum 4 storeys for Block H, and Block E be omitted.

10.7.8. With regard to the planning history on the site, I note a number of submissions highlight the increased height and density of this development over what was previously permitted. While I am cognisant of and have reviewed the planning history of this site and that of the development to the east, I would highlight that each site is assessed on its own merits, notwithstanding the planning history. For information purposes, I note that in the location of the currently proposed Block F at the southern end of Knockrabo Way, two apartment blocks were previously permitted, which were 6 storeys over basement and 3-5 storeys over basement, while the currently proposed Block F in that location is 3-5-8 storeys over basement. I note that the permitted small apartment block at the northern end of the site, where the northern end of Block G is now proposed, was permitted to a height of 5 storeys, with the current proposal being 8 storeys at its northern end. Two storey houses were proposed where Blocks H and the majority of Block G are now located. It is worth pointing out that buildings of height were accepted by DLR under the extant permission at this location and that the block previously permitted at the current location of proposed Block F exceeded the height 'benchmark' in the Goatstown LAP of 4-5 storeys, being a permitted 6 storeys high. I note the planners report on D17A/1124 considered that 'given the site levels and the height of the mature trees, the site was capable of absorbing a building of this height and scale at this location'. No issue of a material contravention was raised.



10.7.9. The policy basis for my assessment of the height of the development is informed by both national and local planning policy. In terms of national policy, I have assessed the development against the 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines), which provides a detailed national planning policy approach to the assessment of building height in urban areas. I have considered these guidelines alongside other relevant national planning policy standards, including national policy in Project Ireland 2040 National Planning Framework, particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements. I have had regard also to all observer submissions, to the submitted Visual Impact Assessment (VIA), Photomontages and CGIs, and the Architectural Design Statement, and I have visited the site and the surrounds.

10.7.10. In terms of local policy, I have had regard to the Dun Laoghaire Rathdown Development Plan 2016-2022, in particular Appendix 9: Height Strategy, and Goatstown LAP 2012 (as extended up to 10<sup>th</sup> April 2022). The Development Plan sets out policy on Building Height under Policy UD6: Building Height Strategy, which states that it is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County, which is set out in Appendix 9 of the Development Plan. Section 4.1.8 of the Height Strategy sets out that guidance on Building Height will also be provided in forthcoming Local Plans, including the Goatstown Local Area Plan. Section 4.2 of same states that these local plans are the most appropriate vehicle for providing the kind of fine-grained analysis which can determine if taller buildings are appropriate or not to any given location. The Goatstown LAP area is within a Cumulative Area of Control – and as such section 4.8 of the Building Height Strategy, does not apply to it, as this section sets out the building height policy for residual suburban areas not included within Cumulative Areas of Control. As such policy on heights for this site is determined by the Goatstown LAP. The CE Report also applies the policy in relation to height from the Goatstown LAP. The CE Report references the site framework strategies and 'Knockrabo Sites – Development Guidance' set out under table 6.3 of the LAP.

10.7.11. Section 6.4 of the LAP identifies two land parcels, outlined in red, called the Knockrabo sites, which are highlighted as being suitable for development. One of the lands parcels has since been developed with apartments and houses (Ardilea) and is

located to the north of the current application site. The second parcel of land relates primarily to the land bank to the east of this site, which has been recently development with houses and apartments (Knockrabo). While the applicant has not overlaid the development site with the outlined boundary for the Knockrabo site and the applicant and PA have considered this site against the 'development guidance' for the Knockrabo sites, from my reading of the maps, the southern outlined Knockrabo site includes the area of proposed Block F, but does not appear to me to include the location of proposed Blocks E, G and H, or the area of Cedar Mount which are outside the outlined area. Therefore, while I have considered proposed Block F against the 'development guidance' set out in the framework plan in the LAP, the remainder of the site must in my opinion be considered against the general policy relating to height within the LAP document, specifically UD5, which states 'It is an objective of the Plan that height in excess of two-storeys shall only be permitted where it is considered by the Planning Authority that the proposed development can be easily absorbed into the existing urban landscape and will not be visually obtrusive or overbearing'.

10.7.12. It is stated in the LAP that there are 'a limited number of sites with redevelopment potential which may be able to absorb heights of up to three and four storeys...Generally, the larger a site is, the greater its ability to absorb height. The two separate standalone sites at Knockrabo, for example, are of a size and scale capable of easily accommodating height in excess of two storeys'. Given the scale of this application site at 1.78ha, I would argue that this site is also of a scale in its own right and combined with the adjoining Knockrabo development site is capable of accommodating height in excess of two storeys. My assessment will consider the ability of the landscape to absorb the scale of development proposed, being greater than two storeys, in terms of whether it can be easily absorbed into the urban landscape and whether it will be visually obtrusive or overbearing.

10.7.13. Objective UD5 does not preclude development in excess of two storeys. The LAP design guidance for the Knockrabo sites supports 'variation in height' and considers the 'benchmark' height for the Knockrabo sites is four or five storeys. I do not consider the objectives of the LAP specify a maximum height, however, taking the precautionary approach, given the PA consider a material contravention issue arises and noting that the LAP in establishing a 'benchmark' may lead one to consider a

height of four or five storeys is the desirable height, it is open to the Board to consider the proposal in terms of a material contravention. I refer the Board to Section 10.14 hereunder in relation to the issue of material contravention.

10.7.14. The Building Height guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. SPPR 3 in the Building Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. Section 3.1 of the Building Height Guidelines present three broad principles which Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights (note my response is under each question):

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

My Opinion: Yes – as noted and explained throughout this report by focussing development in key urban centres and supporting national strategic objectives to deliver compact growth in urban centres. The planning authority is also of the opinion that the site is suitable for a higher density of development in accordance with the principles established in the National Planning Framework.

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

My Opinion: No - a blanket height limit is applied in the Local Area Plan in terms of all development adjoining existing residential development and in the guidance for key sites, which in my opinion does not take clear account of the

requirements set out in the Guidelines and lacks to flexibility to secure compact urban growth through a combination of both facilitating increased densities and building heights, while also being mindful of the quality of development and balancing amenity and environmental considerations.

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

My Opinion: It cannot be demonstrated that implementation of the policies, which predate the Guidelines support the objectives and policies of the NPF.

- 10.7.15. Section 3.2 of the Building Height Guidelines states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of relevant city/town; at the scale of district/neighbourhood/street; at the scale of site/building, in addition to specific assessments. I am of the opinion that this has been adequately demonstrated in the documentation before me and the proposal has the potential to make a positive contribution to this area. This is discussed in detail hereunder and also in Sections 10.8 and 10.11 of this report.

**Section 3.2 Criteria: At the scale of relevant city/town**

- 10.7.16. The first criteria under section 3.2 of the Building Height Guidelines relates to whether the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

- 10.7.17. In terms of location and access to services/amenities/employment zones, I note the subject site is located 400m from the Goatstown cross roads/local neighbourhood centre, 1.9km from Dundrum Town Centre, 1km from UCD, and 2.7km from Sandyford Business District. The site is 1.6km from two Luas Stops and adjoins a bus stop on Mount Anville Road (no. 11 - 30 min frequency) and there is a bus stop within 500m on Goatstown Road (no. 175 - 15/20 min peak frequency). Both the Mount Anville and Goatstown Roads are identified on the development plan maps as 'proposed quality bus/bus priority routes'. The no. 11 connects the site with Dublin City (7km/35 minutes bus journey) and Sandyford Business District (4.2km/19

minute bus journey) which is a large employer in the County. There are additional bus services on the N11, which is 1500m (15 min walk) to the northeast. While a further walk/cycle from the site than the other two routes, this route is a Quality Bus Corridor and offers an additional variety of bus services with a particularly high frequency of certain services, specifically the 46A bus (every 7-8 mins). I note as well as being proximate to the Luas and bus routes along Mount Anville and Goatstown, the accessibility of the site also supports the more active modes of walking and cycling, with cycling facilities available at the Luas stops and along the N11. Both the Mount Anville and Goatstown routes are furthermore capable of accommodating greater frequency urban bus services should they be required as the population in this area increases (the capability of a route to accommodate frequent urban bus services is referenced as a criteria for intermediate urban locations in the Apartment Guidelines). There are notable plans for increasing public transport frequency and capacity in this area under BusConnects (see Section 10.12 hereunder), which is not to say the existing site is not well served by public transport, but merely noting it will be further enhanced.

10.7.18. National and local policy recognises the need for a critical mass of population at accessible and serviced locations within the Metropolitan area. I consider the site is ideally located and well serviced with options to access existing high frequency high capacity public transport routes, with links between modes, as well as increased access and connections available through more active modes of walking/cycling, with a vast arrange of services, amenities, and high employment areas within walking and cycling distance. All road networks comprise a limited capacity in terms of accommodation of the private car and it is only through increasing the population at locations such as this which are well serviced by public transport and which have the capability of increasing services as demand requires, will sustainable communities be developed. The capacity of the bus service (as with rail) adapts to demand, which to a large extent reflects the prevailing state of the country's economy and as such can decrease as well as increase. This is monitored by the NTA and additional services and as such increased capacity is provided where demand exists. There is no documentary evidence, including on foot of review of NTA publications, to support observer claims that there is a lack of capacity in the existing services. Overall, I am satisfied that the level of public transport currently

available is of a scale that can support this future population, with alternative options of walking and cycling also of value given the proximity of the site to services/amenities/education/employment zones. Additional planned services in this area by way of BusConnects, will be supported by providing for developments such as this which will support a critical mass of population at this accessible location within the Metropolitan area, in accordance with national policy for consolidated urban growth and higher densities.

10.7.19. Point two of the section 3.2 criteria (at the scale of the relevant city/town) relates to the scale of the development and its ability to 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 views. A Landscape and Visual Impact Assessment has been submitted, as required, in addition to photomontages/CGIs, Conservation Report, Architectural Design Statement and associated architectural drawings. I have viewed the site and surrounds from various locations.

10.7.20. The LVIA selected ten views to illustrate the visual impact of the Proposed Development. The Architectural Design Statement also addresses the visual impact of the proposal and includes additional views under the extant permission for reference purposes (see page 13). The Landscape Character Map within the CDP does not assign a character to the area of the site. There are no identified protected views and no ACAs within the site as per the DLR CDP. There are protected structures in the close proximity of the site, with the development being within the former grounds of two such structures. There is a map-based objective to protect trees and woodlands on these lands.

10.7.21. The sensitivity of the site and receiving environment is classified in the LVIA as medium, which is defined as 'Areas where the landscape has certain valued elements, features or characteristics but where the character is mixed or not particularly strong, or has evidence of alteration, degradation or erosion of elements and characteristics. The landscape character is such that there is some capacity for change in the form of development...'. I concur with this assessment of the capacity of the site to accommodate change, and I recognise the evolving context of this urban area which has seen an increase in density and apartment developments on underutilised sites, the closest being the opposing development to the east of

Knockrabo Phase 1 and the associated gate lodge at that location. The LAP states in relation to the area of Goatstown in general that 'The suburban estates constructed in the Plan area during the 1970s and to a lesser extent during the 1980s were almost ubiquitously rows of two-storey semi-detached dwelling houses. The absence of any variety in the residential mix has resulted in a uniform building form. The estates lack any real identity and add little to the Plan area's overall sense of place'.

10.7.22. The site area is in excess of 0.5 hectares and is therefore in my opinion of a scale which is (subject to detailed planning assessment) capable of supporting its own character/context, which can sit alongside the existing area, which comprises the modern housing and apartment development of Knockabo to the east and historic structures to the west, specifically Cedar Mount. The LAP states in relation to newer residential development of apartments constructed within the wider area that 'This introduction of diversity and variety has generally enhanced the built environment and created opportunities to broaden the social and demographic mix in the Plan area'. Apartment Blocks A to D on the opposite side of the site facing Knockrabo Way are 4-5 storeys high, with Block A 5 storeys over a semi-basement/undercroft area (presenting in effect as 5.5/6 storeys); new mixed housing and apartment development to the north of the site, on the opposite side of the road reservation at Ardilea, are 4- 5 storeys high, with 3 storey town houses; apartments at Trimblestown (referred to in LAP) are 4-5 storeys. The LAP considers the area of Knockrabo can accommodate buildings of height and a variation of height, and I consider the physical characteristics of this site to be similar to Knockrabo. Due to its locational context, site size, and specific context of a topography which is lower at its northern end where higher blocks are proposed, I am of the opinion that the site has the capacity to accommodate buildings of scale and support a variety of heights, which can integrate into/enhance the character and public realm of the area without undue detriment to the existing character or setting of the area. While some submissions consider a maximum height of 4-5 storeys as established in the wider area should be applied, I do not consider the application of a blanket height appropriate and each site must be assessed on its own merits, within its policy context. I consider the proposed development, at a height greater than 5 storeys will not appear out of character with the evolving heights in this area. The proposal has had adequate regard to its proximity to protected structures and will not in my view

negatively impact on their setting or amenity (see Section 10.8 hereunder for a more detailed assessment in relation to Protected Structures). I consider the proposed development, having regard to its layout, design and finishes will enhance the architectural language of the area.

10.7.23. With regard to the contribution of the site to place-making and delivery of new streets and public spaces, I consider the proposal will have urban design benefits in that it will address the new Knockrabo Way street on its western side, similar to the urban form created on the eastern side to date; the layout proposes permeable local streets/pathways and open spaces, connecting into the existing development to the east and through Cedar Mount and onto Mount Anville Road to the west/southwest, supportive of future desire lines; and, subject to the construction of a footpath on the western side of Knockrabo Way, which has been permitted under a previous and extant permission, I consider the contribution to the public realm, active spaces and streetscapes and overlooking of open spaces by the proposed buildings will overall result in a positive contribution to the area.

### **Section 3.2 Criteria: At the Scale of District/Neighbourhood/Street**

10.7.24. The bullet points under this section of the Building Height Guidelines relate to how the proposal responds to the overall natural and built environment and contribution to the urban neighbourhood and streetscape; whether the proposal is monolithic in form; whether the proposal enhances the urban design of public spaces in terms of enhancing a sense of scale and enclosure; issue of legibility through the site or wider urban area and integration with the wider area; contribution to building/dwelling typologies available in the neighbourhood.

10.7.25. The CE Report considers the development does not respond appropriately to the site at the scale of the district/neighbourhood/street. Specifically, it is stated that Block H, which is five floors with a sixth floor set back, given its height and proximity to the southern boundary will impact negatively on protected structures of dwellings named Thendar and The Garth and the LVIA has failed to consider the impact on these dwellings. The CE Report states that the LVIA, which determines that the impact on these properties will be moderate, negative and long term, has failed to include a viewpoint from these residential dwellings and the impact of the height is not therefore demonstrated, noting two of these dwellings are protected structures



(Thendara and The Garth). The CE Report states that if permission is granted the maximum height of Block H should be 4 storeys. Notwithstanding the views expressed by the PA, in the CE report, I am satisfied that the scale of the proposed dwellings relative to the existing dwellings has been shown in the sections submitted and in the LVIA, which accepts that there will be a negative impact and that the impact would be long term. The CE considers that a four storey block would reduce the visual impact, however I consider that the mitigation proposed in terms of the set back of the upper 6<sup>th</sup> floor is sufficient, and that a moderate visual impact is on balance reasonable in order to achieve a more sustainable density and pattern of development. That the context of these protected structures is changing has already been established by the existing (newly constructed) and permitted development on the overall site. I do not consider that this unduly impinges on the integrity of the protected structures themselves.

10.7.26. The CE Report, reflects the opinion of the Conservation Officer (as set out in Appendix A of the CE Report), which considers the main area of concern in terms of conservation relates to Block E. It is considered that due to its scale and height, Block E fails to protect the character of Cedar Mount and will therefore impact on the setting and amenity of Cedar Mount. It is also stated that Block E does not respond to the natural environment, with its location requiring the removal of 2 'A' category trees. The height and separation distance of Block E to the gate lodge (protected structure) of 15.1m is considered inadequate and it is considered the proposal would be visually dominant on the gate lodge and would represent an abrupt transition in scale. The Conservation Officer considers a different form of building could be accommodated on the site, in the form of a contemporary 'mews' or outbuildings' relative to extant older heritage structures on the site. The Conservation Officer considers the building height/scale of development to the front of the site should be relative to Cedar Mount House, but in no case should the building height exceed that of the protected structure. It is stated that our Architectural Heritage should not be compromised in order to facilitate development.

10.7.27. The submitted Architectural Design Statement argues in relation to Block E that a reduced scale of development of three storey duplexes was previously considered in the extant permission under FI and this was rejected by the PA. It is considered that a block similar to that on the opposite site of Knockrabo Way is more

appropriate. The applicant considers the 4 storey block as proposed is justified for the following reasons:

- Demarcation of the entrance to the avenue created by Knockrabo Way.
- Definition of the public open space at the entrance to the site, to the west of Knockrabo Way, which contains a mature oak tree.
- Provision of passive supervision of the public open space to the front of Cedar Mount house, which would otherwise be a large open space, with only small-scale buildings on its perimeter to provide passive supervision.

10.7.28. I acknowledge the sensitivities of considering any new structure in proximity to protected structures and the delicate balance between protecting our heritage and allowing appropriately scaled development on zoned land, which is a finite resource. I recognise the context of Block E relative to the protected structures of the gate lodge and Cedar Mount House. I refer the Board to photomontages View 1, View 11, View 19 and View 20, as well as Site Section A-A. The submitted LVIA considers the impact would be moderate, significant and long term. I consider Block E and Knockrabo development to the east would read as part of a modern development, separate from the entity of Cedar Mount and its front lawn, with the retained and supported treeline between Cedar Mount and Block E offering a soft but distinct visual separation between the old and new developments. I discuss in detail the issue of impact on the character and setting of protected structures in Section 10.8 hereunder and notwithstanding the CE Report's view that Block E should be omitted by condition, I am of the opinion that it can be retained in its current location, would support the existing and new urban form created along the eastern side of Knockrabo Way to date and I consider it would be sufficiently separate (visually and physically) from Cedar Mount to enable this protected structure to retain its own character and identity. I further consider the context of the Knockrabo Gate Lodge in Section 10.8 below, where I consider the two building can co-exist without significant detrimental impacts on the character and setting of the gate lodge.

10.7.29. Having regard to the specific concern raised in the CE Report in relation to the buildings of Thendara (RPS 812, external façade only) and The Garth (RPS 819, external façade only), I consider the design and layout has had due regard to these existing neighbouring dwellings. The LAP makes reference to these properties in the

section on Architectural Heritage and Conservation where it is stated 'Any works along Mount Anville Road including the proposed Quality Bus Corridor, any proposals should seek to retain and (where necessary) minimise any impact on the boundary walls of the Protected Structures located on this corridor including Hollywood House, Cedarmount, The Garth, Theandra and Knockrabo Gate Lodge'. The boundaries of these dwellings back onto the application. The applicant has had regard to the topography of the site in the positioning of the taller buildings at the northern end of the site with a staggering of the building form and staggered increase of heights from south to north relating to Block H. In terms of separation distances, Block H is c.11.8m from the southwestern boundary with the neighbouring dwellings. These dwellings have exceptionally long back gardens of c.63m, with a separation of c. 75m between the protected structures of Thendar and The Garth and Block H, with an intervening street proposed between the boundaries and Block H. Block H has an overall height when viewed from the south of 17.4m, with this stepping up to 20.4m at the set back upper sixth upper floor. Block G (height of 16.8m, stepping up to 23m away from the southern boundary) is not sited directly to the rear of these houses, but will also be visible from their rear aspects.

10.7.30. The LVIA notes that the proposed development would create a visual intrusion in short distance views, including from the dwellings on Mount Anville Road, with a more limited impact on long distance views given the enclosure and topography of the site. The LVIA considers the short distance impacts would not be inappropriate or uncharacteristic in the current context. I acknowledge that the outlook from the rear of the dwellings to the southwest will be altered with the change of use of the land from a greenfield site/garden to one accommodating residential development. However, I concur with the LVIA in that I do not consider the altered view would be inappropriate or uncharacteristic given the context of the site, with apartments visible to north from here, existing apartments visible within Knockrabo, as well as having regard to the evolving townscape in the wider area where infill sites have supported denser forms of development. This is residentially zoned land at a well serviced accessible urban location. While these blocks will be particularly visible from four of the houses to the southwest, given the separation distances involved and the intervening street proposed at the boundary; the design of the blocks with the variation in materials alongside the modulation in height, set

backs and footprint; as well as the falling site topography to the north; I do not consider the change in the outlook from these properties to be a negative and I do not consider the setting and amenity of these protected structures, whose protection relates to their external façade and interaction with Mount Anville Road, will be negatively impacted upon in terms of overbearance or outlook. I note the concerns of the PA that a CGI from this perspective was not submitted, however, given the site context as described above and separation distances involved, I do not consider that this additional view would contribute greatly to the information submitted. I have visited the site and surrounds, I have reviewed all drawings submitted, including the massing diagram on page 20 of the submitted Architectural Design Statement which shows the site overview from the south, and I am satisfied I have sufficient information before me to form an opinion on this planning issue. Overall, I am satisfied the proposal responds well to the existing built environment and will contribute positively to the urban neighbourhood and streetscape and contribute to the character of the area, both old and new. In assessing any application on undeveloped lands, there is a delicate balance between respecting the character of an area and visual amenity against allowing the urban landscape to evolve in accordance with current housing needs at a scale which supports efficient use of land and supports existing communities in a sustainable manner, and this has been achieved here.

10.7.31. The CE Report considers Block G by virtue of its design and massing (68m long, 8 floors high) to be monolithic, as illustrated in the north-east and south-west elevations of Blocks G and H, and as per Section A-A. It is stated that the façade treatment and proximity to the Dublin Eastern By-Pass would represent an imposing structure, excessive in relation to its receiving environment. I have reviewed the submitted cross sections noted in the CE Report. I note the orientation of the block, with its narrow end toward the proposed Dublin Eastern By-Pass (DEBP) and I note the side long profile is staggered in height at its southern end (that closest to Cedar Mount) where it is five storeys with the end closest to the DEBP being 8 storeys. The positioning of Block H west of Block G means this side profile of Block G, which is raised as a concern, will not in my opinion be overly dominant or monolithic and the positioning of Block F to the east would also limit the overall view of Block G. I consider the positioning of the blocks relative to each other, the staggered height

profile of Block G, in addition to the variation in materials used would not result in a monolithic profile. I have considered the profile as potentially viewed from the Dublin Eastern By-Pass and I consider the positioning of buildings of height at this location would be of great benefit in terms of legibility and contribution to the urban character and form along this future road, should it be built. In the interim scenario, with the road not in place, given the lower ground levels in this area of the site, I consider a building of this scale can be adequately accommodated within the surrounding landscape, and in this regard I refer the Board to cross section B-B, and photomontages View 4 (view of Block F relative to existing Block B) and View 5 (view of Block H and G behind the trees) and View 16. Overall, in terms of the design and elevational treatment of the proposed blocks, I consider that the overall variation in materials and finishes (white brick, red brick, zinc cladding, similar to existing Knockrabo development), together with the modulation in height, building lines, and the fenestration pattern proposed, will ensure that sufficient visual interest is created when viewed from Knockrabo Way, from the north/location of the proposed DEBP, as well as from within the scheme itself, and as viewed from surrounding open spaces and surrounding properties, including Cedar Mount. I am generally satisfied with the design approach and that the elevational treatment and the design/scale of the blocks will ensure that the development does not read as monolithic.

10.7.32. In terms of how the development responds to the overall natural environment, I have assessed the impact on the existing trees and the landscaping strategy put forward by the applicant. I am satisfied the applicant has adequately incorporated key trees within the scheme and has proposed a landscaping plan which builds upon and extends the existing high quality open space delivered by the Knockrabo development to the east (see Section 10.9 hereunder for more detailed assessment in relation to ecology and landscaping). I have further assessed the proposal against the context of the existing historic buildings in the area (see Section 10.8 hereunder) and against the newer development to the east (see Section 10.11 hereunder) and am satisfied that the development responds appropriately to the existing built environment and the design and form of the proposed buildings will contribute to the urban neighbourhood and streetscape. I note the proposed development will alter the visual character of the area, however, I consider that on balance this is consistent with emerging trends and is consistent with new development generally

being at an increased scale, more appropriate to the urban context and accessibility of the area.

10.7.33. In relation to the issue of legibility and wayfinding, the CE Report considers the proposal fails to provide for a footpath on the western side of Knockrabo Way and pedestrian links to the north of Block E and the rear of the creche are circuitous. I agree, as discussed previously, that the lack of clarity around the provision of the permitted footpath on the western side of Knockrabo Way is a concern and this footpath is in my opinion required to support the future development of this site. I consider this issue can be addressed by way of condition and together with the other paths proposed, I consider overall the development would be highly permeable and attractive for pedestrians.

10.7.34. With regard to the consideration of the criteria relating to legibility, I consider the proposal, will make a positive contribution to the improvement of legibility in the wider urban area, particularly when the new road to the north is in place, with this aspect of the scheme addressing any such road in terms of urban form and visibility. I note the wider area is evolving with more mixed typologies and increased densities being permitted in what historically has been a two storey suburban area with poor public transport infrastructure pre the Luas/bus route/cycle network improvements in the wider area. I consider the reference in the LAP to higher density developments in the wider area is relevant as an indication of how existing greenfield/brownfield sites are being consolidated within Dublin City and Suburbs to maximise investment in public transport in the area and where services exist and that infill sites such as this can be considered for higher buildings and higher densities to support the development of sustainable communities with the creation of mixed forms and typologies alongside the existing built form. Such a change away from traditional development formats in my opinion contributes to the architectural interest of an area as it evolves, with each contribution over time representative of differing architectural influences which are capable of sitting alongside each other, subject to well-considered layouts and designs. I consider the design and layout as proposed has achieved this balance of moving forward through consolidated higher densities, while respecting the character of the past and the area's protected structures.

### **Section 3.2 Criteria: At the scale of site/building**

10.7.35. As per the Building Height Guidelines, in relation to consideration at the scale of the site/building, I have considered in more detail in Section 10.11 the impact of height on residential amenity of neighbouring properties, including issues such as daylight, overshadowing, loss of light, views and privacy. I consider the form, massing and height of the proposed development has been well considered and issues in relation to sunlight/daylight/overshadowing have been adequately addressed (see Sections 10.10 and 10.11 hereunder).

### **Section 3.2 Criteria: Specific Assessments**

10.7.36. A number of specific assessments have been undertaken and submitted with this application, specifically in relation to sunlight/daylight, noise impact, and structural issues (as listed in section 3.5 above and referenced throughout this report), which I consider are sufficient to assess a development of the scale proposed. I am satisfied that adequate information has been submitted to enable me to undertake an assessment of the impact of the proposed development.

### **Conclusion**

10.7.37. Overall, I am satisfied that the proposed development will not negatively impact on the character or setting of historic structures; will add visual interest; will make a positive contribution to the skyline of the area and will improve legibility with the height, scale and massing acceptable in townscape and visual terms. It is my opinion that the proposed development will contribute to the sustainable and compact growth of the area.

10.7.38. The Board may in such circumstances approve such development for higher buildings, even where specific objectives of the relevant development plan or local area plan may indicate otherwise, as per SPPR3. In this regard, while the height is greater than the benchmark height outlined in the local area plan and greater than two storeys adjoining existing residential development, I consider the proposed development will provide for a strong well designed urban form at this highly accessible and serviced site, and the building height proposed is in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas.

## **10.8. Architectural Heritage - Impact on Protected Structures**

- 10.8.1. The site area is made up of part of the former formal grounds of “Cedar Mount” and a small part of the adjoining site area known as “Knockrabo Lands” (recently constructed residential development). The area of these adjoining sites previously comprised of two separate properties (Cedar Mount and Knockrabo) that had been incorporated into one when these grounds were used as the “Bank of Ireland Sports Grounds”. The grounds around “Knockrabo” had been left derelict for many years and have now been developed with houses and apartments. The grounds around “Cedar Mount” were developed as a private residence with formal grounds, but these have also been left derelict in recent years and now come under the same ownership as the recently developed Knockrabo. A new access street from Mount Anville Road called Knockrabo Way has been constructed in recent years to serve the Knockrabo development to the east of the site, and this street was also designed to serve development on the current application lands.
- 10.8.2. There are no protected structures within the boundary of the site, however, the site is within the grounds of ‘Cedar Mount’ (RPS no. 783), and a gate lodge called ‘Knockrabo Gate House West’ (RPS no. 796), alterations to which were permitted under an extant permission and these alterations/renovations/change of use are currently stated to be underway. While Cedar Mount and the gate lodge and piers are located outside of the red line boundary of this application site, given their proximity to the site and the potential impact of the proposal on the character and setting of these protected structures, it is of relevance to include them in this assessment.
- 10.8.3. There are also three protected structures to the west of Cedar Mount, which are positioned directly adjoining Mount Anville Road (unlike Cedar Mount which is positioned c. 65m back from Mount Anville Road), which I have considered in my assessment hereunder, namely ‘Thendara’ (RPS Ref. 812), ‘The Garth’ (RPS Ref. 819), ‘Chimes’, and ‘Hollywood House’ (RPS Ref. 829).
- 10.8.4. Cedar Mount is fronted to the south by a lawn which is bordered to the south, east and west by a mix of trees. The driveway to Cedar Mount which is to be moved 8m east of the permitted new gate house under the extant permission sweeps north to the front of Mount Cedar where it terminates. The LVIA notes the current visibility of Cedar Mount and the site (without these works being undertaken) is limited, with views being from the east and north due to the extent of existing vegetation,



boundary wall and gate lodge along the boundary with Mount Anville Road. The submitted Conservation Report states 'the main benefit of the permitted (and to be constructed) re-aligned entrance was to open up a view of the house for the first time from the public domain' alongside the removal of a line of lawson cypresses along the road boundary.

10.8.5. Works are stated to have commenced under D17A/1124 to Cedar Mount (conversion of use), conversion of adjoining coach houses into dwellings, construction of a new gate house at the western entrance from Mount Anville Road (main entrance road to Cedar Mount), relocation of western entrance to Cedar Mount 8m to the east, and extension to the Knockrabo Gate Lodge west of Knockrabo Way. No work was underway on this site at the time of site inspection, but the documents indicate it has commenced and ceased due to Covid 19, with the intention to recommence shortly.

10.8.6. In the assessment of the impact of the proposed development on architectural heritage, I have considered national guidance, inter alia, the Architectural Heritage Protection Guidelines, as well as local guidance in the form of the operative development plan and objectives of the Goatstown LAP. Policy AR1 of the development plan states 'It is council policy to... ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance. iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011). Under AH1 of the LAP it is stated that 'It is an objective of the Plan to protect the architectural heritage of the area including Protected Structures within the Plan area in accordance with the relevant legislation and best practice procedures' and under AH3 'It is an objective of the Plan that any proposal for development within the curtilage of a Protected Structure shall be designed to protect the setting and character of the protected structure'. The LAP further states 'Any proposals for infill development within the curtilage of a Protected Structure should be of a high quality design that respects and complements the setting and character of the Protected Structure. Photomontages which illustrate the relationship between the proposed development and the Protected Structure should be included as part of any planning application'.

10.8.7. In terms of the Building Height Guidelines, it is stated that

'Historic environments can be sensitive to large scale and tall buildings. In that context, Planning Authorities must determine if increased height buildings are an appropriate typology or not in particular settings. An Initial assessment of the existing character and setting of a place will assist in a robust framework for decision-making that will facilitate increases in building height and involve an integrated understanding of place. With regards to large-scale and tall buildings in historic urban areas, an examination of the existing character of a place can assist planning authorities, and others to: establish the sensitivities of a place and its capacity for development or change and; define opportunities for new development and inform its design.

10.8.8. The application documentation includes a Conservation Strategy & Heritage Impact Assessment Report, in addition to photomontages and CGIs and a LVIA. The submitted Architectural Design Statement comments on the potential impacts on Cedar Mount and Gate Lodge and how the development has been informed by the protected structures in proximity.

10.8.9. Cedar Mount was constructed as a private house in 1810. The 1910 map shows the house, with gate lodges at the roadside boundary to the east and west. Knockrabo Gate Lodge West was associated with Mountainville House to the east (now gone, where the current Knockrabo development is constructed). In 1985 Cedar Mount was converted for use as a sports centre. In 2003 it was restored as a private residence. I note the curtilage of Cedar Mount has been amended through the extant permission related to the site (D17A/1124) and redevelopment of the Knockrabo site to the east. The house is set back c. 65m from Mount Anville Road with its front garden area between the existing gate lodges retained as open space to be utilised by the proposed development and the house, which commenced development for conversion to a creche, community centre and two apartments as part of an extant permission. I note upon site inspection no works taking place in relation to Cedar Mount and its entrance gates and lodge to the west of the site. It is stated in the application documentation that works commenced on the site, but ceased due to covid 19. I note final ground works were ongoing in relation to apartment Block D to the east of the application site in Knockrabo.

#### Block E and Impact on Mount Cedar

10.8.10. The application proposes a 4 storey block, Block E, which is located to the east of Knockrabo Gate Lodge West and adjoining Knockrabo Way (access street from Mount Anville Road). It is also proposed to construct higher buildings than previously permitted under the extant permission to the north of Cedar Mount. Block G is positioned to the north west and Block F to the north east of Cedar Mount. I consider in this section the impact of Block E.

10.8.11. One of the greatest concerns of the planning authority in relation to architectural heritage, as expressed in the report of the Conservation Officer, relates to the impact of the proposed development on the architectural setting of Cedar Mount and Knockrabo Gate Lodge. Having regard to the height of Block E, its separation distance proposed to the gate lodge of c. 15m, and its sitting at a higher level of ground than Mount Cedar House, the Planning Authority raises serious concern regarding Block E. The PA and Conservation Officer considers the height of Block E will detract from Cedar Mount. It is stated in the submitted CE Report that the Planning Authority is not entirely opposed to development in the location of Block E, however, it is considered that any development should respect the existing gate lodge and the setting of Cedar Mount House with any proposal being no higher than Cedar Mount, and the existing high-quality trees which contribute to the special character and sense of place in Knockrabo. Refusal reason number 3 as set out in the CE Report states 'The proposed development would have a detrimental impact on the setting and amenity of both Cedar Mount House (a protected structure) and Knockrabo Gate Lodge west (a protected structure) and would therefore be contrary to Policy AR1 and Section 8.2.11.2 (iii) (Development in Proximity to a Protected Structure) of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022'.

10.8.12. I note a number of submissions consider the proposed development is excessive in height and design and would impact negatively on the setting and historical character of Cedar Mount, with Block E at the site entrance raised as a particular concern.

10.8.13. The applicant in the submitted Architectural Design Statement argues that the distances between Block E and the protected structures are appropriate, particularly when combined with the screening by existing trees on site along with the reinforcement of new planting along the historic eastern boundary of the site.

Overall, the applicant considers Block E will contribute positively to the placemaking of the scheme and achievement of appropriate density levels on valuable urban land.

10.8.14. I have considered the arguments put forward in relation to this issue, including the position of the PA, the Conservation Officer of DLR County Council, observer submissions and the arguments as set out by the applicant in the Architectural Design Statement and Conservation Report. Having regard to the permitted works and the redefined curtilage of Cedar Mount by virtue of the extant permission, I note that works permitted will see a refocus of the access alignment and visibility of Cedar Mount from Mount Anville Road, where a view of the front of Cedar Mount and its extensive front lawn will be opened up. I note the tree lines to be retained to the east of the house provide for a certain soft boundary/contained view of the house from the east, with the front lawn from Mount Anville Road contributing greatly to its setting. While an intermittent view would be visible from Knockrabo Way should Block E be omitted, I note the PA and Conservation Officer consider a building could be accommodated at the location of Block E, which highlights that this is not the intended main view of the house nor is it the intention to retain an open view of the house from here. I disagree that a proposal at this location should be no greater than the height of Cedar Mount House, particularly given this land is at a higher level and I consider even a low scale building at this location would block views of the house, in addition to the natural screening from existing and proposed trees.

10.8.15. I note there are benefits to the scheme where Block E is located in urban design terms, as discussed elsewhere in this report. I consider this part of the development, while having open boundaries and allowing open access to the Cedar Mount house and grounds, will be viewed separately in terms of the character and the setting of Cedar Mount, with the house continuing to function on its own, in terms of its identified and historic character, being contained as it is by natural landscaping and the extent of front and side lawn. I refer the Board to Site Section F-F which highlights the height and proximity of Block E relative to Block D on the opposite side of the street and its height relative to Cedar Mount. I consider the development of Block E to the east to be peripheral relative to Cedar Mount and I do not consider this block would interfere with the character or setting of Cedar Mount. Block E will be aligned to the more contemporary unit of development associated with Phase 1 and these Phase 2 lands. I further note the setting back of Cedar Mount from the

road did not historically prevent development of dwellings to its west nor do I consider this pattern of development with the development of lands to the east and the positioning of Block E would detract from the house, notwithstanding its overall height and position.

10.8.16. I am of the opinion that a balance needs to be achieved in such instances between developing lands to an appropriate scale in compliance with national policy guidance whilst at the same time protecting the character and setting of protected structures and their settings. I am satisfied that this balance has been achieved with the front garden area and retention of trees (as per the arboricultural report) and planned tree planting in this area. I am satisfied that the house itself retains sufficient grounds and visual separation via existing and planned landscaping to the south of the building and when viewed from Mount Anville Road.

Block E and Impact on Knockrabo Gate Lodge West:

10.8.17. The gate lodge positioned to the southeast of Cedar Mount and west of proposed Block E, is called Knockrabo Gatelodge West (RPS no. 796). This gate lodge is orientated east-west and its southern boundary forms part of the wall along Mount Anville Road. Originally the gate lodge was associated with a separate large house further east called Mountanville House (no longer in existence/at location of Knockrabo Phase 1 and was not associated with Cedar Mount). This Knockrabo Gatelodge West and its associated entrance piers and railings are protected structures. I note an additional gatelodge has been retained further along Mount Anville Road at the eastern end of Knockrabo Phase 1 where a wide sweeping pedestrian entrance and original gates piers is retained. Housing has been constructed adjoining that gate lodge.

10.8.18. The applicants Conservation Strategy and HIA Report accompanying the application states 'The visual impact of block E on the western lodge of the former Mountanville House will be more significant. However, this secondary lodge of modest design is not of sufficient architectural merit to warrant the loss of development potential of the adjoining land'. The report notes the context and setting has already changed radically with the loss of Mountanville House and it is noted the lodge itself will be extended, as per the extant permission relating to it.

10.8.19. The CE Report and report of the Conservation Officer of DLR notes that legislation does not rate protected structures in terms of quality and it is therefore irrelevant whether the gate lodge is less impressive than Cedar Mount.

10.8.20. I agree with the PA that the scale of the gate lodge is irrelevant in terms of the protection afforded to it, and that what is important is the maintenance of the character and setting of that structure. As noted previously, I consider a balanced approach to the consideration of development is required in instances such as this, where the land is zoned and sensitivities exist in relation to site characteristics such as protected structures and trees to be retained, which is highlighted in the S.28 Building Height guidelines. The proximity of Block E to the gate lodge means the block will inevitably be visible from the structure, and what I am assessing is if that visibility is detrimental to the character and setting of the structure such as would warrant a refusal. I have reviewed the site layout as proposed and note Block E is 15m from the gate lodge and is set east and north of the gate lodge, at a lower ground level. To the direct east, west and south of the gate lodge, the land is proposed to be retained as public open space, with a large tree being retained to the east of the gate lodge, providing a buffer between the boundaries of the gate lodge and the surrounding development. There is a distance of 33m between Knockrabo Way street and the eastern/front elevation of the gate lodge. I refer the Board to Site Section G-G which shows the gate lodge, Block E, Cedar Mount, and Block F. While there will be a visual impact from Block E I do not consider this impact so significant as to warrant the omission of Block E. The gate lodge will retain its own open space area with an extension to its west as previously permitted. The public open space immediately adjoining the gate lodge will support its setting and character. While the proposed new development will be visible from the gate lodge I do not consider this a negative but an evolution from the past setting of such houses to the present evolution of the city, which recognises its past while moving forward to accommodate the present. As is evident throughout Dublin city, and its towns, villages and suburbs, that as places evolve, new elements/developments will be visible from and within the views and prospects of historic buildings, and that this is appropriate to allow for balanced development. It is provided for within the DLR Development Plan.

Blocks F and G - Impacts on Cedar Mount

10.8.21. I have considered the context of Cedar Mount with regard to Block E, and I consider further here the impact of the height, scale and massing of Blocks F and G on its setting and amenity.

10.8.22. I note the positioning of Blocks F and G to the northeast and northwest respectively of Cedar Mount. The submitted site section H-H with this application shows the overall height of the extant permission relating to the permitted block (6 storeys) at the location of the now proposed Block F. The northern end of Block F is 3.9m higher than previously permitted and the southern end is 800mm higher. As per the cross section which indicates Block A-B, I consider Block F sits comfortably with the existing development to the east and will complement the streetscape at this location. In terms of its impact on Cedar Mount, I note Block F at its closest point, is c. 22m from the rear of Cedar Mount, with this closest section of Block F being 3 storeys over basement, rising to six floors at distance of c. 39 east of Cedar Mount and c. 48m north (given the inverted L shape of the building), with the building rising up to 7 floors over semi-basement at its northern extent only, which is a distance of c. 48m from the rear of Cedar Mount. Block G to the west is rectangular in shape and orientated north to south, with this block c. 26m at its closest point to Cedar Mount. Block G is at a height of level 0-level 5, with the upper levels 6-7 set back a distance of 55m from the rear of Cedar Mount. Block H at level 0-3 is 22m from the rear of Cedar Mount with the upper levels 4-5 a distance of 39m at its closest point (eastern part of Block H) and the upper levels of 6-7 are a distance of 51m from the rear of Cedar Mount. The front of Cedar Mount (which is the elevation most unaltered given the modern extension to the rear), has been retained in open space to the south and to the east of the building with retained trees within this 'front lawn' area. I consider this space, together with the positioning and design of Blocks F and G to the side and rear of Cedar Mount will not significantly detract from the existing protected structure. Overall, I consider the blocks are appropriately located on either side of the house and sufficiently staggered in height and set back to not result in significant overbearance of the house or detract from its setting. I refer the Board to views 2, 11, and 15 of the submitted Photomontages.

10.8.23. Given the location of blocks F and G on either side of Cedar Mount with the north-south access street aligned to the centre of the house (view from the rear is of a modern extension, nonetheless the positioning allowing a recognition of the former

central position the house had within the lands), in addition to the design of Block F and G, in terms of their staggered heights, separation distances and material finishes, I consider the character and setting of Cedar Mount would not be so negatively altered as to warrant a refusal of permission or amendment of height, as recommended in the CE Report. I am satisfied that while the setting of Cedar Mount House will be permanently altered in a significant way with the positioning of the blocks to the northeast and northwest of the house, I do not consider this a negative or unexpected in such an evolving and expanding urban area. The space afforded to the front of the house is acceptable in support of the setting of the house and while the apartment blocks to the north will be visible, I consider the stepped height, positioning and orientation of the blocks, and separation distances involved will not overwhelm the setting of the protected structure.

#### Impact of Development on Protected Structures to the Southwest of the Site

- 10.8.24. The CE Report under recommended refusal no. 3 makes reference to the visually obtrusive and overbearing impact of the proposed development when viewed from the properties at Chimes, The Garth and Thendara on Mount Anville Road, Cedar Mount House (a protected structure) and Knockrabo Gate Lodge west (a protected structure), due to the height, scale, and separation distances to the boundaries.
- 10.8.25. I have considered the protected structures of Cedar Mount and Knockrabo Gate Lodge West above and I consider hereunder those properties to the west, which front onto Mount Anville Road and which share a rear boundary with the application site.
- 10.8.26. The property on Mount Anville Road, immediately west of Cedar Mount, is called Mount Anville Lodge. Permission was previously granted in the rear garden for a detached two dwelling, however this was never constructed and that permission has expired. This property has a rear garden depth of c. 65m from the rear of the existing dwelling to the rear boundary, with a distance of c. 80 to the elevation of Block H and c.76m to Block G. I note these blocks are not directly to the rear boundary of this dwelling but sit either side of it. The semi-detached properties to the west of Mount Anville Lodge are called The Garth and Thendara (both protected structures) and these properties have rear garden depths of c. 63m, with a distance



of of c. 78m between the rear elevation of these dwellings to the elevation of Block H. The neighbouring detached property to the west is called Chimes, which has a rear garden depth of 35m and is c. 49m from the elevation of Block H. I note Block H is positioned to the rear of The Garth and Thendara, with the body of the block being to the northeast of the boundary with Chimes. Hollywood House and three neighbouring infill dwellings are located to the west of Chimes and is west of the development site boundary. This property and the infill dwellings comprises a large dense high evergreen tree line along the rear boundary and I consider the proposed development will not be visible from this location. Notwithstanding this, I note the significant separation distance of Block H to Hollywood House and adjoining dwellings at c.69m.

10.8.27. In terms of the site layout relative to Mount Anville, The Garth, Thendara and Chimes, I have noted above the significant distances between the dwellings themselves and proposed Blocks H and G. I note between Block H and the rear boundaries of these properties (which comprise primarily high stone walls), there is an access street which serves the development. There is a distance between the rear boundary of these properties and Block H of c. 13m. I note the significant depth of the gardens related to these properties and the significant distance between the dwellings and Block H, as well as the intervening use of the proposed street. I further note the orientation of the site north of these properties and relative to the path of the sun (see section 10.10 hereunder), with no significant impacts in terms of overshadowing or loss of daylight. I further note Block H is constructed at a lower ground level to those properties, and I note the staggered height of Block H at 17.25m (5 full floors of accommodation, with upper 6<sup>th</sup> floor set back and reduced in width, so that the footprint at that level is to the western side of the building only, to rear of Thendara). I consider that the proposed development while being visible it is not uncharacteristic or unexpected given developments on zoned residential lands in the wider area. I consider the proposed development given its positioning and its design will not significantly detract from the visual amenities of the protected structures or the adjoining residential properties which are not protected, and will not be significantly overbearing or visually intrusive. In my opinion the outlook/view from these properties toward the development would not be oppressive or overbearing.

## 10.9. **Biodiversity, Ecology, and Landscaping**

- 10.9.1. An Ecological Impact Assessment (EclA) was submitted with the application, dated 26<sup>th</sup> October 2021. An Arboricultural Report has been submitted, with supporting drawings of Tree Constraints Plan, Tree Impacts Plan, and Tree Protection Plan. A Landscape Plan has also been submitted.
- 10.9.2. As part of the EclA, field surveys were undertaken in 2017 and are seen in Appendix I of the report. Further assessments were carried out on the 1st September 2021 (Habitat Survey), Breeding Bird Survey (June 2021), and Bat Surveys (September 2017 and 2021).
- 10.9.3. The site consists mainly of spoil and bare ground, and bare ground being recolonised by vegetation. Some scrub of ornamental/ non-native species, woodland, a tree row and an area of scattered trees and parkland exists. The majority of the trees are of exotic species such as sycamore, beech, cedar and horse chestnut. As part of the Extant Permission, which has commenced, most of the trees north of Cedar Mount have been removed. It is proposed to remove 16 of 37 trees (43.2%). The Scattered Trees and Parkland (WD5) and Treelines (WL2) would be considered to be of local biodiversity importance, primarily as a result of the nesting resource for birds and providing a foraging habitat for bat species. No habitats of conservation significance were identified. No rare or plant species of conservation value were noted or rare or threatened plant species. The habitat is overall of local biodiversity value.
- 10.9.4. Japanese Knotweed (*Reynoutria japonica*) is located to the north of the site in a previously constructed bunded area for treatment on site (see EclA, Appendix II, progress report compiled in 2020 detailing the control work carried out in 2019 on the Japanese knotweed present on the development site and in adjacent gardens). There was re-emergence of knotweed in 2020, but no updated information on the status of the Japanese knotweed on the development site and adjacent properties in 2021 is included. This is a high impact species listed on the third Schedule of regulation 49 & 50 in the European Communities (Birds and Natural Habitats) Regulations 2011. The Department of Housing Local Government and Heritage recommend a condition in relation to the submission of an updated Japanese Knotweed Management Plan prior to any works commencing on site. I consider this would be warranted should the Board be minded to grant permission.

- 10.9.5. No rare or threatened faunal species were recorded and no signs of protected fauna were detected. The common frog (*Rana temporaria*) was not observed on site. No protected terrestrial mammals or water features that may be important to protected amphibians were recorded on site.
- 10.9.6. Three bird surveys of the site were undertaken in June 2021. The habitat as surveyed is not suited to wintering birds. A total of 28 species were identified, 23 of which commonly nest in trees or shrubs. None of the bird species identified from the site are on the red or amber listed on the List of Bird Species of Conservation Concern in Ireland. As noted in the submission from the Department of Housing Local Government and Heritage, the loss of bird nesting habitat which will result from the proposed vegetation clearance on the development site will be compensated in the longer term by the planting of 181 semi-mature, heavy standard, and multi-stemmed trees, as well the hedges and ground cover to be included in the landscaping of the new development. A condition is recommended in relation to the timing of vegetation and tree removal.
- 10.9.7. Bat surveys of the development site undertaken in September 2017 and 2021. Two of the commonest bat species present in Ireland, soprano pipistrelle and Leisler's bat were recorded foraging over the site. An inspection of trees on the site found one tree, an ash, which is to be retained, containing a feature potentially suitable for use as a bat roost. The bat assessment states the likelihood of bat collision with the proposed buildings is not significant as the materials proposed for the apartment blocks are generally solid and would have good acoustic properties to reflect echolocation signals. The EclA contains recommendations with regards to making the lighting to be installed in the proposed development bat friendly. A submission from Department of Housing Local Government and Heritage was satisfied with lighting measures proposed and recommended a condition in this regard.

#### Trees

- 10.9.8. The submitted EclA states that the tree retention and removal strategy, as indicated in the accompanying arboricultural assessment, is the same as that proposed as part of the Extant Permission (D17A/1124). I note under the extant permission the apartment block at the entrance to the scheme was omitted, which resulted in two category A trees being retained. 84 of the trees permitted for removal under

D17A/1124 are stated to have since been removed in accordance with that permission.

10.9.9. I note observers and the CE Report raise concerns in relation to the loss of two category A trees where Block E is proposed and this forms the basis of recommended refusal reason no. 6 in the CE Report which states: 'The removal of tree nos. 0711 and 0710 both of which are category A trees, consisting of a Blue Cedar tree and a Copper Beech tree respectively, in order to construct block E, fails to accord with Policy OSR7 of the County Development Plan and the objective on the site which seeks to protect and preserve trees. The proposed development would therefore seriously injure the amenities of properties in the vicinity and be contrary to the proper planning and sustainable development of the area'. I note the Parks Report in Appendix A of the CE Report states that the arboricultural report submitted with the application is comprehensive and a thorough assessment of the trees including the root zone areas was submitted. It is further stated that the landscape proposals are an appropriate response to a site with an engaging topography and many existing exceptional trees. I note the Parks Report does not recommend retention of any of the trees proposed for removal.

10.9.10. The Arboricultural Report states 16 trees of the 37 on site are proposed for removal. Those for removal are broken down into the following categories: 4 No. category 'U' Trees (3 U trees to remain); 3 No. category 'A' Trees (5 A trees to remain); 1 No. category 'B' Tree (6 B trees to remain); and 8 No. category 'C' Trees (5 C trees to remain); and 2 No. Hedges. Drawing no.KB-P2002 shows the work exclusion zone around the tree vegetation to be retained.

10.9.11. The following is stated in relation to the A trees for removal, nos 710, 711 (at location of Block E) and 802 (at location of Block G), that these are young trees planted as part of more recent landscaping with long life potential. I note no. 710 is listed as a mature copper beech; no. 711 is a semi mature blue cedar and no. 802 is a semi-mature Ash. B tree no. 705 (at location of Block F) was permitted to be removed under D17A/1124. All of the C trees were highlighted for removal in the extant permission, D17A/1124. Tree Nos.0708 & 0742 have been downgraded from a category grade of 'B' to 'C' and tree No.0741 downgraded from a category 'C' to 'U' due to deterioration in their condition. Tree Nos.1-4 had not been identified individually previously, but had been included as part of hedge No.2 for removal. The

Arboricultural Report states 'The loss of the above list of trees will have minimal impact on the overall treescape and sylvan character of this area as the bulk of the trees requiring removal to facilitate the proposed development are of a small size, many of which had been planted in more recent years as part of a landscaping project when 'Cedarmount House' was separated from the 'Knockrabo' lands'. Tree protection measures are set out within the Arboricultural Assessment, with specific reference to tree no. 715 (mature Ash) which is proximate to Block E and will require specific attention during construction to minimise impact and tree no. 996 (large Monterey Cypress) located on the northern side of the site, where landscaping works and changes to the ground level will have to take specific care.

10.9.12. Map 1 and 2 of the CDP shows a tree symbol sited centrally to the north-east of Cedar Mount, the objective of which is "To protect and preserve trees and woodlands". The development plan under Policy OSR 7 and Section 8.2.8.6 addresses trees. This Policy states that "Trees...which form a significant feature in the landscape or are important in setting the character or ecology of an area should be preserved wherever possible" and this section cites BS 5837 (2012) as the relevant standard for handling trees on development sites. Section 8.2.8.6 of the development plan further states 'New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerow and new developments shall have regard to objectives to protect and preserve trees and woodlands as identified on the County Development Plan Maps'. It is further stated 'Where it proves necessary to remove trees to facilitate development, the Council will require the commensurate planting or replacement trees and other plant material. This will be implemented by way of condition. A financial bond may be required to ensure protection of existing trees and hedgerows during and post construction'. The Goatstown LAP under OS4 states 'It is an objective of the Plan to protect and preserve mature trees / groupings of trees that add to the character and visual amenities of the area'. OS7 states 'It is an objective of the Plan that proposals for new development should include measures to retain existing trees and incorporate them into the overall landscaping plan'. The LAP further states 'New developments should include proposals to retain existing mature trees where appropriate and provide for planting of new trees. In large residential developments where it is required to provide public open space, existing trees

should be incorporated into the overall landscape scheme and used to enhance public open space.'

10.9.13. The stated approach in terms of trees in the submitted documentation has been to retain as many trees as possible. I note the level of tree retention alongside the trees retained on the developed site to the east, which combined add significantly to the character of the area. I consider there is a balance required between achieving the sustainable development of this zoned serviced site within the metropolitan area and the requirement to protect existing significant trees and the amenity value of the site. I therefore consider the loss of three category A trees in the context of the wider site, will be adequately mitigated for as per the proposed landscaping plan. While the CE Report references trees no. 0711 and 0710 in recommended refusal no. 6, I note it does not reference the third category A tree for removal and the Parks Department in their report attached to the CE Report raises no issues with regard to the three category A trees proposed to be removed, noting the rationale given by the applicant in relation to these trees.

10.9.14. Having regard to the tree retention plan and the level and quality of planting proposed in the landscaping plan (planting of 181 semi-mature, heavy standard, and multi-stemmed trees, as well the hedges and ground cover), I am satisfied that the development as proposed will provide for a high-quality open space plan supported by the character of existing trees being retained.

#### EclA – Mitigation Measures

10.9.15. The EclA outlines a range of protection measures, including

- A preconstruction bat and mammal assessment;
- A pre-construction Invasive species survey will be carried out to ensure containment of invasive species on site. Updating of the invasive species management plan will be required. This will be carried out prior to any site clearance on site. All Japanese knotweed stands will be marked with a 7m perimeter prior to any machinery coming on site;
- Appropriate monitoring of groundwater levels during site works will be undertaken;

- In order to prevent “downstream impacts” appropriate mitigation measures will be developed including silt fences, retention ponds and filtering of excess water for suspended solids prior to discharge, if required;
- A wheel wash will be present on site and road sweeping of surrounding roads will be in place during enabling works;
- The bat foraging areas within the site will not be directly lit during the construction phase. Lighting on site during operation will be as per Bats & Lighting: Guidance Notes for: Planners, engineers, architects and developers, to ensure that foraging continues on site. A pre-construction bat assessment will be carried out. A post construction assessment of lighting will be carried out to confirm lighting and spill is as per designed lighting strategy.

10.9.16. I am generally satisfied with the mitigation measures proposed, none of which I note are required for the protection or management of European sites. No special nature conservation objectives relate to the subject site. The issue of appropriate assessment is dealt with in Section 11 below.

## 10.10. **Quality and Residential Amenity of Proposed Development**

### Design Standards for New Apartments

- 10.10.1. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2020 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.
- 10.10.2. The apartments have been designed to comply with the floor areas as per SPPR3 and appendix 1.
- 10.10.3. SPPR4 relates to dual aspect ratios and states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The development achieves this, with a stated 51% dual aspect units. I note there are 12 north facing single aspect units in the scheme, however, these overlook a high quality open space with retained mature trees. The design response aims to maximise natural light and I am satisfied that the proposed apartments will provide for high quality residential amenity in this regard.

10.10.4. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with. SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement has been met.

10.10.5. A Building Lifecycle Report has been submitted, as required under section 6.13 of the Apartment Guidelines.

10.10.6. Car parking provision is considered acceptable and in accordance with guidelines (this is addressed in detail in Section 10.12 hereunder).

#### Communal Open Space

10.10.7. Section 4.10 of the Apartment Guidelines refers to the requirement for communal amenity space. Based on the number and size of units proposed, the development generates a requirement for 1779sqm of communal open space. This requirement is met with 2176sqm communal open space proposed to serve Block E, F, G and H. This includes a 198 sq. m Roof level Communal Open space provided within Block F.

10.10.8. I note residential tenant amenity spaces of 537.2 sqm is proposed at ground level within the northern end of Blocks H and G to cater to the new residents of the proposed development. This will complement outdoor communal amenity space for the residents. While I note the CE Report considers such amenities may be better centrally located, I am satisfied with the location as proposed, which is proximate to the shared public open space between this development and Knockrabo to the east, will provide for passive supervision of adjoining space and will be accessible to all.

#### Separation Distances Between Blocks

10.10.9. The CE Report raises concerns in relation to minimum separation distances of 11.7m are noted between Blocks G and H and considers this will impact the residential amenities of future residents by way of overlooking and overbearing.

10.10.10. Section 8.2.3.3(iv) of the operative County Development Plan states 'All proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. The minimum clearance distance of circa 22 metres between



opposing windows will normally apply in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable'.

10.10.11. I have reviewed the plans submitted and note the separation distances referred to, which relates to a portion of Block H opposite a section of Block G. I note the units at ground level if Block G oppose facilities/services uses in Block H, therefore no overlooking arises. The opposing elevations are at a distance of 11.7m from each other, from level 2 to level 4, with a section having a separation of 13.4m due to a stagger in the block. I note the units in question are all dual aspect units and benefit from two outlooks, therefore I do not consider the positioning of these elements of Block H and G would be overbearing for future occupants. The windows opposing each other (serving bedrooms and living rooms) are slightly staggered in their location and will therefore not give rise to direct overlooking. I consider given the design measures incorporated into the blocks and given their orientation, the separation distances are acceptable. I note there is no preclusion to separation distances below 22m in the development plan and while this is the distance to be normally applied, there is an appropriate and adequate rationale provided as to why in this specific circumstance it is not required, and I am satisfied in respect of the development management standards that the plan allows for flexibility.

#### Sunlight Daylight

10.10.12. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site

constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

10.10.13. The applicant has submitted a Daylight and Sunlight Report, section 2 and 3 of which outlines the guidelines and standards used and the methodology applied. The applicant's assessment of daylight, sunlight and overshadowing relies on the standards in the BRE Report "Site Layout Planning for Daylight and Sunlight"; and British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting. I note British Standard BS 8206-2:2008 has been updated, however, the updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.

10.10.14. I note that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria, and the BRE guidelines state that although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers). The standards therefore described in the guidelines are one of a number of matters to be considered in a balanced and holistic approach to assessment of the site context and building design.

10.10.15. I assess hereunder the impact on daylight in relation to the internal layout of the scheme and the units. I have assessed potential impacts on neighbouring properties separately and I refer the Board to section 10.11 of this report hereunder.

#### Daylight - Internal to the Proposed Buildings

10.10.16. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance

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

10.10.17. The submitted report sets out the methodology in terms of the rooms selected for assessment. I consider the approach as set out to be robust and in accordance with best practice. For combined living/kitchen/dining rooms a 2% ADF value is applied, 1.5% for living rooms and 1% for bedrooms. It is stated in the report that an additional assessment against a 1.5% ADF for combined LKDs has also been set out within the report.

10.10.18. With regard to Block E, all bedrooms and LKDs are in compliance with the BRE recommended 1% ADF for bedrooms and 2% ADF for LKD. 93% of the tested rooms are achieving Average Daylight Factors (ADF) above the BRE and BS 8206-2:2008 guidelines when Living/Kitchen/Dining spaces are assessed as whole rooms against a 2% ADF target and bedrooms against a 1% ADF target.

10.10.19. With regard to Block F, 12 of the 217 rooms assessed showed a ADF of below 2% for LKDs but above 1.5%. All bedrooms were above the 1% ADF.

10.10.20. With regard to Blocks G and H, 17 of the 368 rooms assessed showed an ADF of below 2% for LKDs. 6 of this 17 were below 1.5% ADF for LKDs, while the remaining 11 were above 1.5%. All bedrooms met the 1% ADF guidance.

10.10.21. Overall, 93% of the tested rooms achieve ADFs above the BRE and BS 8206-2:2008 guidelines when Living/Kitchen/Dining spaces are assessed as whole rooms against a 2% ADF target. Section 11.7 of the report sets out compensatory measures in relation to the rooms that did not meet the 2% standard and it is stated that the incorporation of the compensatory measures (as set out hereunder) more than offset the reduced daylight performance when the proposed development as a whole is considered.:

- 68.7% of the apartment units have a floor area greater than the minimum floor area requirements. Note, larger apartments make it more difficult to achieve the recommended daylight levels.

- 51.5% of the apartment units are dual aspect which is above the 50% minimum requirement. As a result, more apartment units than the recommended minimum will achieve quality daylight from dual-aspect orientations.
- All apartment units have a balcony and although the provision of a private balcony has a negative impact on internal daylight levels, this is offset by the provision of private amenity space which was deemed of critical importance to the future occupants by the design team.
- 22.4% of the overall Knockrabo development lands are provided as public open space, well in excess of the minimum requirements.
- An additional 50% of communal open space above the minimum requirements is proposed across the development, including landscaped courtyards and a roof top terrace with views over Dublin.

10.10.22. I have considered the daylight impacts against the wider benefits of developing the site. I consider the design and layout of the development, which is influenced by the context of neighbouring protected structures, existing landscape, topography and the requirement to provide for overlooking and a positive urban edge to streets and open space, as well as connections to existing open spaces and adjoining developments, and the urban design solutions as proposed are considered positive given the context and benefits of developing the site. The CE Report raises no concerns in relation to the assessment submitted and compensatory measures proposed.

#### Sunlight Access Impacts

10.10.23. Annual Probable Sunlight Hours (APSH) is a measure of sunlight that a given window may expect to receive over the period of a year. The percentage of APSH that windows existing properties receive might be affected by a proposed development. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed.

10.10.24. A proposed development could possibly have a noticeable effect on the sunlight received by an existing window, if the following occurs:

- The APSH value drops below the annual (25%) or winter (5%) guidelines; and
- The APSH value is less than 0.8 times the baseline value; and

- There is a reduction of more than 4% to the annual APSH.

10.10.25. The submitted report sets out that the results of the APSH test note that 45% (160 of 352) of main living room windows tested are achieving 25% annual and 5% winter sunlight hours. The windows that do not meet this recommendation are as a result of their orientation (north facing/northwest/northeast facing windows), their courtyard position within this urban development, and the provision of a balcony. It can also be noted that in some cases all of these points are evidence to why a living room window did not achieve the recommended targets for sunlight. Compensatory design measures have been incorporated into the design of the scheme in relation to this issue (see Section 10.10.22 above), and as noted above, I have considered the sunlight and daylight impacts against the wider benefits of developing the site. I consider the level of impact acceptable within the context of this evolving urban area, which is well serviced and accessible, and where a higher density development is in accordance with the zoning and development plan policies for the area. As noted above I have considered the impacts against the wider benefits of developing the site. I consider the design and layout of the development has been influenced by the context of neighbouring protected structures, existing landscape, topography and the requirement to provide for overlooking and a positive urban edge to streets and open space, as well as connections to existing open spaces and adjoining developments. The balanced urban design solutions and sunlight-daylight assessment as proposed will result in a high quality development for future occupants.

#### Sunlight in Proposed Outdoor Amenity Areas

10.10.26. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March, in order to appear adequately sunlit throughout the year.

10.10.27. Section 10 of the applicant's Sunlight and Daylight Report assesses sunlight within the proposed amenity spaces, including the communal amenity spaces between Block H and G, within the courtyard of Block F and its roof terrace, communal area serving Block E and public open space north of Block E/east of

Cedar Mount and at the northern end of the scheme. The courtyard serving Blocks H and G achieves 53% sunlight for at least 2 hours on the 21<sup>st</sup> March, 98% of the courtyard in Block F meets the guidance and 99% of the roof terrace. 100% of the area serving Block E achieves the 2 hour standard and 92% and 100% of the two main public open spaces achieves the 2 hour standard.

#### Sunlight-Daylight Conclusion

10.10.28. In conclusion, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research Establishment's '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 development has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants, as per the Building Height and Apartment Guidelines.

#### Noise Assessment

10.10.29. I note a Noise and Vibration Assessment report has been submitted with the application given the proximity of the site to the reservation corridor related to the proposed Dublin Eastern Bypass route. I note the proximity of proposed Block G and H to the road reservation relating to the eastern by-pass of 6m at their closest points, with the ground level tenant amenity space located 3.4m from the reservation line. I have reviewed the noise assessment submitted and had regard to the noise mitigation measures integrated into the design, including enhanced acoustic glazing, winter gardens and boundary treatments, with winter gardens on the north western facade of block H, the north western and north eastern facade of block G and the northern facade of block F, along with the screening measures on the roof terrace in block F, and a landscaped podium between G and H.

10.10.30. The CE Report acknowledges the noise mitigation measures proposed, however, considers that 'Notwithstanding the NTA's Draft Transport Strategy for the Greater Dublin Area, it is considered that a greater setback from the Eastern Bypass Corridor along the northern boundary would improve the quality of the development further'. I note the separation distance from Block G to the road reservation line is greater than that relating to the previously permitted apartment block at this location

under the extant permission, albeit the tenant amenity space is more proximate. Notwithstanding this and assessing the application on its own merits, I do not agree with the PA assertion that a greater separation distance is warranted in this instance and I am of the opinion that the design and associated mitigation measures are sufficient to ensure a high standard of internal residential amenity for future occupants with no residual adverse noise impacts identified following implementation of the mitigation measures as proposed. Overall I consider the proposed dwellings are adequately designed and would provide an acceptable level of amenity for future occupants.

#### Unit Mix

- 10.10.31. The dwelling mix caters for a range of 1, 2, and 3 bed units, primarily in the form of apartments, with a limited number of duplexes (three in total).
- 10.10.32. The Apartment Guidelines state under SPPR 1 that ‘Housing developments may include up to 50% one-bedroom or studio type units ... and there shall be no minimum requirement for apartments with three or more bedrooms...’. I have further considered SPPR4, subsection 2 and 3, of the Building Height Guidelines which support a greater mix of building heights and typologies in planning for the future development of suburban locations and avoidance of mono-type building typologies.
- 10.10.33. Within the proposed development 43% of the units are one bed, 54% are two bed, and 3% are three bed. DLRCDP policy RES7 seeks to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County. I note that section 8.2.3.3 (iii) states ‘Apartment developments should provide a mix of units to cater for different size households, such that larger schemes over 30 units should generally comprise of no more than 20% 1-bed units and a minimum of 20% of units over 80 sq.m.’ I note this section states ‘should generally comprise’ and does not state that larger schemes over 30 units ‘shall comprise’, therefore I consider that this allows for a degree of flexibility regarding the proposed housing mix. The Goatstown LAP states under RD1 ‘It is an objective of the Plan that all new residential development within the Plan area shall provide for a mix of household types, sizes and tenures that both complements and enhances the existing residential mix’.

10.10.34. While concerns are raised in submissions that the scale of smaller units is unsupportive of family living, I note the wider area historically comprises a large number of family size two storey dwellings, as recognised in the Goatstown LAP. The Apartment Guidelines (2020) state that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector. As such, I consider that the proposed apartment accommodation will support a variation in typology for different sectors of society in this area, and is in line with the overarching national aims to increase housing stock, including in the apartment sector, as set out in various policy documents, including, but not limited to, Rebuilding Ireland – Action Plan for Housing and Homelessness (2016) and Housing for All – A New Housing Plan for Ireland (2021). I am satisfied that the development is in accordance with SPPR1 of the Apartment Guidelines and SPPR4, subsection 2 and 3, of the Building Height Guidelines. As set out in the submitted CE Report, the Planning Authority states it ‘welcomes the provision of 1, 2 and 3 bedroom apartments, which provide a greater overall housing mix to the wider area and provide a sustainable density on the site’.

10.10.35. While there was a typographical error in the description of development in relation to the number of two bed and one bed units in Block F (figures switched in error), I note in the documents submitted this error was not repeated and there was adequate information in the body of the report to accurately describe the proposed development to the public and the description of development was correct in the overall figures stated.

#### **10.11. Impact on the Amenity of Neighbouring Properties**

10.11.1. I address hereunder issues of overlooking, loss of light, privacy and amenity, health and safety concerns, and noise pollution as a result of the proposed development.

10.11.2. The CE Report from DLRCC recommends refusal of the proposed development based on concerns relating to height, scale and massing, separation distances to boundaries, visual dominance and overbearance.



10.11.3. In addressing the issues raised, I have examined the impacts of the development on the sunlight-daylight of neighbouring properties and the impact of the development in terms of overlooking, overbearance and overall impact on residential amenity. From the outset I would note that in examining applications for multi-unit development, a balance is required in all assessments in relation to making the most efficient use of zoned and serviced land in the delivery of housing, where land is a finite resource, against the impacts of a proposal on existing residential amenities as well as the visual impact of the proposal (see also Section 10.7 above in this regard).

#### Overlooking and Overbearance

10.11.4. The closest sensitive receptors in terms of potential for overlooking, overshadowing, loss of privacy are the dwellings to the southwest of the application site and the existing apartment developments to the east.

10.11.5. I have examined the separation distances between the proposed blocks and the neighbouring properties, the layout of the blocks, and the architectural design of the proposal in terms of modulation of height, layout and finishes. I refer the Board to Section 10.8 above where I examine in detail Blocks H and G relative to the existing dwellings to the southwest and Cedar Mount. I am satisfied that, while the proposed development will alter the outlook from existing dwellings and from Cedar Mount and gate lodge, the proposal will not in my opinion result in significant negative impacts in terms of overlooking, loss of privacy or overbearance for the reasons stated above. I have considered in detail issues of sunlight, daylight, and overshadowing in a separate section hereunder and I am satisfied the proposal will not have a significant negative impact on existing residential amenity in this regard.

10.11.6. With regard to the existing apartment blocks to the east, I note separation distance between existing Blocks A-B and Block F of 22-24m. I refer the Board to Site Section B-B which demonstrates the height of the proposed development relative to existing Apartment Block A. I am satisfied given the separation distances involved and intervening location of the access street and associated footpaths, that the proposal will not result in excessive overlooking, or loss of privacy. I have considered the height, scale and massing of the proposal and I consider it will not be overbearing and will sit comfortably with the modern development of Knockrabo to

the east and Cedar Mount and the Gate lodge to the west/southwest (see Section 10.8 above in relation to detailed assessment of impact on protected structures). I have considered in detail issues of sunlight-daylight hereunder and I am satisfied the proposal will not have a significant negative impact on existing residential amenity.

#### Daylight – Vertical Sky Component (VSC)

- 10.11.7. In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms.
- 10.11.8. Tests that assist in assessing this potential impact, which follow one after the other if the one before is not met, are as noted in the BRE Guidelines:
- i. Is the separation Distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
  - ii. Does the new development subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)
  - iii. Is the Vertical Sky Component (VSC) <27% for any main window? (ie. if 'yes' test 4 required)
  - iv. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
  - v. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected)
- 10.11.9. The above noted tests/checklist are outlined in Figure 20 of the BRE Guidelines, and it should be noted that they are to be used as a general guide. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply.
- 10.11.10. The neighbouring properties that were assessed in the submitted Daylight and Sunlight Report with regard to VSC are Cedar Mount, Knockrabo Gate Lodge West, 'Mount Anville Lodge', 'Thendara' (RPS Ref. 812), 'The Garth' (RPS Ref. 819), 'Chimes', and the corner rear boundary of 'Hollywood House' (RPS Ref. 829). The results of the assessment indicate that of the 45 points tested 96% (43 points)

comply with the BRE recommendations. The proposed VSC as a % of the existing situation was greater than 90% in relation all windows assessed across the seven neighbouring properties, with the exception of two windows. The two windows affected most relate to the separate coach house to the west of Cedar Mount (proposed to be redeveloped under an extant permission), where the existing VSC is 38-39 with the proposed VSC 20-22, which is 52-56% as a percentage of the existing situation. I note the assessment is of northern windows on the affected building and the rooms examined are dual aspect and served by additional windows on other elevations. I therefore do not consider the impacts arising to be significant and I consider the overall impact on the development based on 96% compliance with BRE guidance, rated as a negligible adverse impact on the daylight achievable to existing buildings, to be acceptable and overall would not result in a significant negative impact on the amenities of neighbouring properties in terms of daylight.

#### Daylight – Annual Daylight Factor (ADF)

- 10.11.11. The BRE guide states that ‘Use of the ADF for loss of light to existing buildings is not generally recommended. However, there are some situations where meeting a set ADF target value with the new development in place could be appropriate as a criterion for loss of light.’ “Point F8 (i) ‘where the existing building is one of a series of new buildings that are being built one after the other, and each building has been designed as part of a larger group.’”
- 10.11.12. This is the case with regard to Blocks A, B C and D located on the opposite side of access street to the development. With regard to Blocks A and B, with the proposed development in place, all bedrooms in the existing blocks retain an ADF of greater than 1% for bedrooms and greater than 2% for combined living/kitchen/dining rooms. Similarly with Blocks C and D, all bedrooms and combined living/kitchen/dining rooms are in compliance with BRE guidance, with the exception of one combined LKD at level 0, which falls marginally below the 2% being 1.78%, and is rated as negligible adverse. I consider the degree to which it falls below the BRE guidance is marginal and would not result in a significant negative impact on the residential amenity of existing residents.
- 10.11.13. The CE expressed concern that no ADF was provided for the existing neighbouring property of Cedar Mount, even though VSC was. I note the CE's

concern, however, ADF calculations for neighbouring properties is not recommended or required by BRE guidelines, in particular where such high levels of compliance with VSC are achieved and potential significant impact can be assessed and ruled out.

#### Sunlight Access Impacts

10.11.14. Annual Probable Sunlight Hours (APSH) is a measure of sunlight that a given window may expect to receive over the period of a year. The percentage of APSH that windows existing properties receive might be affected by a proposed development. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed. The existing neighbouring dwellings to the south along Mount Anville Road do not fit the criteria noted within the BRE guidance to complete the Annual Probable Sunlight Hours (APSH) analysis as they do not sit north of the proposed development.

#### Sunlight on Amenity Space of Neighbouring Properties and Overshadowing

10.11.15. The submitted Daylight and Sunlight Assessment assesses the impact of the proposed development on sunlight to existing amenity spaces and gardens of adjacent properties, namely the dwellings to the southwest which front onto Mount Anville Road, with their rear gardens backing onto the site and permitted courtyards serving existing Blocks A-B and Blocks C-D. The BRE guidelines recommend that at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21st March, or not less than 0.8 of its current situations, in order to appear adequately sunlit throughout the years. As for all tests, balance may be required to be applied.

10.11.16. The properties to the southwest, which front onto Mount Anville Road, will continue to receive more than 2 hours of sunlight on 21<sup>st</sup> March, with the percentage areas achieving greater than 2 hours being the same as that without the development. Similarly, the two communal open space courtyards serving the existing apartment blocks to the east will not be affected in terms of overall sunlight available, it being greater than 2 hours on 21<sup>st</sup> March. The impacts are therefore within the recommended BRE guidance.

10.11.17. A shadow analysis has also been submitted, which shows no additional shading with regard to the existing houses on Mount Anville Road. The images

indicate that the permitted dwellings on the East side of the project are receiving additional shading from the proposed development during late afternoon/evening of March (1400-1600) and in December (1400) with very minimal shading perceived during the late afternoon/evening in June (1600-1800). The overall impact of overshadowing is classed as a minor adverse impact. Given the orientation of the site, the anticipated level of impact is considered reasonable in this urban context and will not result in a significant negative impact on the residential amenity of existing neighbouring properties.

10.11.18. Based on the assessment submitted and having regard to the referenced guidance, I am satisfied that the proposed amenity areas will meet and exceed sunlight standards recommended under BRE guidance. The CE Report raises no issue with the proposal in this regard.

#### Sunlight-Daylight Conclusion

10.11.19. I have used the Guidance documents referred to in the Ministerial Guidelines to assist in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within an area identified for residential development/compact growth, and increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical. I am satisfied that the development proposed meets the guidance set out in the guidance documents and the development will not have a significant adverse effect on residential amenity of neighbouring properties.

#### Traffic and Construction Impacts

10.11.20. Concerns raised in submissions in relation to the impact of traffic, noise and dust during construction on existing residential amenities is discussed hereunder in Section 10.12.

### **10.12. Traffic, Transportation and Access**

10.12.1. A number of transport related documents have been submitted with the application including an Engineering Assessment (including Appendix E Road Safety Audit), Traffic and Transport Assessment (TTA), a Travel Plan and a Construction

Management Plan (which includes development control measures recommended as part of the Dublin Eastern Bypass Corridor Protection Study).

- 10.12.2. Observers raise concerns in relation to the level of traffic generated on the surrounding street network; existing traffic congestion; impact of traffic on Goatstown Cross and surrounds; and level of car parking proposed, which is considered substandard. Concern is also raised in relation to the level of public transport in the area and road congestion. I note the report from the Transportation Section of DLR Co.Co., submitted with the C.E. Report, comments on the underprovision of car parking and recommends one parking space per unit.

#### Site Access

- 10.12.3. The site will be accessed via an extension of the existing Knockrabo Way (permitted under extant permission reference D17A/1124), off Mount Anville Road. Knockrabo Way accommodates vehicular and pedestrian access via a 7m wide access road and adjacent 2m wide footpath from Mount Anville Road to the existing Knockrabo development to the east of the site. Access extends with this development to the north from the constructed Knockrabo Way (7m wide) to divert west to serve surface north-south and east-west streets in the northwest section of the site, with stated dimensions of 5-6.6m, with 2m wide pedestrian areas, with some of the streets described as shared surface zones.
- 10.12.4. A 2.4m x 49m sightline at the junction with Mount Anville Road is provided for, which is in compliance with the requirements of the Department of Transport 'Design Manual for Urban Roads and Streets' recommendation for a road of design speed of 50 km/h.
- 10.12.5. The TTA states that Knockrabo Way previously permitted under Reg. Ref. D17A/1124 is proposed to remain as previously granted. I note under D17A/1124 clarification was sought in relation to the provision of a footpath on the western side of Knockrabo Way which was permitted. The applicant responded with a map showing a footpath on the western side of Knockrabo Way, drawing ref 132059-2500 Rev B of D17A/1124. No reference is made on any of the drawings in relation to the permitted footpath nor is the CE Report clear in relation to the fact that this footpath was permitted by way of further information and clarification of information drawings received under D17A/1124. This footpath is required in my opinion to serve this

development. Given the lands are within the blue line ownership of the applicant, I consider a condition in this regard is warranted to secure this permitted footpath in a timely fashion. Failure to deliver the footpath as permitted is also an Enforcement issue, which is within the remit of DLR Co. Co. to address.

#### Public Transport, Cycle Infrastructure, and Road Proposal

- 10.12.6. The Kilmacud Luas Stop is c.1.6km south of the site and the Dundrum Luas stop is 1.6km west (approx. 19 min walk or 5 min cycle), with frequency of 4-8mins during peak week days.
- 10.12.7. In terms of bus services, the site is serviced by Dublin Bus route No. 11 along Goatstown Road, with the bus stop c.480m from the site. This route travels from Wadelai Park to Sandyford Business District, with a peak frequency of 10-15 min in the am peak (20min in reverse direction), 20 mins in the evening peak (in both directions), with off peak frequency of 20-30 min. The Go Ahead operated bus route No. 175 travels along Mount Anville Road (the stop is 100m from the site). This route operates from Citywest/Tallaght (including Tallaght Hospital) to UCD via Dundrum and has a 30 minute frequency in the am peak from Citywest to UCD (60 minute in reverse peak, ie UCD to Citywest), with an approx. 45-60 minute frequency at all other times. As noted elsewhere in this report, the hourly am peak capacity for the no. 11 is therefore c.320 passengers and the hourly am peak capacity for the 175 would be c.160 passengers, giving a total peak capacity of 480 people considering both routes.
- 10.12.8. The No. 17 (670m from the site; 7 min walk) travels along Roebuck Road linking to Blackrock DART Station, with a 20-30 min frequency. The submitted TTA highlights the following routes which are accessible on the N11/Stillorgan Road, which is 1500m (15 minute walk) to the east: Dublin bus route numbers 116, 118, 145, 17, 46A, 46E, 7B, and 7D. The 46A is the most frequent of these services, being every 9-10 mins at the peak mid-week. Figure 2 of the submitted TTA shows a map of the bus routes and table 2 indicates the frequency of services. I note figure 2 in error omits the no. 175 bus route, which is 100m from the site. I note table 2 inaccurately states the no. 11 frequency as 30 minutes. Table 1 of the submitted Travel Plan correctly states the peak and off-peak frequencies for the no.11.

- 10.12.9. As part of the Bus Connects programme it is proposed to replace these existing services with the No. 10 Bus Route, operating between Ticknock and the City Centre, passing along the Goatstown Road/R825 with a 30 minute frequency, and with the No. S6 orbital route, which will travel along Mount Anville Road (route of Tallaght to Blackrock) with a 15 minute frequency. The N11 will be a Spine Route with buses there having a frequency of 8-10mins.
- 10.12.10. As part of the Luas Green Line Capacity Enhancement project, extra capacity on the Luas Green Line is proposed to cater for the growing demand on the line in the short to medium term, by purchasing and introducing 26 new trams with 55m in length. According to the NTA, an extended tram increases passenger capacity by 30%. The submitted TTA states the first extended tram was introduced on Luas Green Line in October 2019, with the other 25 new trams to become operational in the following months.
- 10.12.11. There are no cycle lanes along Mount Anville Road, however, I note there are cycle lanes to the west on Goatstown Road and Drummartin Link Road, and to the east on Roebuck Road, with connections to additional cycle routes in the wider area. The Greater Dublin Area Cycle Network Plan includes a proposed new primary route along Mount Anville Road directly in front of the site, which in turn connects to the existing primary link along the N11 Stillorgan Dual Carriageway, which connects to the city centre.
- 10.12.12. Road proposals of relevance to the site include the 'Strategic Road Reservation' for the Dublin Eastern Bypass, which is located to the north of the site. A Proposed Bus Priority Route is indicated on Development Plan Map 1 running along Mount Anville Road and Goatstown Road.

#### Traffic and Transport Assessment (TTA)

- 10.12.13. The Traffic and Transport Assessment undertaken is based on TII's 'Traffic and Transportation Assessment Guidelines (2014)'. The existing road network, public transport routes and pedestrian/cycle facilities were assessed, and the existing traffic pattern was established.
- 10.12.14. I refer the Board to an extant permission on the majority of this site which permitted 93 units and 159 car parking spaces under permission D17A/1124. This development proposes 178 car parking spaces, which will lead to an increase of 19



car parking spaces over what was previously permitted on this site. While observers and the PA raise concerns over the level of parking in the current application, I note the PA in their current submission do not raise concerns in relation to the ability of the street network in the area to accommodate the number of car trips arising from the proposed development.

- 10.12.15. Traffic count data from 2017 was assessed for the single access t-junction into the site from Mount Anville Road. An updated traffic count was not undertaken due to covid 19 restrictions and the impact of this on traffic which would render the data inaccurate. Traffic data was taken from extant permission D17A/1124. For the purpose of establishing the baseline year of 2021, the 2017 peak hour flows have been factored up, in accordance with TII guidance. As Phase 1 and Phase 1A at Knockrabo (119 units) had not been constructed at that time, an estimated trip generation has been factored into the figures. I accept this methodology is more robust than carrying out traffic surveys in the current climate and presents an accurate snap shot of traditional and likely peak hour figures.
- 10.12.16. In establishing trip generation the proposed 227 units were assessed in addition to the permitted childcare facility (permitted under D17A/1124). It is estimated that the proposed development and the approved childcare facility will generate a total of 82 car trips in the AM peak hour (21 arrivals and 61 departures) and 53 in the PM peak hour (33 arrivals and 20 departures).
- 10.12.17. Junction 1 (entrance to site at junction with Mount Anville Road) was found to operate within capacity during both peak periods, and will operate with capacity for the future year scenarios.
- 10.12.18. I note some submissions raise concern in relation to the site being served off one access point only for this and the neighbouring development given the number of units being served. The results of the TTA indicate no issue with the capacity of the junction as proposed or requirement for greater dispersal of traffic. I am satisfied with the access arrangements as proposed. I note the CE Report raises no issues in this regard.
- 10.12.19. The concerns raised by observers regarding traffic congestion are noted, particularly around peak hours. While I accept that the proposal will give rise to additional traffic movements, I consider that the impacts of such given the scale of

development and accommodation of 178 car parking spaces on this zoned site would not be so great as to add significantly to existing traffic and would not warrant a refusal of permission. I note congestion related to schools is limited to a school peak which is a relatively restricted period of time with such traffic dispersing relatively quickly once the school opening times have passed. This site is located directly opposite the school and will not contribute significantly to school time traffic congestion in my opinion. General management of the existing road network as it exists beyond this site is raised as a concern with observers noting certain road closures or amendments to traffic flow in the wider area undertaken by the PA which has resulted in stated traffic congestion affecting Goatstown Cross. While I note concerns raised in relation to Goatstown Cross, I do not consider the volume of traffic proposed to be generated by this development will contribute significantly to existing traffic levels such as would warrant a refusal of permission. With regard to the issue of potential rat running in the wider area, there is no evidence that the existing road network cannot cope with the additional traffic identified as a result of this development and should traffic management measures recently implemented by the local authority in the wider area (independent to any consideration of this development) fail to work, that is a matter for the local authority to address. I note the CE Report and associated Transportation Report do not raise any issues in relation to existing traffic generation or flows along Mount Anville or in the wider area. I have no evidence before me to suggest the existing street network is at or nearing capacity.

10.12.20. Having reviewed all submissions and the documentation received, I am satisfied that the surrounding street network can cater for the predicted traffic generation arising from this development. I am satisfied that the location and design/layout of the scheme will support modal shift to active modes and to public transport services in the area. This is an urban area, where growth is to be expected in accordance with national and local estimates and it is the management of this growth into the future through a shift away from the private car to sustainable transport modes which will support the sustainable development of area. This is the policy approach supported by government and by the Dun Laoghaire Rathdown County Development Plan 2016-2022. Policy ST3 of the operative CDP deals with the matter of modal shift and states that 'It is Council policy that...effecting a modal

shift from the private car to more sustainable modes of transport will be a paramount objective to be realised in the implementation of this policy'. Furthermore the Goatstown LAP recognises the benefits of increased population in low density areas such as this with regard to modal splits, stating 'Experience demonstrates that low-density development results in a weak urban form and unsustainable travel patterns'. An element of traffic congestion is inherent in urban areas and is not a reason to inhibit or suppress the appropriate and sustainable development of lands which the local authority has zoned.

#### Dublin Eastern By Pass (DEBP)

10.12.21. I note the submitted Construction Management Plan addresses the development control measures that are proposed to be put in place in relation to protecting the corridor of the Dublin Eastern Bypass, as per the recommendations within the Corridor Protection Study Report related to that road published in January 2011. I note the CE Report raises no concerns in relation to the reservation corridor agreement in place in relation to the Dublin Eastern Bypass and I similarly have no concerns in this regard. I consider a condition in relation to that agreement would be warranted should the Board be minded to grant permission.

#### Car Parking

10.12.22. Parking at semi-basement level/podium comprises 178 car parking spaces, (of which 160 are for residents, 16 are visitor/drop off spaces and 2 no. are car sharing). 53 spaces are at surface and the remainder are at the semi-basement level. As set out in the CE Report, the Transportation Department considers that 1 parking space per unit should be provided at this suburban location as per the Design Standards for New Apartments, which would generate a requirement of 227 spaces. The proposal for 178 spaces is therefore considered to result in a shortfall of 49 car parking spaces. It is stated that more car parking is required to ensure adequate parking provision/car storage and no overspill on the adjoining area.

10.12.23. The current parking provision is an average of 0.78 spaces per apartment. In terms of national policy, I note that both the NPF and Apartment Guidelines emphasise a need to move away from universal parking standards to a more tailored performance-based approach. In this regard, I note National Policy Objective 13 which states '...building height and car parking will be based on performance

criteria...' and National Policy Objective 27 which 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'. Furthermore sections 4.18 – 4.27 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020 provide guidance in relation to car parking for various location types and seeks to encourage reductions in car parking provisions. I note 1 space per apartment is recommended for peripheral and/or less accessible urban location. I consider this location to be an intermediate urban location as per the Apartment Guidelines, whereby the guidelines states in relation to parking 'In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard'.

10.12.24. Table 8.2.3 of the DLR County Development Plan sets out car parking standards. I note these are not minimum requirements but are described as 'a guide on the number of required off-street parking spaces acceptable for new developments'. Section 8.2.4.5 of the Development Plan supports reduced parking in certain circumstances, dependant on:

- The location of the proposed development and specifically its proximity to Town Centres and District Centres and high density commercial/ business areas.
- The proximity of the proposed development to public transport.
- The precise nature and characteristics of the proposed development.
- Appropriate mix of land uses within and surrounding the proposed development.
- The availability of on-street parking controls in the immediate area.
- The implementation of a Travel Plan for the proposed development where a significant modal shift towards sustainable travel modes can be achieved.
- Other agreed special circumstances where it can be justified on sustainability grounds.

10.12.25. It is clear that current national and local planning policy recognises the finite capacity of any street network and the requirement for a move away from car-based transport to more active modes of walking and cycling and a focus on public transport. The proximity of a development to public transport, walking/cycling infrastructure and jobs/services is key to the sustainable development of this developing community. Having regard to the points above and to the approach of the Apartment Guidelines as well as guidance in the development plan, I consider the site is at an appropriate location to seek reduced parking provision and that a rate of 1 space per apartment as recommended by the PA is not warranted.

10.12.26. The site is within walking distance/proximate to a local neighbourhood centre (400m), local secondary and primary schools (across the street from the site), a university, which is also a significant employment location (UCD; 1km to the northeast), a regional park (Deerpark; 200m), and within a short commute of significant employment locations of Dundrum Town Centre (1.9km/24 min walk/8 min cycle), Stillorgan Centre (2.4km/29 min walk/9 min cycle), and Sandyford Business district (2.7km/35 min walk/11 min cycle). The proximity of the site to public transport is noted, with two luas stops 1.6km/19 min walk/6 min cycle from the site. While just outside the distance of 1.5km stated in the Apartment Guidelines, I consider the increased distance to be marginal and the proximity to the luas will serve the site well. A high number of bus services are available within the vicinity of the site on Mount Anville Road, Goatstown Road, Roebuck Road and along the Stillorgan Dual Carriageway/N11, the N11 being the furthest from the site at 1500m/15min walk. While some of the services are beyond 1km distance indicated, the site is located along and proximate to routes where such high frequency bus services can be provided. The frequency of service is dependent on a high-density population and the historic low density nature of this area is noted. I further note plans for Bus Connects along Mount Anville Road, where a 10-15 minute frequency is proposed. The road network is there and bus services can be increased where required. While concerns exist in relation to existing public transport capacity, I note the wide range of options open to people in this area and I am satisfied that the service as it exists is high capacity and is high frequency. As with car traffic, peak hour congestion is to be expected in urban areas and I have no evidence before me to suggest that the peak congestion experienced in this area is such as would warrant a restriction of

development on zoned residential land within the Dublin City and Suburbs area at a time of a housing crisis which national and local policy is seeking to address. Neither the PA or the TII have raised concerns in this regard. The site is appropriately located in terms of access to services, amenities, employment and public transport.

10.12.27. A Travel Plan has been submitted with the documentation, which will further support reduced parking at this site. The purpose of the Travel Plan is to encourage a significant modal shift towards sustainable travel modes, with the following triple objectives outlined: promote sustainability, enhance public transport and reducing dependency on the use of the private car. It is stated that it is important to strike an appropriate balance between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. It is stated in the submitted Travel Plan that a Transport Coordinator will be appointed under the remit of the Management Company. The Transport Coordinator will have a role in promoting and monitoring the provisions of travel plans to residents and engaging with residents to encourage sustainable modes of travel, including walking, cycling, bus travel, luas travel, and car share. The Travel Plan states that one car sharing vehicle has the potential to replace the journeys of up to fifteen private cars, with two proposed in this development. In addition to the two proposed new Go-Car Parking spaces, there are existing GoCar Parking Stations located at Dundrum Town Centre less than 2km to the west of the development. While I acknowledge that there is a need for car storage, I consider the measures proposed within the Travel Plan will manage the best use of onsite spaces and I further note that people buying into this development will be aware of its public transport accessibility and the limited parking policy, which may ultimately determine if they choose to live here. The removal of car storage from the site, shifting the residents to other means of transport, is in line with local and national policy in this regard. The provision of car club spaces will aid in the sustainability of parking provision, and will further reduce the traffic impact of the development. A Car Parking Management Plan should be submitted by way of condition, if the Board is disposed towards a grant of permission. While there is concern about potential of illegal overspill parking on surrounding areas, this is a matter for law enforcement/the planning authority/management company as appropriate, outside the remit of this planning

application. I consider the development as proposed can adequately cater for the parking requirements of future residents.

10.12.28. A Stage 1 Quality Audit (QA) has been performed by Bruton Consulting Engineers where four issues were raised and have been responded to by the applicant, which I consider acceptable. A Stage 2 and Stage 3 Audit is recommended by condition, should the Board be minded to grant permission.

10.12.29. I note the applicant addresses the issue of car parking in the submitted Material Contravention Statement. Having regard to all of the above, I am of the opinion that the proposal does not represent a material contravention of the Development Plan in terms of car parking provision, and I address this issue further in Section 10.14 hereunder.

#### Bicycle Parking

10.12.30. Provision is made for 389 no. private residential bicycle parking spaces and 130 no. visitor bicycle parking spaces. This is above the development plan and Apartment Guidelines requirements and is welcome given the move toward supporting a modal shift from the private car. I note the CE Report highlights a number of concerns in relation to style of parking, location, types of stands, spacing and access. These issues can be addressed by way of condition should the Board be minded to grant permission.

#### Construction Traffic

10.12.31. I note concerns raised in relation to construction traffic. All construction activities by their very nature result in elevated emissions (noise, dust, etc.) and increases in construction traffic above the baseline environment. However, these are temporary and short term in nature and therefore will not have any long term or permanent amenity impacts. The applicant has submitted a Construction Management Plan, and a Construction and Demolition Waste Management Plan, which employ mitigation measures in relation to traffic management, noise and construction vibration, air quality and dust control and construction working hours. The implementation of these mitigation measures will further reduce the any adverse amenity impacts during the construction phase.

#### Conclusion – Traffic

10.12.32. Having examined all the information before me, I acknowledge that there will be some increase in traffic movements as a result of the proposed development if permitted, however, I am overall satisfied that having regard to the existing context of the site, level of connectivity to pedestrian and cyclist infrastructure, proximity to public transport, proximity to retail/commercial services, and amenities, and overall road network, that the proposed development would not lead to the creation of excess traffic or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

### 10.13. **Water Services, including Flood Risk**

10.13.1. Observer submissions raise concerns in relation to affect of creation of hard surfaces on absorption rate of rainfall, impact of extra volume of foul and surface water and potential for flooding.

#### Water and Wastewater

10.13.2. It is proposed to connect the development to the public water and foul sewer network in the area.

10.13.3. Irish Water has raised no issues in relation to the capacity or function of the water and foul networks.

#### Surface Water Management

10.13.4. There are no streams or water bodies on the stie. River Slang is located c. 1.2km to the east of the site and Elm Park Stream is located c. 1km to the north of the site. The surface water outfall from the site connects to the Elm Park Stream which connects to Dublin Bay. As per the EPA (2020) on-line mapping, the River Slang and the River Dodder have a Water Framework Directive (WFD) status (2013-2018) of 'Moderate' and a WFD risk score of 'At risk of not achieving good status'. This moderate status is related to its biological status (invertebrate and fish) and dissolved oxygen conditions (which fails in relation to its percentage saturation); all remaining chemical condition have been classified as 'good'. Its most recent quality data (2019) also indicate that it is 'Slightly polluted'. The EPA does not collect water quality data for the Elm Park Stream and does not have an assigned status and risk currently. However, it is likely to be in similar condition to the Slang.



- 10.13.5. Surface water will discharge to the outfall on the site at a controlled rate, limited to the greenfield equivalent runoff. Excess surface water runoff during storm events will be attenuated in new below ground stormwater attenuation tanks within the open space at the northern end of the site.
- 10.13.6. The SUDS strategy proposed incorporates green-roofs, bio-retention tree pits, filter drains, petrol interceptors and underground attenuation storage tanks, with water discharges from the development limited to 'green-field' rates.
- 10.13.7. The submitted CEMP outlines a number of measures to be employed during the construction phase in order to prevent the transport of pollutants from the development site in surface water run-off. These measures include provision that the quality of the water pumped from excavations will be improved by the use of settlement tanks, the storage of hazardous materials and re-fuelling of machinery in bunded areas within the site compound, the pouring of cementitious materials 'in the dry' and the availability of spill kits on site to deal with leakages. A submission from the Department of Housing, Local Government and Heritage states it is satisfied that any pollution of surface waters and consequent effects on downstream Natura sites as a result of the proposed development can be avoided with the full implementation of measure set out in the CEMP. A condition is warranted in this regard should the Board be minded to grant permission.
- 10.13.8. A Site-Specific Flood Risk Assessment (FRA) was submitted as part of the application. The site is located 3km kilometres inland from the Irish Sea and there is at large level difference between the proposed buildings and the high tide. Given that the site is outside of the 1-in-1000 year flood plain, a pathway does not exist between the source and the receptor. A risk from tidal flooding is therefore extremely low and no flood mitigation measures are required. Given that the site is outside of the 1-in-1000 year flood plain, the likelihood of fluvial flooding is low. Surface water management as proposed will minimise the risk of pluvial flooding from the subject site. Sufficient attenuation storage is provided for the 1-in-100 year storm, accounting for a 20% increase due to climate change.
- 10.13.9. Overall, having considered all of the information before me, I am satisfied the applicant has adequately addressed the issue of flood risk in the submitted Site Specific Flood Risk Assessment, including the potential for pluvial flood risk, and

proposes a surface water management strategy which indicates the proposed development will manage surface water from the site to the greenfield run off rate as per the GSDSDS and will not impact on neighbouring sites. Should the Board be minded to grant permission, I recommend a condition apply requiring a Stage 2 Detailed Design Stage Stormwater Audit, the findings of which shall be incorporated into the development, where required, at the developer's expense and a Stage 3 Completion Stage Stormwater Audit within six months of substantial completion of the development, the findings of which shall be incorporated into the development, where required, at the developer's expense.

#### **10.14. Material Contravention – Building Height; Car Parking; Dual Aspect; Dublin Eastern By-Pass Reservation**

10.14.1. The applicant has submitted a document titled 'Material Contravention Statement'. This statement has been advertised in accordance with Section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The items to be considered are set out within the Material Contravention Statement as follows:

- Building Height (2-8 storeys, including semi-basement podium)
- Car Parking Provision
- Dual Aspect
- Dublin Eastern By-Pass Reservation

#### **Building Height**

10.14.2. With regard to building height, the submitted material contravention statement states the proposed blocks, which range in height from Part 2 to Part 8 storeys including semi-basement podium, is in contravention to the benchmark in relation to height as outlined in the Development Guidance of the Goatstown Local Area Plan 2012 (as extended). It is considered that sufficient justification for this height is available with regard to Dún Laoghaire-Rathdown height policy, as well as National and Regional Policies and Objectives. Notwithstanding this, it is argued that table 6.3 of the Goatstown LAP which is titled 'Knockrabo Sites – Development Guidance' (and which sets out three bullet points in relation to height), sets out 'guidance' rather than being requirements for any development proposed at the subject site. The Material

Contravention Statement separately argues that the Goatstown LAP was first adopted in 2012, and extended since, and has not been amended or updated in line with the Development Plan, nor national or regional policy, and is therefore out of date. It is considered that the Building Height Strategy in the development plan should therefore apply and the submitted report considers the proposal against the upward and downward modifies. I disagree that the Goatstown LAP and its height strategy should not be applied. When it was extended the LAP would have been reviewed against the development plan and would not have been extended where there were conflicts between the two. The height strategy applicable to the site, as per the operative development plan, therefore remains that contained within the LAP.

10.14.3. As mentioned elsewhere in this report, while the applicant and CE Report have considered this site against the 'development guidance' for the Knockrabo sites, only a small portion of this application site falls within the red line area identified in the LAP as the Knockrabo opportunity site. The applicant has not overlaid the maps in their submission, but from my reading of the maps, only the area of Block F appears to fall within the area of the Knockrabo sites. Therefore, while I have considered this block F against the criteria set out in the framework plan in the LAP, the remainder of the site must in my opinion be considered against the general policies within the LAP document, specifically policy UD5, which states 'It is an objective of the Plan that height in excess of two-storeys shall only be permitted where it is considered by the Planning Authority that the proposed development can be easily absorbed into the existing urban landscape and will not be visually obtrusive or overbearing'.

10.14.4. With regard to Block F to which the design guidance for the Knockrabo sites applies, the guidance sets out the following bullet points in a table format in relation to guidance on 'Height':

- Variation of height
- Benchmark height of four or five storeys depending on levels (with possible setback floor or occupied roof space on four storey buildings)
- Maximum height of two storeys along boundaries with existing residential properties'.

10.14.5. From the guidance, a 'variation in height' is supported and the 'benchmark' height for the Knockrabo sites is four or five storeys. The oxford dictionary states 'A benchmark

is something that can be measured and used as a standard that other things can be compared with'. A 'benchmark' is not therefore a maximum height which must be complied with but rather a standard or a guide and therefore I do not consider a material contravention applies given the flexibility inherent in the nature of design guidance. The third bullet points states 'maximum height of two storeys along boundaries with existing residential properties'. The existing properties neighbouring Block F are existing apartment Blocks A and Block B (4-5 storeys over undercroft) and the two storey Cedar Mount, which is no longer an entirely residential property. To restrict Block F to two storeys on the basis of Blocks A and B does not make planning sense in this context, therefore I again highlight that table 6.3 of the LAP sets out development guidance against which planning rationale should be applied rather than functioning as a strict development limit to be adhered to. With regard to Block E, G and H, policy UD5 does not state that height in excess of two-storeys shall be prohibited, but requires a case by case assessment in light of the context relating to the site. This policy applies to my assessment of Block E, G and H. I do not consider, given the flexibility in wording, that a material contravention issue arises.

10.14.6. While I have stated above that I consider that the proposal does not represent a material contravention of the operative County Development Plan in terms of height, I am cognisant of the fact that this matter has excited public interest and has been raised in observer submissions. The matter of height has also been raised as a matter of concern by the planning authority. It is open to the Board to invoke section 37(2)(b) of P&D Act 2000 having regard to section 37(2)(b)(i) and (iii), given the strategic nature of the site and national policy guidance in this regard.

### **Car Parking Provision**

10.14.7. The material contravention statement submitted states it 'seeks to address the issue of potential material contravention in relation to Car Parking', and outlines the justification to permit the proposed car parking ratio, having regard to the accessibility of the site as per the Apartment Guidelines, whereby for intermediate urban areas it is stated 'In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum

car parking standard'. Development plan policy which facilitates a reduction in parking is highlighted and it is considered the objectives of the development plan are conflicting. It is stated that the rigid application of Table 8.2.3 does not take into account the circumstances of the site and the circumstances where reduced car parking may be appropriate.

10.14.8. Policy ST3 of the operative CDP deals with the matter of modal shift and states that 'It is Council policy that...effecting a modal shift from the private car to more sustainable modes of transport will be a paramount objective to be realised in the implementation of this policy'. Section 8.2.4.5 of DLR county development plan states that 'Car parking standards provide a guide on the number of required off-street parking spaces acceptable for new developments. The principal objective of the application of car parking standards is to ensure that, in assessing development proposals, appropriate consideration is given to the accommodation of vehicles attracted to the site within the context of Smarter Travel, the Government policy aimed at promoting modal shift to more sustainable forms of transport. The Council considers the application of maximum parking standards for non-residential land uses to be a key measure in influencing the travel mode choice for all journeys. Reduced car parking standards for any development (residential and non-residential) may be acceptable dependant on:

- The location of the proposed development and specifically its proximity to Town Centres and District Centres and high density commercial/ business areas.
- The proximity of the proposed development to public transport.
- The precise nature and characteristics of the proposed development.
- The availability of on-street parking controls in the immediate area.
- The implementation of a Travel Plan for the proposed development where a significant modal shift towards sustainable travel modes can be achieved.
- Other agreed special circumstances where it can be justified on sustainability grounds.

10.14.9. 'Standards' are stated in the development plan to act as a guide and therefore I do not consider an interpretation of Table 8.2.3 as minimum standards which shall be met in all instances is correct. Given the flexibility that is set out in the plan in

relation to parking where reduced car parking standards for any development can be considered subject to certain criteria, I do not consider a material contravention in relation to this issue arises and furthermore a conflict between objectives of the development plan arises in this regard.

10.14.10. Should the Board consider a material contravention issue arises, it is open to the Board to invoke section 37(2)(b) of P&D Act 2000 as amended, in particular section 37(2)(b)(i) and (ii), due to strategic nature of application and conflicting policies within the operative County Development Plan.

### **Dual Aspect**

10.14.11. The material contravention statement submitted states it 'seeks to address the issue of a possible material contravention in relation to Dual Aspect policy'.

10.14.12. Section 8.2.3.3(ii) of the operative County Development Plan relates to dual aspect and states that 'Apartment developments are expected to provide a minimum of 70% of units as dual aspect apartments. North facing single aspect units will only be considered under exceptional circumstances. A relaxation of the 70% dual aspect requirement may be considered on a case-by-case basis where an applicant can demonstrate, to the satisfaction of the Planning Authority, that habitable rooms of single aspect units will be adequately served by natural light and/ or innovative design responses are used to maximise natural light'.

10.14.13. I note that the wording 'are expected to provide' gives some degree of flexibility in this regard. There are 12 north facing single aspect units in the scheme, however, these overlook a high quality open space with retained mature trees. The design response aims to maximise natural light and I am satisfied that the proposed apartments will provide for high quality residential amenity in this regard. I consider that the proposal does not represent a material contravention of the DLR County Development Plan in this regard. It is noted that the planning authority do not state that the proposal represents a material contravention of the development plan in relation to this issue.

10.14.14. I note that 51% of apartments are dual aspect units. I am of the opinion that the proposal complies with SPPR4 of the Apartment Guidelines.

10.14.15. If the Board considers this matter to be a material contravention of the operative County Development Plan I consider that it is open to them to grant permission in this instance and invoke section 37(2)(b) of the of the Planning and Development Act 2000, as amended, in particular section 37(2)(b)(i) and (iii), due to strategic nature of the application and national policy guidance in this regard.

#### **Dublin Eastern By-Pass Reservation**

10.14.16. Development plan maps indicate a 'Strategic Road Reservation' across the plan lands. The reservation relates to the proposed Dublin Eastern Bypass, which runs to the north of the subject lands. Table 2.2.56 of the development plan list long term road objectives, which includes 'Dublin Eastern Bypass (as identified in the Dublin Eastern Bypass Corridor Protection Study, TII 2011)'.

10.14.17. In the current DLR Development Plan, a spur road that runs between the Eastern bypass and Mount Anville Road bisects the overall Knockrabo development site, with the Cedar Mount House Lands to its west, and the larger part of the Knockrabo Lands to its east. The National Roads Authority have prepared a Corridor Protection Study (2011), which alters the design of the bypass: the junction to the north of the Knockrabo lands and the spur to Mount Anville Road are omitted. The NRA Corridor Protection Study notes that a route across the Knockrabo lands that could provide construction access only between Mount Anville Road and the DEBP may be required. As part of the previous planning application, Planning Application File Ref. D17A/1224, on the Knockrabo lands, the issue of a suitable corridor to provide potential construction access to the DEBP has been discussed and agreed by the applicant and DLRCC and was subject to conditions in relation to that planning application. This planning application maintains this corridor and turning area in its entirety. The area involved is outlined on the site layout plan submitted and is 15.5m corridor. This corridor is stated by the applicant to comprise the following areas: • 2m footpath (eastern side of road) • 7m carriageway • 3.5m zone, which can become an extra traffic lane for construction access in the future; • 3.0m landscape zone.

10.14.18. It is stated by the application that there is a potential material contravention of a map-based objective because the road reservation line permitted in D17A/1124

and indicated on the current application differs to that shown on the Development Plan map.

10.14.19. It is clear that the map based objective is an indicative line and I am satisfied based on studies and agreements subsequent to the adoption of the development plan that the indicative line has been firmed up and that the proposed development will not impede the development of the DEBP. I do not consider this a material contravention issue. If the Board considers this matter to be a material contravention of the operative County Development Plan I consider that it is open to them to grant permission in this instance and invoke section 37(2)(b) of the of the Planning and Development Act 2000, as amended, in particular section 37(2)(b)(i) due to strategic nature of the application.

### **Section 37(2)(b) Analysis**

10.14.20. I shall now address the issue of material contravention with regard to the relevant legal provisions.

10.14.21. Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.



- 10.14.22. Having regard to the provisions of Section 37(2)(b) of the Planning and Development Act (as amended), and based on the assessment above, I consider that a grant of permission may be considered to materially contravene the DLR County Development Plan 2016-2022 and the Goatstown LAP 2012 (as extended) in terms of **building height** only and this would be justified in this instance under sub sections (i) and (iii) of the Act as examined hereunder.
- 10.14.23. With regard to S37(2)(b)(i), the 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. The application site is located within the Goatstown area, which the LAP recognises has a limited number of infill sites suitable for redevelopment. The proposal would deliver 227 residential units in a compact urban form on an accessible and serviced urban greenfield site, and has the potential to contribute to the city's delivery of compact urban growth and to the achievement of 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.
- 10.14.24. In relation to the matter of conflicting objectives in the development plan, S37(2)(b)(ii), I have reviewed the plan and there are no conflicting objectives within the Dublin City Development Plan 2016-2022, insofar as the proposed development is concerned. The Development Plan is clear in terms of building heights.
- 10.14.25. With regard to S.37(2)(b)(iii), I consider 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. I have considered the proposed development against the Urban Development and Building Height Guidelines – Guidelines for Planning Authorities 2018, in particular SPPR3. The guidelines state that implementation of the National Planning Framework requires increased density, scale and height and requires more focus on reusing brownfield sites and building up urban infill sites, and of relevance those which may not have been built on before.
- 10.14.26. I am satisfied that the proposal can be granted in relation to height with respect to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended), having regard to the NPF and the Urban Development and Building Height Guidelines 2018.

## 10.15. DLR CE Report – Refusal Recommended.

10.15.1. My conclusions on the matters raised in the refusal reasons recommended in the DLRCC Chief Executive Report is summarised here in the interests of clarity. The recommended reasons for refusal and my summarised response to each point is set out as follows:

1. The proposed development fails to meet the criteria set out in Section 3.2 of Specific Planning Policy Requirement 3 of the Urban Development and Building Heights Guidelines for Planning Authority, December 2018, in that at the neighbourhood street level, the proposed development, ranging in height from two to eight stories would create a visually dominant and overbearing form of development when viewed from Cedar Mount House (a protected structure), Knockrabo Gate Lodge west (a protected structure), Chimes, The Garth and Thendara on Mount Anville Road and as a result would significantly injure the visual amenities of the area. In addition, noting the massing and height of blocks G and H and the proposed separation distance to boundaries, the proposed development is considered monolithic and imposing when viewed from within the site and surrounding areas.

I refer the Board to Sections 10.7 and 10.8 of this report. I have considered the proposed development against the Building Height Guidelines. I have considered the proposed development in terms of its height, scale, massing and design against potential impacts on existing neighbouring properties and protected structures in the area and potential impact of the design on future occupants within the scheme. I have had particular regard in assessing this proposal to development management criteria, as set out in section 3.2 of the Building Height Guidelines, which states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of relevant city/town; at the scale of district/neighbourhood/street; at the scale of site/building, in addition to specific assessments. I am of the opinion that this has been adequately demonstrated in the documentation before me and the proposal has the potential to make a positive contribution to this area. I am satisfied that the development as proposed is acceptable, will not significantly detract from the visual amenities of the area, and will not detract from the character and setting of existing protected structures. I have consider the PA's recommended conditions to reduce the height of

Block H to 4 storeys, Block G to 5 storeys, Block F to 5 storeys and condition to omit Block E. While I have considered the requirements for such alterations, I do not consider on balance that a reduction in height is warranted for the reasons set out above.

2. The proposed development would have a detrimental impact on the setting and amenity of both Cedar Mount House (a protected structure) and Knockrabo Gate Lodge west (a protected structure) and would therefore be contrary to Policy AR1 and Section 8.2.11.2 (iii) (Development in Proximity to a Protected Structure) of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022.

I refer the Board to Section 10.8 of this report. I do not consider the proposed development, given the site layout, retention and supplementation of existing trees and landscaping, and architectural design approach of the proposed blocks, would detract from the character and setting of Cedar Mount House (a protected structure) and Knockrabo Gate Lodge west (a protected structure). I have considered the PA's recommendation to omit Block E, and reduce the heights of Blocks H, G and F. While I have considered the requirements for such alterations, I do not consider on balance that a reduction in height is warranted.

3. Having regard to the proposed height, scale and separation distances to the boundaries, it is considered that the proposed development would appear visually obtrusive and overbearing when viewed from the properties at Chimes, The Garth and Thendara on Mount Anville Road, Cedar Mount House (a protected structure) and Knockrabo Gate Lodge west (a protected structure). The proposed development would significantly detract from existing residential amenity and would depreciate the value of these properties, materially contravening the zoning objective A, which seeks 'to protect and or improve residential amenity' as set out in the Dun Laoghaire Rathdown County Development Plan 2016 - 2022.

I refer the Board to Section 10.7 and 10.8 of this report. I have considered the height scale and separation distances from all boundaries. I am satisfied that the development as proposed is acceptable, a reduction in height of individual blocks is

not warranted, and the proposal overall will not significantly detract from existing residential amenity and therefore will not materially contravene zoning objective A.

4. Having regard to the proposed separation distances between the apartment blocks, the proposed development if permitted, would result in overlooking of habitable rooms and create a substandard level of residential amenity for future occupants of the proposed residential scheme. Therefore, the proposed development, by reason of its overall scale, massing, layout and height would constitute overdevelopment of the site and would be contrary to the Dun Laoghaire Rathdown County Development Plan 2016 - 2022 and to the proper planning and sustainable development of the area.

I refer the Board to Section 10.10 of this report. I have considered the height, scale, massing and design of the proposal, including separation distances between blocks, and I do not consider the proposed development would constitute overdevelopment of the site. I am satisfied that the development as proposed will result in an acceptable and high level of amenity for future occupants.

5. Having regard to the suburban location of the site, it is considered that the proposed development would, by reason of the inadequate number of car parking spaces provided to serve the future occupants and visitors to the development, result in car parking overspill on surrounding residential roads. The proposed development would, therefore, seriously injure the amenities of properties in the vicinity and, as such, would be contrary to the Dun Laoghaire Rathdown County Development Development Plan 2016 - 2022 and to the proper planning and sustainable development of the area.

I refer the Board to section 10.12 of my report above. I am satisfied, having regard to the submitted TTA and the location of the site that the level of car parking proposed will support the sustainable development of this new community and the surrounding street network is capable of accommodating the development as proposed.

6. The removal of tree nos. 0711 and 0710 both of which are category A trees, consisting of a Blue Cedar tree and a Copper Beech tree respectively, in order to construct block E, fails to accord with Policy OSR7 of the County Development Plan and the objective on the site which seeks to protect and preserve trees. The proposed development would therefore seriously injure

the amenities of properties in the vicinity and be contrary to the proper planning and sustainable development of the area.

I refer the Board to Section 10.9 of this report. I have reviewed the arboricultural report and landscape strategy for the site, as well as the relevant development plan and LAP policies and objectives. I am satisfied that the proposed development has been designed to incorporate, as far as practicable, existing trees and has had adequate regard to objectives to protect and preserve trees and woodlands as identified on the County Development Plan maps. I am satisfied that the development as proposed will provide for a high quality open space plan supported by the character of existing trees being retained, balanced against the requirement to achieve the sustainable development of this zoned serviced site within the metropolitan area.

#### 10.16. **Other Matters**

##### Consultation

- 10.16.1. Consultation has been undertaken in compliance with the Planning and Development Act 2000, as amended, and the Planning and Development (Housing) and Residential Tenancies Act 2016. Public participation is allowed for in the application process and I have considered all submissions made in my assessment.

##### Procedural Issues

- 10.16.2. The application was made and advertised in accordance with requirements of Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the accompanying regulations.
- 10.16.3. In relation to representations regarding the SHD process, I can confirm that the SHD process is defined under a legislative framework and it forms the legitimate process for the determination of this application.
- 10.16.4. I have reviewed all documentation as part of my assessment and site inspection and am satisfied the drawings and information submitted is in accordance with legislative requirements.
- 10.16.5. I am satisfied that the applicant has demonstrated sufficient legal interest to make this application.

##### Property Value

10.16.6. Having regard to the assessment and conclusion set out in this report, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

#### Part V

10.16.7. I note changes have been made in relation to Part V under the Affordable Housing Act 2021 and this may impact the applicants Part V obligations and a review will be required. This issue can be addressed by way of condition and 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.

#### Wind Microclimate

10.16.8. The CE Report notes that the roof terrace to Block F was not assessed in terms of impacts of wind. Given the topography of the site and the overall height of Block F, I do not consider the building of such a scale as to give rise to wind tunnelling effects or to be affected at that level in terms of wind microclimate.

#### Archaeology

10.16.9. There are no known archaeological monuments within the site boundary. The archaeological assessment prepared by IAC Archaeology notes that 'given the level of disturbance, and the results of the overall archaeological assessment, the archaeological potential of the development area is considered to be low.'

10.16.10. It is noted in relation to Cedar Mount, that none of the demesne features associated with Cedar Mount survived in this area. Similarly, no boundaries associated with the demesnes associated with Mountanville Lodge and Holly Wood to the southwest, were present.

10.16.11. Archaeological monitoring will be carried out during construction works as it is possible that previously unrecorded archaeological features or deposits have survived beneath the current ground level.

## 11.0 Screening for Appropriate Assessment

### 11.1. Compliance with Article 6(3) of the Habitats Directive

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

### 11.2. Background on the Application

11.2.1. The applicant has submitted a report titled Appropriate Assessment Screening as part of the planning application, dated 29<sup>th</sup> October 2021.

11.2.2. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Potential impacts during construction and operation of the development are considered as well as in-combination impacts.

11.2.3. The screening is supported by associated reports submitted with the application, including:

- Hydrological and Hydrogeological Qualitative Risk Assessment
- Engineering Assessment Report, including soil infiltration report
- Construction and Demolition Management Plan
- Ecological Impact Assessment
- Flood Risk Assessment

11.2.4. The AA Screening Report submitted with the application concluded that:

There is no possibility of significant impacts on Natura 2000 sites, features of interest or site specific conservation objectives. A Natura Impact Statement is not required.

Accordingly, having carried out the Stage 1 Appropriate Assessment Screening, the competent authority may determine that a Stage 2 Appropriate Assessment of the Proposed Development is not required as it can be excluded, on the basis of best up to date available objective scientific information following screening under Part XAB of the Acts as amended, that

the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on any European site. Consequently, it can also be concluded that there will be no significant adverse effect on the integrity of any European site in view of its conservation objectives.

11.2.5. Having reviewed the documents and submissions received, I am satisfied that I have sufficient information to allow for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

### **11.3. Screening for Appropriate Assessment - Test of likely significant effects**

11.3.1. The proposed development is examined in relation to any possible interaction with European sites, designated Special Conservation Areas (SAC) and Special Protection Areas (SPA), to assess whether it may give rise to significant effects on any European Site.

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

#### **Brief Description of the Development**

11.3.3. The development site/overview of the receiving environment is described in the submitted screening report (page 4). I refer the Board also to section 3 of this report above. The site is 1.78ha gross, within the urban area of Dublin. The proposed development is for 227 no. apartments in four 2-8 storey blocks, including tenant amenity spaces. The site comprises a greenfield site, with part of the site within the grounds of a protected structure called Cedar Mount and Gate Lodge West, both of which were permitted for development under an extant permission.

11.3.4. The environmental baseline conditions are hereby discussed, as relevant to the assessment of ecological impacts, where they may highlight potential pathways for impacts associated with the proposed development to affect the receiving ecological environment (e.g. hydrogeological and hydrological data), which informs whether the development will result in significant impacts on any European Site.



11.3.5. The Screening Report and Ecological Survey note there are alien invasive species on the site, which were to be treated under previous permissions. The submission from the Department notes ‘

A survey of 2018 recorded several stands and patches of Japanese knotweed within the development site and in neighbouring gardens...In Appendix II to the Ecological Impact Assessment supporting the present application is a progress report compiled in 2020 detailing the control work carried out in 2019 on the Japanese knotweed present on the development site and in adjacent gardens. Knotweed was excavated from several locations on the development site to a constructed berm on the southern boundary of the site where it was treated with herbicide. Stands of knotweed in adjacent gardens were also treated with herbicide. This control work was carried out as the first year of a multi-annual program to eliminate the knotweed. Strong re-emergence of knotweed in the berm area was noted in May 2020, and 20-30 % re-emergence of the patches in the neighbouring gardens. No information though of the status of the Japanese knotweed on the development site and adjacent properties in 2021 is included in the documentation supporting this application.’

11.3.6. Given the lack of any watercourses on the site, there is no direct source-pathway-receptor, and the knotweed cannot therefore be transported to European sites via hydrological means. I note the presence of an indirect link via surface water, however, this plant is currently being managed in a berm area as part of an existing management plan, therefore given existing measures in place relating to that management plan, there is no potential that the proposed development will affect the conservation objectives of European sites.

11.3.7. There are no habitats which are examples of those listed in Annex I of the Habitats Directive and no evidence that species listed in Annex II of that Directive are present. The habitat is overall of local biodiversity value.

11.3.8. A bat survey was undertaken and bat species identified come within Annex IV of the Habitats Directive and do not feature as Qualifying Interests for any European sites within the Zone of Influence of the site.

11.3.9. The habitats on the lands are not considered suitable for feeding or roosting birds associated with coastal SPAs, including Brent Geese. There are no important Brent Geese foraging areas adjacent to or in the vicinity of the site. It is possible that other bird species, may commute across the site, flying through, or over the site, while moving from one area of local resource to another, however, such species are considered adept at navigating around our cities and would be expected to rapidly habituate to the presence of new structures in their environment. I have no concerns in this regard.

11.3.10. There are no water courses, bodies of open water or habitats on the site which could be considered wetlands. There is no direct discharge to ground or surface water body proposed as part of this development and there is no direct hydrological or hydrogeological source-pathway-receptor link from the site to European sites. The nearest surface water receptor to the west is the River Slang which is c. 1.2km east of the proposed development, which outfalls to the Dodder River 2km to the northeast and to the Liffey River at Ringsend; and the Elm Park Stream which is c. 1km to the north of the proposed development. This stream outfalls into South Dublin Bay at Merrion Gates, c. 2.7km to the northeast of the site, with the closest European sites there being the South Dublin Bay SAC and South Dublin Bay and River Tolka SPA. Surface water drainage from the proposed development will discharge by gravity, at a controlled greenfield equivalent runoff rate, into the public surface water drainage outfall pipe in the northeastern corner of the development, which connects to the surface water network at Ardilea Downs, which discharges to the Elm Park Stream c. 1km to the northwest. There is no direct or indirect connection with the Slang/ Dodder catchment. Excess surface water runoff during storm events will be attenuated in new below ground stormwater attenuation tanks within the open space at the northern end of the site. It is noted that the SUDS proposals are standard measures in all new developments and are not included here to avoid or reduce an impact to a European site. I have not considered the SUDS strategy for the site in my screening assessment.

11.3.11. The site lies within a Flood Zone C (i.e., where the probability of flooding from rivers is less than 0.1% or 1 in 1000).

11.3.12. Wastewater is proposed to discharge via gravity to an existing foul sewer outfall in the northeast of the site which also serves the Knockrabo development to

the east, which will then carry the foul water via the Dodder Valley Trunk Sewer to the Ringsend Waste Water Treatment Plant, where it will be treated prior to discharge into Dublin Bay. The WWTP operates under the EPA licence D0034-01.

11.3.13. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Habitat loss/fragmentation
- Habitat disturbance /species disturbance
- Construction related - uncontrolled surface water/silt/ construction related pollution
- Operational related – increase of wastewater to Ringsend Wastewater Treatment Plant

#### **Submissions and Observations**

11.3.14. The submissions and observations from the Local Authority, Prescribed Bodies, and Observers are summarised in sections 7, 8 and 9 of this report. I note the submission from the Department of Housing, Local Government and Heritage questions the likelihood of pollutants reaching Elm Park Stream.

11.3.15. I have reviewed all submissions made and issues where relevant are addressed within my assessment hereunder.

#### **European Sites**

11.3.16. The development site is not located in or immediately adjacent to a European site. A summary of the European Sites that occur within a possible zone of influence of the proposed development are set out with the screening report and listed below.

11.3.17. The submitted Screening Report identifies European sites within 15km of the site and further examines those European Sites considered to be within the zone of influence of the site. In terms of the zone of influence, I have undertaken a site-specific assessment based on characteristics of the site, distance to European sites and consideration of the source-pathway-receptor model. I note the Department of Housing, Local Government and Heritage examined the site and has not raised any

concerns in relation to the methodology as submitted in the Screening Report accompanying the application.

11.3.18. There are no direct hydrological links between the application site and the identified European sites in the submitted Screening Report. European sites considered in the screening report are identified in tables 1 and 2, and figures 5 and 6 of the submitted Screening Report. Indirect impacts are identified in relation to surface water and foul water networks. I have considered the qualifying interests/special conservation interests of these European sites, in addition to examination of the application site in terms of the source-pathway-receptor model, and the distance from the application site to these European sites. A summary of European sites that occur within a possible zone of influence of the proposed development is set out below.

#### Factors Likely to Give Rise to Potential Impacts

11.3.19. Habitat loss/fragmentation: In terms of the zone of influence, as noted in the table below, the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/species fragmentation as a result of the proposed development. The site does not contain any habitats listed under Annex I of the Habitats Directive.

11.3.20. Habitat disturbance/species disturbance: With regard to direct impacts of habitat loss and disturbance, the application site is not located adjacent or within a European site. Given the scale of works involved, the nature of the existing intervening urbanised environment and distances involved to European sites, habitat disturbance is unlikely to occur.

11.3.21. With regard to indirect impacts, as noted in the table below, the area around the proposed development is suburban in style and the lands themselves are not suitable for ex-situ feeding or roosting of wetland birds. The site is too far from bird roosting areas to result in impacts from noise or other forms of human disturbance during construction and operation. No significant flight paths related to protected birds have been identified in this area I furthermore note the proposed buildings are not particularly tall, there are other similarly scaled buildings in the area, and there is no reason to believe a bird would not fly over or around such structures.

- 11.3.22. Habitat Degradation as a result of air pollution impacts: Construction dust tends to be deposited within 350m of a construction site, with the majority of the deposition occurs within the first 50m. The nearest European site to the Proposed Development is c. 2.5km away. The proposed development will not therefore result in the habitat degradation as a result of air pollution impacts on any of the European sites.
- 11.3.23. Habitat degradation as a result of hydrological impact: There is no direct pathway from the site to any European site. However, there is an indirect pathway via the public surface water network and the Elm Park Stream. In addition, there is an indirect pathway via the foul water network via the WwTP plant at Ringsend. Foul water from the development will be processed in the existing Ringsend Wastewater Treatment Plant.
- 11.3.24. I note surface water from the site will discharge to the public network. In terms of the construction phase, no effects to European sites can occur due to the fact that there is no direct pathway in existence. The submitted Hydrological and Hydrogeological Report states in relation to the indirect surface water pathway, that 'Should any silt-laden stormwater from construction or hydrocarbon-contaminated water from a construction vehicle leak manage to enter the public sewer, the suspended solids will naturally settle within the drainage pipes and hydrocarbons will dilute to background levels (water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019) by the time the stormwater reaches any open water based on the distance to waterways. Similarly, during operation, should any leak of hydrocarbon occur from a vehicle, the volume of contaminant release is low and combined with the significant attenuation within in the public stormwater sewers, hydrocarbons will dilute to background levels with no likely impact above water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019'.
- 11.3.25. The submission from the Department upon review of this information states it '...does not accept however that sediment mobilised from the development site and entering the public surface water sewer system will settle out within the drainage pipes without reaching the Elm Park Stream or that a hydrocarbon leak could not potentially detrimentally affect water quality in this stream...'. I note the departments view, however, I accept the expert view of the hydrologist that the risks are low of

any levels of sediment or hydrocarbon of any significant quantity reaching the Elm Park Stream. While I acknowledge that the DAU has raised a valid point that in the event of a significant escape (which is unlikely) of either sediment/ oil spill it may be the case that impacts could reach the Elm Park Stream. It is likely that any such effects would be relatively minor at this point and given there is a distance of c. 2.7km involved from Elm Park Stream to Dublin Bay and given this watercourse undergoes significant mixing, dilution and dispersion in the marine environment, the proposed development would have no measurable or significant effect on the overall conservation objectives of the downstream European sites.

11.3.26. While a SUDS strategy is proposed for the development, I note this is not required or related to the protection of any European sites and I have considered potential impacts with no SUDS strategy in place.

11.3.27. With regard to wastewater, this will discharge to Ringsend WWTP. Irish Water indicates that the Ringsend WWTP plant is operating above its capacity of 1.64 million P.E. (Irish Water, 2017), with a current operational loading of c.2.2 million P.E. Despite the capacity issues, the Liffey Estuary Lower and Dublin Bay are currently classified by the EPA as being of “Unpolluted” water quality status and the Tolka Estuary is currently classified by the EPA as being “Potentially Eutrophic”. I note that Ringsend WWTP operates under a discharge licence from the EPA (D0034-01) and must comply with the licence conditions. Upgrade works have been permitted and are underway on the WWTP. I consider the peak effluent discharge from the proposed development, which would equate to 0.063% of the licensed discharge at Ringsend WWTP (peak hydraulic capacity), would be insignificant given the overall scale of the Ringsend facility and would not alter the effluent released from the WWTP to such an extent as to have a measurable impact on the overall water quality within Dublin Bay and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive). Given the upgrade works planned to Ringsend WWPT and that this WWTP must comply with environmental legislation, I do not consider that foul loading associated with this project would result in significant effects on the Dublin Bay and its associated SACs and SPAs. On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of Dublin Bay and that there is no possibility of the proposed development undermining the conservation objectives of

any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay.

11.3.28. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Ringsend, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. Furthermore, other projects within the Dublin Area which can influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA and governing development plans are subject to regional policy objectives and SEA as well as their own local objectives in relation to the protection of European sites and water quality in Dublin Bay.

11.3.29. Habitat degradation as a result of hydrogeological impacts: The proposed development lies within the Kilcullen Groundwater Body (Dublin GWB). The European sites designated for groundwater dependent habitats/species, and which occur within the same GWB as the proposed site are: • Rockabill to Dalkey Island SAC [003000], • Dalkey Island SPA (004172), • South Dublin Bay SAC (000210), • South Dublin Bay and River Tolka Estuary SPA (004024) • Poulaphouca Reservoir SPA (004063). As outlined in the Hydrological & Hydrogeological Risk Assessment, potential sources of pollution and potential pathways were examined. Infiltration tests show that the site is underlain by sandy gravelly clay of very low permeability and therefore soakaways and direct discharge to ground is not proposed. Flow paths are generally not connected and limited to within the upper weathered zones identified. It is stated in the submitted report that the construction phase does not consider exposing the bedrock during its excavation works and the site will be covered in hardstand following development which will provide some protection and minimise any discharge to bedrock. It is concluded that there are no pollutant linkages as a result of the construction or operation (this has been considered without mitigation) of the proposed development which could result in a water quality impact which could alter the habitat requirements of European sites within Dublin Bay. There is therefore no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of any European sites, either alone or in combination with any other plans or projects, as a result of hydrogeological effects.

11.3.30. Cumulative Impacts: Other relevant projects and plans in the region have been considered and no cumulative impacts have shown to arise. I note that other housing and SHD permissions have been granted in the wider area, including but not limited to, those detailed in Section 4 ‘Planning History’ of this report (I note the Hydrological Report incorrectly refers to an application on the north side of Dublin – I am satisfied that I have fully considered all relevant developments in the immediate and wider area and I am satisfied that this error has not affected my ability to undertake this Appropriate Assessment Screening). Each of the permissions referred to in Section 4 underwent an AA Screening which determined that there were no likely significant effects on any European sites. Given that I have concluded that this project would not result in likely significant effects on any European site, I am satisfied that that the cumulative impacts of permissions in the area, in combination with this development, would also not result in likely significant effects on any European site.

11.3.31. I note that 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 WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in this area, by the Dun Laoghaire Rathdown Development Plan 2016-2022 and the Goatstown LAP 2012 (as extended to 2022). This has been subject to Appropriate Assessment by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any European site. I note also the development is for a relatively small development of 227 residential units. The site is on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works permitted under ABP PL.29N.YA0010 and this facility is subject to EPA licencing and associated Appropriate Assessment Screening.

**Table 4 Screening Summary Matrix and possibility of significant effects:**



European Site	Distance	Screening Comment
<b><u>SACs:</u></b>		
<p data-bbox="193 465 587 548"><b>South Dublin Bay SAC [000210]</b></p> <p data-bbox="193 577 587 712">[1140] Mudflats and sandflats not covered by seawater at low tide</p> <p data-bbox="193 741 587 831">[1210] Annual vegetation of drift lines</p> <p data-bbox="193 860 587 994">[1310] <i>Salicornia</i> and other annuals colonising mud and sand</p> <p data-bbox="193 1023 587 1113">[2110] Embryonic shifting dunes</p> <p data-bbox="193 1142 587 1429"><u>Conservation Objective:</u> to maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p>	2.5km	<p data-bbox="751 465 1393 548">There is no direct source-pathway-receptor between the site and this SAC.</p> <p data-bbox="751 577 1393 817">There is no direct overlap between the development site and this SAC, nor do protected coastal or estuarine habitats occur within or in immediate proximity to the project site.</p> <p data-bbox="751 846 1393 1288">Indirect connectivity exists to this SAC via the public surface water network and the Elm Park Stream and via the foul water network to the WwTP at Ringsend, however, given any contaminant loading will be attenuated diluted and dispersed this is not considered a viable pathway through which there could be impacts on the QI habitats of the SAC in view of their conservation objectives.</p> <p data-bbox="751 1317 1393 1653">The location, scale and duration of the development project is such that they will not contribute to direct, indirect or in-combination impacts on habitats for which the SAC has been designated and do not have the potential to affect the conservation objectives of these habitats.</p>
<p data-bbox="193 1688 587 1771"><b>Rockabill to Dalkey Island SAC [003000]</b></p> <p data-bbox="193 1800 587 1839">[1170] Reefs</p> <p data-bbox="193 1868 587 1951">[1351] Harbour porpoise <i>Phocoena phocaena</i></p>	8.8km	<p data-bbox="751 1688 1393 1771">There is no direct source-pathway-receptor between the site and this SAC.</p> <p data-bbox="751 1800 1393 1989">There is no direct overlap between the development site and this SAC. The QI habitats and species are marine in nature and therefore do not occur within the project site.</p>

<p><u>Conservation Objective:</u> to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>		<p>Indirect connectivity exists to this SAC via the public surface water network and the Elm Park Stream and via the foul water network to the WwTP at Ringsend, however, given any contaminant loading will be attenuated diluted and dispersed this is not considered a viable pathway through which there could be impacts on the QI habitats of the SAC in view of their conservation objectives.</p> <p>The location, scale and duration of the development project is such that they will not contribute to direct, indirect or in-combination impacts on habitats for which the SAC has been designated and do not have the potential to affect the conservation objectives of these habitats.</p>
<p><b>Ballyman Glen SAC (000713)</b></p> <p>[7220] Petrifying springs with tufa formation (Cratoneurion)*</p> <p>[7230] Alkaline fens</p> <p><u>Conservation Objective:</u> to restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected.</p>	10.2km	<p>There is no direct or indirect source-pathway-receptor between the site and this SAC.</p> <p>There is no direct overlap between the development site and this SAC, nor do these habitats occur within or in close proximity to the project.</p> <p>The location, scale and duration of the development project is such that they will not contribute to direct, indirect or in-combination impacts on habitats for which the SAC has been designated and do not have the potential to affect the conservation objectives of these habitats.</p>
<p><b>Wicklow Mountains SAC (002122)</b></p> <p>[3110] Oligotrophic waters containing very few</p>	7.3km	<p>This mountainous SAC is designated for a range of habitats and for the conservation of otters found within the rivers of the Wicklow mountains.</p>

<p>minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</p> <p>[3160] Natural dystrophic lakes and ponds</p> <p>[4010] Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>[4030] European dry heaths</p> <p>[4060] Alpine and Boreal heaths</p> <p>[6130] <i>Calaminarian</i> grasslands of the <i>Violetalia calaminariae</i></p> <p>[6230] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</p> <p>[7130] Blanket bogs (* if active bog)</p> <p>[8110] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>[8210] Calcareous rocky slopes with chasmophytic vegetation</p> <p>[8220] Siliceous rocky slopes with chasmophytic vegetation</p> <p>[91A0] Old sessile oak woods with <i>Ilex</i> and</p>		<p>There is no direct or indirect source-pathway-receptor between the site and this SPA.</p> <p>There is no direct overlap between the development site and this SAC, nor do any of these habitats occur within or in close proximity to the project. Given the lack of direct or indirect connectivity, the project will similarly not impact the other populations associated with this SAC.</p> <p>The location, scale and duration of the development project is such that they will not contribute to direct, indirect or in-combination impacts on habitats or species for which the SAC has been designated and do not have the potential to affect the conservation objectives of these habitats.</p>
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<p>Blechnum in the British Isles</p> <p>[1355] <i>Lutra lutra</i> (Otter)</p> <p><u>Conservation Objective</u>: to maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p>		
<p><b>Knocksink Wood SAC (000725)</b></p> <p>Habitats 7220 Petrifying springs with tufa formation (Cratoneurion)*</p> <p>91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p>91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>)*</p> <p><u>Conservative Objective</u> - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>9.1km</p>	<p>There is no direct or indirect source-pathway-receptor between the site and this SAC.</p> <p>There is no direct spatial overlap between the site and this SAC.</p> <p>The location, scale and duration of the development project is such that they will not contribute to direct, indirect or in-combination impacts on habitats or species for which the SAC has been designated and do not have the potential to affect the conservation objectives of these habitats.</p>
<p><b>North Dublin Bay SAC (000206)</b></p>	<p>7.4km</p>	<p>There is no direct source-pathway-receptor between the site and this SAC.</p>

<p>Habitats 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 2190 Humid dune slacks</p> <p>Species 1395 Petalwort (<i>Petalophyllum ralfsii</i>)</p> <p><u>Conservative Objective</u> - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>		<p>There is no direct spatial overlap between the site and this SAC.</p> <p>Indirect connectivity exists to this SAC via the public surface water network and the Elm Park Stream and via the foul water network to the WwTP at Ringsend, however, given any contaminant loading will be attenuated diluted and dispersed this is not considered a viable pathway through which there could be impacts on the QI habitats of the SAC in view of their conservation objectives.</p> <p>The location, scale and duration of the development project is such that they will not contribute to direct, indirect or in-combination impacts on habitats or species for which the SAC has been designated and do not have the potential to affect the conservation objectives of these habitats.</p>
<p><b>Bray Head SAC (000714)</b></p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>	<p>14km</p>	<p>There is no direct or indirect source-pathway-receptor between the site and this SAC.</p>

<p>European dry heaths [4030]</p> <p><u>Conservation Objective:</u> to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>		<p>There is no direct overlap between the project site and this SAC, nor do these habitats occur within or in close proximity to the project site.</p> <p>The location, scale and duration of the development project is such that they will not contribute to direct, indirect or in-combination impacts on habitats or species for which the SAC has been designated and do not have the potential to affect the conservation objectives of these habitats.</p>
<p><b>Glenasmole Valley SAC (001029)</b></p> <p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) 10 Dec 2021 Version 1 Page 4 of 13</p> <p>6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7220 Petrifying springs with tufa formation (Cratoneurion).</p> <p><u>Conservation Objective:</u> to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>10.2km</p>	<p>There is no direct or indirect source-pathway-receptor between the site and this SAC.</p> <p>There is no direct overlap between the project site and this SAC, nor do these habitats occur within or in close proximity to the project site.</p> <p>The location, scale and duration of the development project is such that they will not contribute to direct, indirect or in-combination impacts on habitats or species for which the SAC has been designated and do not have the potential to affect the conservation objectives of these habitats.</p>

<p><b>Howth Head SAC (000202)</b></p> <p>Habitats 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths</p> <p><u>Conservation Objective:</u> To maintain the favourable conservation condition of European dry heaths and Vegetated sea cliffs of the Atlantic and Baltic coasts.</p>	<p>11.8km</p>	<p>There is no direct source-pathway-receptor between the site and this SAC.</p> <p>There is no direct overlap between the project site and this SAC, nor do these habitats occur within or in close proximity to the project site.</p> <p>The location, scale and duration of the development project is such that they will not contribute to direct, indirect or in-combination impacts on habitats or species for which the SAC has been designated and do not have the potential to affect the conservation objectives of these habitats.</p>
<p><b>Baldyole Bay SAC (000199)</b></p> <p>1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonizing mud and sand 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p><u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>12.9km</p>	<p>There is no direct or indirect pathway from this site to the SAC. The construction and operation of the proposed development will not impact on the conservation interests of the site.</p>
<p><b><u>SPAs:</u></b></p>		

<p><b>South Dublin Bay and River Tolka Estuary SPA (004024)</b></p> <p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i></p> <p>[A130] Oystercatcher <i>Haematopus ostralegus</i></p> <p>[A137] Ringed Plover <i>Charadrius hiaticula</i></p> <p>[A141] Grey Plover <i>Pluvialis squatarola</i></p> <p>[A143] Knot <i>Calidris canutus</i></p> <p>[A144] Sanderling <i>Calidris alba</i></p> <p>[A149] Dunlin <i>Calidris alpina</i></p> <p>[A157] Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>[A162] Redshank <i>Tringa totanus</i></p> <p>[A179] Black-headed Gull <i>Croicocephalus ridibundus</i></p> <p>[A192] Roseate Tern <i>Sterna dougallii</i></p> <p>[A193] Common Tern <i>Sterna hirundo</i></p> <p>[A194] Arctic Tern <i>Sterna paradisaea</i></p>	<p>2.4km</p>	<p>There is no direct source-pathway-receptor between the site and this SPA.</p> <p>There is no direct spatial overlap between the site and this SPA. The project site is sufficiently remote that there is no risk of disturbance to waders and wildfowl using the SPA. There is no evidence of the project site being used by field feeding species. The proposed project will not impact upon the migratory flight paths of SPA species nor restrict their mobility between wetland sites.</p> <p>Indirect connectivity exists to this SPA via the public surface water network and the Elm Park Stream and via the foul water network to the WwTP at Ringsend, given any contaminant loading will be attenuated diluted and dispersed this is not considered a viable pathway through which there could be impacts on the QI habitats of the SPA in view of their conservation objectives.</p> <p>The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-combination impacts on bird species for which the SPA has been designated and do not have the potential to affect the conservation objectives of these species. This site is not considered further.</p>
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<p>[A999] Wetland and Waterbirds</p> <p><u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of the bird species listed as Conservation Interests for this SPA.</p> <p>To maintain the favourable conservation condition of the wetland habitat in South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it.</p>		
<p><b>Dalkey Islands SPA (004172)</b></p> <p>[A192] Roseate Tern <i>Sterna dougallii</i></p> <p>[A193] Common Tern <i>Sterna hirundo</i></p> <p>[A194] Arctic Tern <i>Sterna paradisaea</i></p> <p><u>Conservation Objective:</u> to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	8.7km	<p>There is no direct source-pathway-receptor between the site and this SPA.</p> <p>There is no direct overlap between the project site and this SPA. The project site does not accommodate habitat that would provide for suitable nesting sites for terns. Terns feed within the marine environment on aquatic species and do not feed in terrestrial sites and as such the project site does not provide for tern foraging habitats.</p> <p>The project site is sufficiently remote (ca. 8.7km) so as to negate disturbance related impacts on tern populations accommodated within the SPA.</p> <p>The proposed project will not impact upon the migratory flight paths of SPA species nor restrict their mobility between wetland sites.</p>

		<p>Indirect connectivity exists to this SPA via the public surface water network and the Elm Park Stream and via the foul water network to the WwTP at Ringsend, given any contaminant loading will be attenuated diluted and dispersed this is not considered a viable pathway through which there could be impacts on the QI habitats of the SPA in view of their conservation objectives.</p> <p>The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-combination impacts on bird species for which the SPA has been designated and do not have the potential to affect the conservation objectives of these species. This site is not considered further.</p>
<p><b>Wicklow Mountains SPA (004040)</b></p> <p>[A098] Merlin <i>Falco columbarius</i></p> <p>[A103] Peregrine <i>Falco peregrinus</i></p> <p><u>Conservation Objective:</u> to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	7.5km	<p>There is no direct source-pathway-receptor between the site and this SPA.</p> <p>There is no direct overlap between the development project site and this SPA, nor does the site accommodate habitat that would provide for suitable roosting or foraging for these species.</p> <p>The project site is sufficiently remote so as to negate disturbance related impacts on nesting birds accommodated within the SPA.</p> <p>The proposed project will not impact upon the migratory flight paths of SPA species nor restrict their mobility between sites.</p> <p>The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-combination impacts on bird species for which the SPA has been designated and do not have the potential to</p>

		affect the conservation objectives of these species. This site is not considered further.
<p><b>North Bull Island SPA (00406)</b></p> <p>Birds: Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p>	7.4km	<p>There is no direct source-pathway-receptor between the site and this SPA.</p> <p>There is no direct overlap between the development project site and this SPA, nor does the site accommodate habitat that would provide for suitable nesting sites for these species.</p> <p>Indirect connectivity exists to this SPA via the public surface water network and the Elm Park Stream and via the foul water network to the WwTP at Ringsend, given any contaminant loading will be attenuated diluted and dispersed this is not considered a viable pathway through which there could be impacts on the QI habitats of the SPA in view of their conservation objectives.</p> <p>The proposed project will not impact upon the migratory flight paths of SPA species nor restrict their mobility between wetland sites.</p> <p>The project site is sufficiently remote so as to negate disturbance related impacts on nesting birds accommodated within the SPA.</p> <p>The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-combination impacts on bird species for which the SPA has been designated and do not have the potential to affect the conservation objectives of these species. This site is not considered further.</p>

<p>Habitats: Wetland and Waterbirds [A999]</p> <p><u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>		
<p><b>Howth Head Coast SPA (004113)</b></p> <p>Birds A188 Kittiwake (<i>Rissa tridactyla</i>)</p> <p><u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>	13.7km	<p>There is no direct or indirect source-pathway-receptor between the site and this SPA.</p> <p>There is no direct overlap between the development project site and this SPA, nor does the site accommodate habitat that would provide for suitable nesting sites for these species.</p> <p>The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-combination impacts on bird species for which the SPA has been designated and do not have the potential to affect the conservation objectives of these species. This site is not considered further.</p>
<p><b>Baldoyle Bay SPA (004106)</b></p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p>	12.9km	<p>There is no direct or indirect source-pathway-receptor between the site and this SPA.</p> <p>There is no direct overlap between the development project site and this SPA, nor does the site accommodate habitat that would provide for suitable nesting sites for these species.</p> <p>The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-combination impacts on bird species for which the SPA has been</p>

<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p> <p><u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>		<p>designated and do not have the potential to affect the conservation objectives of these species. This site is not considered further.</p>
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### Conclusion

11.3.32. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses, and distance from European Sites, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site 000210 (South Dublin Bay SAC), 003000 (Rockabill to Dalkey SAC), 000206 (North Dublin Bay SAC), 004024 (South Dublin Bay and River Tolka Estuary SPA, 004172 (Dalkey Island SPA), 00406 (North Bull Island SPA) and or any other European site, in view of the said sites' conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

11.3.33. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

## **12.0 Environmental Impact Assessment Screening**

12.1. 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 Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

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

12.2. The development provides for alterations to a permitted development and proposal for 227 residential units on a site with an area of 1.78ha. The site is located within the administrative area of Dun Laoghaire Rathdown County Council and is a suburban built up area. The proposed development 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).

12.3. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Statement which includes the information required under Schedule 7A to the planning regulations. I am satisfied that the submitted EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

12.4. I have assessed the proposed development having regard to the information above, to the Schedule 7A information and other information which accompanied the application, inter alia, Appropriate Assessment Screening, Ecological Impact Assessment and landscape details and I have completed a screening assessment as set out in Appendix A.

12.5. The nature and the size of the proposed development is well below the applicable thresholds for EIA. The residential use proposed would be similar to predominant land uses in the area. The proposed development would be located on greenfield lands beside existing development. The site is not designated for the protection of a landscape. The site is not located within a flood risk zone and the proposal will not increase the risk of flooding within the site. The subject lands are not proximate to any Seveso/COMAH designated sites. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water

supply, upon which its effects would be marginal. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The proposed development is not likely to have a significant effect on any European designated site (as per the findings of section 11 of this assessment). I have had regard to the Protected Structure designation of properties in proximity to the site. There are expected impacts locally to the site, however, this must be taken in the context of the land being zoned for development.

12.6. The various reports submitted with the application, as listed in section 3.4 of this report above, address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts, 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 considered all submissions on file, and I have considered all information which accompanied the application including inter alia:

- Environmental Impact Assessment Screening Report
- EIA Screening Statement Report
- Statement of Consistency and Planning Report
- Material Contravention Statement
- CGI and Photomontages; Arboricultural Assessment; and Landscape and Visual Impact Assessment
- Conservation Report
- Archaeological Assessment
- Engineering Assessment Report
- Daylight, Sunlight and Overshadowing Report
- Appropriate Assessment Screening Report, and Ecological Impact Assessment Report;
- Hydrological and Hydrogeological Qualitative Risk Assessment

- Flood Risk Assessment
- Traffic and Transport Assessment, and Travel Plan
- Energy Statement
- Construction and Demolition Waste Management Plan
- Construction Management Plan
- Operational Waste Management Plan
- Planning Stage Structural Report
- Noise and Vibration Assessment
- Outdoor Lighting Report

12.6.1. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021, 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. In addition to the EIA Screening document submitted, I refer the Board to the additional document submitted titled 'Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021, as amended for the proposed Strategic Housing Development at Knockrabo, Goatstown, Dublin 14'. The submitted Appropriate Assessment Screening document and Ecological Impact Assessment document have considered the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC). Directive 2002/49/EC, Environmental Noise Directive was addressed in the submitted Construction Management Plan. The Hydrological & Hydrogeological Risk Assessment has been informed by the Water Framework Directive (Directive 2000/60/EC). The submitted Flood Risk Assessment that addresses the potential for flooding was undertaken in response to the Directive 2007/60/EC Floods Directive. The SEA Directive (2001/42/EC) is implemented in Ireland by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (SI 435/2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI 436/2004), as amended. Dun Laoghaire Rathdown County Council as part of the Dun Laoghaire Rathdown Development



Plan 2016-2022 undertook a Strategic Environmental Assessment (SEA) of the plan. Reports submitted with the application that are relevant to this Directive include the Environmental Impact Assessment Screening Report, Planning Report, Statement of Consistency and the Material Contravention Statement. The EIAR Screening and CEMP have been undertaken with regard to Directive 2004/107/EC relating to Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in Ambient Air. I have taken the above documents into account in the screening determination.

- 12.7. 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. 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.
- 12.8. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

### **13.0 Recommendation**

It is recommended that permission is granted.

### **14.0 Reasons and Considerations**

Having regard to the following:

- (a) The policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022,

- (b) The policies and objectives set out in the Goatstown Local Area Plan 2012 (as extended to 10<sup>th</sup> April 2022),
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness, 2016, and Housing for All – A New Housing Plan for Ireland, 2021,
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (e) The Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government 2013, as amended, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) The Guidelines for 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,
- (g) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in December 2020,
- (h) Architectural Heritage Protection – Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011,
- (i) The Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (j) The nature, scale and design of the proposed development,
- (k) The availability in the area of a range of social, community and transport infrastructure,
- (l) The pattern of existing and permitted development in the area,
- (m) The planning history of the site and within the area,
- (n) The submissions and observations received, and

(o) The report of the Chief Executive of Dun Laoghaire Rathdown County Council,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area 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.

## 15.0 Recommended Draft Order

**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 29<sup>th</sup> day of October 2021 by Tom Philips and Associates on behalf of Knockrabo Investments DAC.

### **Proposed Development**

Planning Permission for a strategic housing development on a site of c. 1.78ha at Knockrabo, Mount Anville Road, Goatstown, Dublin 14.

The proposed development relates to Phase 2 of the development on the 'Knockrabo' lands. Phase 1 of 'Knockrabo' was granted under Dún Laoghaire-Rathdown County Council (DLRCC) Reg. Ref. D13A/0689/An Bord Pleanála (ABP) Ref. PL06D.243799 and DLRCC Reg. Ref. D16A/0821 (Phase 1) and DLRCC Reg. Ref. D16A/0960 (Phase 1A) and comprises a total of 125 no. units.

The proposed development will consist of the amendment of the permitted 'Phase 2' residential development of 93 no. units, childcare facility and community/leisure uses (DLRCC Reg. Ref. D17A/1124) on a site of 2.75ha. The proposed development will provide for the reconfiguration and redesign of the approved residential development.

The Knockrabo Way entrance road (constructed and unconstructed), the renovation of Cedar Mount House including childcare facility and community/leisure uses, the

Coach House, Gate Lodge (West), the Gate House and all associated landscaping permitted under D17A/1124 which are outside the boundary of the current application are proposed to remain as previously granted.

The site is bounded to the south-east by Mount Anville Road; to the south by 'Mount Anville Lodge' and by the rear boundaries of 'Thendara' (a Protected Structure – RPS Ref. 812), 'The Garth' (a Protected Structure – RPS Ref. 819), 'Chimes', 'Hollywood House' (a Protected Structure – RPS Ref. 829); to the south-west by existing allotments; to the north by the reservation corridor for the Dublin Eastern By-Pass (DEBP); and to the east by the site of residential development 'Knockrabo'. There are 3 no. Protected Structures located in the overall 'Knockrabo' landholding, but which are outside the application boundary. These include 'Cedar Mount' (a Protected Structure - RPS Ref. 783), 'Knockrabo Gate Lodge (West)' (a Protected Structure - RPS Ref. 796), including Entrance Gates and Piers, and 'Knockrabo Gate Lodge (East)' (a Protected Structure – RPS 740) including Entrance Gates and Piers. For clarity no works are proposed to any Protected Structures as part of this proposed development.

The development, with a total gross internal area of c. 23,097.2 sqm, will consist of the construction of 227 no. residential units in 4 no. apartment blocks ranging in height from Part 2 – Part 8 storeys including semi-basement podium.

The development will provide 76 no. 1 bed units, 145 no. 2 bed units and 6 no. 3 bed units as follows:

- Block E (c. 1015.3 sqm GIA) is a 5-storey including semi-basement podium apartment block comprising of 8 no. units (1 no. one bed unit and 7 no. 2 bed units).
- Block F (c. 8042.2 sqm GIA) is a Part 2 to Part 8 storeys including semi-basement podium apartment block comprising 84 no. units (53 no. 1 bed units and 31 no. 2 bed units).
- Block G (c. 8626.5 sqm GIA) is a Part 6 including semi-basement podium to Part 8 storey including semi-basement podium apartment block comprising of 82 no. units (37 no. 1 bed units, 40 no. 2 bed units and 5 no. 3 bed units).
- Block H (c. 5413.7 sqm GIA) is a Part 6 to Part 7 storey apartment block including semi-basement podium comprising 53 no. units (7 no. 1 bed units, 45 no. 2 bed units and 1 no. 3 bed unit).

Residential Tenant Amenities comprising c. 537.2 sqm are provided at Level 00 of Block G and H to serve all residential units within this application.

Balconies/Wintergardens are provided on all elevations at all levels for the 4 no. apartment blocks, with (Private) Terraces provided at top floor levels and a communal Roof Terrace of c. 198 sqm to be provided on Block F.

The development will also provide 178 no. car parking spaces, which comprises 125 no. residential podium parking spaces, 35 no. on-street parking spaces, 16 no. visitor/drop off parking and 2 no. car sharing on-street parking spaces are provided; Provision of 389 no. private residential bicycle parking spaces and 130 no. visitor bicycle parking spaces; Provision of 12 no. motorcycle parking spaces.

All other ancillary site development works to facilitate construction, site services, piped infrastructure, 2 no. sub-stations, plant, public lighting, bin stores, bike stores, boundary treatments, provision of public, communal and private open space areas comprising hard and soft landscaping, site services all other associated site excavation, infrastructural and site development works above and below ground.

The development will be served by the permitted access road 'Knockrabo Way' (DLRCC Reg. Ref. D13A/0689; ABP Ref. PL.06D.243799, DLRCC Reg. Ref. D16A/0821 and DLRCC Reg. Ref. D16A/0960). The application does not impact on the future access to the Reservation for the Dublin Eastern Bypass.

## **Decision**

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

## **Matters Considered**

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

## **Reasons and Considerations**

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

- (a) The policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022,
- (b) The policies and objectives set out in the Goatstown Local Area Plan 2012 (as extended to 10<sup>th</sup> April 2022),
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness, 2016, and Housing for All – A New Housing Plan for Ireland, 2021,
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (e) The Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government 2013, as amended, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) The Guidelines for 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,
- (g) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in December 2020,
- (h) Architectural Heritage Protection – Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011,
- (i) The Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (j) The nature, scale and design of the proposed development,

- (k) The availability in the area of a range of social, community and transport infrastructure,
- (l) The pattern of existing and permitted development in the area,
- (m) The planning history of the site and within the area,
- (n) The submissions and observations received,
- (o) The report of the Chief Executive of Dun Laoghaire Rathdown County Council, and
- (p) The report of the Inspector

### **Appropriate Assessment Screening**

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, and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and 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 and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered 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:

- a) 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,
- b) The location of the site on lands governed by zoning objective A, which seeks to 'protect and-or improve residential amenity' in the Dun Laoghaire Rathdown Development Plan 2016-2022
- c) The existing use on the site and pattern of development in surrounding area,
- d) The planning history relating to the site,
- e) The availability of mains water and wastewater services to serve the proposed development,
- f) The location of the development outside of any sensitive location specified in article 299(C)(1)(a)(v)(l) of the Planning and Development Regulations 2001 (as amended),
- g) 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),
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- i) 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 Construction and Demolition Waste Management Plan,

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 Dun Laoghaire Rathdown County Development Plan 2016-2022 and Goatstown LAP 2012 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 Dun Laoghaire Rathdown County Development Plan 2016-2022 and Goatstown LAP 2012 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. The application site is located within the Goatstown area, which the LAP recognises has a limited number of infill sites suitable for redevelopment. The proposal would deliver 227 residential units in a compact urban form on an accessible and serviced urban greenfield site, and has the potential to deliver 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 (July 2016), and Housing for All – A New Housing Plan for Ireland (2021).
- 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 Section 38 guidance Urban Development and Building Height Guidelines, in particular SPPR3.

## 16.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars submitted with this application, including in the Ecological Impact Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>Prior to the commencement of any development works an updated Japanese Knotweed Management Plan, including a program of measures to eliminate alien invasive plant species, shall be submitted to and agreed in writing with the planning authority prior to commencement of development, which shall be agreed in writing with the planning authority in consultation with the NPWS.</p> <p><b>Reason:</b> To ensure the control of an invasive alien plant species, namely Japanese Knotweed and to protect biodiversity.</p>
4.	<p>Prior to commencement of any works on site, revised details shall be submitted with regard to the following:</p> <ol style="list-style-type: none"> <li>a. Full details of privacy screens between balconies of the apartments.</li> </ol>

	<p>b. Full details of wintergarden system.</p> <p>c. Full details of green roofs/podiums to the buildings.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interests of proper planning and sustainable development and to safeguard the amenities of the area.</p>
5.	<p>Prior to the commencement of development, the licence agreement between the developer and DLRCC to facilitate the provision of a Construction Access Road to the Dublin Eastern By Pass Route shall be submitted to the planning authority. The exact road reservation line shall be agreed and the road reservation line co-ordinates shall be marked on site in consultation with the planning authority.</p> <p><b>Reason:</b> In the interests of proper planning and sustainable development and to safeguard the amenities of the area.</p>
6.	<p>Prior to the commencement of development, the developer shall insert a footpath on the western side of the access street Knockrabo Way, as designed and permitted under D17A/1124.</p> <p><b>Reason:</b> In the interests of proper planning and sustainable development and to safeguard the amenities of the area.</p>
7.	<p>No residential units shall be made available for occupation prior to the completion and opening of the development at Cedar Mount and its childcare facility, unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).</p> <p><b>Reason:</b> To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.</p>
8.	<p>The proposed development shall not be gated to external boundaries and all routes shall be permanently accessible.</p>

	<p><b>Reason:</b> In the interest of permeability and to safeguard the amenities of the area.</p>
9.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
10.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
11.	<p>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.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
12.	<p>Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation. The lighting scheme for the proposed development shall be designed in accordance with guidance contained in Institution of Lighting Professionals (ILP) (2018) Guidance Note 08/18: Bats and artificial</p>

	<p>lighting in the UK, and signed off on by an ecologist before submission to the planning authority for its written agreement before the commencement of any works on site.</p> <p><b>Reason:</b> In the interest of public safety and visual amenity and to conserve bat species afforded a regime of strict protection under the Habitats Directive (92/43/EEC) by avoiding unnecessary light pollution.</p>
13.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
14.	<p>(a) Details of the bicycle parking space design, layout, access, storage arrangement, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.</p> <p>(b) Electric charging facilities shall be provided for bicycle parking and proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, and in the interest of orderly development and to provide for and future proof the development as would facilitate the use of electric bicycles.</p>
15.	<p>Revised drawings and details demonstrating that all items raised in the submitted Stage 1 Quality Audit (dated September 2021) have been adequately addressed shall be submitted for the written agreement of the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>

16.	<p>A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the Developers expense in accordance with the Design Manual for Urban Roads &amp; Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The independent audit team(s) shall be approved in writing by the Planning Authority and all measures recommended by the Auditor shall be undertaken unless the Planning Authority approves a departure in writing. The Stage 2 Audit reports shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
17.	<p>The developer shall comply with all requirements of the planning authority in relation to all works to be carried out on the public road/footpath, and areas to be taken in charge. The internal street network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, vehicular entrances and basement/undercroft car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. Provision for cyclists shall comply with latest National Cycle Manual and Design Manual for Urban Roads Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
18.	<p>(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. These residential spaces shall not be utilised for any other purpose, with the exception of the car share spaces, unless the subject of a separate grant of planning permission.</p>

	<p>(b) Prior to the occupation of the development, a Car and Cycle Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.</p> <p><b>Reason:</b> To ensure that adequate parking facilities are permanently available to serve the proposed residential units and also to prevent inappropriate commuter parking.</p>
19.	<p>A minimum of 10% of all car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p><b>Reason:</b> To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
20.	<p>Prior to the opening or occupation of the development, a detailed 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 and staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport.</p>

21.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
22.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
23.	<ul style="list-style-type: none"> <li>• Prior to the commencement of development, the developer shall engage the services of a qualified arborist as an arboricultural consultant for the entire period of construction activity.</li> <li>• The developer shall inform the planning authority in writing of the appointment and name of the consultant prior to commencement of development. The consultant shall visit the site at minimum on a monthly basis to ensure the implementation of all of the recommendations in the tree reports and plans.</li> <li>• To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the Arboricultural Method Statement and Tree Protection Plan in the submitted Arboricultural Report. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations (or as updated).</li> </ul>



	<ul style="list-style-type: none"> <li>• The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st September and the end of February inclusive) or as stipulated under the Wildlife Acts, 1976 and 2000.</li> <li>• The arborist shall carry out a post construction tree survey on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to Dún Laoghaire-Rathdown County Council's Parks and Landscape Services for written agreement upon completion of the works. The developer shall also be made aware of their obligations to constantly assess and survey the trees after construction because of the potential impact and the age/condition of these trees as outlined in the tree survey.</li> </ul> <p><b>Reason:</b> To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.</p>
24.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> <li>(a) details in relation to the interface of site services and trees to be retained;</li> <li>(b) details in relation to public furniture/benches;</li> <li>(c) details in relation to layout and design of play facilities and equipment;</li> <li>(d) proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of the size, species and location of all vegetation, including biodiversity enhancement measures;</li> </ul>

	<p>(e) details of a Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas to be implemented during operation of the development. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of amenity, ecology and sustainable development.</p>
25.	<p>a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) proposed to be retained, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that</p>

	<p>all major roots are protected and all branches are retained.</p> <p>(d) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site, unless by prior agreement with a specialist arborist.</p> <p><b>Reason:</b> To protect trees and planting during the construction period in the interest of visual amenity.</p>
26.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>

27.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site to be retained and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To secure the protection of the trees on the site.</p>
28.	<p>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 shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
29.	<p>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”,</p>

	<p>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.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
30.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental 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 detailed traffic management plan, hours of working, environmental nuisance measures including noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
31.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
32.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and</p>

	<p>communal areas shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
33.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
34.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>

35.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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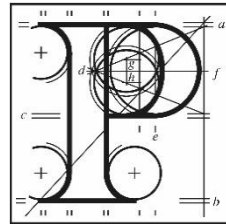
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Una O'Neill  
Senior Planning Inspector

10<sup>th</sup> February 2022



## Appendix A: EIA Screening Form



An  
Bord  
Pleanála

### EIA - Screening Determination for Strategic Housing Development Applications

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>		ABP-311826-21
<b>Development Summary</b>		Construction of 227 no. residential units and associated site works
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application
<b>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?</b>	<b>No</b>	

<p><b>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</b></p>	<p><b>Yes</b></p>	<p>See Inspector's Report Section 12.6.1 SEA undertaken in respect of the Dun Laoghaire Rathdown Development Plan 2016-2022.</p>
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<p><b>B. EXAMINATION</b></p>	<p><b>Yes/ No/ Uncertain</b></p>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>   <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)  <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b></p> </p>	<p><b>Is this likely to result in significant effects on the environment?</b>  <b>Yes/ No/ Uncertain</b></p>
<p><b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b></p>			
<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The development comprises construction of residential units on lands zoned residential in keeping with the residential development in the vicinity. Zoning Objective A, which seeks to 'protect and-or improve residential amenity'.</p>	<p>No</p>

<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>The proposal includes construction of a residential estate which is not considered to be out of character with the pattern of development in the surrounding area.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such 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.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels 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>No</p>

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and 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.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>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?</b></p>	<p><b>No</b></p>	<p>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.</p>	<p><b>No</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></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, Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>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.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

<b>1.10 Will the project affect the social environment (population, employment)</b>	<b>Yes</b>	Redevelopment of this site as proposed will result in 277 no. residential units which is considered commensurate with the development of a site within the Dublin Metropolitan Area.	<b>No</b>
<b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b>	<b>No</b>	Stand-alone development, with other residential developments in the immediately surrounding area on zoned lands.	<b>No</b>
2. Location of proposed development			
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b> <ol style="list-style-type: none"> <li>1. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> <li>4. Designated refuge for flora or fauna</li> </ol>	<b>No</b>	No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European sites.	<b>No</b>

<p><b>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</b></p>			
<p><b>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?</b></p>	<p><b>No</b></p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>The design and layout of the scheme has had regard to the context of neighbouring Protected Structures, in particular Cedar Mount and Gate Lodge West. The proposal considers all built environment, natural and cultural heritage issues and mitigation measures are in place to address concerns.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>No</b></p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p><b>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?</b></p>	<p><b>No</b></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 and groundwater, however, no likely significant effects are anticipated.</p>	
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg 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?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There are no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>



<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	Permitted and under construction residential developments in the wider area have been considered. No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>	No	<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

## 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) the location of the site on lands governed by zoning objective A 'to protect and-or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan,
- c) The existing use on the site and pattern of development in surrounding area,
- d) The planning history relating to the site,
- e) The availability of mains water and wastewater services to serve the proposed development,
- f) 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),
- g) 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),
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

i) 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 Construction & Demolition Waste Management Plan (CDWMP) and Construction Management Plan,

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:** \_\_\_\_\_ **Una O'Neill**

**Date:** \_\_\_\_\_ 10<sup>th</sup> February 2022 \_\_\_\_\_