



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311853-21

#### Development

Alterations to previously permitted development ABP-307092-20 and ABP-309899-21 to include proposed alterations to the previously permitted utilisation of the existing vehicular and pedestrian/cyclist access via Palmerstown Business Park (onto Old Lucan Road) to now limit this access to pedestrian/cyclist access only for Block E residents/visitors.

#### Location

Lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20.

#### Planning Authority

South Dublin County Council

#### Applicant(s)

Randelswood Holdings Ltd.

#### Type of Application

Section 146B

#### Submissions

12 no (Appendix A).

#### Prescribed Bodies

Inland Fisheries Ireland

Transport Infrastructure Ireland

Irish Aviation Authority

**Inspector**

Karen Hamilton

## Contents

1.0 Introduction.....	4
2.0 Site Location and Description .....	5
3.0 Planning History.....	5
4.0 Proposed Changes .....	8
5.0 Public Consultation .....	9
5.1. Introduction .....	9
6.0 Policy Context.....	14
7.0 Assessment.....	17
8.0 Environmental Impact Assessment.....	21
9.0 Appropriate Assessment.....	24
10.0 Conclusion .....	30
11.0 Recommendation .....	31
12.0 Recommended Draft Board Order .....	31

Appendix A - List of Submissions

Appendix B - EIA Screening Determination Form

## 1.0 Introduction

- 1.1. An Bord Pleanála received an application for alterations to a previously permitted development (reference ABP-307092-20 & modified under Ref ABP 309899-21) on the 02<sup>nd</sup> of November 2021, from Downey Planning on behalf of Randelswood Holdings Ltd. to alter the permission granted for a residential development on lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20. The request for alterations is made under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. In accordance with Section 146B (2)(a) of the Planning and Development Act 2000 (as amended) and following a review of the submitted details, it was concluded that the alterations to which this request relates, amounted to a significant alteration to the overall development, and it could not be reasonably concluded that the Board would not have considered the relevant planning issues differently to a material extent, and that other planning issues for consideration might also arise. As a result, the alteration was considered to constitute the making of a material alteration of the terms of the development concerned.
- 1.3. Pursuant to subsection (3)(b)(i) notice was subsequently served on the requester to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal, and additional drawings to be submitted.
- 1.4. Following the receipt of this information (25<sup>th</sup> of February 2022) and display period, a determination is now required under subsection (3)(b)(ii) of the Act whether to —
  - (i) make the alteration,
  - (ii) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
  - (iii) refuse to make the alteration

## 2.0 Site Location and Description

- 2.1. The development site (c. 1.2708 ha) is located approximately 6 km to the west of Dublin city centre, at the junction of Kennelsfort Road Lower and the Chapelizod Bypass (R148). The site fronts onto the Chapelizod Bypass and contained a number of commercial units e.g., furniture and car sales units, which have been demolished. Part of the site is known as the former Vincent Byrne Site and is referred as such in the development plan. To the west of the site, is a Circle K petrol filling station and to the northwest are further commercial and light industrial units, including a steel works unit. To the north and east is residential development accessed off the Old Lucan Road and Rose View.
- 2.2. Access to the site is currently via the Kennelsfort Road Lower in close proximity to the junction with the R-148. Palmerstown village itself is typically low rise with buildings generally two storey in height. The main concentration of commercial uses is along Kennelsfort Road where the site is accessed from. The large number of suburban type dwellings are located along the north of the site. Aldi is also accessed off the Old Lucan Road, to the west of the site. There is a turning circle at the western end of the Lucan Road (cul-de-sac). Waterstown Park, which is within an area designated as a Special Amenity Area Order, is located c. 500m north of the development site along the northern boundary of Palmerstown. There is a QBC located along the Chapelizod Bypass, c. 100 metres from the site. This QBC forms part of the BusConnects proposals.
- 2.3. There is a foot bridge immediately adjacent the B & B, on the opposite side of the Kennelsfort Road which provides a crossing route to the other side of the R-148. Bus stops are located along Old Kennelsfort Road and in close proximity to either side of the footbridge along the R-148.

## 3.0 Planning History

### **SHD ABP 310753-21**

- 3.1. An application for alterations to the permitted SHD (ABP 3007092-20) are currently before the Board for the following changes:

Alterations relate to 3 no. Blocks (C, D & E) and may be summarised as follows:

- The number of units has increased by 24 units, from permitted 250 units to 274 units.
- The change in the mix of units to include an increase of 19 no one bed units (from 103 to 122) and an increase of 5 no 2 bed units (from 74 to 79) with a total of 147 no. 1 beds and 127 no. 2 beds.
- Car parking spaces have increased by 26 no. spaces and bicycle spaces increased by 24 no. spaces and increase basement to accommodate changes.
- Increase in the height of all Blocks (C, D & E) to accommodate an additional floor and lift shaft overrun, AOV and parapet.
- Minor increase in the footprint of all Blocks (C, D & E) to accommodate construction method requirements.
- Residential Amenity area is to remain the same and includes the increase in space permitted under alterations ABP- 309899-21.

#### **SHD ABP 309899-21**

- 3.2. Permission granted by the Board for alterations to the permitted ABP 3072058-20 to allow an increase in the height of Blocks A & B to allow construction methods and a lift shaft and a minor increase in the footprint of the building to accommodate changes in the internal layout and basement alterations.

#### **SHD ABP 307092-20**

- 3.3. Permission granted for the demolition of existing structures, construction of 250 no. Build to Rent apartments and associated site works subject to 23 no. conditions of which the following are of note:

C2- Future connectivity into the commercial lands, as per the submitted masterplan, along the north of the site shall be integrated into the internal road layout.

C3- Compliance with the National Cycle Manual.

C5- Engage/notify Weston and Casement Aerodromes.

C14- No additional works above parapet level.

## **SHD ABP 302521-18**

3.4. Permission refused by the Board in December 2018 for a Strategic Housing Development comprising the construction of a residential mixed-use development of 303 no. apartments (26 no. studios, 125 no. 1 beds, 133 no. 2 beds and 19 no. 3 beds) with a crèche facility, a gym, a community/sports hall, a concierge office and a community room in 2 no. blocks. Three reasons for refusal are summarised below:

1. It is considered that the proposed design strategy as it relates to scale, mass and orientation of structures on the site and the surrounding area and the overshadowing and overbearing impact on the existing properties to the northern boundary, particularly numbers 4 and 5 Roseview.
2. The proposed development would be self-contained with a single access and egress point onto Kennelsfort Road Lower. It is considered that the layout of the proposed development provides limited opportunities to facilitate potential future access to the rear gardens of the houses to the north and is premature pending the preparation of a master plan for the subject site and adjoining industrial sites that addresses connectivity and permeability for all road users.
3. The traffic generated and the provision of a single vehicular access/egress point at the junction of Kennelsfort Road Lower and the R-148 regional road, would endanger public safety by reason of traffic hazard from increased traffic movements and would lead to conflict between road users, that is, pedestrians, cyclists and vehicular traffic. The proposal for a pedestrian and cycle route through an existing industrial/commercial area, which appears to be in private ownership, is inappropriate and would militate against the creation of an attractive pedestrian environment.
4. The location of the public and semi-private open space along the frontage of the R-148 regional road, which is heavily trafficked, would compromise the use and enjoyment of this area by future residents. The design, bulk and massing of Block A, a number of the single aspect one bed units within this block would have a poor aspect, with limited penetration of daylight and sunlight.
5. There is inadequate information on the capacity in the existing surface water network to cater for the proposed development. the storm water outflow

arising from the development can be limited such that it would be in accordance with the requirements of Greater Dublin Regional Code of Practice for Drainage Work (Volume 2 New Development version 6.0) or that the site, when developed, can be adequately and sustainably drained so as not to result in any significant environmental effects on the quality of the receiving water, the River Liffey, as a result of the potential increased discharges or such as to give rise to a risk of flooding.

There were a number of notes attached to the Boards Direction as follows:

Note 1. Regard is given to the Urban Development and Building Heights Guidelines for Planning Authorities, as this relates to objectives of the South Dublin County Development Plan which set specific limitations on building height on the subject site (and adjoining lands).

**PL.06S.234178 (Reg Ref SD09A/0021)**

- 3.5. Permission granted for a significant mixed-use development including retail, offices, 102 residential units, 220 bed aparthotel, café/restaurant, library and health centre and on the site. The proposal comprised of 6 buildings ranging in height from 4 to 6 storeys.

Permission extended under reg. ref. SD09A/0021/EP and expired on the 20th of May 2020.

## 4.0 Proposed Changes

- 4.1. The application seeks for amendments to an approved Strategic Housing Development (ABP-307092-20) to include:
- Proposed alterations to the previously permitted utilisation of the existing vehicular and pedestrian/cyclist access via Palmerstown Business Park (onto Old Lucan Road) to now limit this access to pedestrian/cyclist access only for Block E residents/visitors;
  - Proposed alterations to the previously permitted site layout plan and landscaping proposals to accommodate the provision of a turning head; and,



- Proposed minor alterations to the configuration of the previously permitted access at Kennelsfort Road Lower.
- 4.2. The alterations specific to **Alterations to the pedestrian/vehicular access through the Palmerstown Business Park** would comprise of:
- Removal of vehicular (refuse) traffic through the site which previously provided connection with Kennelsford Road Lower, via Palmerstown Business Park and exiting at Old Lucan Road.
  - Restriction of pedestrian/ cycle connectivity through the Palmerstown Business Park to only those residents of Block E.
- 4.3. The alterations specific to **the changes to the internal layout** would comprise of:
- A new turning head located within an open space area along the northern boundary.
- 4.4. The alterations specific to the **previously permitted access at Kennelsfort Road Lower** would comprise of:
- Alterations to the access to include the set back of the stop line at the junction with Kennelsfort Road Lower.
  - Additional restrictive road markings at the junction with Kennelsfort Road Lower, restricting parking and allowing the turning left of refuse vehicles.

## 5.0 Public Consultation

### 5.1. Introduction

- 5.2. The Board considered the proposed alterations as material and a Board Direction dated 24<sup>th</sup> of August 2021 required the applicant to advertise the proposed alteration and include the following additional information:
- Full specification of the proposed works to the junction at Kennelsfort Road Lower including the sightlines proposed to the north and south of the junction.
  - An updated Traffic Assessment and/or plans detailing the proposed sightlines, having regard to the permitted works at the junction any local or national standards.

- Details of any changes to bicycle and car parking, including a breakdown of the permitted parking strategy in both ABP-307092-20 and ABP-309899- 21.

The information which is made available should also include a set of drawings that clearly compares and contrasts the proposed alterations with the development as permitted.

- 5.3. The applicant published a notice in both the Irish Daily Mail and the Irish Daily Star (copy dated 24<sup>th</sup> of February 2022) of the alteration and a site notice was erected specifying the date to 31<sup>st</sup> of March 2022 for the making of observations/ submissions to the Board. A summary of these submissions is included below.

#### **Planning Authority Submission**

- 5.4. A submission was received from the PA and whilst it includes the planning reference ABP-31153-21 in the title of the body, the text includes a submission to the S146B alterations which are also before the Board (ABP 310753-21).
- 5.5. I note the comments received by the PA and the submission received for ABP 310753-21 are the same. I have summarised the PA submission in ABP 310753-21 and provided reference to the relevant information in my assessment as considered necessary.

#### **Prescribed Bodies**

- 5.6. Inland Fisheries Ireland (IFI)
- Comprehensive surface water management measures must be implemented at the construction and operational stage to prevent pollution of surface waters.
  - Construction should be in line with detailed site-specific Construction Environmental Management Plan (CEMP) with potential impacts and mitigating measures.
  - There should be local infrastructural capacity in the Ringsend WWTP to deal with the wastewater.
- 5.7. Irish Aviation Authority
- No observations to make on the application.

## 5.8. Transport Infrastructure Ireland

- No observations to make on the application.

### **Submissions/ Observations**

12 no submissions were received from members of the public. The submissions are from residents of dwellings in the vicinity of the site, businesses within the vicinity of the site, residents' association (two of which were accompanied by Planning Consultant Reports, and one accompanied by an Engineer's Report) and a submission from an Elected Representative from the local area. The issues raised in the submissions are summarised below:

#### 5.8.1. **Impact of Traffic & Transport**

- An independent engineers report that there is no revised access drawing showing the site access junction on Kennelsfort Road Lower and the revised documentation does not include the visibility splays.
- An independent engineer's report notes that two larger sized vehicular (i.e refuse and delivery vehicle) cannot use the access simultaneously.
- Originally the TTA stated that 40% of the traffic would exit along Palmerstown Business Park. Now 100% will exit onto Kennelsfort Road Lower.
- The alteration of the access is unacceptable given the entrance of the junction at the Kennelsfort road and the N4.
- The alterations will be a major hinderance to the movement of visitors in the village.
- The Kennelsfort Road cannot cope with the volume of traffic
- There is already a significant amount of development in the village which has caused in increase in the volume of traffic.
- The vehicle count is out of date and the baseline information for 2017 is not acceptable.
- An independent vehicular count has been undertaken by the resident's association which shows a different baseline trip to the developers (Citizen Traffic Survey).

- The trip generation from another granted development (53-bedroom hotel) does not appear to have been included.
- It is not envisaged that pedestrians and cyclist would use an upgraded Tuscon Crossing on Lower Kennelsfort Road.
- There are major backups at this junction already and queues along the road.
- All the vehicles turning left at the junction will caused a significant change in the trip movements in the village.
- Photographic evidence of unlawful trips has been submitted (construction traffic)
- A business within the vicinity of the site has submitted the movements of all the delivery's and notes the goods inwards point is located in Chapel Lane near the T junction.
- The current construction traffic cannot turn safely onto the road without crossing over the road where the bollards are supposed to be located.
- There is a lack of documentation to assess the changes proposed.

#### 5.8.2. **Strategic Housing Schemes.**

- There is a revised attitude to the suitability of SHD schemes and developments.

#### 5.8.3. **Original Development (ABP 302521-18)**

- The proposal remains similar to the refused application.
- The single access was not considered acceptable.

#### 5.8.4. **Proposed alterations.**

- The alterations are double that which was permitted, and these changes are disproportionate the permitted development.
- There is no clear indication as to the “minor alterations” to the access at Kennelsford Road Lower.

#### 5.8.5. **Alterations under ABP 310753-21**

- The increase in units will increase the density and movement of traffic.

- These changes can not be assessed on their own and the incremental impact should be assessed.
- Submissions where previously made to other applications including 310753-21 yet to be decided by the Board.

#### 5.8.6. Legal dispute

- There is currently a legal dispute between the applicant and the neighbouring property owner in relation to the current claimed right of way.
- It is unfair the applicant use a legal challenge as a reason for seeking fundamental changes to the traffic and pedestrian movements.
- Extract from Irish Times (Oct 18,2021) submitted as evidence of court action over the legal dispute and right of way.

#### 5.8.7. Impact of proposal.

- The current construction works already have a severe impact.
- It would be impossible to restrict the access to the residents of Block E only.
- There is no indication how a barrier would be workable.

#### 5.8.8. Impact on green space.

- The new turning head will reduce the green space, cause a hazard for children and vulnerable adults.

#### 5.8.9. Palmerstown Business Park.

- There is already unauthorised car parking in the Palmerstown Business Park by the construction workers.
- There is no pedestrian or cyclist infrastructure in the business park.
- The layout of the business park does not allow for pedestrians/cyclists.

#### 5.8.10. National Transport Authority (NTA)

- The NTA submission to the original application is noted and the intensification of the situation will be worse.

## 6.0 Policy Context

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

#### 6.2. Section 28 Ministerial Guidelines

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities and the accompanying Urban Design Manual: A Best Practice Guide
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities
- Urban Development and Building Height Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment’,

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

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

The site is zoned as VC-Village Centre where it is an objective “*To protect, improve and provide for the future development of Village Centres*”.

- Residential is permitted in principle.
- The VC zoning is to support the protection and conservation of the special character of traditional village and provide for enhanced retail and retail services, tourism, residential, commercial, cultural and other uses that are appropriate to the village context.

#### Site Specific local Objective:

UC6 SLO 1- *To preserve the character of Palmerstown Village by limiting any future development on the former Vincent Byrne site to three storey in height, and two storey where it backs or sides onto adjoining two storey housing.’*

development to the east of the M50 and south of the River Dodder”.

#### Heights

Housing (H) Policy 7 Urban Design in Residential Developments.

H7 Objective 4 states: *“that any future development of both residential and/or commercial developments in Palmerstown Village and the greater Palmerstown Area shall not be higher than or in excess of three stories in height.”*

**UC6 Objective 1:** *“To encourage varied building heights in town, district, village, local and regeneration areas to support compact urban form, sense of place, urban legibility and visual diversity while maintaining a general restriction on the development of tall buildings adjacent to two-storey housing”.*

**UC6 Objective 2:** *“To ensure that higher buildings in established areas take account of and respect the surrounding context.”*

### Settlement Hierarchy

- Table 1.1 of the CDP sets out the settlement hierarchy for South Dublin.
- Palmerstown is identified as an area for “consolidation within the gateway”.
- The plan sets out that there is no significant road, water supply or drainage constraints. Proposed high-capacity transport projects would increase capacity of zoned lands.
- Table 1.10- Housing capacity is 9,620 for areas in the “consolidation areas within the Gateway”, 2016-2022

### Core Strategy

Core Strategy Policy 1 Consolidation Areas within the Gateway sets out that “it is the policy of the Council to promote the consolidation and sustainable intensification of

### HCL Policy 14 Liffey Valley Special Amenity Order (SAAO)

The Liffey Valley Special Amenity Area Order 1990 (SAAO) and proposed Natural Heritage Area associated with the Liffey Valley are located to the north of the site.

### **Village Centre**

#### Urban Centres (UC) Policy 3 Village Centres

*“It is the policy of the Council to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value.”*

**UC3 Objective 2:** *“To promote design standards and densities in traditional village centres, that are informed by the surrounding village and historic context and enhance the specific characteristics of each town or village in terms of design, scale and external finishes.”*

**Infill- UC3 Objective 4:** *“To continue to improve the environment and public realm of village centres in terms of environmental quality, urban design, safety, identity and image.”*

**UC3 Objective 7:** *“To reinforce village centres as a priority location for new mixed-use development and to promote and support new development that consolidates the existing urban character with quality of design, integration and linkage as important considerations.”*

### Roads

Table 6.5 - Six Year Road Programme

- Kennelsfort Toad and the R148- Upgrade existing junction- Provision of grade separated junction to enhance the efficiency of the junction, particularly for buses on the N4/Lucan Road QBC and ensure safe crossing facilities are provided for all users.

Table 6.6- Medium to Long term Road Objectives

- Junction 8- M50- Re-establishment of the J8 Junction -To promote development of enterprise lands at Clondalkin (and Park West) and to alleviate traffic congestion within Clondalkin and Palmerstown Villages.

TM Policy 7- Car parking. Management of Public Parking

- Pay and display parking and inclusion of residential permit systems in Palmerstown will prioritise on-street parking for residents and reduce traffic to these areas.

### Cycling

Table 6.4- Six-year cycle network programme

- Liffey Valley Greenway- Green Route- Lucan to Palmerstown
- S6- Primary Route- Lucan to Palmerstown via N4



- 7a- Primary Route- Lucan to Palmerstown via Liffey Valley

## 7.0 Assessment

### Planning History and Concurrent S146B Application.

- 7.1. The permitted development (ABP 307092-20) includes the construction of 250 no. 'Build to Rent' apartments in 5 no. apartment blocks (ranging from 3-8 storeys over basement in height), with a café and ancillary residential amenity facilities and the construction of a basement providing 120 no. car parking spaces, 10 no. motorcycle spaces, 250 no. bicycle spaces, and a plant room and bin stores.
- 7.2. The proposed alterations and submitted documentation have regard to the minor amendments also permitted under the S146B process under ABP-309899-21, being external and internal alterations to permitted Blocks A & B to accommodate a minor increase in floorspace and plant on the roof, amendments to the mix in Block B, changes to the permitted basement plan and alterations to the landscaping plan to accommodate vents from the basement etc. These proposed amendments to the basement layout, internal and external configuration, and elevation changes to Block A & B and alterations to the landscaping plans are noted.
- 7.3. An application for alterations to the permitted SHD (ABP 310753-21) are currently before the Board for the following changes:
- Increase in the height of Blocks C, D & E to allow heights of up to 9 storeys with an additional 24 no units and alterations to the ESB substation and landscaping to take into account the increase in the footprint of Blocks C, D & E.
- 7.4. These proposed alterations relate to the permitted junction at the Kennelsfort Road Lower, the internal access layout and the movement of traffic, pedestrians and cyclist throughout the site. As previously stated above, the proposed amendments are in response to a potential access restriction through the Palmerstown Business Park. In this regard the applicant submits that there is a legal dispute preventing the movement from the site through the business park and onto the Old Lucan Road. The proposal now submitted includes pedestrian/cycle access through the business park for residents of Block E only. All refuse movements are to be accommodated on

the site, rather than one way only from the Kennelsfort Road Lower, along the Palmerstown Business Park and exiting onto the Old Lucan Road.

- 7.5. The amended change to the flow of traffic requires alterations to the junction layout and internal road. These alterations are mainly to accommodate the turning of refuse vehicles within the site and include a new turning head in front of Block D (within a landscaped area) and a change to the layout at the main access junction with Kennelsfort Road Lower.
- 7.6. The Board considered these changes as material. The applicant was requested to advertise the proposed alterations and invite submissions from the public. A number of submissions were received in relation to the proposed alterations mainly in relation to the impact on the traffic flows etc. The public also raised concerns in the submissions under the concurrent alterations (ABP 310753-21). The issues raised are similar in nature to those addressed within my assessment below. A large number of the submissions refer to the original refusal (ABP 302521-18) and consider the alterations now proposed would now represent a proposal similar to the refused permission. A submission from the Planning Authority (PA) was received although the issues raised were applicable to the concurrent S146B alteration. I have addressed the concerns raised by the third parties within the separate headings below.

#### **Alterations to the movement of traffic**

- 7.7. The alterations include the following:
- limit the pedestrian/cyclist access via Palmerstown Business Park (onto Old Lucan Road) for Block E residents/visitors only;
  - configuration of the previously permitted access at Kennelsfort Road Lower, and;
  - alterations to the site layout plan and landscaping proposals to accommodate the provision of a turning head.
- 7.8. The proposed movement of traffic through the site has been amended to include a greater number of traffic movements at the Kennelsfort Road Lower junction due to a reduction through the Palmerston Business Park and reduction at the secondary

access at Old Lucan Road. The Planning Report summarises the percentage impacts at the local junctions as follows:

- Junction 1 – Kennelsfort Road Lower / R148 / Site Access (0.5% increase in the morning and 1.5% increase in the evening);
- Junction 2 – Kennelsfort Road Lower / Lucan Road (9.7% in the morning and 5.4% In the evening);
- Junction 3 – Lucan Road / R148 (1.3% in the morning and 0.9% in the evening); and
- Junction 4 – M50 / R148 (0.27% in the morning and 0.52% in the evening)

7.9. The applicant considers the proposal is minor and remains in compliance with the TII Guidelines and the threshold as it does not meet the threshold requirements for traffic modelling analysis. The submitted TTA includes amended “Trip Generation and Distribution” analysis of the junctions having regard to the change in traffic movement towards the Kennelsfort Road Lower junction. The TTA on the permitted application (ABP 307052-20) detailed the trip generation towards Old Lucan Road as 40%. This 40% will now be directed onto the Kennelsfort Road Lower junction.

7.10. The Inspector’s report (memo dated 04<sup>th</sup> of December 2021) considered there was insufficient information, in the first instance, to complete an assessment of the alterations. The Board considered the alterations material and requested public consultation and the submission of an updated Traffic Assessment and/or plans detailing the proposed sightlines, having regard to the permitted works at the junction any local or national standards.

7.11. An Engineers Report accompanied the additional information to state that no changes were being made to the quantum of car and cycle parking (as noted in section 3.9 of the TTA) and the parking strategy, as per the permitted scheme ABP 307052-20. An updated TTA was not submitted.

7.12. The applicant in this instance notes that these alterations were discussed with the Road Department of SDCC prior to the lodgement of the S146B applicant. I note no correspondence with the Roads Department has been submitted and no response was received from the PA following a period of public consultation. Having regard to the information in the TTA which states there will be an increase in traffic movements

at the Kennelsfort Road Lower / Lucan Road junction (9.7% in the morning and 5.4% In the evening), I would consider the alterations proposed represent a significant change to the traffic movements. I note the information in the TTA was raised in the 3<sup>rd</sup> party submissions as concern, in particular the date of the surveys from 2017. I also note a submission was accompanied by an independent traffic count. This aside, I do not consider the applicant has submitted evidence to indicate that the alterations and movement of traffic from the site can be addressed appropriately as part of the S146B procedure.

- 7.13. In relation to the original refusal, I note one of the reasons for refusal related to the provision of a single vehicular access/egress point at the junction of Kennelsfort Road Lower, the absence of any pedestrian and cycle routes and permeability throughout the site. The applicant resubmitted an application highlighting a right of way through the adjoining business park and proposing the use for refuse vehicles, pedestrians, and cyclists. As stated above the TTA included this access. I note the third-party submissions highlight this refusal permission and the similarities with this alteration proposal. Whilst the applicant states that access will be restricted to pedestrian/ cycle users from Block E only, no proposal to restrict other residents and/or members of the public are included in the documentation, and I do not consider the applicant has submitted a reasonable planning solution to overcome issues relating to the approved access. This aside, I do not consider a legal dispute a planning consideration or a reasonable request to permit a S146B alteration to the permitted scheme.

#### **Kennelsfort Road Lower junction alteration**

- 7.14. The site layout submitted with the permitted scheme ABP 307092-20 (Sheet no PR224738-ACM-00-00-DR-CE-00-0001) includes a stop line closer to the main road. The alterations now proposed (Sheet No PR224738-ACM-00-00-DR-CE-00-0101) include the set back of the stop line to accommodate the refuse vehicle turning left onto Kennelsfort Road Lower. To accommodate the refuse turning onto Kennelsfort Road Lower additional road markings, restricting the parking of vehicles, has been included on the public road to the north of the permitted junction. The permitted movement into and out of the site remains as left in and left out and I note the same road infrastructure (on road bollards and road signs) is included. The applicant's TTA states that the visibility requirement to the north along the Kennelsfort Road Lower

has been provided for in line with DMURS for a 30kph road. The TTA also states that sightlines to the south cannot be achieved due to the proximity of the junction to the R14/Kennelsfort Road Lower junction, although speeds will be low at this junction.

- 7.15. The Inspector's report to the Board (memo dated 04<sup>th</sup> of December 2021) considered there was insufficient information to complete an assessment of the amendments to the junction. The Board considered the alterations material and requested public consultation and the submission of full specification of the proposed works to the junction at Kennelsfort Road Lower including the sightlines proposed to the north and south of the junction.
- 7.16. The additional information was accompanied by a response from the applicant's Engineers. Appendix A includes the proposed alterations at Kennelsfort Road junction, with the set back and notes visibility spays of 49m. This drawing includes the visibility splays from the edge of the road rather than the new amended stop line. The Inspector's Report on the permitted development (ABP 307092-20) accepted proposed sightlines (49m), even though they could meet the DMURS standards for a 60kph road, it was considered a reduction in the standards was applicable having regard to the distance of the junction from a signal-controlled junction, where cars would be typically traveling at much lower speeds. Whilst I note that a reduction in the DMURS standards was applicable in the initial assessment, I am concerned that the visibility splays have not been altered to reflect the amended junction layout and the set back of the Stop Line from the edge of the road. In this regard, in the absence of sufficient visibility splays and the increase in traffic movements at this junction, the applicant has not submitted sufficient information as evident he proposed alterations would not cause a traffic hazard. It is my opinion that the combination of alterations is significant and should not be addressed as an alteration under S146B of the Planning and development Act (as amended).

## 8.0 Environmental Impact Assessment

- 8.1. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,

- 8.2. Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 8.3. The proposed development is for 250 no apartment units (increased to 274 with these proposed alterations within a S146B application submitted in parallel with these alterations), on a site area of c. 1.2708ha. An Environmental Impact Assessment (EIA) Screening Report was submitted with the original application (ABP-307092-20) which concluded that an Environmental Impact Assessment Report was not necessary. The proposed development was considered to be 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). The applicant submitted an Ecological Impact Assessment Report, with these proposed alterations, including the information set out in Schedule 7A of the Planning and Development Regulations, 2001 (as amended) to allow a screening for EIA in accordance with the criteria in Schedule 7 regarding the:
1. Characteristics of Proposed Development
  2. Location of Proposed Development
  3. Types and Characteristics of Potential Impacts
- 8.4. An EIA Screening report was also submitted with the proposed amendments under ABP-309899-21 which concluded that having regard to the nature, scale and location of the proposed development, by itself or in combination with other plans and projects, is not likely to have significant effects on the environment, it was considered that an EIA was not required. I note the Inspector’s Report and the Board’s Direction on both the original application and the amendments, that the proposed development would not be likely to have significant potential effects on the environment. I have undertaken a screening assessment of the proposed development (Appendix B).
- 8.5. The total combined units included in both the original permitted development (ABP 307092-20) and those subsequent amendments (ABP 309899-21), under the requirement for a mandatory EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. 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. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening set out below concludes that the potential for adverse impacts on European sites can be excluded at the screening stage. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted development in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment.

8.6. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Landscape plan
- Transport Assessment and Mobility Management Plan
- Waste Strategy and Engineering documents
- Appropriate Assessment Screening Report
- Planning Statement

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

8.8. Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, I would note that the following assessments / reports have been submitted in the course of the making of the application:

- An AA Screening Report in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) has been submitted with the application, which also address requirements arising from the Water Framework Directive and the Urban Wastewater Treatment Directive.
- A Flood Risk Assessment that addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive.
- A Preliminary Construction and Demolition Waste Management Plan has been submitted which was undertaken having regard to the EC Waste Directive Regulations 2011 and has relied on standards derived under or related to the EU Environmental Noise Directive, as well as air quality monitoring and standards derived from the EU Ambient Air Quality Directive.

8.9. Overall, I am satisfied that the proposed development would not have a significant effect on the environment. In addition, I am satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted. It is my opinion that a screening determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## 9.0 Appropriate Assessment

### Introduction

9.1. An Appropriate Assessment Screening Report was submitted with the application under ABP-307092-20 (as modified under ABP -309899-21), and it was concluded that that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on:

- Rye Water Valley/Carton SAC (site code 001398),
- Glenasmole River Valley SAC (site code 001209),
- South Dublin Bay and River Tolka Estuary SAC (site code 000210),
- South Dublin Bay and River Tolka Estuary SPA (site code 004024),
- North Bull Island SPA (site code 004006),



- North Dublin Bay SAC (site code 000206),
- Wicklow Mountains SPA (site code 004040),
- Wicklow Mountains SAC (site code 002122),

or any other European site, in view of the sites conservation objectives (as listed below), and a Stage 2 Appropriate Assessment was not therefore required. In view of the sites' conservation objectives. The Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the sites' conservation objectives.

- 9.2. A revised screening report accompanied the proposed amendments under ABP-311853-21 which concluded that given the nature of the proposed alterations they will not, either individually or cumulatively in combination with the other identified plan or projects, adversely effect the integrity of any European Site.

#### **Screening for Appropriate Assessment Test of likely significant effects**

- 9.3. 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).
- 9.4. 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.

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

- 9.5. The original permission (ABP-307092-20) permitted included 250 no. BTR units. Additional alterations were permitted for minor alterations under ABP-309899-21. The site was previously used as commercial and is considered a brownfield site. The surface water treatment includes an attenuation storage tank and has been designed to comply with the guidelines of the Greater Dublin Sustainable Drainage Systems (GDSDS). Discharge of surface waters into the public system are controlled and filtered through drains to prevent any water pollution. The treatment of surface water is in compliance with standard construction methods and not intended as a measure to mitigate against direct or indirect impacts on any European Site .

The foul effluent will be pumped into the public sewerage system via a proposed rising main.

- 9.6. There are no European sites located within or in close proximity to the site. The Submitted Screening Report listed 10 no. sites within a 15km radius of the site as detailed below.

Natura 2000 sites with potential connectivity

<b>Natura 2000 Code</b>	<b>Qualifying Interests</b>
Rye Water Valley/Cartron SAC (001398) 7.9km west of the site	7220 Petrifying springs with tufa formation (Cratoneurion)* * denotes a priority habitat 1014 Narrow-mouthed Whorl Snail Vertigo angustior 1016 Desmoulin's Whorl Snail Vertigo moulinsiana
Glenasmole River Valley SAC (001209) 10km south of site	6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7220 Petrifying springs with tufa formation (Cratoneurion)*
South Dublin Bay and River Tolka Estuary SAC (000210) 11.1km east of site	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
South Dublin Bay and River Tolka Estuary SPA (004024) 9.7km east of site	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144]

	<p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
<p>North Bull Island SPA (004006) 13km east of site</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
<p>North Dublin Bay SAC (000206)</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p>

<p>13km east of site</p>	<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
<p>Wicklow Mountains SPA (004040)</p> <p>14.3km south of site</p>	<p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>
<p>Wicklow Mountains SAC (002122)</p> <p>14.3km south of site</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>

- 9.7. With regard to direct impacts, the application site is not located adjacent or within a European site and there are no watercourses on the site or habitats linked to European sites, therefore there is no risk of habitat loss, fragmentation or any other direct impacts.
- 9.8. With regards indirect impact, I note the Inspector's report on the initial application (ABP 307092-20) made reference to the location of the site and the foul water entering the public system which eventually discharges into the River Liffey, which leads to the Dublin Bay. It was considered that having regard to the suburban nature, design of measures and the distance of the site from the Bay, the connection would not result in any significant negative impact on the water quality of the Dublin Bay, nor is there any potential for a negative impact on the conservation objectives of the following Natura 2000 sites:
- South Dublin Bay and River Tolka Estuary SPA (004024),
  - South Dublin Bay and River Tolka Estuary SAC (00210),
  - South Dublin Bay SAC (000210),
  - North Bull Island SPA (004006),
  - North Dublin Bay SAC (00206).
- 9.9. A revised screening report accompanied the proposed amendments permitted (ABP 309899-21). In addition, a revised screening report accompanied these proposed amendments which concluded that given the nature of the proposed alterations they will not, either individually or cumulatively in combination with the other identified plan or projects, adversely effect the integrity of any European Site
- 9.10. It is my opinion, that these proposed alterations, which include in the most part an amendment to the pedestrian/ vehicular flows and minor alterations to the entrance and having regard to the information presented in both this application and the previous applications that no source-pathway-receptor exists, and proposed alterations would not adversely affect the integrity of any European sites in view of the sites' conservation objectives.

## **Screening Determination**

- 9.11. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it is concluded that project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, Rye Water Valley/Carton SAC (site code 001398), Glenasmole River Valley SAC (site code 001209), South Dublin Bay and River Tolka Estuary SAC (site code 000210), South Dublin Bay and River Tolka Estuary SPA (site code 004024), North Bull Island SPA (site code 004006), North Dublin Bay SAC (site code 000206), Wicklow Mountains SPA (site code 004040), Wicklow Mountains SAC (site code 002122), and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.
- 9.12. This determination is based on the following:
- The nature and scale of the proposed development on fully serviced lands,
  - To the intervening land uses and distance from European Sites, and
  - Lack of direct connections with regard to the source-pathway-receptor model.

## **10.0 Conclusion**

- 10.1. It is my opinion that the alterations to the junction and the movement of the pedestrians/ cyclists and refuse vehicles are a more significant change to the terms of the development which was original permitted by the Board. The submitted documentation indicates that traffic flow increase at the Kennelsfort Road Lower junction will be 40% from the original permitted design to accommodate the redirection of pedestrian, cyclists and refuse vehicles. I consider this is a significant deviation from what was originally envisaged. In addition, I am concerned the amended junction design at Kennelsfort Road Lower does not meet the relevant standards necessary to prevent a traffic hazard and having regard to the location of the visibility splays and the new setback for the Stop line, this junction would be substandard. Therefore, I consider the extent of information submitted is such that a full assessment of the nature and complexity of the impact of these alterations can not be fully undertaken, in particular the alterations to movement and flow of refuse

vehicles. In this regard, I have concerns that these amendments may lead to a traffic hazard and have negative impact on the receiving environment.

## 11.0 Recommendation

11.1. Having regard to the above assessment, I recommend that in accordance with subsection (3)(b)(iii) of section 146B of the Act 2000 (as amended) the Board – (iii) refuse to make the alteration, for the reasons and considerations set out below.

### 11.2. Reasons and Considerations

Having regard to the following:

- a) the policies and objectives of the South Dublin County Development Plan 2016-2022,
- b) the Design Manual for Urban Roads and Streets (DMURS),
- c) the nature and scale of the Strategic Housing Development permitted under ABP- 307092-20 and modified under ABP 309899-21,
- d) the increased movement and flow of traffic onto the Kennelsfort Road Lower,
- e) the proposed visibility splays at the Kennelsfort Road Lower junction,

It is considered that the amended works in this request would be likely to have an effect on the movement and flow of vehicular traffic, pedestrians and cyclists of the area that differs in a significant way from the likely effects of the development as previously approved. Therefore, the alteration of the terms of the approved development, would constitute a material alteration and should not be permitted under Section 146 B of the Act 2000 (as amended).

## 12.0 Recommended Draft Board Order

REQUEST received by An Bord Pleanála on the 02<sup>nd</sup> of November 2021 from Downey Planning on behalf of Randelswood Holdings Ltd. under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20, which is the subject of a permission under An Bord Pleanála reference number ABP-307092-20 and modified under ABP 309899-21.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development,

**AND WHEREAS** the Board has received a request to alter the terms of the development which is the subject of the permission,

**AND WHEREAS** the proposed alteration is described as follows:

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, invited submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

- Proposed alterations to the previously permitted utilisation of the existing vehicular and pedestrian/cyclist access via Palmerstown Business Park (onto Old Lucan Road) to now limit this access to pedestrian/cyclist access only for Block E residents/visitors;
- Proposed alterations to the previously permitted site layout plan and landscaping proposals to accommodate the provision of a turning head; and,
- Proposed minor alterations to the configuration of the previously permitted access at Kennelsfort Road Lower,

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would result in a material alteration to the terms of the development, the subject of the permission,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby refuses to alter the above-mentioned alteration having regard to the submitted plans and particulars.



## **REASONS AND CONSIDERATIONS**

Having regard to:

- a) the policies and objectives of the South Dublin County Development Plan 2016-2022,
- b) the Design Manual for Urban Roads and Streets (DMURS)
- c) the nature and scale of the Strategic Housing Development permitted under ABP- 307092-20 and modified under ABP 309899-21,
- d) the increased movement and flow of traffic onto the Kennelsfort Road Lower,
- e) the proposed visibility splays at the Kennelsfort Road Lower junction,

it is considered that the proposed alterations would be material and are not considered acceptable alterations. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby refuses to make the said alterations.

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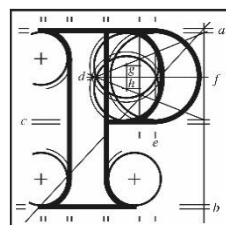
Karen Hamilton  
Senior Planning Inspector

07<sup>th</sup> of June 2022

## **Appendix A: List of Submissions**

1. Alan Hayes
2. Annette O' Conor
3. Biggerstaff Services Limited
4. Christopher and Anita Donohoe
5. D Kennedy Steel Supplies Ltd
6. Des and Ethel Byrne
7. Grainne Ni Mhuiri
8. Palmerstown RPM Company No. 2 Limited
9. Peter Grogan and Mary Mullany
10. Residents Association
11. Riversdale, Riverview and Old Lucan Road Residents Group
12. Sarah Ni Ruairc

## Appendix B: EIA Screening Determination Form



An  
Bord  
Pleanála

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

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>		ABP-311853-21
<b>Development Summary</b>		Alterations to previously permitted development ABP-307092-20 and ABP-309899-21 to include proposed alterations to the previously permitted utilisation of the existing vehicular and pedestrian/cyclist access via Palmerstown Business Park (onto Old Lucan Road) to now limit this access to pedestrian/cyclist access only for Block E residents/visitors.
	<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 and NIS 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>	

3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the South Dublin County Development Plan 2016-2022
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<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  <b>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</b> <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b>	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of residential units on lands zoned residential in keeping with the residential development in the vicinity.	No

<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 apartments which is not considered to be out of character with the pattern of development in the surrounding town.</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 and Environmental 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 Environmental 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 Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. 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. 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. 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. 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 an increase in 250 no apartments which is considered commensurate with the development of a Dublin City.	<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 minor developments in the immediately surrounding area.	<b>No</b>
<b>2. Location of proposed development</b>			
<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 conservation sites located on the site. An AA Screening Assessment and NIS accompanied the application which concluded no significant adverse impact 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 uses on 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>No features of landscape, historic, archaeological or cultural importance could be affected. A protected structure is located outside the site and it has been established that there will be no significant adverse impact on the character and setting.</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 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.</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 is 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>	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>		<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	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(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to protect and provide for residential uses in the South Dublin 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 availability of mains water and wastewater services to serve the proposed development,
- (e) 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)
- (e) 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),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction & 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.

Inspector: \_\_\_\_\_ Karen Hamilton

Date: \_\_\_\_\_ 02<sup>nd</sup> of July 2022