



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
312007-21**

Strategic Housing Development	379 no. residential units (165 no. houses and 232 no. apartments) a creche and associated site works..
Location	Lands at Wayside, Enniskerry Road, Kilternan, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council.
Prospective Applicant	Liscove Limited
Date of Consultation Meeting	24 th February 2021
Date of Site Inspection	22.02.2021
Inspector	F. Fair

1.0 Introduction

- 1.1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1.1. The site has a stated area of 11ha gross / 8.8 ha net. It is located within Kiltiernan Village, a semi-rural environment within the southern metropolitan area, some 15 Km south of Dublin City Centre and 2.5Km from the closest Luas Station (Ballyogan Wood Luas Stop). Kiltiernan is located outside of the M50 (approx. 1.5Km from Exit 15). It has the Dublin mountains as its backdrop to the west and has views of the sea to the east. Sandyford and Dundrum are located approx. 5 Km and 7.5 Km distant, respectively, with Dun Laoghaire approx. 11 Km distant. The area is serviced by Dublin Bus routes No. 44 and No. 83.
- 2.1.2. The most notable features within the village are a pub/restaurant, a farmer's market, a petrol filling station and shop, a car garage and auto service, a crèche and schools such as Kiltiernan Church of Ireland National School, Our Lady of the Wayside National School and Kiltiernan Adult Education Centre, as well as religious services in the Village such as Kiltiernan Parish Church and Our Lady of the Wayside Church.
- 2.1.3. The existing buildings in the immediate area are generally one or two-storeys in height. The application site lands are surrounded by a fragmented pattern of low density-built fabric comprising low-rise housing and cottages against the backdrop of the Dublin mountains.

- 2.1.4. The subject site is located in between The Golden Ball junction and our lady of Wayside Church and NS. It has frontage onto both the Glenamuck and Enniskerry roads. It is irregularly shaped and is partially bound to the north-west by Kilternan Farmers Market and the Glenamuck Road, and to the north-east by 'Rockville' residential development. Along its southern boundary, the site is bound by dwellings accessed from Ballycorus Road, and a 'Circle K' Station and Vehicle Repair Centre, accessed from Enniskerry Road, which runs to the south of the subject site. The future planned Glenamuck Link Distributor Road (GLDR) runs to the eastern boundary of the site.
- 2.1.5. The lands are currently accessible via existing 3 No. entrances; 2 No. entrances are located along the R117 Enniskerry Road and a pedestrian entrance is provided along the Glenamuck Road. In addition, a neighbouring residential scheme has developed at the north-east of the site

3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed development consists of demolition of existing structures and construction of 397 residential dwellings and a Neighbourhood Centre on a village centre site in Kilternan.
- 3.1.2. The following development parameters are noted: **Table 1**

Table 1	Key Statistics													
Site Area	11 ha Gross / 8.8 ha net													
No. Of Units	397 Units - 165 Houses - 132 Apartments - 100 Duplexes	<table border="1"> <tr> <td>Creche</td> <td>400 sq. m</td> </tr> <tr> <td>Office</td> <td>364 sq. m</td> </tr> <tr> <td>Medical</td> <td>158 sq. m</td> </tr> <tr> <td>Retail</td> <td>274 sq. m</td> </tr> <tr> <td>Retail/Convenience</td> <td>432 sq. m</td> </tr> <tr> <td>Total</td> <td>1,628 sq. m</td> </tr> </table>	Creche	400 sq. m	Office	364 sq. m	Medical	158 sq. m	Retail	274 sq. m	Retail/Convenience	432 sq. m	Total	1,628 sq. m
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Office	364 sq. m													
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Total	1,628 sq. m													
Density	45.11 u/ph													

Height	2 – 5 storeys
Dual Aspect	87% of apartments and duplexes
Public Open Space	21,530 sq. m (25%) Incl. the village green, a woodland walk, pocket park and the Dingle Way.
Communal Open space	3,514 sq. m
Car parking spaces	683 (2 spaces per unit for 165 houses, 1 no space per duplex units/ apartments and 61 for non-residential uses).
Bicycle Parking spaces	316
Access	Vehicular access from Enniskerry Road and Glenamuck Road; Vehicular access to the future GLDR; pedestrian links from Enniskerry Road and within the site to the neighbouring “Rockville” development to the north-east and a pedestrian/cycle route through the Dingle Way from Enniskerry Road to the future GLDR

The unit mix is as follows: Table 2

Unit Mix	No.	%
1 Bed	31	8%
2 Bed	144	36%
3 Bed	165	42%
4 bed	57	14%
	397	100%

4.0 National and Local Planning Policy

4.1.1. National

Project Ireland 2040 - National Planning Framework

Chapter 4 of the Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 4 sets out to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

The directly relevant National Policy Objectives as contained within the NPF include: National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy 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 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.

National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities. Relevant Section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets (Interim Advice Note Covid -19, May 2020)
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

4.1.2. **Regional Policy**

Regional Spatial and Economic Strategy (RSES) for Eastern and Midland Assembly, 2019

EMRA's Regional Spatial and Economic Strategy 2019-2031 (RSES) sets out that the Metropolitan Area Strategic Plan (MASP) identifies strategic residential and employment corridors. One of these corridors includes the 'Metrolink/Luas Greenlink' corridor which the subject site falls within and is tasked with providing 71,000 people with 'new residential communities in Ballyogan and environs and Kiltiernan Glenamuck'.

4.1.3. **Local Policy**

Dun Laoghaire Rathdown Development Plan 2016-2022

Kiltiernan is designated as a 'future development area' in the Core Strategy as outlined in Figure 1.1 of the Plan (Core Strategy Map) and is within the Metropolitan Area of Dun Laoghaire Rathdown County.

Section 1.3.4.2 sets out the basis for the Kiltiernan – Glenamuck LAP. It is anticipated that the plan area will ultimately accommodate c. 2,500-3,000 residential units, a neighbourhood centre, two tranches of public open space and a large employment node adjacent to the established mixed-use development at The Park, Carrickmines. The key elements of the overall planning framework for the area include the proposal to provide a bypass road of the Village Core of Kiltiernan, the implementation of a Neighbourhood Framework Plan to consolidate the Village Core, the graduation of residential densities from higher densities adjacent to the Luas line to lower densities further removed from this main public transport artery and the implementation of a centrally located major public open space / school site.

The site is partially zoned 'Objective A' in the development plan, 'to protect and/or improve residential amenity'. Residential development is 'permitted in principle'

under this zoning objective. And 'NC', neighbourhood centre: 'To protect, provide for and / improve mixed-use neighbourhood facilities.'

Kiltiernan Glenamuck LAP 2013 (extended to September 2023)

The overall strategy for the LAP lands reflects that of the County Development Plan, based on the roads improvement objectives for the Glenamuck District Distributor Road (GDDR) and Glenamuck Local Distributor Road (GLDR) to bypass Kiltiernan village, facilitating the development of the village centre and a new civic node. There is a Section 49 Supplementary Development Contribution Scheme for the GDDR, which also includes a separate infrastructure project of Regional Surface Water Attenuation Ponds that are required to affect the SUDS drainage scheme for the new roads and the development lands within the LAP area.

The LAP also provides for some upgrading of the existing Glenamuck Road to provide pedestrian and cycle facilities and the upgrading of the Enniskerry Road to a traffic calmed street to function as part of the neighbourhood centre.

Section 2.2 of the plan sets out a broad framework and principles of development including objectives RE01-RE09 relating to residential development and which includes RE03 which seeks to facilitate the provision of appropriate densities and a mixture of dwelling types and tenures taking into account proximity to public transport corridors, site topography, sites of archaeological interest/protected structures and natural features.

Section 10 of the LAP sets out the phasing requirements and details that up to 700 dwelling units can be accommodated on an existing upgraded road network, in advance of the GDDR scheme, as Phase 1. It is stated however, that the development of additional units in excess of these 700 dwelling units would, however, require the construction of the Glenamuck District Distributor Road Scheme roads. LAP section 10.6 sets out 13 criteria to be considered in the case of developments in advance of that scheme, with the following locations to be considered as part of Phase 1:

Phase 1(a) to comprise c. 350 dwelling units:

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A. Glenamuck Road Upper / North Portion (c. 200 dwelling units). This area encompasses the lands designated as 'medium / higher density residential' at the northern section of Glenamuck Road.

B. Node at junction of Enniskerry and Glenamuck Roads (c. 150 dwelling units). This area includes the lands designated as 'medium density residential' to the east of Enniskerry Road. Any proposed developments must include the improvement of the Glenamuck Road.

In relation to surface water attenuation the following is noted:

"In advance of the construction of the Regional Surface Water Attenuation Ponds it will be necessary to incorporate stringent Sustainable Drainage Systems (SUDS) measures on each development site. In particular for all sites whose site plan area is greater than 0.5 hectares (ha) or where the number of residential units proposed exceeds twenty (20) or whose proposed commercial area exceeds 500 square metres it is proposed to require the preparation of Stormwater Impact Assessments and Stormwater Audits".

Phase 1(b) to comprise c. 350 dwelling units: C. Concentrated at village core / along Enniskerry Road. Including lands zoned as 'neighbourhood centre' and 'residential' along the Enniskerry Road. Development is dependent on delivery of a traffic calming scheme and must include the improvement of the Enniskerry Road through the 'village core'. The site is within Phase 1(a) B and Phase 1(b) (c) as per the LAP phasing map. The 13 planning criteria to be used in the assessment of planning applications up to 700 dwellings are as follows:

1. Conformity with the Kiltiernan / Glenamuck Local Area Plan, 2013-2019, and which promote and facilitate the achievement of its vision and objectives.
2. Demonstration of a high level of architectural quality and urban design and are sympathetic to the special character of Kiltiernan / Glenamuck.
3. Achievement of local road / footpath improvement and traffic management measures.

4. Consolidation of the existing development node at Glenamuck Road (northern section), including 'The Park' development at Carrickmines.
5. Consolidation of Kiltiernan village.
6. Planned within the context of an overall outline Master Plan for individual and affiliated land holdings (in order to prevent piecemeal development).
7. Compatibility with later phases of development.
8. Facilitation of the orderly development of adjoining property/land holdings.
9. Proximity to the Luas Line B1 and within the catchment area for the Section 49 Supplementary Development Contribution Scheme for Luas Line B1.
10. Availability of environmental services. Specifically, the Council will monitor and have regard to capacity at the Shanganagh Wastewater Treatment Works to ensure that wastewater from any proposed development in the LAP area can be accommodated in accordance with the Wastewater Discharge License for the Works.
11. Incorporation of acceptable Sustainable Drainage System (SUDS) measures on each development site.
12. Likelihood of early construction.
13. Provision of an appropriate level of active and passive open space and community facilities. Specifically, the Council, in conjunction with the Department of Education and Skills, will have regard to the capacity of local schools to accommodate development, in accordance with the "Code of Practice on the Provision of Schools and the Planning System".

The development site is within **LAP land parcel 20A and 22**.

LAP chapter 5 includes the following movement and transportation objectives in addition to those mentioned above:

- The existing Enniskerry Road and Glenamuck Road are to be the main public transport routes for the area with a new bus gate where the Enniskerry Road joins

with the extended GLDR. Only public transport vehicles, cyclists and pedestrians are to be allowed access to and from Kiltiernan Village from the Enniskerry Road at the bus gate. All other vehicles will not be allowed to make this movement. Another bus gate at the junction of the Glenamuck Road and the GLDR, to the east of the development site.

- Traffic improvements proposed for the portion of (traffic calmed) Enniskerry Road aligned through the Kiltiernan Village Core, from The Church of Ireland Parish site to the north to the Enniskerry / Ballybetagh Road junction to include provisions for cyclists and pedestrians. Upgrading of the section of Enniskerry Road that traverses the Kiltiernan civic node with traffic calming measures.

Kiltiernan Neighbourhood Framework Plan

This is incorporated as an appendix of the current LAP. The framework plan sets out masterplan provisions with regard to block structure, use mix, architectural style and materials but does not include any specific provisions for the development site.

Enniskerry Road / Glenamuck Road Part VIII Scheme

The Part VIII scheme relates to the Enniskerry Road / Glenamuck Road (Golden Ball) junction. It extends as far as the entrance to Rockville on the Glenamuck Road. The scheme involves the following:

- Widening of both sides of the Glenamuck Road to allow for the provision of left and right turning lanes, cycle lanes and footpath approaching the Golden Ball junction. Also removal of a 'pinch point' at Cromlech Close.
- General upgrading of the Golden Ball junction to provide improved pedestrian and cycle facilities. Cycle lane/tracks on Glenamuck Road.
- Provision of a new right turning lane on the Enniskerry Road at the southern approach to the Golden Ball junction with a new frontage to the Kiltiernan Country Market at the eastern side of the road.
- Improved pedestrian crossings incorporated within signalised junctions including new crossings on the northern and western sides of Enniskerry Road.

- Upgraded public lighting.
- Attenuation pond to the east of Glenamuck Road.

Part VIII approval was granted at a meeting of Dun Laoghaire Rathdown County Council on 11th September 2017.

Reg. Ref. PC/IC/01/17 Consent issued in 2017 for a Part VII Scheme for upgrade works at the Glenamuck Road.

As noted under Section 4 above, An Bord Pleanála Reference PL06D.303945 and PL06D. 304174. Part 10 application for the Glenamuck District Distributor Road Scheme (GDDRS) and a Compulsory Purchase Order for the acquisition of the necessary land to construct the GDRS was granted by the Board in December 2019

5.0 **Planning History**

There has been one planning application on the subject site.

PL06D.236630 - D09A/0471 – Permission was refused on the 5th October 2010 for 161 No. Residential Units, 4 No. Retail Units, 10 No. Office Units and 1 No. Creche. Planning permission was previously refused for development on part of the subject site (c. 5.97 hectares) as detailed below:

‘Having regard to the existing features of the site, which include a substantial quantity of mature trees and hedgerow, and having regard to the layout indicated in the Kiltarnan Neighbourhood Framework Plan 2010, which includes the retention of these trees, it is considered that they layout as proposed, including extensive removal of viable trees and hedgerow to the east of Enniskerry Road and continuous car-parking to the front of the residential units, would fail to have adequate regard to the framework plan, would seriously injure the amenities of the area and of future occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.’

Recent Applications of relevance in the area:

Planning Authority Reference D17A/0793 and D18A/0566.

Refers to a grant of permission on a c.2.22 ha site on the southern side of Glenamuck Road comprising Rockville House, a protected structure, and the associated gate lodge and other structures and adjoining lands. It included the demolition of existing agricultural outbuilding, retention of Rockville House and gate lodge as 2 no. separate dwellings, retention of an associated walled garden as public open space; 49 no. dwellings consisting of 37 no. detached, semi-detached and terraced 2/3 storey houses and 12 no. apartments in 1 no. 4 storey apartment block; new vehicular access from Glenamuck Road South and retention and re-use of existing vehicular access to Rockville House and gate lodge for pedestrian and cyclist use; upgrades to Glenamuck Road including new footpath, resurfacing of the carriageway and public lighting. Described as the first phase of development on the residential zoned lands at Rockville House. Permission granted subject to conditions, none of which required any substantial amendments to the proposed scheme.

Planning Authority Reference D18A/0566.

Permission granted for 6 no. 4 bed dwellings on a site to the immediate south of D17A/0793, to be accessed from the permitted local road within D17A/0793.

Planning Authority Reference D18A/1191/ABP 303871-19 permission granted for change of house type for 5 previously approved house types under PA Ref. No. D18A/0566.

Planning Authority Reference D18A/0940/ABPPL06S.303324.

Permission refused by Dun Laoghaire Rathdown County Council for Phase 2B residential development on a site located to the south east of Phase 1 residential development permitted under Reg. Ref. D17A/0793 at Rockville House, Glenamuck Road South. The development relates to a 4 storey apartment block comprising 57 residential units. Reasons for refusal related to prematurity pending the determination of the PA of the Glenamuck Link Distributor Road (GLDR); under provision of a childcare facility; having regard to the car dominated layout of the development, the provision of open space within the restriction corridor of the 220 Kv

electricity line and the lack of own door units, it was considered the development would fail to provide an adequate sense of place. The application was appealed to the Board and was refused on the 7th of May 2019. The reason for refusal stated: “Having regard to the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and the Kiltiernan Glenamuck Local Area Plan 2013, and to the objective to provide a Glenamuck Link Distributor Road, it is considered that the proposed development would be premature pending the determination by the planning authority of the road layout for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

SHD Applications:

ABP-307506-20 (Shaldon Grange)

Permission refused (22/20/2020) for the following reason:

1. Having regard to the conclusion of the Planning Inspector and the planning authority that the proposed development is in material contravention of the Kiltiernan – Glenamuck Local Area Plan 2013 (2023) (in terms of its phasing plan , which allows for 700 units for Phase 1) and that the statutory requirements relating to public notices and a Material Contravention Statement had not been complied with by the applicant, the Board considers that it is precluded from and would not have jurisdiction to consider whether to grant permission in the absence of those statutory requirements being met. In deciding not to accept the Inspector's recommendation to grant permission, the Board was satisfied that it would not have jurisdiction to determine an application which is in Material Contravention of the Kiltiernan – Glenamuck Local Area Plan 2013 (2023) if the statutory requirements relating to public notices and a Material Contravention Statement had not been complied with.

ABP 307043 – 20

Permission granted in August 2020 for 116 residential units (85 no. houses and 31 no. apartments) on lands at Sutton Fields, Ballybetagh Road, Kiltiernan, Dublin 18, with surface water and outfall in Kiltiernan Abbey laneway, Enniskerry Road, adjoining lands to the north and discharging to the public sewer in the Enniskerry Road via Golden Ball Gates (a Protected Structure). The Butler lands lie between the Butler residences/Our lady of the Wayside National School on Ballybetagh Road to the south and Kiltiernan Abbey laneway to the north and lie to the west of Wayside Cottages Enniskerry Road.

ABP 306160-19 (Doran and Doran)

Permission granted in April 2020 for (1) the demolition of two number habitable dwellings on the site – ‘Greenmount’ (195 square metres gross floor area) and ‘Dun Óir’ (345 square metres gross floor area inclusive of ancillary buildings);

(2) (i) the construction of a 197 number unit residential development comprising: 62 number houses (25 number three bedroom (ranging from 109.7 square metres to 122.7 square metres), 25 number four bedroom (ranging from 155.8 square metres to 198.5 square metres)) and 12 number five bedroom (198.5 square metres); 115 number apartments (65 number one bedroom) (iii) the construction of the link access road between Enniskerry Road and Glenamuck Road required under the Kiltiernan/Glenamuck Local Area Plan 2013 including vehicular access points onto Enniskerry Road and Glenamuck Road; and provision of access points at the boundaries with lands to the north, north east and west of the site to provide for future vehicular, pedestrian and cycle access; and (iv) landscaped public open spaces and all other site works required to facilitate the development

ABP 303978-19 (Victoria Homes)

Permission granted in June 2019 for the construction of 203 number residential units comprising; 30 number houses (20 number three-bedroom and 10 number four-

bedroom, up to three storeys) and 173 number apartments, (31 number one-bed, 124 number two-bed and 18 number three-bed within 12 blocks up to six storeys). The apartments incorporate duplex units. The provision of a creche/childcare facility (circa 480.4 square metres), a retail unit (circa 83.5 square metres), a social/amenity facility (circa 299.4 square metres), two Electricity Supply Board substations (circa total 45 square metres). The development will include a new access from Glenamuck Road and the provision of access connection points, (vehicular, cycle and pedestrian) to future adjacent development lands. Provision of internal roads, cycle paths, foot paths, landscaped public open space and play areas. Parking at surface and basement (268 number total spaces for car parking, 312 number spaces for bicycles and 24 number spaces for motorcycles). The development will include a new access from Glenamuck Road and the provision of access points, (vehicular, cycle and pedestrian) to future development lands and adjacent lands to the west and north west. Provision of attenuation and all ancillary site development works, boundary treatments, lighting and services provision above and below ground.

Other:

An Bord Pleanála Reference PL06D.303945 and PL06D. 304174. Part 10 application for the Glenamuck District Distributor Road Scheme (GDDRS) and a Compulsory Purchase Order for the acquisition of the necessary land to construct the GDRS was granted by the Board in December 2019.

Reg. Ref. PC/IC/01/17 Consent issued in 2017 for a Part VII Scheme for upgrade works at the Glenamuck Road.

6.0 Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicant that pre-application consultations took place with the planning authority on the 29th July 2021. The minutes of the meeting are attached to the file.

7.0 Submissions Received

Irish Water (report dated 17th December 2021)

Irish Water has assessed the proposal and has issued the applicant a Confirmation of Feasibility for connection (s) to the Irish Water network (s).

In respect of Wastewater:

The proposed wastewater connection for this development connects to the Irish Water network via infrastructure that has not been taken in charge by Irish Water (Third Party Infrastructure). Please be advised that at connection application stage and prior to the commencement of any SelfLay Works, the applicant must:

- Provide evidence that the applicant has permission to connect to the Third-Party Infrastructure.
- Identify and procure transfer to Irish Water of the arterial infrastructure within the Third-Party Infrastructure
- Demonstrate that the arterial infrastructure is in compliance with requirements of Irish Water Code of Practice and Standard Details and in adequate condition and capacity to cater for the additional load from the Development.

The Development can be also connected to the proposed 225mm gravity sewer on the future Glenamuck Link Distributor Road which will be delivered through Kiltiernan/Glenamuck LIHAF Project.

In respect of Water:

A 200mm watermain is required from the existing 300mm watermain on Enniskerry Road along the Glenamuck Road to the Site. In addition, a secondary connection may be required from the main on Enniskerry Road. The applicant will be required to fund this work which will be delivered by Irish Water in the public domain.

8.0 **Forming of Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

9.0 **Documentation Submitted**

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia,

- Planning Report & Statement of Consistency.
- Material Contravention Statement
- Schedule of Accommodation
- Housing Quality Assessment
- School Demand Analysis
- Design Statement
- Infrastructure / Engineering Services Report
- Flood Risk Assessment
- Traffic and Transport Assessment

- Mobility Management Plan
- Outline Construction Management Plan
- Part V proposals
- Note for Pre-Application for Environmental Impact Assessment Report
- Ecology Technical Report

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

10.0 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted a copy of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 6th January 2022.

The Planning Authority has identified a number of considerations which may have a bearing on the Board's decision as to whether the proposal constitutes a reasonable basis for an application. Summarised as follows:

- Concern to the mix of uses proposed within the neighbourhood centre.
- Cultural space or increased space for non residential use, relocation of the country market in line with LAP Objectives.
- Timeframe for GDDR/GDRS is Q2-Q3 of 2022- application premature pending commencement of construction.
- GDLR required as part of Phase 1 of the project.
- Phasing proposal queries – delivery of the NC in Phase 1.
- Car parking layout around the NC and green space / plaza area.

I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

11.0 Consultation Meeting

A Section 5 Consultation meeting took place via teams on the 24th February 2022, commencing at 10.00 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Compliance with specific objectives of the Kiltiernan LAP 2023 for Land Parcel 22.
 - Mix and quantum of non-residential use proposed within the Neighbourhood Centre.
2. Previous Reason for refusal (D09A/0471 / Ref. PL06D.236630)
3. Phasing
4. Transportation and deliverability of connectivity.
5. Drainage
6. AOB

11.1.1. In respect of Compliance with specific objectives of the Kiltiernan LAP 2023 for Land Parcel 22, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further consideration of the mix and quantum of non-residential use proposed within the Neighbourhood Centre.

- Further justification of the level of non-residential use / neighbourhood centre uses proposed, given the level the 'NC' zoning and the level of residential development permitted to date and proposed for the wider Kiltiernan area.
- Further consideration and justification that this area - designated 'NC' – envisaged in the Framework Plan to deliver the primary retail, commercial and community focus, centred on a new 'Village Green', will become the heart of the village.
- Further justification that the proposal complies with the Kiltiernan LAP 2023 for land parcel 22.
- Consideration that any possible material contravention issues are advertised accordingly, and the application documentation should refer to both the Development Plan in place at the time the application is made and the new Draft Development Plan, where it is considered that the new Development Plan could be adopted prior to a decision forthcoming from the Board.

11.1.2. In relation to, previous reason for refusal (D09A/0471 / Ref. PL06D.236630), An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further consideration and justification for tree loss and a tree protection and or replacement strategy for trees to be retained.
- Further consideration and justification of useability, location and layout of open space and public realm strategy.
- Justification of the proposed development in light of any changing ecological information from the previous application should be readdressed and added to the relevant reports for example Bat Studies.

In relation to, phasing, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further clarity for an overall phasing plan should be included in the application documentation.
- Further justification for phasing for the NC – clarity on when it to be delivered, in particular, in light of matters raised by planning authority.
- A detailed statement demonstrating how the proposed development ties in with wider development strategy for the landholding and the overall Kiltiernan Area, with regard to a phasing strategy.

In relation to, transportation and deliverability of connectivity, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Clarity required in relation to the material contravention of the Development Plan and the LAP in terms of its phasing plan, which allows for 700 units for Phase 1. Development proposed is in excess of 700 units and as per local County Development Plan and LAP policy it would require the construction of the Glenamuck District Distributor Road (GDDR).
- Clarity required in relation to the timeframe for the construction of the GDDR.

11.1.3. In relation to drainage, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.
- Consideration that each application stands on its own merits and cannot rely on previous application documentation to justify the proposal.

- Consideration that any arguments made by the applicant in relation to layout and design, visual impact, loss of trees and open space quantum, ecology and community facilities will need to be justified at application stage.

11.1.4. In regard to other matters, An Bord Pleanála sought further elaboration / discussion / consideration of the following:

- Clarity that issues raised by the IW report are addressed. Evidence is required that the applicant has permission to connect to the Third-Party Infrastructure and also upgrades area required.
- A full EIAR is required, therefore Article 299B(1)(C) as required, is not applicable.
- Consideration that there is no further information facility available to the Board, only in exceptional circumstances, therefore all information submitted needs to be clear and of a high quality and accurate to ensure that the Board can make an informed decision.

12.0 Conclusion and Recommendation

12.1.1. Based on the entirety of the information before me, it would appear 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.

12.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

12.1.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development

(Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application for strategic housing development** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

13.0 **Recommended Opinion**

13.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

13.1.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.**

13.1.3. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations

2017, the following specific information should be submitted with any application for permission:

1. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with specific objectives of the Kiltiernan LAP 2023 for Land Parcel 22. Such statement should have regard to the development plan and or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
2. A detailed statement demonstrating how the mix and quantum of non-residential use proposed within the Neighbourhood Centre is appropriate, given the 'NC' zoning and associated specific objectives set out in the Kiltiernan LAP 2023 and the level of residential development permitted to date and proposed for the wider Kiltiernan area.
3. A detailed statement demonstrating how the proposed development ties in with the wider development strategy for the landholding and the overall Kiltiernan Area, with regard to a phasing strategy.
4. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory Plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

5. Justification of tree loss, hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards.
6. An up to date Ecological Assessment, inclusive of a Bat Survey.
7. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
8. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
 - Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - Impact to any neighbouring properties devoid of proposed and existing landscaping and trees.
9. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
10. A response to matters raised within the PA Opinion submitted to ABP on the 6th January 2022.
11. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of

balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.

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

13. Site Specific Construction and Demolition Waste Management Plan.

13.1.4. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority.
4. Dun Laoghaire Rathdown County Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions

under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Fiona Fair
Planning Inspector
01.03.2022