



An
Bord
Pleanála

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

Inspector's Report ABP-312214-21

Strategic Housing Development

Construction of 130 residential units
and associated site works.

Location

Lands at Shaldon Grange, located off
Enniskerry Road (R117), Kiltiernan,
Dublin 18 ([www.
landsatshaldongrangelkilternanshd.co
m](http://www.landsatshaldongrangelkilternanshd.com))

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Heronvale Developments Ltd

Prescribed Bodies

1. Irish Water
2. An Taisce-the National Trust for
Ireland

3. Department of Housing, Local Government and Heritage
4. The Heritage Council
5. Failte Ireland
6. National Transport Authority
7. Transport Infrastructure Ireland
8. Dun Laoghaire Rathdown County Childcare Committee

Observer(s)

4 submissions received
Inland Fisheries Ireland
DAU
Irish Water
TII

Date of Site Inspection

16th March 2022

Inspector

Lorraine Dockery

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site, which has a stated gross area of 3.32ha, is located at the edge of the built-up area of Kiltiernan, approximately 16km south-west of Dublin city centre. The site is located on the eastern side of the Enniskerry Road opposite a church and school. The landholding includes the curtilages of two detached houses (Shaldon Grange, an uninhabited and boarded up Protected Structure and Shaldon Lodge, a detached dormer dwelling of no particular architectural merit). The site is greenfield in nature and slopes upwards towards Enniskerry Road.
- 2.2. Glenamuck Stream runs to the south of the application site (outside of the red line boundary) and there are several ponds within the immediate vicinity of Shaldon Grange (outside the red boundary of the site). To the north of the site is De La Salle RFC grounds, to the south and south-east of the landholding are two plots of lands which have grants of permission for SHD residential developments. To the south-west there are a number of detached houses on individual plots.
- 2.3. Access to the site is via an existing entrance to Shaldon Grange via an unsurfaced lane/track. The site is separated from Shaldon Grange by a belt of mature trees. Road frontage along the Enniskerry Road (c. 200m) consists of mature trees and hedgerows. The northern boundary runs along the permitted Glenamuck District Distributor Road (GDDR) for c. 190m.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises a residential development on a site of 3.32 hectares (of which 2.96 ha is the substantive area) at Shaldon Grange (Protected Structure), Kiltiernan, Dublin 18. The proposed development consists of the construction of 130 no. residential units (55 houses and 75 apartments), with associated site development works.

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

Table 1: Key Figures of Overall Development

| | |
|--------------------------------------|---|
| Site Area | 3.32 hectares (gross) 2.96 hectares (nett) |
| No. of residential units | 130 (55 houses; 75 apartments) The wider Masterplan for the overall site envisages 336 no. residential units in total. |
| Other Uses | None |
| Demolition Works | N/A |
| Density | 43.9 units/ha |
| Height | 3-4 storeys |
| Dual Aspect | 86% (stated) |
| Site Coverage | 20% |
| Plot Ratio | 0.55 |
| Public Open Space Provision | 3,010 m ² (10.3% of site)(stated) |
| Communal Open Space Provision | 1,080 m ² |
| Part V | 15 units - 7 x one-bed; 8 x two-bed |
| Parking | 204 car spaces (includes for 27 visitor spaces); 156 bicycle spaces; 9 motorcycle spaces |
| Access | One vehicular access from Enniskerry Road at the northern end of site Two pedestrian accesses onto Enniskerry Road and one onto Glenamuck Road |

Table 2: Overall Unit Mix

| | 1 bed | 2 bed | 3 bed | 4 bed | 5 bed | Total |
|----------------------|--------------|------------|-------------|------------|------------|-------------|
| Houses | - | 5 | 11 | 25 | 14 | 55 |
| Apartments | 28 | 47 | - | - | - | 75 |
| Total | 28 | 52 | 11 | 25 | 14 | 130 |
| As % of total | 21.5% | 40% | 8.5% | 19% | 11% | 100% |

- 3.3. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that the proposed connections can be facilitated, subject to conditions. In addition, a Design Submission was included with the application, in which Irish Water state that they have no objections to the proposal, based on the information provided.
- 3.4. It is anticipated that the duration of the construction phase will be approximately 24 months.
- 3.5. An EIA Screening Statement has been submitted with the application which concludes that the proposed development is a sub-threshold development and that there is no requirement for a mandatory EIAR. The proposed is unlikely to give rise to significant environmental effects. In addition, an Article 299B Statement has been submitted with the application, in accordance with Article 299B(1)(B)(II)(II)(C) of the Planning and Development Regulations 2001-2021, as amended.
- 3.6. A Material Contravention Statement was submitted, which seeks to address the issue of Material Contravention of the Kiltiernan Glenamuck Local Area Plan 2013-2023, in particular the phasing plan. This matter is dealt with below.
- 3.7. Two letters of consent have been submitted with the application documentation- from Keith Start, 2 Albany Road, Ranelagh, Dublin 6 and from Nigel Start, Shaldon Lodge, Kiltiernan, Co. Dublin.

4.0 Planning History

I highlight to the Board that there is a protracted planning history within this general area. Section 4 of the previous Inspector's Report associated with ABP-307506-20; section 4 of the submitted Planning Report and section 5 of the Chief Executive Report all deal with the planning history of both the subject site and applications within its vicinity. In the interests of brevity, I refer the Board to same. The most recent applications of relevance are:

Subject Site

ABP-307506-20

Permission REFUSED for the construction of 130 residential units (Phase 1) comprising 55 houses and 75 apartments, together with ancillary site works.

The reason for refusal was as follows:

'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'.

SHD Applications in Vicinity:

ABP-307043-20

Permission GRANTED for 116 residential units (85 no. houses and 31 no. apartments) and childcare facility on lands at Sutton Fields, Ballybetagh Road, Kiltiernan, Dublin 18 (August 2020).

ABP-306160-19

Permission GRANTED for (1) the demolition of two number habitable dwellings on the site – ‘Greenmount’ and ‘Dun Óir’; (2) (i) the construction of a 197 number unit residential development (ii) a 275 square metre crèche facility; (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 (April 2020).

ABP-303978-19

Permission GRANTED for the construction of 203 number residential units; crèche/childcare facility (circa 480.4 square metres), a retail unit (circa 83.5 square metres), a social/amenity facility (circa 299.4 square metres) and two ESB 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, together with all ancillary site works (June 2019).

Other Applications of Note:

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 An Bord Pleanála 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.

5.0 Section 5 Pre Application Consultation

A Section 5 pre application consultation took place via Microsoft Teams due to Covid-19 restrictions on the 26th August 2021. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála (ABP-309877-21).

The applicant was advised that the following specific information should be submitted with any application for permission:

1. 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.
2. 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.
3. 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. A response to the contribution suggested by the planning authority in accordance with Section 48(2) (c) of the Planning and Development Act 2000 in lieu of public open spaces provision.

4. An up to date Ecological Assessment, inclusive of a Bat Survey.
5. 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.
6. 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
7. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
8. Childcare demand analysis by way of assessment and report on demographic profile of the wider area, and including analysis of childcare capacity / services in the immediate area and the likely demand for childcare places resulting from the proposed development and development of lands to the south within the applicant's ownership.
9. A response to matters raised within the PA Opinion submitted to ABP on the 05th May 2021.
10. A response to issues raised in the Drainage Planning Report dated 14th April 2021, the Transportation Planning report dated 26th April 2021, and the Parks Report dated 04th May 2021 accompanying the PA Opinion submitted 05th May 2021.
11. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.
12. 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.

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

14. Site Specific Construction and Demolition Waste Management Plan.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement attempts to address the points raised above.

A Material Contravention Statement was submitted with the application in relation to the matter of phasing. This shall be addressed further within the main planning assessment.

6.0 Relevant Planning Policy

National Planning Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets

- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Climate Action Plan
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities

Other policy documents of note:

- National Planning Framework

Objective 4

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

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.

Objective 27

...to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Objective 35

Increase residential density in settlement, 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.

- Dublin Metropolitan Area Strategic Plan

- Housing For All

Regional Policy

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

- 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 in 'new residential communities in Ballyogan and environs and Kiltiernan Glenamuck'

Local Planning Policy

The **Dun Laoghaire Rathdown County Development Plan 2016-2022** is the operative County Development Plan.

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.

Zoning:

The lands are zoned 'Objective A' which seeks 'to protect and/or improve residential amenity'.

'Residential' is a permissible use under zoning 'Objective A'.

The following policies are noted:

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

Policy UD6: It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.

Chapter 2 outlines that the Council is required to deliver c.30, 800 units over the period 2014 – 2022. It is stated that the Council in seeking to secure this objective will focus on three strands, namely: increasing the supply of housing; ensuring an appropriate mix, type and range of housing; and, promoting the development of balanced sustainable communities.

There are a number of policies and objectives within the operative County Development Plan in relation to residential development; urban design principles, transport, building heights and other such matters.

Housing policies (section 2.1.3) include:

Policy RES3: Residential Density, which promotes higher residential densities in the interests of promoting more sustainable development whilst ensuring a balance between this and ensuring the reasonable protection of residential amenities and established character of areas;

Policy RES7: Overall Housing Mix, which encourages the provision of a wide variety of housing and apartment types.

Policy ST3: It is Council policy to promote, facilitate and cooperate with other transport agencies in securing the implementation of the transportation strategy for the County and the wider Dublin Region as set out in Department of Transport's 'Smarter Travel, A Sustainable Transport Future 2009 –2020' and the NTA's 'Greater Dublin Area Draft Transport Strategy 2016-2035'. Effecting a modal shift from the private car to more sustainable modes of transport will be a paramount objective to be realised in the implementation of this policy.

Appendix 9 details the Building Height Strategy.

Section 4.8.1 Upward Modifiers

It is stated that Upward Modifiers may apply where: the development would create urban design benefits; would provide major planning gain; would have a civic, social or cultural importance; the built environment or topography would permit higher development without damaging appearance or character of an area; would contribute to the promotion of higher densities in areas with exceptional public transport accessibility; and, the size of the site of e.g. 0.5 ha could set its own context. To demonstrate that additional height is justified, it will be necessary for a development to meet more than one 'Upward Modifier' criteria.

Table 8.2.3 sets out the residential land use car parking standards as follows:

| | |
|-------------------------|----------------------------------|
| Residential Dwellings - | 1 space per 1-bed and 2-bed unit |
| | 2 spaces per 3-bed unit |
| Apartments - | 1 space per 1 bed unit |
| | 1.5 spaces per 2 bed unit |
| | 2 spaces per 3-bed unit+ |

Table 4.1 sets out the cycle parking standards as 1 short stay space per 5 units and 1 long stay space per unit.

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 effect 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:

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. (subject site location; my highlighting)

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 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 6b (Kiltiernan Node)**. The following objectives for land parcels 6a and 6b are noted:

- Medium density residential. Detached houses, terraces, duplexes, courtyard type housing. Apartments may be appropriate adjacent to the GDDR and to provide a buffer to the proposed medium density residential to the south. Density of 40-45 units/ha.
- Height of 2-4 storeys at 6b. Any 4 storey element to be concentrated along the proposed main road and link / distributor roads and / or at key entrances to sites. Heights of up to 5 storeys at 6a fronting to the distributor road.
- Site is constrained by the 220 kv overhead power lines.
- Access to be provided off existing Glenamuck Road and Enniskerry Road.
- Requirement for a local access loop road within the site. Provisions to prevent ‘rat running’ through the site between the Glenamuck Road and the Enniskerry Road.
- Presence of Shaldon Grange protected structure and curtilage to be acknowledged.

The LAP also provides for a ‘greenway’ route west of the landholding and outside the development site, connecting the Glenamuck Road with the Enniskerry Road west of the Golden Ball.

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. A primary bus corridor route is envisaged along the Glenamuck Road

- 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.

Draft Dun Laoghaire Rathdown County Development Plan 2022-2028

The Draft County Development Plan 2022-2028 was adopted by the Elected Members at a Special County Development Plan meeting held on the 10th March 2022. The adopted Plan will come into force 6 weeks after it was adopted on the 21st April 2022.

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

Designated Sites

The site is located within the vicinity of the following European Designated sites:

Special Areas of Conservation (SAC)

- South Dublin Bay SAC (Site Code 000210), c.7.2km distant;
- North Dublin Bay SAC (Site Code 000206), within 15km distant;
- Howth Head SAC (Site Code 000202), within 15km distant;
- Glenasmole Valley SAC (Site Code 001209), c.10.2km distant;
- Wicklow Mountains SAC (Site Code 002122), c.4.8km distant;
- Rockabill to Dalkey Island SAC (Site Code 003000), c.7km distant;
- Carriggower Bog SAC (Site Code 000716), c.14.2km distant;
- Glen of the Downs SAC (Site Code: 000719), c. 12.2 km distant
- Bray Head SAC (Site Code:000714), c.9km distant
- Ballyman Glen SAC (Site Code:000713), c.4.4km distant
- Knocksink Wood SAC (Site Code:000725), c.3.6km distant

Special Protection Areas (SPA)

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), c.6.9km distant;
- Rockabill to Dalkey Island SPA(Site Code 003000), c.7km distant;
- Wicklow Mountains SPA (Site Code 004040), c.6.2km distant;
- Dalkey Islands SPA (Site Code 004172), c.8km distant;
- North Bull Island SPA (Site Code 004006), within 15km distant;
- Howth Head Coast SPA (Site Code 004113), within 15km distant

7.0 Third Party Submissions

7.1 No third party submissions were received

8.0 Planning Authority Submission

8.1 In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 18th February 2022. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the applicant's summary of the proposed development, internal reports, planning history, site location and description, policy context, planning assessment; EIA/AA Screening and bonds/contributions.

Appendix B includes an assessment of standards of accommodation/internal standards. Appendix C relates to interdepartmental reports. Appendix D sets out details of relevant plans and policies. Appendix E sets out details of phasing numbers in Kiltiernan. A summary of comments from Area Committee Meeting are outlined.

Summary of Inter-Departmental Reports

Drainage Division:

Proposal generally satisfies the requirements of this division, subject to conditions

Transportation Planning Division:

Refusal recommended, proposal considered to be premature until such time as GDRS is constructed, as per section 10.6 of the Kiltiernan Glenamuck LAP.

Recommended conditions attached, in the event of planning permission being granted for proposed development

Parks Department

Refusal recommended to impacts on trees and open space layout and location.

Housing Department:

Condition recommended

Environmental Enforcement Section:

Generally unhappy with information submitted; conditions attached

Environmental Health Officer:

Further information requested.

Assessment

A thorough and comprehensive assessment of the proposal has been undertaken by the planning authority and reference has been made to same within the main body of my report. The assessment concludes as follows:

- 8.2 The planning authority would welcome the development of the site in principle, however they consider that the proposal materially contravenes the Kiltiernan LAP, the Dun Laoghaire- Rathdown County Development Plan 2016 and section 28 guidelines on the issue of phasing. Recommends that permission be refused for three reasons as follows:
1. The proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic where deficiencies in capacity, width, alignment and structural condition of the road prevail. The area has reached capacity in terms of unit numbers and no further development can take place until these infrastructure development have been constructed. As such the proposals are contrary to section 10.6 of the Kiltiernan Local Area Plan.
 2. The proposed greenfield development fails to contribute to the place-making of Kiltiernan and to the public realm in general as envisaged in the Local Area Plan. In particular, the relationship of the development to the Enniskerry Road does not resemble a street in a village core. The setting back of the building line from the Enniskerry Road instead of enclosing it, as well as the siting of an estate road inside and parallel to the planned main village street is considered contrary to best practice and will undermine the intended function

of the Enniskerry Road as a pedestrian friendly, lively street in the village core. Also, the visual and pedestrian link from the development to the Church of Ireland Spire does not make the most of the setting of the Church. As such the proposals are considered contrary to the Kiltiernan Local Area Plan, to CDP policies contrary to the Dun Laoghaire Rathdown County Development Plan 2016-2022 policies UD1 Urban design principles and UD3 Public Realm Design and to DMURs (2013).

3. The proposed public open space and absence of community facilities as part of these large-scale development proposals are considered unacceptable. In particular, the poor quantity and peripheral location of the principle area of public open space in this phase of development to the north of the site is considered unacceptable in terms of its usability and quality of provision. Moreover, it is considered that car parking dominates the scheme to the detriment of the open space. Furthermore, the dearth of community facilities leads to a suboptimal development in terms of residential amenity and for these reason it is recommend that permission is refused on the basis of it being contrary to the Dun Laoghaire Rathdown County Development Plan 2016-2022 policies UD 1: Urban Design Principle), Policy SIC6:Community Facilities, Policy SIC7: New Development Areas, Policy SIC11: Childcare Facilities, Policy OSR5: Public Open Space standards, the Kiltiernan LAP as well as The Sustainable Residential Development in Urban Areas Guidelines and Urban Design Manual (2009).

If An Bord Pleanála is minded to grant permission for the proposed development, suggested conditions attached (65 in total).

- 8.3 The report includes a summary of the views of relevant Elected Members, as expressed at the Dundrum Area Committee meeting held remotely on 02/02/2022 and are broadly summarised below:

- Traffic and Transport- not enough public transport in the area; traffic concerns; safety concerns; high level of car parking; no bus lane planned for Glenamuck; transport improvements needed
- Low density of scheme; cause sprawl into countryside
- Some in favour of proposal and welcome development

- Good mix of units; welcome houses as part of scheme and that not 100% apartments

9.0 Prescribed Bodies

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

1. Irish Water
2. Dun Laoghaire Rathdown County Childcare Committee
3. National Transport Authority
4. Transport Infrastructure Ireland
5. The Heritage Council
6. An Taisce- the National Trust for Ireland
7. Department of Housing, Local Government and Heritage
8. Failte Ireland

In total, four prescribed bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

Irish Water:

Water:

There is sufficient capacity in the Irish Water assets to facilitate the proposed development.

Wastewater:

There is sufficient capacity in the Irish Water assets to facilitate the proposed development.

Irish Water has advised the applicant that records indicate that there is potentially existing Irish Water assets within the site (water and wastewater). The applicant must therefore engage with Irish Water's diversion section in regard to an assessment of feasibility of any diversions which may be required. The outcome of this feasibility assessment must be agreed with Irish Water prior to connection

agreement, to ensure adequate protection of existing assets and to ensure that appropriate separation distances can be achieved as per Irish Water standards codes and practices. To date, the applicant has not engaged with the Irish Water diversions section to assess feasibility of a potential build over/near.

Design Acceptance:

The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of the Development to Irish Water's network(s), as reflected in the applicants Design Submission.

Recommended conditions attached

Transport Infrastructure Ireland

The Authority will rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:

- The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as conditions on the permission, if granted. The developer should be advised that any additional works required as a result of the Assessment should be funded by the developer.

Department of Housing, Local Government and Heritage

Detailed and comprehensive report received, which is broadly summarised below. Matters raised are further expanded upon within my assessment.

Nature Conservation

Having considered the documentation submitted in support of this proposed development, including particularly the Ecological Impact Assessment (EclA), the Bat Survey Report and the Arboricultural Report, it is noted that the Glenamuck Stream runs along its southern boundary and separating the site from the largely wooded grounds of Shaldon Grange, where several ponds fed by the stream are

also located. Ditches on the development site empty into the Glenamuck Stream. This stream is therefore potentially vulnerable to pollution arising in the course of site clearance and other works to be carried out during the construction phase of the proposed development. In addition, frog spawn was recoded on one of the drainage ditches on the site during survey work in March 2021, and this ditch must consequently be considered the breeding place of a protected species.

A considerable number of trees and shrubs are to be cleared to facilitate the development proposed including trees and shrubs from the roadside hedgerow. Though this hedgerow is already discontinuous, it is likely to be a historic feature and therefore probably of a greater biodiversity value than younger hedgerows, as the road is a townland boundary and probably of medieval or earlier origin. Any further loss of woody vegetation from this hedgerow must therefore be considered undesirable. All the trees and shrubs to be removed from the site may also harbour the nests of birds during their breeding season. A number of bat species have been recorded foraging over the development site and while no bat roosts have been identified, on the precautionary principle, mitigation measures to prevent bat mortality during tree felling is proposed in the EclA and the Bat Survey Report. Further, these documents propose the installation of bat friendly lighting to be employed during the development's operational phase. This is to be designed in particular to avoid light spill into the grounds of Shaldon Grange to the south of the site, where attracted by the trees and ponds present there, five bat species were recorded, including the light sensitive Natterer's bat and Daubenton's bat.

Recommended conditions attached.

Archaeology

Noted that an EIAR was not submitted in this instance and no archaeological assessment was submitted as part of the application's supporting documentation. It is also noted that the proposed development is considered large in scale at 2.9ha in extent. It is the published policy of this Department that such large-scale developments are subject to an archaeological assessment (Framework and Principles 1999) as it is possible that hitherto previously unrecorded subsurface archaeological features may be encountered during the course of groundworks required for such large-scale developments. Therefore the Department of Housing,

Local Government & Heritage recommends a condition in relation to archaeological assessment and testing be attached to any grant of planning permission:

A submission was also received from Inland Fisheries Ireland and may be summarised as follows:

The proposed development is located on the in the catchment of the Carrickmines/Shanganagh system. This system is exceptional among most urban river systems in the area in supporting migratory Sea trout in addition to resident Brown trout (both *Salmo trutta*) populations. The presence of these fish populations highlights the sensitivity of local watercourses and the Carrickmines catchment in general. Fishery habitat is regarded as good for all salmonid life stages throughout much of the system.

Recommended conditions attached

10.0 Oral Hearing Request

10.1 There was no oral hearing request in this instance.

11.0 Assessment

11.1 This assessment is divided into a Planning Assessment, an Appropriate Assessment Screening and an Environmental Impact Assessment Screening. In each assessment, where necessary, I refer to the issues raised by Prescribed Bodies in submissions to the Board, together with the Chief Executive Report, in response to the application.

11.2 There is an inevitable overlap between the assessments, with matters raised sometimes falling within more than one of the assessments. In the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.

11.3 I highlight to the Board that there are discrepancies in the spelling of the address between various parties. The applicants, including their website address, refer to the area as 'Kilternan'. The planning authority refer to the address as 'Kiltiernan' in both their Chief Executive Opinion and in the LAP. In the interests of clarity, I refer to the address as 'Kiltiernan'.

12.0 Planning Assessment

12.0.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Dun Laoghaire Rathdown County Development Plan 2016; the provisions of the Kiltiernan Glenamuck LAP 2013; relevant section 28 Ministerial guidelines; National Planning Framework; Dublin Metropolitan Area Strategic Plans; provisions of the Planning Acts, as amended and associated Regulations and the nearby designated sites. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of Development/Masterplan
- Previous Reason for Refusal/Phasing of Development
- Design Approach/Density/Height/Materials Strategy
- Open Space Provision/Permeability
- Impacts on Existing Residential Amenity
- Quality of Proposed Residential Development
- Traffic and Transportation
- Drainage and Flood Risk
- Biodiversity
- Other Matters

12.0.2 I highlight to the Board that permission was previously refused on this site (under ABP-307506-21) for one reason, cited above. This refusal reason related to the material contravention of the Kiltiernan – Glenamuck Local Area Plan 2013 (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. This current application appears almost identical in nature to that previously refused, with the exception being that a Material Contravention Statement has been submitted with this current application, which seeks to deal with this previous reason for refusal. In addition, the matter of material contravention has been advertised in the public notices.

- 12.0.3 The proposed development site is located within development land parcel 6B of the Kiltiernan Glenamuck LAP. The site is located within 'Area B' (also known as Phase 1(a) B 'Node at Junction of Enniskerry and Glenamuck Roads') as indicated in the LAP Phasing Map. A masterplan has been submitted with the application documentation (see below). The applicants state that the overall development site is to be split into two planning applications (Phase 1 and Phase 2). This is due to the limitation on the number of permitted units which could be constructed prior to the completion of the GDDR as specified in section 10 of the Local Area Plan (LAP). The overall development is envisaged to include a total of 336 residential units, which would achieve an overall density of 50 units per hectare. This current application comprises Phase 1 of that overall development and includes for 130 residential units.
- 12.0.4 Finally in this section, I again highlight to the Board that the draft County Development Plan 2022-2028 was adopted by the Elected Members at a Special County Development Plan meeting held on the 10th March 2022. The adopted Plan will come into force 6 weeks after it was adopted, on the 21st April 2022. As required, I have assessed this proposal against the Plan currently in place, namely the Dun Laoghaire Rathdown County Development Plan 2016-2022, as have the planning authority. I refer the Board to section 16 of the submitted Planning Statement of Consistency where the applicant has examined the proposal in the context of the draft Plan.

12.1 Principle of Development/Masterplan

Principle of Development

- 12.1.1 The site is zoned 'Objective A' which seeks 'to protect and/or improve residential amenity'. It is noted that 'residential' is a 'Permissible Use' under this zoning objective. I note that the application site continues to benefit from a residential land zoning in the draft County Development Plan, however there is a change to the wording of the zoning 'Objective A' which seeks 'to provide residential development and/or protect and improve residential amenity'. In addition, I note that the Kiltiernan Glenamuck LAP permits residential development on land parcel 6b (Medium Density Residential).

12.1.2 Having regard to the nature and scale of development proposed, namely an application for 130 residential units, located on lands on which such development is permissible under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.1.3 I am of the opinion that the proposal accords with the zoning objective for the site, together with predominate zoning objective for the area, with 'residential' use being a permissible use within the operative County Development Plan. It is also consistent with the provisions of the LAP in this regard. I note national guidance in this regard, including the National Planning Framework, which seeks to facilitate compact growth by targeting a greater proportion of future housing development within and close to the existing footprint of built-up areas and by making better use of under-utilised land services by existing facilities and public transport. The planning authority reference NPO 3b in this regard, which seeks to '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'. The planning authority are satisfied with the principle of residential development on these lands and consider the proposal to be consistent with national and local land use objectives for the site. I concur and consider that such lands can contribute towards the housing requirements of the city. Neither the Inspector nor the Board raised concern in relation to this matter in the previous application on the lands, ABP-307506-20. I am satisfied with the principle of the proposal in this instance.

Masterplan

12.1.4 Section 10.6 of the Kiltiernan Glenamuck LAP 2013 sets out 13 criteria to be used in the assessment of planning applications for development of up to 700 dwelling units (Phase 1) within the Plan area. Of note are the following:

Criteria No. 6

Planned within the context of an overall outline Master Plan for individual and affiliated land holdings (in order to prevent piecemeal development).

Criteria No. 7

Compatibility with later phases of development.

Criteria No. 8

Facilitation of the orderly development of adjoining property/land holdings.

- 12.1.5 I note that an indicative masterplan has been submitted with the application documentation. This masterplan considers how the development may connect and integrate with adjoining development lands, outside of the applicant's ownership. It also shows vehicular, cycle and pedestrian connections to adjoining lands. The planning authority state that the masterplan is/near identical to the 'Doran and Doran' and 'Victoria Homes' masterplans on adjoining lands, reflecting collaboration at pre-planning stage by the developers concerned. The planning authority are of the opinion that the above criterion have been met. I am also satisfied in this regard.

12.2 Previous Reason for Refusal ABP-307506-20/Phasing

- 12.2.1 As stated above, permission was refused for a similar development on this site, under ABP-307506-21. The reason for refusal was as follows:

'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'.

Local Policy Context

- 12.2.2 Section 10 of the Kiltiernan Glenamuck Local Area Plan is highlighted to the Board which deals with the matter of phasing and monitoring. It states that 'The programming and phasing of the area comprising the LAP will be determined by current and future service and road infrastructure projects and schemes.

Specifically, future development is heavily dependent on the construction of the GDDR Scheme comprising the two associated roads’ (LAP emphasis).

Section 10.5 continues by stating that ‘...it is clearly desirable that some interim development be facilitated in order to begin to meet the central objectives of the Local Area Plan and the objectives of the wider County Development Plan’.

12.2.3 Section 10.6 of the LAP deals with interim proposals to accommodate development and states as follows:

‘Dun Laoghaire-Rathdown’s Transportation Department considers that up to 700 dwelling units could be accommodated on an upgraded existing road network (Phase 1). 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. The possibility exists that the GDDR Scheme could possibly be further phased with the Main Distributor Road being constructed first to be followed by the construction of the Link Distributor Road. Outlined below are the recommended planning criteria to be used in the assessment of planning applications for development of up to 700 dwelling units (Phase 1). Precedence will be given to applications for planning permission which best achieve and satisfy the following criteria:

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 58 accommodate development, in accordance with the "Code of Practice on the Provision of Schools and the Planning System".

Applicants will be encouraged to discuss these specific planning criteria in relation to proposed applications for planning permission at pre-planning stage'.

- 12.2.4 The site is located within 'Area B' (also known as Phase 1(a) B 'Node at Junction of Enniskerry and Glenamuck Roads'. This node has been allocated 150 units out of an overall total 700 units.

Planning Authority Opinion

- 12.2.5 The opinion of the planning authority, as contained in the Chief Executive Opinion, states that the Transportation Department figure of 700 no. dwelling units for Phase 1 (in total) was previously revised upwards to 1,050 no dwelling units on the basis of the Part 8 consent to upgrade the junction between the Enniskerry Road and Glenamuck Road being implemented pursuant to PC/IC/01/17. They state that it is now intended that the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme

will be implemented as part of the works for the GDRS and therefore the original figure of 700 no. dwellings is now considered the applicable figure and not the 350 no. 'uplift' (from 700 to 1,050 units).

12.2.6 In terms of the phasing of Area B, the planning authority notes that as well as there being a cap on residential units for Phase 1 (700 units), the LAP further divides the 700 no. units across three distinct areas (A, B and C). This is in light of current infrastructural constraints and to ensure an equitable distribution of the available capacity across the planning area.

12.2.7 As stated above, the subject site is located within Phase 1(a) B 'Node at junction of Enniskerry and Glenamuck Roads'. This node has been allocated 150 units out of an overall total 700 units. The planning authority states that according to their records, c.525 no. units have already been permitted within 'Area B' since the LAP was adopted, some of which have been constructed and are occupied. The planning authority list the reference numbers pertaining to these permitted developments on page 18 of their Opinion, and I refer the Board to same. I note that two of these permissions were SHD applications, namely ABP- 303978-19 (203 units) and ABP- 306160-19 (197 units). The planning authority note that if this current proposal is permitted, it would result in 655 units for 'Area B'. This would be in excess of the cap of 150 units for the area by c.400% and represent a material contravention of the LAP.

12.2.8 In terms of phasing within the overall LAP, as stated above, the planning authority note the overall capacity of 700 units across the entire LAP area. According to their records, the overall quantum of post-LAP permissions now stands at c. 1152 units and they are therefore of the opinion that the overall numbers granted planning permission has been met or exceeded. Appendix E of the Chief Executive Opinion sets out details of phasing numbers in Kiltiernan.

12.2.9 The planning authority state that no work has yet commenced on the GDRS as indicated in the applicant's Material Contravention Statement and the completion of tender documents for the scheme has been delayed due to on-going negotiations with parties. It is now intended that these will issue in April/May 2022. The planning authority further state that the 116 units at Suttons Field (ABP-307043-20) has commenced on site and they are adjudicating upon multiple compliance submissions for extant permission in the area, which would indicate that the owners of those sites wish to commence development imminently. It is the planning authority's firm view that the granted permissions and dwelling numbers are sufficient to address the immediate housing need in Kiltiernan and that any further granting of permissions for large residential schemes should be paused until the necessary infrastructure supports are there to facilitate them, in accordance with the LAP.

12.2.10 The Transportation Division of the planning authority has serious reservations in relation to this matter and are recommending a refusal of permission. The planning authority state that they concur with the Transportation Division opinion and consider that that there is insufficient infrastructural capacity within 'Area B' and the overall LAP area to accommodate the proposed development at present. They further consider that until such time as the Glenamuck District Distributor Road Scheme and associated junction improvements at the Golden Ball have been fully implemented, the proposal would be premature. Additionally, they consider that no further large scale residential schemes should be permitted, until the GDRS has been constructed.

12.2.11 Furthermore, the planning authority highlight that the residential cap for Kiltiernan is not an arbitrary policy, but rather has been carefully planned to ensure there is an appropriate level of public infrastructure in situ before the whole area is opened up to future housing. They reference the approach taken in Sandyford in this regard.

12.2.12 As in the previous case ABP-307506-20, the planning authority are recommending a refusal of permission in relation to this matter, which reads as follows:

‘The proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic where deficiencies in capacity, width, alignment and structural condition of the road prevail. The area has reached capacity in terms of unit numbers and no further development can take place until these infrastructure developments have been constructed. As such the proposals are contrary to section 10.6 of the Kilternan Local Area Plan’.

Applicant's Justification

12.2.13 The overall landholding comprises approximately 6.75 ha and this current application comprises Phase 1 of the overall development of the larger site, comprising 130 units on a stated site area of approximately 2.9 ha. It is envisaged that the overall site will accommodate 336 no. units. The applicant notes that the Glenamuck District Distributor Road (GDDR) and the Glenamuck Link Distributor Road (GLDR) were both permitted in December 2019 (PL. Ref. ABP-303945-19/ ABP-304174-19). Construction works for these projects are scheduled to be completed in Q1/ Q2 2024. The applicants state that the current status of the implementation of the GDRS following correspondence with the Infrastructure and Climate Change Department of the planning authority, dated 27th October 2021, is that construction is expected to start around Easter 2022 period. On this basis, the applicants contend that there is now certainty surrounding the delivery of the GDRS, as confirmed by DLRCC themselves. The delivery of the GDRS is therefore likely to coincide with the delivery of the proposed development and surrounding permitted schemes. In the applicant's opinion, this mitigates any perceived prematurity surrounding the delivery of development.

12.2.14 The applicants note the Inspector Report of ABP-307506-20 which calculated that 832 no. units had been permitted within the Phase 1 area. The applicants state that since then, a further 61 no. units have been permitted within the LAP area. This amounts to a total of 893 no. permitted units within the Phase 1 Plan area. The applicant notes that whilst 893 no. units have been permitted within the LAP area since 2013, only 255 no. units have been completed, with a further 90 no. under construction. The applicants further state within the submitted Material Contravention Statement that of the 3 no. SHD applications currently permitted in the LAP area, 2 no. of those are currently for sale as development sites (197 & 203 no. units) and construction has not yet commenced on the third (116 no. units). The applicants contend that it is highly unlikely, therefore, that the 700 no. units noted in the LAP will be constructed before the GDRS is completed.

12.2.15 The applicants have submitted a Material Contravention Statement in relation to this matter of phasing. The Statement notes that whilst the LAP limits the number of units to 700 in Phase 1, pending the construction of the GDRS, it is contended that the subject lands constitute an appropriate location for new residential development particularly in relation to the promotion of more compact and efficient forms of urban development, having regard to relevant national and regional planning guidance and all other relevant Development Plan and LAP policies and objectives. The Material Contravention Statement acknowledges that the proposed 130 no. units will exceed the 700 no. units noted in the LAP Phase 1 Phasing Plan as being acceptable pending the construction of the GDDRS. However, it is submitted that notwithstanding this material contravention of the LAP, the proposed development can be readily accommodated on the site without giving rise to any significant adverse impacts on the proper planning and sustainable development of the area particularly with regard to environmental impact, drainage infrastructure or traffic impact. The applicants contend that this is confirmed in the assessments enclosed with the application; in the previous An Bord Pleanála Inspector's assessment of the proposal and the Board's ultimate decision which related to jurisdiction. It is further submitted by the applicants that this material contravention can be justified under

Section 37(2)(i), (iii) and (iv) of the Planning and Development Act 2000 (as amended).

Assessment

12.2.16 The primary difference between the current proposal and that previously refused permission on this site is that a Material Contravention Statement has been submitted with this current application, which seeks to address the matter of phasing. The matter has also been addressed in the public notices.

12.2.17 I would concur with the opinion of the applicants that the reason for refusal cited above in the previous application on these lands (ABP-307506-20) appeared to be concerned with compliance with statutory requirements/jurisdiction to grant permission rather than the principle of the phasing itself.

12.2.18 In relation to this matter, I would concur with the opinion of the Inspector in ABP-307506-20 that it is evident that the subject site is located in an area with a rapidly evolving context. There are differences in the figures put forward by both the planning authority and the applicants as to the number of units granted within this Phase 1 area, together with the number of commencements. It appears to me that the main definitive in these differences is that planning permission has been granted for dwelling units in excess of the 700 unit cap, as set out in the LAP. After that, it becomes muddled but I have no reason to believe that the figures put forward on the Inspector's Report of ABP-307506-20 (and details of subsequent applications put forward in the applicants documentation) are not accurate. It appears to me that this figure is now in the region of 900 units (figure of 893 units cited by applicants). The planning authority are quoting a figure of c.1152 units. Given the overall area of the LAP lands, this difference is not significant.

12.2.19 In any event, it is evident that this quantum of development has not actually been constructed in the area since the adoption of the LAP. Some sites that have the benefit of an extant permission remain undeveloped, some are currently for sale. There is no certainty if or when sites that have the benefit of permission will be

developed. Permission has been granted for the GDDRS and Enniskerry Road/Glenamuck Road Junction and construction works on these schemes appear imminent. Whilst, I agree that it would have been preferable for the upgrade works to the Enniskerry Road/Glenamuck Road Junction to have taken place prior to the construction/occupation of these units, I am of the view that a pragmatic approach must be taken to the consideration of the issue of phasing and the appropriateness of permitting the development in the absence of the fully implemented road scheme. Given this road infrastructure is likely to be implemented in a similar timeframe to the development of the site, I do not have issue with the granting of permission for the proposed units on this site. This would appear to be the view taken by the Board in other SHD applications in the area. If the Board is so minded, they may attached a condition stipulating that none of the dwelling units be occupied until such time as the GDDRS is completed and operational. I note that Transport Infrastructure Ireland have not raised concerns in relation to this proposal. Based on the information before me in relation to timelines and expected delivery dates of road infrastructure, I do not consider that such a condition is necessary. Based on the information before me, I am satisfied that the proposed development can be accommodated on the existing road network until such time as the GDDRS is completed and operational.

12.2.20 As outlined above, the LAP also sets out a suite of 13 criteria that must be met by any development availing of the interim phasing arrangements. The applicant has provided a detailed response to the 13 criteria in the submitted documentation. I am generally satisfied that the proposed development is compliant with these aforementioned criteria.

12.2.21 As previously stated, the previous reason for refusal on this site related to material contravention and the fact that the statutory requirements relating to public notices and a Material Contravention Statement had not been submitted. Therefore, that Board was satisfied that it did not have jurisdiction to determine an application in this instance. I consider the proposal to represent a material contravention of the Plan in relation to this matter of phasing and as stated elsewhere in this report, the matter has been addressed in this current application. It has been advertised in the public notices and a Material Contravention Statement has been submitted, which seeks to

address this matter. I note that no submissions were received in relation to this, or any other matter.

12.2.22 Under the Planning and Development Act 2000, it is open to the Board to grant permission for development that is considered to be a material contravention in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the (i) national, strategic interest; (ii) conflicting objectives in the development plan or objectives are not clearly stated (iii) conflict with national/regional policy and section 28 guidelines; and (iv) the pattern of development and permissions granted in the vicinity since the adoption of the development plan.

12.2.23 In terms of section 37(2)(b)(i), the applicants contend that the proposed residential development is strategic under the relevant legislative provisions governing SHD, as confirmed in the previous application assessed by An Bord Pleanála. In terms of section 37(2)(b)(iii), the applicants consider that permission should be granted having regard to the provisions of the NPF, Rebuilding Ireland, the RSES and Section 28 Guidelines, all of which fully support residential development in this location. They also note that the publication of the LAP pre-dates much of this national and section 28 guidance and may, therefore, include some objectives that conflict with this national and regional policy. Finally, in terms of section 37(2)(b)(iv), the applicants contend that the pattern of development and permissions granted in the area since the LAP was made confirm that the proposed development is wholly in keeping with both the density and character of other residential schemes permitted in the area and on immediately adjoining lands. This includes recent SHD permissions granted on nearby lands.

12.2.24 I am of the opinion that a grant of permission that would materially contravene section 10 of the Kiltiernan Glenamuck Local Area Plan 2013 in relation to phasing, which applies to the site, would be justified in accordance with sections 37(2)(b)(i)(iii) and (iv) of the Planning and Development Act 2000, as amended, on the following basis.

12.2.25 In relation to section 37(2)(b)(i), I note that the current application, which is for 130 residential units, has been lodged under the strategic housing legislation and is

considered to be strategic in nature. I also note that the subject site is located on lands zoned 'Objective A' on which residential development is permissible. I note that a masterplan has been prepared for the overall lands; that the lands have been identified as having substantial development capacity and have the potential to contribute to the achievement of housing targets as set out in the Core Strategy for the County. Kiltiernan is designated as a 'future development area' in the Core Strategy. This area is also included in Figure 1.3 of the operative County Development Plan, forming part of 410 hectares of serviced land, which is forecast to yield 18,000 residential units. I note the potential of the proposal to contribute to the achievement of the Government policy to increase the delivery of housing from its current under supply set out in Rebuilding Ireland- Action Plan for Housing and Homelessness, issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban location close to public transport and centres of employment. The newly published 'Housing for All' is also noted in this regard. I am of the opinion that the strategic importance of the delivery of housing units to address housing shortages in the principal urban areas is established in the national, regional and local planning policy context.

12.2.26 In relation to section 37(2)(b)(iii), I note that the LAP predates many section 28 guidelines. I note the policies and objectives of the Regional Spatial & Economic Strategy which includes the Metropolitan Area Strategic Plan (MASP) which 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', which seeks to consolidate urban development on accessible zoned service lands and in particular along transport corridors. There are conflicts in the operative Local Area Plan and County Development Plan with these aforementioned guidelines and regional policy. I note the policies and objectives within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for consolidated residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. In this regard, I note NPO 3b of the National Planning Framework, which seeks to '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'. I consider this to be one such site.

12.2.27 In relation to section 37(2)(b)(iv), I note that the pattern of development and permissions granted in the vicinity since the adoption of the development plan/LAP is such that the proposed development keeping with both the density and character of other residential schemes permitted in the area and on immediately adjoining lands, including other SHD applications.

12.2.28 I consider that having regard to the above, there is sufficient justification for the Board to invoke their material contravention powers and grant the development as proposed in this current application. Thus, I am satisfied that the proposal can be granted with respect to section 37(b)(2)(i)(iii) and (iv) of the Planning and Development Act, due to the strategic nature of the development and the pattern of development and permissions granted in the vicinity since the adoption of the LAP.

12.3 Design Approach/Density/Height/Materials Strategy

Context

12.3.1 With respect to design and layout, a number of documents accompany the application including an Architectural Design Statement, photomontages, Universal Design Statement, together with detailed drawings for each block. A Housing Quality Statement provides details about individual units. A coherent design strategy has been put forward for the subject site.

12.3.2 The subject site, which has a stated gross area of 3.32ha, is located at the edge of the built-up area of Kiltiernan approximately 16km south-west of Dublin city centre. The site is bounded to the west by the Enniskerry Road which leads into Kiltiernan village. The proposed new Glenamuck District Distributor Road (GDDR) will run along the northern side of the site. Shaldon Grange (Protected Structure) and Shaldon Lodge are located to the south of the site. The subject site is currently under grass.

Design Approach

- 12.3.3 The proposal involves the construction of a residential development, which includes for 130 residential units (55 houses; 75 apartments) and associated site development works.
- 12.3.4 Public open space is proposed at the north-eastern portion of the site. Private open space is provided to all units.
- 12.3.5 Vehicular access is proposed from the Enniskerry Road. A number of pedestrian and cycle links are proposed to neighbouring lands.
- 12.3.6 The planning authority have raised concerns in relation to the design approach proposed, primarily in relation to the location of the public open space; loss of trees/hedging; creation of sense of place with Church steeple on opposite side of Enniskerry Road; relationship of proposal with Enniskerry Road and provision of an inadequate strong urban form and lively public realm at northern end of site. I will deal with the matter of public open space and tree loss in the following section. The planning authority recommend a refusal of permission in this regard and I refer the Board to their recommended reason for refusal No. 2, which states as follows:
- ‘The proposed greenfield development fails to contribute to the place-making of Kiltiernan and to the public realm in general as envisaged in the Local Area Plan. In particular, the relationship of the development to the Enniskerry Road does not resemble a street in a village core. The setting back of the building line from the Enniskerry Road instead of enclosing it, as well as the siting of an estate road inside and parallel to the planned main village street is considered contrary to best practice and will undermine the intended function of the Enniskerry Road as a pedestrian friendly, lively street in the village core. Also, the visual and pedestrian link from the development to the Church of Ireland Spire does not make the most of the setting of the Church. As such the proposals are considered contrary to the Kiltiernan Local Area Plan, to CDP policies contrary to the Dun Laoghaire Rathdown County Development Plan 2016-2022 policies UD1 Urban design principles and UD3 Public Realm Design and to DMURs (2013)’.*
- 12.3.7 The Board is referred to sections 13.2.9 and 13.2.10 of the Inspector’s Report ABP-307506-20 in this regard where the matter was comprehensively addressed. I would concur with the opinion of the Inspector in this regard. I highlight to the Board that

there is somewhat of a contradiction in the planning authority report. On one hand, they are raising issue with the extent of tree/hedgerow removal along the site boundaries, whilst on the other hand, consider that an inadequately strong urban form is being provided for at the northern end of the site. I am generally satisfied with the proposal in terms of layout, place-making and creation of a village core. I note that lands in the village centre have been designated as a neighbourhood centre and it is detailed in the LAP that this area will accommodate community facilities, an anchor retail unit and a new civic space. This in my view is the most appropriate location for the development of further facilities to serve the wider community. The provision of the taller apartments units fronting onto the permitted GDDR is considered to be appropriate design response.

12.3.8 In terms of the taking advantage of the Church steeple on the opposite side of Enniskerry Road, I am generally satisfied. The pedestrian link opens onto the Enniskerry Road at this point and an attractive vista is formed at this location.

12.3.9 I note the concerns expressed by the planning authority in relation to the relationship of the proposal to the Enniskerry Road and the creation of a parallel road. I also note their concerns regarding the removal of trees along this stretch. There would inevitably be greater loss of trees/hedgerow if this parallel road were omitted from the proposal and a strong building line created along the Enniskerry Road at this point. Level differences are noted between the Enniskerry Road and the subject site. While I acknowledge that the creation of a parallel road is not generally desirable and I acknowledge DMURS in this regard, I do note that the provision of this setback and retention of a grass strip at this location aids in the retention of trees along this stretch and retains a somewhat sylvan character to this stretch of roadway. In this instance, I am not unduly concerned in this regard. The Board did not raise concern with regards this matter in the previous application on these lands.

12.3.10 Having examined the documentation before me, including photomontages, I am of the opinion that the massing, scale and heights of the proposed development are generally considered acceptable. I am of the opinion that the proposed development incorporates a quality contemporary design response that respects the sensitivities of the site. I note the matter of tree loss and its impacts on the visual amenity of the area. I note that there are no special designations pertaining to the site and no tree protection orders apply to any of the trees. I do note however that there is an

objective 'To protect and preserve Trees and Woodlands' towards the northern end of the site and also on lands immediately to the south of the site in the Draft County Development Plan and I highlight this to the Board. There are no 'Category A' trees within the site. Many of the trees along Enniskerry Road are being retained. In my opinion, these are the trees that offer the greatest streetscape value. Compensatory planting is proposed. Notwithstanding the report of their Parks Division, the planning authority in their Chief Executive Opinion have not recommended a specific refusal of permission in this regard. The Board is referred to the 'Biodiversity' section below for further analysis on proposed tree loss. I am of the opinion that this tree loss is regrettable, however is often inevitable in such re-development sites. I note the landscaping proposal put forward in this regard, which includes for significant tree retention, together with compensatory tree planting proposed. I am generally satisfied in this regard.

12.3.11 Impacts on views are noted. There are no protected views in the immediate vicinity. Landscape sensitivity is generally low. I am satisfied that any impacts on views would not be so great as to warrant a refusal of permission. Without doubt, there will be significant long term impacts on the visual landscape context of the area. This is inevitable when developing such sites and is not necessarily a negative. The proposed development will become an attractive addition to the streetscape at this location. I have inspected the site and viewed it from a variety of locations across the wider area. I have also reviewed all the documentation on the file. I am of the opinion that while undoubtedly visible, the proposal would not have such a detrimental impact on the character of the area, as to warrant a refusal of permission. There is greater potential for visual impacts at a more local level and this is acknowledged. Landscape and visual impacts are likely to be perceived initially as negative by virtue of the landscape change and the scale of the development proposed, however these impacts will become more acceptable over time as the buildings are occupied and the development offers new facilities to the wider area, for example the public open space provision. I consider the transition in scale to be acceptable in this instance. A quality proposal has been put forward. I am satisfied that the proposed development will not impact negatively on the character or setting of any historic structures. The proposal will add visual interest; will make a positive contribution to the skyline and will improve permeability within

the area. I am of the opinion that its height, scale and massing is acceptable in townscape and visual terms.

12.3.12 I am generally satisfied with the design approach proposed and am not unduly concerned with regards the matter of visual impacts.

Density

12.3.13 Density at approximately 44 units/ha is proposed (based on a site area of 2.96 ha).

The applicants have excluded the piece of land extending to the Glenamuck Road from the density calculations. This is considered reasonable, given the nature of this land and having regard to Appendix A of the Sustainable Residential Development in Urban Areas Guidelines. The planning authority agree to the exclusion of this piece of land for residential density purposes. The planning authority further state that the proposed density is considered to be in accordance with the County Development Plan, Circular Letter: NRUP 02/2021 and the proper planning and sustainable development of the area. They further state that the density is also in line with, and at the upper level of the stated 40-45 units/ha for land parcel No. 6b as outlined in the LAP, which is welcomed. I consider the density proposed to be in compliance with the provisions of the Kiltiernan Glenamuck LAP and am satisfied in this regard.

12.3.14 Kiltiernan is designated a Future Development Area in the Core Strategy (see Figure 1.1 of Plan). I note that there is a specific objective for a proposed quality bus/bus priority route running along the Glenamuck Road. Section 5.8 of the Sustainable Residential Guidelines sets out that in order to achieve the quantum of development required to make such planned corridors viable, the guidelines seek higher densities with a minimum of 50 units per ha but with a provision that minimum densities can be specified in LAP's. The Kiltiernan Glenamuck LAP sets out prescriptive densities for each land parcel. For area 6b within which the site is located, a medium density of 40-45 unit per ha is identified. Having regard to the above, I am satisfied that the proposed development is in accordance with section 5.8 of the aforementioned 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009) in relation to public transport corridors. As allowable under the guidelines, a density limit has been set out in the Kiltiernan Glenamuck LAP and the proposal complies with same. Whilst the proposed density is below the figure of 50 units per ha set out in the guidelines for transport corridors, I consider it appropriate

having regard to the transitional character of the area and the fact that an LAP pertains to this area. In any event, the applicants address this matter in the submitted documentation and state that it is envisaged that the overall development within their land holding (Phase 1 and 2) would have a density of 50 units/ha.

12.3.15 I am of the opinion that given its zoning, the delivery of a residential development of the density proposed would be consistent with the zoning objective for the site and with the policies and intended outcomes of current Government policy, including the National Planning Framework, which seeks to increase densities in suitable locations. A masterplan has been prepared for the overall lands, it is proximate to good planned public transport, within an expanding urban area. I therefore consider the proposed density to be acceptable. I highlight that the planning authority have not raised concerns in this regard. The Inspector's Report pertaining to ABP-307506-21 did not raise concern in this regard and the matter was not raised by the Board as a concern in that instance.

Building Height

12.3.16 The proposal seeks to introduce a development of three to four storeys in height. The proposed dwellings are three storey; the proposed apartment blocks fronting onto the GDDR are four storey. The proposed apartments are generally fronting onto the permitted GDDR, however there are some corner apartment units scattered throughout the development.

12.3.17 The planning authority acknowledge that the area is in a period of transition as it moves from one-off houses to larger residential estates. They also note that heights within the area are also changing- moving from single/two-storey up to six storeys at the Victoria Homes site to the east. In terms of Development Plan policy, the planning authority note Policy UD6/Appendix 9 Building Height Strategy. Section 4.8 of Appendix 9 notes that 'apartment or town-house type developments or commercial developments in the established commercial core of these areas to a maximum of 3-4 storeys may be permitted in appropriate locations - for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes - providing they have no detrimental effect on existing character and residential amenity'. In addition, section 2.2.2 of the Kiltiernan Glenamuck LAP advises that 'Development on Parcel No. 6b will be 40-45 du/net ha with heights of

2/3 storeys with four storey elements adjacent to major road alignments. An access loop road will be required to service these lands’.

12.3.18 The planning authority acknowledge that since the Development Plan and LAP were adopted, the Urban Development and Building Heights for Planning Authorities (2018) were published, which supports increased height at appropriate locations. The planning authority conclude this point by stating that given the existing and approved height emerging in the area, local and national policy on height, together with the relatively sensitive location of the site proximate to Shaldon Grange (a Protected Structure), the proposed height of 3-4 storeys is considered acceptable in this instance and in accordance with the operative County Development Plan’s policy in relation to building height strategy.

12.3.19 I am of the opinion that given the locational context of the site; national policy guidance in relation to increasing heights at appropriate urban locations; recently permitted heights within the wider area; the permitted infrastructural improvements in the area, that additional height may be appropriate on the lands, in particular the apartment blocks fronting onto the permitted GDDR.

12.3.20 Notwithstanding this opinion, I consider the proposed height to be consistent with the provisions of both the adopted County Development Plan and LAP for the area. I note the Inspector’s Report in relation to the previous application on the lands (ABP-307506-20) and the fact that the Board did not raise concern in this regard. I am generally satisfied in this regard.

Materials Strategy

12.3.21 The matter of materiality has been dealt with in section B.8 of the submitted Architectural Design Statement. The primary material for the scheme is brick, of selected colour. Rough granite stone is proposed for garden walls to public areas. Some smaller elements of sand and cement render and self-coloured render are also proposed, which will reflect the materiality of the wider, established area. I am generally satisfied with the approach taken in this regard. I am satisfied that if the Board is disposed towards a grant of permission, that exact details relating to this matter could be adequately dealt with by way of condition.

Conclusion

12.3.22 To conclude this section, I am satisfied with the design approach proposed and consider that the proposal will provide for a quality scheme at this location, without detriment to the residential or visual amenities of the area. I am also satisfied with the height and density proposed given current local policy in this regard. However, given the locational context of the site, its proximity to existing/planned public transport and national guidance in this regard since the adoption of the CDP and LAP, I consider that the site may have capacity to accommodate greater height and/or density than that proposed, subject to appropriate assessments. Notwithstanding this opinion, I am generally satisfied with the proposed development in this regard and if permitted, I consider that it would be an attractive place in which to reside and would offer planning gain to the wider public by virtue of the public open space provision and increased permeability through the site.

12.4 Open Space Provision/Permeability

Context

12.4.1 The planning authority, as contained in the Chief Executive Report, recommend refusal of permission in relation to the poor quantity and peripheral location of the principle area of public open space. They state that the location of the proposed new park adjacent to the Glenamuck District Distributor Road is considered not to be ideal and they do not favour the siting of such a prominent open space along the outskirts of the scheme. Furthermore, the second principal area of open space is located parallel to the Enniskerry Road. They highlight that there is no central area of open space away from main roads. They would have welcomed the provision of an internally located, high quality open space within the scheme. The planning authority's recommended reason for refusal No. 3 is as follows:

'The proposed public open space and absence of community facilities as part of these large-scale development proposals are considered unacceptable. In particular, the poor quantity and peripheral location of the principle area of public open space in this phase of development to the north of the site is considered unacceptable in terms of its usability and quality of provision. Moreover, it is considered that car parking dominates the scheme to the detriment of the open space. Furthermore, the

dearth of community facilities leads to a suboptimal development in terms of residential amenity and for these reason it is recommend that permission is refused on the basis of it being contrary to the Dun Laoghaire Rathdown County Development Plan 2016-2022 policies UD 1: Urban Design Principle), Policy SIC6:Community Facilities, Policy SIC7: New Development Areas, Policy SIC11: Childcare Facilities, Policy OSR5: Public Open Space standards, the Kiltiernan LAP as well as The Sustainable Residential Development in Urban Areas Guidelines and Urban Design Manual (2009)'.

- 12.4.2 I highlight to the Board that the planning authority recommended this reason for refusal in the previous application, ABP-307506-20, however at that time neither the Inspector nor the Board raised concerns in this regard.
- 12.4.3 It is noted that a Landscape Design Report and an Arboricultural Report (which includes for a Tree Protection Plan and Tree Removals Plan) were submitted with the application documentation, together with landscape drawings. In addition, a 'Masterplan, Connections and Open Space Hierarchy' report was submitted with the application documentation.
- 12.4.4 I refer the Board to section 13.2.6 of the Inspector's Report of ABP-307506-20 where this matter was comprehensively addressed.
- 12.4.5 The main area of public open space is proposed along the northern boundary of the site, south of the GDDR. This location is unchanged from that proposed in the previous application. I consider that the linear open space along the Enniskerry Road is severely impinged upon by the proposed location of car parking spaces. I deal with this matter below, but consider that these spaces should be omitted from the proposal and the areas of parking incorporated into the area of public open space. I would concur with the planning authority in this regard and I deal with this matter further below. However, I am of the opinion that the matter could be adequately addressed by means of condition, if the Board were disposed towards a grant of permission. Matters relating to tree removal and biodiversity are dealt with below.

Public/Communal Open Space

- 12.4.6 The applicants state that a total of 4,090m² of open space is provided (3,010m² of public open space and 1,080m² of communal open space). A number of smaller

landscaped spaces are also provided but it is stated that these are not included within this total figure.

- 12.4.7 Section 8.2.8.2 of the operative County Development Plan sets out standards for public/communal open spaces provision, which states that 'For all developments with a residential component – 5+ units - the requirement of 15 sq.m-20 sq.m. of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms'. It continues by stating that 'the Planning Authority shall require an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space irrespective of the occupancy parameters set out in the previous paragraph'. Section 7.1.2 of the LAP states that the provision of public open space within the LAP Area will generally be informed by the County Development Plan 2010- 2016 and the Council's Open Space Strategy 2012-2015.
- 12.4.8 Applying the Development Plan standards of 15-20 square metres per person using an assumed occupancy rate of 1.5 persons in the case of units with two bedroom or less or 3 persons in the cases of units with three or more bedrooms, the planning authority calculate that the required provision would be 4,050-5,400 square metres. As stated above, the stated figure of 4,090m² of public/communal open space is proposed, giving a marginal shortfall. In terms of 'an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space irrespective of the occupancy parameters set out in the previous paragraph', the applicants state that taking account of both communal and public open space provision (as allowed for by Section 8.2.2 of the Development Plan), the proposed development includes 13.8% open space. If excluding the communal open space, the proposed development provides 10.2% public open space. Both percentage figures are based on the substantive development area of 2.96 ha.
- 12.4.9 The planning authority are of the opinion that it is not readily clear how the figures cited by the applicant have been arrived at. In terms of meeting the default minimum 10% of the site area for public open space, the planning authority are using the gross site area of 3.32 hectares as the calculable site area. On this basis, the figure of

3010m² falls short. However, I consider it unfair to use this site area as the basis for calculation and consider it more appropriate to use the developable area of 2.92 areas as the basis for calculation. On this basis, the applicants exceed the default minimum 10% requirement. I also note the number of houses proposed (55 out of 130 units), all of which have sizeable rear garden areas. All proposed apartments have private open space provision.

12.4.10 I have dealt with the matter of the omission of car parking spaces below and I am of the opinion that the omission of some spaces would assist in the provision of additional public open space within the site. To be clear however, I do not believe that there is a shortfall in public open space provision and I am of the opinion that the proposal would not contravene the requirements of the Development Plan in this regard.

12.4.11 In terms of location of the proposed public open space along the GDDR and the concerns of the planning authority in relation to its peripheral location, I note that this was also a concern on the planning authority in the previous application on the site, however neither the Inspector nor the Board raised concerns in this regard. I acknowledge that when viewing Phase 1 in isolation, this is not the ideal location given its peripheral location within the overall scheme and its proximity to the permitted alignment of the GDDR. However, in the context of the wider area the location of the main area of public open space here is acceptable as it will be accessible to the wider public. I note that an overall masterplan has been submitted for the landholding which incorporates a hierarchy of open spaces. In this context a larger area of open space is indicated along the southern boundary of Phase 1. I am satisfied in this regard. I further note that a substantial area is zoned for a district park on the northern side of the permitted GDDR. As I have stated above, the Board did not raise issue with this in the previous application on the lands. On balance, subject to recommended conditions regarding omission of some car parking spaces, I am satisfied that the quantum and quality of the proposed open space provision is satisfactory and will provide a high level of amenity. I also consider that the public open space provision is generally in compliance with Development Plan standards. I also note the proximity of the site to wider public open space infrastructure and in this context, consider the location and extent of open space acceptable to serve the needs of future occupants.

Communal Open Space

12.4.12 In terms of communal open space provision, I note that the operative County Development Plan does not appear to set out specific requirements for communal open space and instead section 8.2.8.2 deals with quantity of public/communal open space together. As stated above, this section of the Plan states that 'The Planning Authority shall require an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space irrespective of the occupancy parameters...'. I have dealt with this matter above. I note that the aforementioned Apartment Guidelines require the following minimum standards for communal open space in apartment developments:

Table 3:

| | |
|--------------------|-----------------|
| Studio | 4m ² |
| One-bed | 5m ² |
| Two-bed (3 person) | 6m ² |
| Two-bed (4 person) | 7m ² |
| Three-bed | 9m ² |

12.4.13 In terms of the proposed apartments, this would give a requirement of 469m² for communal open space provision. A stated, 1080m² of communal open space is proposed. It is evident that the apartment element of the proposal would comfortably meet the required standards for communal open space. I am satisfied in this regard.

Private Open Space

12.4.14 Private open space is provided to all proposed units within the scheme in the form of terraces/balconies to apartments and rear garden areas to houses. Private open space standards for houses and apartments are set out in section 8.2.8.4 of the operative County Development Plan. In addition, private open space standards for apartments are set out in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments. The proposal complies with the standards of both the operative County Development Plan and those set out in Appendix 1 of the aforementioned Apartment Guidelines. The planning authority have assessed the proposal against the standards of the Sustainable Urban Housing guidelines and

state that all proposed apartments have balconies of the required size. The matter was not raised as a concern in the previous application on this site, ABP-307506-21. A good quality of residential amenity is proposed and I am satisfied in this regard.

Community Facilities

12.4.15 The planning authority in their recommended reason for refusal No. 3 state that the *'absence of community facilities as part of these large-scale development proposals are considered unacceptable'*. I note section 8.3 of the LAP deals with proposed community facilities and states that the Kiltiernan Parish (Church of Ireland) received planning permission in 2009 to provide a new parish/ community complex incorporating part of the existing Parochial Hall. This new complex is intended to include major and minor halls, meeting rooms, a crèche, office and kitchens. It is located opposite the subject site. The LAP states that development of this facility has not commenced to date. I note that this is not a BTR scheme and there is therefore no requirement under national guidance to provide residential/communal amenity facilities. The Planning authority note that the provision of a small community hall/residents room would have been welcomed. While I acknowledge the concerns expressed by the planning authority in this regard, I note that the LAP does not designate this site for the provision of community facilities. As I have stated above, I note that lands in the village centre have been designated as a neighbourhood centre and I also note the designated parish/community centre node. It is detailed in the LAP that the neighbourhood centre will accommodate community facilities, an anchor retail unit and a new civic space. This in my view is the most appropriate location for the development of further facilities to serve the wider community. I am satisfied in this regard. This was not raised by the Inspector or Board as a concern in the previous application on the lands (ABP-307506-20).

Permeability

12.4.16 Permeability and connectivity through the site is provided by a pedestrian axis to adjoining lands. These connections are outlined in the submitted masterplan. I note the proposal includes for a link, approximately 300m in length, from the subject site to the Glenamuck Road to the south. The planning authority welcome this link. Proposed links are welcomed and I am of the opinion that they will be a planning gain to the wider community.

Conclusion

12.4.17 I acknowledge the second recommended reason for refusal by the planning authority. This was also raised as a concern by the planning authority in the previous application on the lands (ABP-307506-20). Notwithstanding these concerns, on balance, I am satisfied with the quantum and quality of open space provided and am of the opinion that this provision is such that it will be an attractive addition to both future residents and the wider community. I consider the proposal to be generally in compliance with the LAP, County Development Plan and national guidance in this regard. In terms of community facilities, I consider that the LAP has dealt with this matter sufficiently and has identified the most appropriate locations for such facilities. I do not have concerns in this regard.

12.5 Impacts on Existing Residential Amenity

Context

- 12.5.1 The planning authority have not raised concerns in this regard. This matter was not raised as a concern by the Inspector/Board in the previous application on the lands, ABP-307506-20. No third party submissions were received on the current application.
- 12.5.2 In terms of impacts on existing residential amenity, at the outset I acknowledge that, without doubt, there will be a change in outlook as the site moves from its current level of development to that accommodating a development, such as that proposed. This is not necessarily a negative. I am cognisant of the relationship of the proposed development to neighbouring properties. In my opinion, separation distances in excess of what would normally be anticipated within such an established, urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. The proposed development is considered not to be excessively overbearing given this context.

Overlooking and impacts on privacy

- 12.5.3 I note the separation distances proposed, together with the level of screening along many of the site boundaries. Given the locational context of the site, the orientation of existing and proposed development, together with the design rationale proposed, which includes for extensive setbacks and separation distances, I consider that

matters of overlooking would not be so great as to warrant a refusal of permission. Given the urban location of the site, a certain degree of overlooking is to be anticipated. Given the separation distances involved, this is not an issue in this instance. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. This is an urban area and the overall scale of development reflects its location. The site is zoned for residential development and the principle of a scheme such as that proposed at this location, accords with national policy in this regard.

Daylight and Sunlight

- 12.5.4 In designing a new development, I acknowledge that it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms.
- 12.5.5 I note the layout of the proposal is such that a significant separation distance is proposed between the proposed development and nearby residential properties and the attention of the Board is drawn to this fact.
- 12.5.6 The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that 'appropriate and reasonable regard' is had to the BRE guidelines. However, it should be noted that the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers). The standards described in the guidelines are intended only to assist my assessment of the proposed development and its potential impacts. Therefore, while demonstration of compliance, or not, of a proposed development with the recommended BRE standards can assist my conclusion as to its appropriateness or quality, this does not dictate an assumption of acceptability or unacceptability.

12.5.7 I note that the criteria under section 3.2 of the Building Height Guidelines at the scale of site/building include the performance of the development in relation to minimising overshadowing and loss of light.

12.5.8 A 'Daylight and Sunlight Assessment' was submitted with the application. The information contained therein generally appears reasonable and robust. I note that the submitted Report has been prepared in accordance BRE BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', 2nd Edition 2011 and BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting). The Design Standards for New Apartments - Guidelines for Planning Authorities (2020) and section 3.2 of the Urban Development and Building Heights Guidelines (2018). I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight: A guide to Good Practice (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights (2018). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines. I have carried out an inspection of the site and its environs.

Daylight

12.5.9 In relation to daylight, paragraph 2.2.7 of the BRE Guidance (Site Layout Planning for Daylight and Sunlight - 2011) notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this would be kept to a minimum. BRE Guidelines recommend that neighbouring properties should retain a VSC (this assesses the level of skylight received) of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels and that electric lighting will be needed more of the time.

12.5.10 I note that the site is bound to the west by the Enniskerry Road. There is a sports ground and fields to the north and east, while Shaldon Grange (Protected Structure) is located to the south on extensive lands. An extensive tree belt separates Shaldon Grange from the proposed development site. Any other dwellings on the opposite side of Enniskerry Road have significant setbacks from the public road and generally have the benefit of substantial screening. The zone of influence, as set out in the BRE guidelines recommends an area within three times the height of the proposed apartment blocks. There are no residential properties within this zone of influence, so the submitted assessment concludes that there are no properties that would have the potential to experience an impact on their daylight. The proposed development is considered to meet the recommendations of the BRE guidelines.

12.5.11 I am satisfied with the assessment above and concur with its conclusion.

Sunlight

12.5.12 The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). A target of 25% of total APSH and of 5% of total WPSH has been applied and is applied only to windows that face within 90 degrees of due south. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed.

12.5.13 As before, the zone of influence, as set out in the BRE guidelines recommends an area within three times the height of the proposed apartment blocks. There are no residential properties within this zone of influence, so the submitted assessment concludes that there are no properties that would have the potential to experience an impact on their sunlight. The proposed development is considered to meet the recommendations of the BRE guidelines.

12.5.14 I am satisfied with the assessment above and concur with its conclusion.

Overshadowing

12.5.15 In relation to overshadowing, BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March. There are no residential amenity spaces adjacent to the proposed development. There is also a considerable set back from the site boundary to the east and west where houses are situated. There would be no

reduction in the available sunlight to the south, east or west. The submitted assessment notes that there is a future development site to the north of the apartment blocks. This is separated however by a future planned link road. The site to the north was assessed for available sunlight and 100% of the site will receive 2 hours sunlight over 50% of the site on the 21st March.

12.5.16 I am satisfied in this regard.

Conclusion

12.5.17 Overall, it is considered that there will be no impact to the daylight and sunlight to the adjacent dwellings and any reduction in daylight or sunlight will be negligible. There will be no reduction in the sunlight to any of the adjacent amenity spaces. I am satisfied in this regard.

12.6 Quality of Proposed Residential Development

Context

12.6.1 The planning authority are generally satisfied in this regard. The planning authority have assessed the proposal against the SPPRs of the Sustainable Urban Housing-Design Standards for New Apartments (2020). I refer the Board to the 'Advisory Note' as contained in the operative County Development Plan which states that the 'Specific Planning Policy Requirements' set out in the DoECLG Apartment Guidelines take precedence over the Dún Laoghaire-Rathdown standards and specifications as set out in Section 8.2.3.3 of the 2016 – 2022 County Development Plan. I note that the aforementioned Apartment Guidelines have been updated since the publication of the 'Advisory Note', however I am of the opinion that it is reasonable to apply that most up-to-date guidelines in this regard.

Unit Mix

12.6.2 SPPR 1 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) states that:

'Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand

Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)'.

12.6.3 The proposed unit mix is as follows:

Table 4: Overall Unit Mix

| | 1 bed | 2 bed | 3 bed | 4 bed | 5 bed | Total |
|----------------------|--------------|------------|-------------|------------|------------|-------------|
| Houses | - | 5 | 11 | 25 | 14 | 55 |
| Apartments | 28 | 47 | - | - | - | 75 |
| Total | 28 | 52 | 11 | 25 | 14 | 130 |
| As % of total | 21.5% | 40% | 8.5% | 19% | 11% | 100% |

12.6.4 I note that one-bed units comprise 21.5% of the proposed residential mix with 11% of the proposal being five-bed units. The proposal is considered to be in compliance with SPPR 1 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).

12.6.5 Section 8.2.3.2(i) of the operative County Development Plan, Dwelling Size and Mix, while section 8.2.3.2(iii) deals with Unit Mix and states that 'Apartment developments should provide a mix of units to cater for different size households, such that larger schemes over 30 units should generally comprise of no more than 20% 1-bed units and a minimum of 20% of units over 80 sq.m'.

12.6.6 The figure proposed is marginally in excess of the 20% standard for one-bed units, as set out in operative County Development Plan. The applicants do not address this matter within the submitted Material Contravention Statement. I note that the planning authority have not addressed the matter of compliance with Development Plan standards in terms of unit mix within their assessment. They address the proposal in the context of SPPR1 of the Sustainable Urban Housing Guidelines and are of the opinion that SPPR1 has been met.

12.6.7 I note the marginal non-compliance with this standard of the operative County Development Plan. However, I do not consider this to be a material contravention of the Plan. I highlight to the Board that this non-compliance is with a standard of the operative County Development Plan, not a policy of this Plan. I have examined the

provisions of section 8.2.3.2 of the operative County Plan and consider these to be standards. I note the flexibility in the language used in this regard (*'...should generally comprise...'*). I also note the advisory note attached to the operative County Development Plan which states that *'Users of this Dún Laoghaire-Rathdown County Development Plan 2016-2022 are advised that the standards and specifications in respect of Apartment Development- as set out in Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the Development Plan Written Statement –have been superseded by Ministerial Guidelines 'Sustainable Urban Housing – Design Standards for New Apartments' published by the Department of Environment, Community and Local Government (DoECLG) on 21st December 2015. The DoECLG Apartment Guidelines contain certain 'Specific Planning Policy Requirements' which became mandatory on foot of the Planning and Development (Amendment) Act 2015 that was signed into law by the President on 29th December 2015. The 'Specific Planning Policy Requirements' set out in the DoECLG Apartment Guidelines take precedence over the Dún Laoghaire-Rathdown standards and specifications as set out in Section 8.2.3.3 of the 2016 – 2022 County Development Plan'*. This advisory note acknowledges that the SPPR's take precedence over the operative CDP.

12.6.8 It is noted that since the adoption of the Dun Laoghaire Rathdown County Development Plan 2016-2022, the Sustainable Urban Housing: Design Standards for New Apartments (2015) have been updated (December 2020). I consider it reasonable to apply the updated section 28 guidance in this regard. I note that the County Development Plan continually cross references national guidance while the Chief Executive Report regularly applies both its own standards and current national guidelines. This is considered to be a reasonable approach. The planning authority has not raised concern in relation to unit mix and they state that the SPPR 1 has been met in this regard. The Elected Members, as contained in the Chief Executive Report, welcome the proposed mix. In addition, the matter was not raised as a concern in the previous application on these lands, ABP-307506-21.

12.6.9 As stated elsewhere within my assessment, I consider the proposed development to be broadly in compliance with both the operative County Development Plan and national guidance. While there is some non-compliance with County Development

Plan standards in terms of unit mix, I do not consider this to be material in nature. In terms of the draft County Development Plan, it proposes a requirement whereby all residential schemes of 50 no. units or greater in existing built-up areas will be subject to a requirement to provide 20% of the overall quantum of units as three-bedrooms or larger. The proposed development contains 38% three bedroom or larger units and is therefore considered to comply with the Draft Plan in this regard.

12.6.10 Having regard to all of the above, I consider that the proposed unit mix is acceptable in this instance given the locational context of the site, the changing context of the area, together with national guidance in this regard. I fully acknowledge changing household sizes. As stated in the National Planning Framework, seven out of ten households in the State consist of three people or less and this figure is expected to decline to approximately 2.5 persons per household by 2040. The proposed development will add to the availability of one and two bedroom apartments in an area of the city, traditionally characterised by conventional housing stock comprising three and four bedroom houses.

12.6.11 While the unit mix may exceed a standard in the operative County Development Plan, I do not consider that this constitutes a material contravention of the Plan. The proposal is considered to be in compliance with the aforementioned SPPR 1 of the Sustainable Urban Housing Guidelines (2020). The planning authority do not state this to be a material contravention of the Plan. The matter was not considered a material contravention of the Plan in the previous application on these lands (ABP-307506-21) and the matter of unit mix was not raised as a concern. The proposal broadly complies with section 8.2.3.2 of the Plan and meets the standards of the aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020). I am satisfied in this regard.

Floor Areas

12.6.12 SPPR 3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) sets out Minimum Apartment Floor Areas, as follows:

- Studio apartment (1 person) 37 sq.m
- 1-bedroom apartment (2 persons) 45 sq.m

- 2-bedroom apartment (4 persons) 73 sq.m
- 3-bedroom apartment (5 persons) 90 sq.m

12.6.13 Table 8.2.2 of the operative County Development Plan sets out minimum apartment floor area as follows:

- 1-bedroom apartment 55 sq.m
- 2-bedroom apartment 85-90 sq.m
- 3-bedroom apartment 100 sq.m

12.6.14 All units comply with the operative County Development Plan and SPPR3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) in this regard. The planning authority have not raised concerns in relation to this matter. I am satisfied in this regard.

Aspect

12.6.15 SPPR 4 of the aforementioned Sustainable Urban Housing Guidelines (2020) deals with the minimum number of dual aspect apartments that may be provided within any single apartment scheme and states that a minimum of 50% dual aspect units will be required in suburban or intermediate locations. I would consider this to be one such area. The operative County Development Plan states that 'apartment developments are expected to provide a minimum of 70% of units as dual aspect apartments' (section 8.2.3.3(ii)).

12.6.16 The proposed development includes a stated 86% dual aspect units. The planning authority have not raised concern in this regard and consider that SPPR4 has been met.

12.6.17 I note that the quantum of dual aspect units proposed is well in excess of minimum standards. The proposal, if permitted would provide a good quality of residential amenity to any future occupiers. (Note the matter of residential amenity is dealt with below). I note SPPR4 of the aforementioned Apartment Guidelines, together with the operative County Development Plan in this regard and consider the proposal to be in compliance with same. The matter was not raised as a concern in the previous application, ABP-307506-21. I am satisfied in this regard.

Floor to Ceiling Heights

12.6.18 SPPR5 of the aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020) relates to floor to ceiling heights and states that:

‘Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality’.

12.6.19 It is noted that the submitted drawings indicate floor to ceiling heights of c.2.75m for ground floor apartments. The proposal is therefore considered to comply with SPPR5 in this regard.

Lift and Stair Cores

12.6.20 SPPR 6 states that:

‘A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations’.

12.6.21 The number of units per floor/core is four. It is therefore considered that the proposed development is consistent with SPPR6.

Daylight and Sunlight to Proposed Residential Units

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

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

12.6.23 As before, I have considered the Daylight and Sunlight Assessment submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines.

Daylight

12.6.24 In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well daylight living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.

12.6.25 In relation to daylight, the apartment units along the permitted GDDR were analysed for ADF. It is noted that all four apartment blocks are identical in layout and

therefore Block B (which represents the worst case scenario as it is located between Blocks A and C) was analysed. As all blocks are identical, they are considered by the applicants to have an equal or greater access to daylight. This is considered to be a reasonable assumption and I am satisfied in this regard. The information has been set out in tabular form in Table 3 of the submitted assessment (page 10).

12.6.26 The proposed apartment units contain combined kitchen/living/dining layouts.

12.6.27 The applicant has applied the 2% ADF value for l/k/d and the 1% ADF value for bedrooms within the submitted assessment. All rooms analysed meet the relevant standards.

12.6.28 I note that the applicant has endeavoured to maximise light into the apartments while also ensuring that the streetscape, architecture and private external amenity space are also provided for. A good quality proposal has been put forward in this regard and all units tested exceed the minimum standards and will be well-lit. I am satisfied in this regard.

Sunlight

12.6.29 The report also considers internal sunlight levels to the proposed units, and a summary of results is set out in page 12 inclusive of the submitted assessment. The living rooms of all 60 units within Apartment Blocks A-C were examined. I note that the majority of apartments examined have a main living space window facing within 90 degrees of due south (93%). Many of these units are also dual aspect. In relation to sunlight, analysis has been provided in accordance with the BRE guidelines on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). The APSH modelling involves assessment of the level of sunlight that reaches a window, then determining the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis (section 3.1.10 of the BRE 209 Guidance).

12.6.30 The report states that the majority of windows suitable for assessment meet the annual probable sunlight hours criteria outlined in the BRE Guide, together with the recommended target of 5% for winter sunlight (WPSH). I am satisfied in this regard.

Internal Open Spaces

12.6.31 Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. All proposed amenity spaces exceed this target.

Conclusion

12.6.32 I have considered all of the information before me in this regard. The planning authority have not raised concern in relation to this matter and this was not a matter of concern in the previous application on the lands, ABP-307506-20. I am satisfied that there will not be significant impact on nearby properties and am generally satisfied that the design results in sufficient daylight and sunlight for future residents.

12.7 Traffic and Transportation

Context

12.7.1 It is noted that a number of transport related documents have been submitted with the application documentation including Traffic and Transport Assessment, Preliminary Design Stage Audit and Engineering Services Report. In addition, a Construction & Demolition Waste Management Plan and Outline Construction Management Plan were also submitted. The matter of phasing has been dealt with above and I refer the Board to same. Neither the Inspector nor the Board raised concern in relation to this matter in the previous application on the lands, ABP-307506-20.

Access

12.7.2 Vehicular access to the site is via the existing Enniskerry Road site access junction for Shaldon Lodge, which is to be upgraded to a priority T-junction. In addition, there are three proposed additional pedestrian/cycle only access points. The Planning Authority did not raise any objection to the proposed entrance arrangements subject to standard conditions. I have no information before me to believe that the proposed entrance, located within the development boundary of Kiltiernan on lands zoned for

residential development would constitute a traffic hazard, subject to compliance with planning conditions.

Car Parking

- 12.7.3 The applicant has proposed a development that will provide 204 car parking spaces, which gives a breakdown of 57 no. spaces for the apartment blocks, 15 spaces for the corner apartments, 105 no. spaces for the houses and 27 no. visitor spaces. Parking for the houses is provided within their curtilage, with the remaining car parking spaces provided in clusters throughout the site.
- 12.7.4 Table 8.2.3 of the operative County Development Plan details the car parking standards permissible for residential land uses. It is stated that these standards can be reduced depending on the location of the development, its proximity to public transport, the precise nature and characteristics of the proposed development amongst other criteria. The planning authority note that this reduction is supported by the Apartment guidelines. They note that the site is located close to a bus route, is within walking distance of Carrickmines Retail Park and the LUAS, which has a park and ride service over the M50 bridge. The planning authority continue by stating that the proposed parking provision is generous given the current circumstances and guidelines and that any surplus spaces would be better given over to open space. I would concur with the opinion of the planning authority in this regard and I consider that the proposed scheme is quite car dominated, with extensive tracts of surface car parking evident. I am of the opinion that the removal of some of this surface parking would enhance the overall scheme and I highlight a number of areas in particular, namely along the Enniskerry Road (16 spaces), along Road E (8 spaces); to the north of proposed entrance (11 spaces) and along southern side of Road A (8 spaces). All of these spaces could be incorporated into the public open space.
- 12.7.5 I am satisfied that given the nature of the development, the locational context of the site, national guidance in relation to sustainable travel patterns and the opinion of the planning authority, that a reduced parking allocation, as recommended, is acceptable in this instance.

Cycle Parking

12.7.6 In total, the proposal includes for 158 no. cycle spaces. The planning authority state that the proposed provision appears to meet Development Plan standards but is short of the Apartment guideline's standards for the apartments. However, they are of the opinion that as the Apartment Guidelines allow for planning authority discretion in this regard, the Development Plan standards are considered sufficient in this instance given the site location, proposed provision and public transport links. I am also satisfied in this regard.

DMURS

12.7.7 I note that the planning authority in their second reason for refusal raise concerns in relation to DMURS and state that *'The setting back of the building line from the Enniskerry Road instead of enclosing it, as well as the siting of an estate road inside and parallel to the planned main village street is considered contrary to best practice and will undermine the intended function of the Enniskerry Road as a pedestrian friendly, lively street in the village core'*. The planning authority raised this matter as a concern in the previous application on the lands, but neither the Inspector and Board did not express concerns in this regard. I note that the Transportation Division of the planning authority do not raise issue in this regard. The applicants contend that given the steep topography of the western portion of the site and the difference in levels between the site and the Enniskerry Road, the more appropriate design and engineering solution at this location is the creation of home zones running parallel to the Enniskerry Road rather than creating direct access onto the road at this point. I would not disagree with this assertion. However, I also concur with the opinion of the planning authority that this is not the only site to have topography issues and I consider that the omission of the parallel road at this location could have been further addressed and a possible alternative design solution found. Notwithstanding this, I consider that the proposal is generally in compliance with DMURS with a clear street hierarchy proposed and this solution does address the change in site levels at this location. I would concur with the Inspector in the previous report on this site (see section 13.2.7 of Inspector's Report ABP-307506-20). I am satisfied that the proposed development provides for an appropriate road hierarchy throughout the scheme. Routes are legible and animated with active frontages. Adequate facilities

are provided to facilitate pedestrians and cyclists and the scheme is generally compliant with the principles of DMURS. I am generally satisfied in this regard.

Construction Traffic

- 12.7.8 The information contained in the documentation in relation to management of the construction phase of development is noted and is considered reasonable. The period of construction will be relatively short-lived. It is noted that an Outline Construction Management Plan was submitted with the application. I recommend that if the Board is disposed a grant of permission, that the matter of construction management be dealt with by means of condition.

Conclusion

- 12.7.9 To conclude, I do not have undue concerns in relation to traffic or transportation issues. As dealt with above, in the previous section on phasing, I am satisfied that the proposed development can be accommodated on the existing road network until such time as the GDDRS is completed and operational. I note that the Transport Division of the planning authority recommend refusal of permission in relation to phasing/prematurity (this matter is dealt with above), however as stated elsewhere within my assessment, it appears that works to begin construction of the GDDRS are imminent and that the timelines in relation to the construction of this proposed development and the roads scheme would be similar. I am satisfied that the proposal is acceptable in terms of numbers of spaces for car and bicycle parking, as well as other road improvement works proposed, having regard to the accessible location of the site and its proximity to public transport, together with section 28 ministerial guidelines which allow for reduced standards of parking at certain appropriate locations. In relation to other matters, the Transportation Division of the planning authority request further information but have recommended conditions in this regard. I am of the opinion that the matters raised by the planning authority in this regard could be adequately dealt with by means of condition. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

12.8 Drainage and Flood Risk

Drainage

- 12.8.1 In term of site services, new water supply and wastewater connections are proposed. The Drainage Division of the planning authority, as contained in the Chief Executive Report, states that the submitted documentation generally satisfy their requirements, subject to conditions. Irish Water states that there is sufficient capacity in their assets to facilitate the proposed development. They note that records indicate that there is potentially existing Irish Water assets within the site (both water and wastewater). The applicant must therefore engage with Irish Water's Diversion Section with regards to an assessment of feasibility of any diversions which may be required. The outcome of this feasibility assessment must be agreed with Irish Water prior to connection agreement, so as to ensure adequate protection of existing assets and to ensure that appropriate separation distances can be achieved as per Irish Water standards, codes and practices. Irish Water states that to date, the applicant has not engaged with the Irish Water Diversion Section to assess feasibility of a potential build over/near. I am of the opinion that this matter could be adequately dealt with by means of condition, if the Board are disposed towards a grant of permission.
- 12.8.2 I refer the Board to section 13.3 of the Inspector's Report for ABP-307506-20 in which a comprehensive assessment of drainage matters was undertaken. Neither the Inspector nor the Board raised concerns in relation to this matter.
- 12.8.3 A number of documents were submitted which deal with the matter of drainage and flood risk, including, inter alia, an Engineering Services Report and a Site Specific Flood Risk Assessment. The information contained within these documents appears reasonable and robust. I have no information before me to believe that the existing infrastructure does not have capacity to facilitate a development of the nature and scale proposed. Neither the planning authority nor Irish Water have expressed concerns in this regard. I am satisfied in this regard.

Flooding

- 12.8.4 The contents of the submitted Site Specific Flood Risk Assessment appear reasonable and robust. The proposed development is residential in nature which is considered to be a 'highly vulnerable development'. The proposed development is

located within Flood Zone C and therefore the proposed development is deemed 'Appropriate' in accordance with OPW guidelines. A Justification Test is therefore not required. The planning authority have not raised concerns in relation to flood risk and state that the proposal is considered to be in accordance with Appendix 13 (Strategic Flood Risk Assessment) of the operative County Development Plan. I am satisfied in this regard.

Conclusion

12.8.5 I note that this is a serviced, appropriately zoned site at an urban location. The planning authority has raised no concerns in relation to this matter, subject to conditions. Irish Water have not raised concerns in relation to this matter, subject to conditions. I note that the matter was not raised as a concern in the previous application on the lands (ABP-307506-20). Based on all of the information before me, including the guidance contained within the relevant Section 28 guidelines, I am satisfied that the site can be serviced adequately and that the proposed development will have no adverse effects on the surrounding area, subject to standard drainage conditions.

12.9 Biodiversity

- 12.9.1 A number of documents relating to biodiversity matters have been submitted with the application including an Ecological Impact Assessment, Bat Report and Commentary on 2018 Bat Survey. An Appropriate Assessment Screening Report and EIA Screening Report were also submitted with the application. Surveys of the proposed development site were conducted in 2018 and 2021.
- 12.9.2 I have considered all of the written submissions made in relation to biodiversity including the submission from the Department of Housing, Local Government and Heritage; Inland Fisheries Ireland and the Chief Executive Report of the planning authority. The Parks Division of the planning authority express concerns in relation to the proposed development, in particular with regards extent of tree removal and location of open space. They recommend a refusal of permission in this regard. However, the planning authority in their Chief Executive Opinion do not recommend a refusal of permission specifically in relation to tree removal. They do however express concerns regarding the location of public open space (dealt with above) and recommend refusal of permission in this regard.

12.9.3 The detailed report received from the Department of Housing, Local Government and Heritage is noted in relation to nature conservation. I shall deal with aspects of this report throughout my assessment. However, I highlight to the Board that the Department are generally satisfied with regards the proposal put forward in terms of nature conservation and have attached recommended conditions, in the event of a grant of permission.

Tree Removal

12.9.4 I refer the Board to the submitted Arboricultural Assessment, together with the contents of the EclA and landscaping plans/drawings. Of the 245 individual tree species surveyed, common ash, sycamore and common alder make up more than 75% of the tree population.

12.9.5 Hedgerows with mature trees and woodland planting are evident on site. The hedgerows are boundary features and act to separate different areas of land within the site and neighbouring properties. There are two types of woodland within the site, those planted for commercial reasons and an area planted with a mixture of species that forms part of the main gardens around Shaldon Grange. It is noted that there are no 'Category A' trees on site- there are 30 'Category B' and 54 'Category C'. The majority of trees on site are categorised as being 'Category U' (194 trees). A total of 52 trees are proposed for removal. Of these trees proposed for removal, the following is noted:

Table 5:

| Category | Number Proposed for Removal |
|----------------|-----------------------------|
| Category U | 6 |
| Category A | 0 |
| Category B1/B2 | 3 |
| Category C1/C2 | 43 |

12.9.6 The loss of the above tree vegetation is to be mitigated against with landscaping comprising of new native planting of tree, shrub and hedgerow that will complement the development and help to provide good quality and sustainable long-term tree cover.

- 12.9.7 The report of the planning authority considers that the loss of hedging/trees on site is substantial and as a result would have a significant negative impacts on the character and appearance of the area. While they acknowledge that new trees/landscaping works are proposed, they are of the opinion that these would not have the same positive impact as retaining more of the trees would have, both in terms of visual amenity and ecology. The report of the Department of Housing, Local Government and Heritage is noted which states that a considerable number of trees and shrubs are to be cleared to facilitate the proposed development, including trees and shrubs from the roadside hedgerow. Though this hedgerow is already discontinuous, it is likely to be a historic feature and therefore probably of a greater biodiversity value than younger hedgerows, as the road is a townland boundary and probably of medieval or earlier origin. Any further loss of woody vegetation from this hedgerow must therefore be considered undesirable. The Department recommends a condition that prior to commencement of any development works a landscape plan be submitted to the planning authority for its written agreement, modified to include the retention of all the existing segments of hedgerow on the roadside boundary of the site. The planning authority concurs with the opinion of the Department in this regard.
- 12.9.8 I acknowledge that the proposed development will result in the removal of trees/hedgerow habitat from the site. Much of the removal are category C1/C2 trees, deemed to be low quality. Higher significance hedgerow are identified along the permitted GDDR while a higher significance treeline and lower significance hedgerow are identified along the Enniskerry Road. The proposal envisages the removal of much of this hedgerow, in particular along the permitted GDDR.
- 12.9.9 The removal of the higher significance treeline/hedgerow, together with lower significance hedgerow is considered in the EclA to be of local importance only. The proposed site is not within, or adjacent to, any area that has been designated for nature conservation at a national or international level. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants.
- 12.9.10 The proposed development will result in the permanent removal of trees/hedgerow on site. I am of the opinion that this is somewhat inevitable when dealing with the redevelopment of greenfield sites. I note that there is no objective in the LAP or

CDP relating to the trees in this site. There are no Tree Preservation Orders pertaining to the site. The objective to preserve trees and woodland at the northern end of the site has been referenced above in relation to the draft County Development Plan. I am of the opinion that a balance needs to be achieved between protecting existing species/habitats on site and developing the site to an appropriate scale, as per statutory plans and guidance. The adopted LAP for the area has earmarked this site for development and envisages buildings of up to five storeys along the permitted GDDR- the achievement of such heights and an urban form of development such as that envisaged will inevitably lead to the loss of trees and hedgerows on site. I note the provision of a buffer strip along the Enniskerry Road and setback of proposed buildings, which will aid in retaining existing planting. The proposed car parking spaces should be omitted from this area, this matter could be adequately dealt with by means of condition. I note additional planting proposed. I am generally satisfied in this regard. I refer the Board to section 13.7 of the Inspector's Report of ABP-307506-20 in relation to this matter. I would concur with the opinion of the Inspector in this regard. The Board did not raise concern in relation to this matter in the previous application on this site. I recommend that a condition be attached to any grant of permission, which stipulates that the applicant endeavour retain as many trees and hedgerows on site, in as far as possible.

Fauna

12.9.11 There are no records for otter along the Glenamuck River and the habitat is considered suboptimal due to its small size. Sika deer are known in the area and their prints could be seen during surveys. Rabbits are also found throughout. There are no records of badgers in the immediate vicinity (although they are known from the wider Kiltiernan area). No setts were found within the site and no other evidence of activity was recorded within the site boundary. While limited data is available on the distribution of Hedgehog, Pygmy Shrew and Irish Stoat, they are considered widespread in the Irish countryside and suitable habitat is available for them. Red squirrel has been recently recorded within this area, and while there are no records of Pine Marten, it is known to be expanding its range. The woodlands on this site provide habitat for these species, should they be present. No Red Squirrel was observed at the site location and it is understood that Grey Squirrel only is known in the area. Non-protected species such as Red Fox, House Mouse, Wood Mouse and

Brown Rat may also be found on the site. These are all species common to the Irish countryside.

12.9.12 Few bird species were recorded during the February 2018 site survey but the treelines, hedgerows and scrub provide breeding habitat for a number of common garden and woodland species. Hooded Crow, Blackbird, Great Tit, Wood Pigeon and Wren were noted and these are all listed by BirdWatch Ireland as being of low conservation concern. A breeding bird survey was carried out in June 2018 and recorded Magpie, Blue Tit, Pheasant, Robin, Blackbird, Wood Pigeon, Hooded Crow and Bullfinch. All of these species are listed as low conservation concern. Breeding birds were again surveyed in March 2021 which recorded Blackbird, Wren, Great Tit, Blue Tit, Goldfinch, Wood Pigeon, Robin and Wren. All of these species are listed as low conservation concern.

12.9.13 The Department of Housing, Local Government and Heritage note that all the trees and shrubs to be removed from the site may also harbour the nests of birds during their breeding season. In the event of planning permission being granted for the proposed development, they recommend this matter could be dealt with by means of condition. I would concur.

Frog Spawn

12.9.14 Common Frog is protected under the Wildlife Act 1976 and are likely to be present on this site. Suitable habitat for spawning Frogs is present in drainage ditches and small quantities of spawn were noted during the March 2021 survey. The Department in their report state that this ditch must consequently be considered the breeding place of a protected species. They recommend a condition in this regard, which include for ecological surveys for frog spawn. The planning authority agrees with the inclusion of this condition. I note that these concerns are for local ecology only and do not relate to any designated sites. Frogs are not a QI for any of the designated sites examined below in the Appropriate Assessment section. I also recommend that such a condition be attached to any grant of permission.

Bats

12.9.15 Initial bat surveys were undertaken in 2018 and in addition to the original report, an additional report entitled 'Commentary on the 2018 Bat Survey' (dated November 2021) was submitted with the application documentation. This commentary report

concludes that the distribution of bats within the site is highly unlikely to have changed significantly since the initial surveys were undertaken; there has been no significant change in the habitats within the proposed development site and no external factors are likely to have affected the presence of bats.

12.9.16 Features within the site boundary are of low bat roost potential, with few older trees with holes, cracks and cavities noted. A small number of trees were identified as having roost potential. No bat roosts were recorded within the masterplan area. A small roost of common pipistrelles was recorded in the Shaldon Grange property. It is important to note that the property is not within the masterplan area and will not be modified as part of this development. Field boundaries and woodland areas provide foraging opportunities. At least five bat species were recorded within the masterplan area: Leisler's bat, common pipistrelle, soprano pipistrelle, Natterer's bat and Daubenton's bat. This is a typical species assemblage for rural/suburban sites.

12.9.17 The report of the Department notes that a number of bat species have been recorded foraging over the development site and while no bat roosts have been identified, on the precautionary principle, mitigation measures to prevent bat mortality during tree felling are proposed in the EclA and the Bat Survey Report. Further, these documents propose the installation of bat friendly lighting to be employed during the development's operational phase. This is to be designed in particular to avoid light spill into the grounds of Shaldon Grange to the south of the site, where attracted by the trees and ponds present there. The Department recommend a condition in this regard. I would concur with this opinion.

12.9.18 Having regard to all of the information before me, I am generally satisfied that the matter of bats can be adequately dealt with by means of condition and that no significant effect on the conservation status of the local bat population is anticipated.

Conclusion

12.9.19 I note the reports of the planning authority; the Department of Housing, Local Government and Heritage and the IFI. Having regard to all of the above, I am of the opinion that impacts on biodiversity would not be so great as to warrant a refusal of permission. I note that any concerns raised above relate to ecology/biodiversity at a local level and not any concerns in relation to designated Natura 2000 sites. In addition, any mitigation measures proposed/recommended relate to protection of

ecology at a local level and would be recommended irrespective of the presence of Natura 2000 sites or otherwise. See section 12 below in relation to Appropriate Assessment. On balance, it is considered that the proposed development is acceptable in biodiversity terms having regard to the suburban context and the zoning of this site which allows for potential residential development; the submitted ecological impact assessment which anticipates no significant effect on bats and birds and recommended conditions in this regard. The trees retained within this site area are those of most value in terms of streetscape/visual amenity. The landscaping proposed is of a high quality; compensatory planting is proposed. The proposed mitigation and monitoring measures are noted. The clearance of scrub and other vegetation that may be suitable for use by nesting birds will be undertaken outside the bird nesting season. Tree protection measures have been put forward in the documentation submitted with the application and I am generally satisfied with the measures proposed, subject to condition. No significant effect on the conservation status of the local bat population is anticipated.

12.9.20 I am generally satisfied in this regard.

12.10 Other Matters

Architectural Heritage

12.10.1 Shaldon Grange is designated as a Protected Structure in the operative County Development Plan (RPS 1775). The description is "House". Shaldon Grange does not lie within an architectural conservation area nor is it included on the National Inventory of Architectural Heritage. The property is a two-storey, five-bay house, located to the south of the site and is currently vacant and boarded up. It is stated by the applicants in the submitted documentation that Shaldon Grange (Protected Structure) does not form part of the subject development and is not within the control or ownership of the applicants. A Conservation Report is submitted with the application.

12.10.2 I note that the Planning Authority have not raised concerns in relating to impacts of the proposal on Shaldon Lodge and the Department of Culture Heritage and the Gaeltacht have not referred to architectural heritage in their submission. It was not raised as a concern in the previous application on the lands (ABP-307506-20).

12.10.3 Given the nature of the proposed development, the presence of extensive tree belt screening the site from Shaldon Grange and the relationship of the application site with the immediate curtilage of Shaldon Grange, I am satisfied that the current proposal will not detract from its character of setting and that the design rationale put forward for the subject site is appropriate for this location.

Childcare Facilities and Schools

12.10.4A Childcare Demand Analysis and School Demand Analysis have been submitted with the application. The Childcare Demand Analysis states that when omitting the studio and one-bed units, as per national guidance, the proposed development would generate a requirement for 27 childcare places. They note the number of existing and approved preschool facilities located within a 3 km radius of the proposed development, which it is stated have a capacity in excess of 1,200 childcare places. These include 6 large commercial facilities with a combined childcare capacity of 717 places, 14 smaller facilities with in excess of 400 places and 4 approved facilities with capacity of 190 places. In addition, there are 4 new permitted childcare facilities in the locality providing a total surplus of 30 childcare places (three of which are located within 200m of the subject site). The applicant contends that the future demand for childcare places generated by the proposed development will be absorbed by the existing childcare facilities within the Kiltiernan area.

12.10.5 Given the limited number of places generated by the proposed development, I consider this to be a reasonable assumption and it appears to me that childcare demand within the proposed development would be capable of being met from the within the existing/permitted provision in the area. It is therefore considered that there is justification in this instance for not providing a childcare facility as part of the proposed development. This was not raised a concern in the previous application on the lands and the Inspector in that instance considered that a childcare facility should be provided within the Phase 2 lands. I would not disagree with this opinion. The planning authority have not expressed concerns in this regard.

12.10.6 In terms of school provision, a School Demand Analysis was submitted as part of the application documentation, which states that there are 3 no. primary schools within this School Planning Area (SPA) and that there are an additional 2 no. existing

primary schools c.100m from the Kiltiernan SPA boundary. Additionally, there are 3 no. existing primary schools located within c.2km from the subject development. There is also 1 no. post-primary school recorded within the Kiltiernan School Planning Area, in addition to 1 no. post primary school located within c.2km from the subject site. The planning authority raise concern regarding the area's ability to cater for existing/future demand. I note the relatively small size of the proposed development. I also note that there is a designated school site within the LAP lands. In this regard I note section 8.1 of the LAP, which states that 'In this regard, the County Council has reserved a site of approximately 2 hectares at Land Parcel 27c/27b (zoned 'Objective B') for a primary school site. This site would facilitate/accommodate the development of either one 32-classroom education facility or two 16-classroom education facilities. In identifying Land Parcel 27b, it is considered that this site is both centrally located within the overall Plan area and will benefit from potential synergies with adjoining Open Space zoned lands'. The planning authority note that there has been no planning application as yet for this. The applicants contend that the likely demand for school places resulting from the proposed development can adequately be absorbed by the existing available school places at both primary and post-primary levels within the school planning area within which the proposed development is located and the wider catchment. I note that the Department of Education and Skills did not make any submission on this application.

12.10.7 Having regard to the number and mix of units proposed and the locational context of the site within an established area, I have no information before me to believe that existing school provision in the locality could not cater for the proposed development. This was not raised as a concern in the previous application on the lands.

Archaeology

12.10.8 The report of the Department of Housing, Local Government and Heritage notes that no archaeological assessment was submitted as part of the application's supporting documentation. It is also noted that the proposed development is considered large in scale at 2.9ha in extent. They state that it is the published policy of the Department that such large-scale developments are subject to an archaeological assessment (Framework and Principles 1999) as it is possible that hitherto previously unrecorded subsurface archaeological features may be encountered during the course of groundworks required for such large-scale developments. Therefore the Department

of Housing, Local Government & Heritage recommends that a condition be attached to any grant of permission in this regard. The planning authority have not addressed the matter in their Chief Executive Report.

12.10.9I note that an Archaeological Assessment was submitted with the previous application on these lands (ABP-307506-20) and that no concerns were raised in relation to this matter, subject to the Inspector recommending that the matter be dealt with by means of condition. Having regard to the above, I am of the opinion that, in the event of a grant of permission for the proposed development, that the matter of archaeology could be adequately dealt with by means of condition.

Part V

12.10.10 It is proposed that the provisions of Part V of the Planning and Development Act, 2000 (as amended) will be satisfied by the transfer of 15 no. units to the planning authority, namely 7 x one-bed units and 8 x two-bed units. The housing section of the planning authority have not expressed concerns in this regard and I note that the applicant has previously engaged with the Housing Department in relation to the above development. The planning authority in the Chief Executive Report have raised some concerns in relation to the location of the Part V units within one block. They acknowledge that whilst this facilitates management of the block, it is their view that a pepper potted approach as opposed to a cluster approach would ensure a greater mix of communities. While I would not disagree with this opinion, I do note the relatively small size of the proposed scheme and I consider that the issue is not so great as to warrant a refusal of permission or alterations to the proposal in this regard. I note the recent changes to the Part V legislation and I note that it is not clear from the application documentation when the applicant purchased the lands. I recommend that the matter of Part V be dealt with by means of condition, if the Board is disposed towards a grant of permission. Details of compliance can be dealt with by the planning authority, or ABP, in case of disagreement. In any event, the applicant will be obliged to comply with these new requirements as amended. I have no issue in relation to this matter.

Waste

12.10.11 An assessment of waste management during both the construction and operational phase of the development was undertaken. A Construction and

Demolition Waste Management Plan, together with an Outline Construction Management Plan were submitted with the application documentation. The Board is advised that the matter of waste management could be adequately dealt with by means of condition, if they were disposed towards a grant of permission. The submission of an Operational Waste Management Plan could also be dealt with adequately by means of condition.

13.0 Appropriate Assessment Screening

Introduction

- 13.0.1 An Appropriate Assessment Screening Report was submitted with the application. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within the submitted report is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development. The screening is supported by associated reports, including ecological field surveys involving habitat survey and mapping, bird survey, bat survey, Site Specific Flood Risk Assessment, Outline Construction Management Plan, Landscape Design Report and Outdoor Lighting Report.
- 13.0.2 The AA Screening Report notes that this assessment was reached without considering or taking into account mitigation measures. The AA Screening Report concludes that:
- ‘the possibility of any significant impacts on any Natura 2000 site, whether arising from the project itself or in combination with other plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available. In reaching that conclusion, it was not necessary to consider any measures to avoid or reduce the impact of the proposed development’. Having reviewed the documents, all submissions, and the report of the Department of Housing, Local Government and Heritage, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

13.1 Appropriate Assessment Screening

- 13.1.1 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).
- 13.1.2 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.
- 13.2 Brief Description of Proposed Development/Site
- 13.2.1 The proposal comprises a residential development of 130 residential units (see section 3 above for a detailed description of the proposed development). The site is greenfield in nature. The site was surveyed in 2018 and 2021. The site is located approximately 3.6km from the nearest designated site, Knocksink Wood SAC (Site Code: 000725).
- 13.2.2 This part of south Dublin is an agricultural and residential zone with significant areas of built development and areas of hard standing. It is close to the village of Kiltiernan, which is located between the M50 motorway and the lower slopes of the Dublin Mountains. Some field boundaries are accompanied by drainage ditches- common features of agricultural landscapes in Ireland. The Glenamuck Stream runs along the eastern boundary of the site (outside the red line boundary). This is a short water course which rises in the Dublin Mountains to the west. It is culverted under R117 Enniskerry road and is heavily modified as it passes through the city.
- 13.2.3 One invasive plant species was recorded on the site (Giant Rhubarb). Three-cornered garlic was recorded outside the site boundary to the north.
- 13.2.4 Foul wastewater from the proposed development will be sent to the wastewater treatment plant at Shanganagh in Dublin. Emissions from the plant were in full compliance with the Urban Wastewater Treatment Directive for 2019 (the most recent year for which data is available). This plant discharges treated wastewater to the Irish Sea south of Dublin Bay. There are no other discharges from this operation. Fresh water supply for the development will be via a mains supply. This may originate in the Poulaphouca Reservoir.
- 13.2.5 The proposal is compliant with the requirements of the Greater Dublin Drainage Study. SuDS measures are proposed.

13.2.6 The 'source-pathway-receptor' model was used to determine potential links between sensitive features of the natura sites and the source of the effects.

13.3 Submissions/Observations

13.3.1 The planning authority in their Chief Executive Report note the submission of the AA Screening Report. They do make comment in this regard.

13.3.2 I note the detailed submission from the Department of Housing, Local Government and Heritage in relation to nature conservation. I refer the Board to the summary of this report above in section 9. In summary, the Department does not raise concerns in relation to appropriate assessment.

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

13.4 Designated Sites and Zone of Impact

13.4.1 A potential zone of influence has been established having regard to the location of European sites, the Qualifying Interests (QIs) and SCIs of the sites and their potential mobility outside that European site, the source-pathway-receptor model and potential environment effects of the proposed project.

13.4.2 The subject site is not located within any designated European site, however the following Natura 2000 sites are located within the potential zone of impact:

Table 6:

| Site Name and Code Qualifying Interests/SCI Conservation Objectives | Distance from Dev Site* | Screening Comment in submitted AA Screening Report |
|---|--|--|
| South Dublin Bay SAC (Site Code 000210) <u>Qualifying Interests/SCI</u> Mudflats and sandflats not covered by seawater at low tide | c.7.2km distant | The applicants consider that that there are no potential hydrological pathways between the development site and South Dublin Bay SAC (Site Code 000210). |

| | | |
|---|---|---|
| <p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Embryonic shifting dunes</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p> | | |
| <p>North Dublin Bay SAC (Site Code 000206)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p>Embryonic shifting dunes</p> <p>Shifting dunes along the shoreline with white dunes</p> <p>Fixed coastal dunes with grey dunes</p> <p>Humid dune slacks</p> <p>Petalwort</p> <p><u>Conservation Objective:</u></p> | - | <p>The applicants consider that there are no potential hydrological pathways between the development site and North Dublin Bay SAC (Site Code 000206)</p> |

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| To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. | | |
| Howth Head SAC (Site Code 000202) <u>Qualifying Interests/SCI</u> Vegetated sea cliffs of the Atlantic and Baltic coasts European dry heaths <u>Conservation Objective:</u> To maintain the favourable conservation condition of the Annex I habitats for which the SAC has been selected. | - | The applicants consider that there are no potential pathways between the development site and Howth Head SAC (Site Code 000202) and there are no potential impacts which may arise to this Natura 2000 site. |
| Rockabill to Dalkey Island SAC (Site Code: 003000) <u>Qualifying Interests/SCI</u> Reefs Harbour Porpoise <u>Conservation Objective:</u> To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected | c. 7km distant | The applicants consider that there are no potential pathways between the development site and Rockabill to Dalkey Island SAC (Site Code: 003000) and there are no potential impacts which may arise to this Natura 2000 site. |
| Glenasmole Valley SAC (Site Code: 001209) <u>Qualifying Interests/SCI</u> | 10.2km | The applicants consider that there are no potential pathways between the development site and Glenasmole Valley SAC (Site Code: 001209) and there are no potential impacts which may arise to this Natura 2000 site. |

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| <p>Orchid rich grassland/calcareous grassland</p> <p>Molinea meadows</p> <p>Petrifying Springs</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected</p> | | |
| <p>Knocksink Wood SAC (Site Code: 000725)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Petrifying Springs</p> <p>Alluvial forests</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected</p> | c.3.6km | <p>The applicants consider that there are no potential pathways between the development site and Knocksink Wood SAC (Site Code: 000725) and there are no potential impacts which may arise to this Natura 2000 site.</p> |
| <p>Ballyman Glen SAC (Site Code: 000713)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Petrifying Springs</p> <p>Alkaline Fen</p> <p>Old oak woodlands</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected</p> | c.4.4km | <p>The applicants consider that there are no potential pathways between the development site and Ballyman Glen SAC (Site Code: 000713) and there are no potential impacts which may arise to this Natura 2000 site.</p> |
| <p>Wicklow Mountains SAC (Site Code: 002122)</p> | c.4.8km | <p>The applicants consider that there are no potential pathways between the development site and Wicklow Mountains SAC (Site Code:</p> |

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|---|----------|--|
| <u>Qualifying Interests/SCI</u> Active Blanket bog Atlantic wet heath European dry heath Old oak woodland Siliceous rocky slopes Calcareous rocky slopes Siliceous scree Alpine and Boreal heath Natural dystrophic lakes Oligotrophic lakes Species rich Nardus grassland Calaminarian Grassland Otter <u>Conservation Objective:</u> To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected | | 002122) and there are no potential impacts which may arise to this Natura 2000 site. |
| Bray Head SAC (Site Code: 000714) <u>Qualifying Interests/SCI</u> Vegetated sea cliffs Dry heath <u>Conservation Objective:</u> To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected | c.9km | The applicants consider that there are no potential pathways between the development site and Bray Head SAC (Site Code: 000714) and there are no potential impacts which may arise to this Natura 2000 site. |
| Glen of the Downs SAC (Site Code: 000719) <u>Qualifying Interests/SCI</u> | c.12.2km | The applicants consider that there are no potential pathways between the development site and Glen of the Downs SAC (Site Code: |

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| <p>Old oak woodland</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected</p> | | <p>000719) and there are no potential impacts which may arise to this Natura 2000 site.</p> |
| <p>Carriggower Bog SAC (Site Code: 000716)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Transition Mires</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected</p> | c.14.2km | <p>The applicants consider that there are no potential pathways between the development site and Carriggower Bog SAC (Site Code: 000716) and there are no potential impacts which may arise to this Natura 2000 site.</p> |
| <p>South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Light-bellied Brent Goose</p> <p>Oystercatcher</p> <p>Ringed Plover</p> <p>Grey Plover</p> <p>Knot</p> <p>Sanderling</p> <p>Dunlin</p> <p>Bar-tailed Godwit</p> <p>Redshank</p> <p>Black-headed Gull</p> <p>Roseate Tern</p> <p>Common Tern</p> <p>Arctic Tern</p> <p>Wetlands & Waterbirds</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the</p> | c.6.9km distant | <p>The applicants consider that that there are no potential hydrological pathways between the development site and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).</p> |

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| species and wetland habitat for which the SPA has been selected. | | |
| <p>North Bull Island SPA (Site Code 004006)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Light-bellied Brent Goose Shelduck Teal Pintail Shoveler Oystercatcher Golden Plover Grey Plover Knot Sanderling Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Turnstone Black-headed Gull Wetlands & Waterbirds</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p> | - | The applicants consider that that there are no potential hydrological pathways between the development site and North Bull Island SPA (Site Code 004006). |
| <p>Howth Head Coast SPA (Site Code 004113)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Kittiwake</p> <p><u>Conservation Objective:</u></p> | - | The applicants consider that there are no potential pathways between the development site and Howth Head SPA (Site Code 004113) and there are no potential impacts which may arise to this Natura 2000 site. |

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| To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. | | |
| <p>Dalkey Islands SPA (Site Code 004172)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Arctic Tern</p> <p>Common Tern</p> <p>Roseate Tern</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the species for which this SPA has been selected.</p> | c.8km distant | The applicants consider that there are no potential pathways between the development site and Dalkey Island SPA (Site Code: 004172) and there are no potential impacts which may arise to this Natura 2000 site. |
| <p>Wicklow Mountains SPA (Site Code: 004040)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Merlin Falco columbarius (breeding)</p> <p>Peregrine Falco peregrinus (breeding)</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> | c.6.2km | The applicants consider that there are no potential pathways between the development site and Wicklow Mountains SPA (Site Code: 004040) and there are no potential impacts which may arise to this Natura 2000 site. |

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| Poulaphouca Reservoir SPA (Site Code 004063) <u>Qualifying Interests/SCI</u> Greylag Goose Black-headed gull <u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of the species for which this SPA has been selected. | c.24 km distant | The applicants state that there is a potential hydrological pathway between the development site and Poulaphouca Reservoir SPA (Site Code: 004063) and potential impacts may arise from freshwater abstraction from this Natura 2000 site. |
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* The applicants state in the AA Screening Assessment that all above designated sites are within 15km of development site. I note that the Poulaphouca Reservoir SPA (Site Code 004063) is stated as being 24km distant. Exact distances have not being put forward in the documentation submitted with this current application. The distances cited are from the Inspector's Report of ABP-307506-20 (previous application on the lands).

13.4.3 I do not consider that any other European Sites fall within the zone of influence of the project, based on a combination of factors including the intervening distances, the lack of suitable habitat for qualifying interests, and the lack of hydrological or other connections. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

13.5 Qualifying Interests/Features of Interest

13.5.1 Qualifying Interests/Special Conservation Interests for which each European Site have been designated are outlined in Table 6 above and within the submitted AA Screening Report.

13.6 Conservation Objectives

13.6.1 The Conservation Objectives for the above sites are to maintain or restore the favourable conservation condition of each qualifying species/habitat for which the site has been selected.

13.7 Potential Direct/Indirect Impacts

13.7.1 The nearest designated site is 3.6km distant. The Glenamuck stream is outside of the current Phase 1 planning application boundary. A number of drainage ditches on the development site flow into the Glenamuck stream. There is no direct pathway from this stream to any designated site.

13.7.2 The AA Screening Report states that there is a potential indirect hydrological pathway between the development site and the Poulaphouca Reservoir SPA and potential impacts may arise from freshwater abstraction from this Natura 2000 site. The Reservoir is a source of drinking water supply. This designated site is located approximately 24 km from the development site. There are no direct pathways to the Poulaphouca Reservoir from the development site. The AA Screening Report measured the proposal against the generic conservation objectives for the designated site. There are no potential pathways (terrestrial or hydrological, direct or indirect) between the development site and any other designated site and there are no potential impacts which may arise to any other designated site.

13.7.3 The following is noted:

- There is no direct natural hydrological connection from the development site to Dublin Bay.
- There is no direct hydrological pathway through foul sewers which lead to the Shanganagh wastewater treatment plant which discharges to the Irish Sea south of Dublin Bay.
- Surface water leads to the Glenamuck Stream which enters the Irish Sea south of Dalkey Head and so there is no surface water pathway to Natura 2000 sites. Due to the enormous dilution effect once these sources enter the sea, there is no pathway to reach offshore or coastal Natura 2000 sites.
- There is no direct pathway to the Poulaphouca Reservoir from the development the site. However, this may be the origin of freshwater for this area and so a potential indirect pathway may be present.
- There are no terrestrial or hydrological, direct or indirect, pathways from the development site to any other Natura 2000 site

13.8 Assessment

13.8.1 During the construction phase, I note the following:

- Habitats on the site are not associated with any habitats or species which are qualifying interests of Natura 2000 sites
- There are no direct hydrological connections to any European site.
- The site is approximately 3.6km from the boundary of the nearest Natura 2000 site and the intervening land is occupied by residential/urban development and transport links. Due to intervening distances, there is no pathway for direct loss or disturbance of habitats or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of the Natura 2000 sites.
- The development site provides no suitable habitat for wintering wetland or wading birds which may be associated with the coastal Natura 2000 sites. No ex-situ impacts to Natura 2000 sites can arise.
- The examination of the unlikely scenario of some construction related pollutants escaping the site is identified and addressed in the Screening Report.
- The risk of contamination of any watercourses or groundwater is extremely low
- During the site clearance and construction phases there will be measures to ensure that pollution does not arise to the Glenamuck Stream. However, these are not mitigation measures in an AA context as they will not be undertaken to reduce or avoid any effect to a Natura 2000 site. Furthermore, there is no pathway to Natura 2000 sites from this source. In the absence of any pollution prevention measures there can be no effect to a Natura 2000 site.
- There are no projects which can act in combination with this development which can give rise to significant effect to Natura 2000 sites within the zone of influence.

- There is no possibility of long-term impacts arising as a result of the construction elements of the proposed project, given the nature and scale of the proposed project and its location in a suburban area at a remove from the European sites.
- I note construction practices proposed. In my mind, measures contained therein are not mitigation measures but constitute a standard established approach to construction works on such lands. Their implementation would be necessary for a residential development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. Even if these measures were not in place, I am satisfied that any effects on designated sites would not be significant given the nature and scale of development, separation distances involved and dilution effects.

13.8.2 During the operational phase I note that:

- The management of surface water for the proposed development has been designed to comply with the policies and guidelines outlined in the Greater Dublin Strategic Drainage Study (GDSDS) and with the requirements of planning authority.
- The proposed development is designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS).
- A Flood Risk Assessment concluded that the proposed project site falls within Flood Zone C and the proposed project is deemed 'Appropriate'
- There will be no operational impacts related to surface water management or flooding on European sites or otherwise, as a result of the proposed project.
- Neither the planning authority nor Irish Water have expressed any objections to the proposal, in this regard.
- The new foul drainage system for the development will connect to the Irish Water network and IW have expressed no objections to the proposal, subject to conditions

- Foul wastewater discharge from the proposed project will be treated at the Irish Water Wastewater Treatment Plant at Shanganagh prior to discharge to Dublin Bay. The Shanganagh WWTP operates under licence from the EPA and there is sufficient capacity in the Shanganagh-Bray wastewater treatment plant to provide for the predicted future growth of this part of the city.
- The peak discharge from the proposed project is not significant in the context of the existing capacity available at Shanganagh.
- During the operational phase, drainage on site will be connected to the public infrastructure. Therefore, the significance of the impact of the proposed development, is imperceptible and is considered not to change in combination with the other projects.

13.9 IFI Submission

13.9.1 I note the contents of the IFI submission received. It is noted that the Golf stream is not a Natura site and that species supported by the Carrickmines/Shanganagh system are not Qualifying Interests for any of the designated sites. There is irrefutable evidence that construction measures detailed in the submitted documentation would be required in any similar development, irrespective of the designated site or otherwise. I am of the opinion that this matter does not require further in-depth scientific examination.

13.10 Otter/Bats

13.10.1 I highlight to the Board that the otter is a Qualifying Interests for the Wicklow Mountains SAC (Site Code: 4040) and its population is assessed as being of 'good' status. I note from the submitted EclA that there are no records for Otter along the Glenamuck River and the habitat is considered suboptimal due to its small size. A report published by Dun Laoghaire-Rathdown County Council in January 2019 on the status of Otter in the county, and which included a survey of the Glenamuck Stream (referred to in the report as the Golf Stream), revealed no evidence of Otter activity (DLRCC, 2019). I note that there are no links between the development site and the Wicklow Mountains SAC. I am satisfied in this regard.

13.10.2 Evidence of five bat species on the overall landholding was noted (2018 surveys). Bats are not a QI for any of the nearby designated sites. I am satisfied in this regard.

13.11 Invasive Species

13.11.1 I note that one invasive plant species was recorded on the site (Giant Rhubarb), within a disturbed area of immature woodland. Three-cornered garlic was recorded outside the site boundary to the north. It is noted by the applicants that without preventative measures spread of the plants is likely. An invasive species management plan will be prepared which will ensure that the plants are not spread during construction. This will include appropriate treatment and training for site personnel. Measures to eradicate the plant are not being undertaken to reduce or avoid any effect to a European site and so are not considered to be mitigation in an AA context. In the absence of any treatment, effects on European sites are not likely to arise from the identified invasive species as there is no pathway to such areas. I am of the opinion that there is no significant risk of alteration of habitat due to spread of invasive plant species due to the remote distances involved and lack of pathways. I am screening this out for all designated sites, due to the nature and scale of the development proposed, distances from designated sites and the intervening urban environment; together with the conservation objectives of the designated sites. There are unlikely to be significant effects in this regard. I am satisfied in this regard.

13.12 Noise Disturbance

13.12.1 The potential for construction noise disturbance to the Special Conservation Interests (SCIs) of designated sites to arise as a result of construction activities has been addressed in the applicants Screening Report. The applicants state that this development cannot contribute to potential disturbance impacts to species or habitats for which Natura 2000 sites have been designated due to the large separation distance. I note the nature and scale of the development proposed, 130 residential units on a greenfield site. The site is located within an urban environment. The nature of the intervening urban space including busy roads and established development is noted. The development site is at a much greater remove from designated sites than other noise generating uses in the vicinity. It is my opinion that the SCIs associated with the designated sites would be accustomed to a certain level of noise, given the urban environment.

13.12.2 I note the construction practices proposed, which include for noise control monitoring and what is referred to in the documents as mitigation. These measures are

included within the Outline Construction Management Plan and Construction & Demolition Waste Management Plan. In my mind they are not mitigation measures but constitute a standard established approach to construction works on such lands. They are best-practice measures and their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. I am satisfied that the intention of the measures in question, are such, that they were adopted not for the purpose of avoiding or reducing the potential impact on the SCI of any designated sites but were adopted solely and exclusively for some other purpose, namely the protection of amenity at a local level. Even if these practices were not implemented or were implemented and failed, I am satisfied that given the nature and scale of the development proposed; the nature of the urban environment, the distances involved and conservation objectives of designated sites, there are unlikely to be significant effects on any SCI species associated with designated sites as a result of noise disturbance.

13.13 In-Combination Effects

13.13.1 There are no projects which can act in combination with this development which can give rise to significant effect to Natura 2000 sites within the zone of influence.

13.14 Conclusion

13.14.1 I note the nature and scale of development proposed within a suburban area, connected to mains drainage. I note the distance involved to these designated sites and the fact that there is no direct hydrological connection. I am of the opinion that the risk of contamination of any watercourse or groundwater is extremely low, and even in the event of an unlikely pollution incident significant enough to impact upon surface water quality on the proposed project site, this would not be perceptible in the European sites screened out above, given the distance involved, the occurrence of significant levels of dilution and mixing of surface and sea water and the fact that the construction phase would occur over a relatively short phase, with no possibility of long-term impacts. I note the construction practices proposed. In my mind they are not mitigation measures but constitute a standard established approach to

construction works on such lands. Their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. In any event, if these practices were not applied or were applied and failed, I am still satisfied that there would unlikely be significant effects on these designated sites due to the nature and scale of the development proposed, dilution effects, separation distances and the extent of intervening urban environment, together with the conservation objectives of the designated sites.

13.14.2 The subject lands do not overlap with or are not located directly adjacent to any European sites. None of the habitats within the lands are qualifying interests for any European sites within the vicinity. I am conscious of the possibility of indirect effects on wintering waterbird species that comprise the Special Conservation Interests (SCI) of the above SPA sites. Many of these SPA sites are designated for highly mobile bird species which utilise a range of resources throughout the SPA network of sites in Dublin Bay. However, during field survey visits, no evidence of special conservation interest species for which European sites within the vicinity have been designated, were recorded within the subject lands. I note that neither the development site nor surrounding terrestrial habitats provide suitable foraging, roosting or nesting habitat for these breeding seabird SCI species. In addition, there is no suitable ex situ habitat in the vicinity of the proposed development site that could be subject to disturbance impacts.

13.14.3 The matter was not raised as a concern in the previous application on the site (ABP-307506-20). Neither the planning authority, Prescribed Bodies nor any third parties have raised concern in this regard.

13.14.4 Given all of the information outlined above, it appears evident to me from the information available in this case that the proposed development would not be likely to have a significant effect on any Natura 2000 site, whether directly or indirectly or individually or in combination with any other plan or project. It is therefore concluded that, on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant

effect on any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not required.

14.0 Environmental Impact Assessment (EIA) Screening

14.1 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,
- 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.)

14.2 The proposed development is for 130 residential units on a site c. 2.9 ha. The site is located within the administrative area of Dun Laoghaire Rathdown County Council and is within the built-up area. The proposed development is 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).

14.3 The criteria at schedule 7 to the Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. The Screening Report states that the proposed development is unlikely to give rise to any likely significant impacts on the environment having regard to the sub-threshold assessment criteria set out in Schedule 7 of the 2001 Regulations. It is therefore submitted that an EIAR is not required. I am satisfied that the submitted EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

14.4 I have assessed the proposed development having regard to the information above; to the Schedule 7A information and other information which accompanied the

application, *inter alia*, Appropriate Assessment Screening and Article 299B Statement, and I have completed a screening assessment as set out in Appendix A.

- 14.5 The current proposal is an urban development project that would be in a built-up area. The proposal is for 130 residential units on a stated site area of 2.9 hectares. The nature and size of the proposed development is well below the applicable thresholds for EIA. The residential uses would be similar to the predominant land uses in the area. The proposed development would be located on greenfield lands beside existing development. The site is not designated for the protection of a landscape. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified.
- 14.6 The development would result in works on zoned lands. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. An LAP pertains to the overall lands and a masterplan has also been prepared. The proposed development would be a residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The site is not located within a flood risk zone and the proposal will not increase the risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance or a risk of accidents. The potential for contaminated material to be encountered during excavation, with the potential for impacts on the environment with regard to land and soils, was considered and assessed in the submitted EIA Screening Report, and the proposal will not give rise to significant environmental impacts. The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction and Environmental Management Plan (CEMP) are noted.
- 14.7 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 measures

recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions and I have considered all information which accompanied the application including inter alia:

- Appropriate Assessment Screening, prepared by Openfield
- EIA Screening Report, prepared by Tom Philips and Associates
- Outline Construction and Environmental Management Plan prepared by Punch Consulting Engineers
- Site Specific Flood Risk Assessment, prepared by DBFL Consulting Engineers
- Engineering Services Report, prepared by DBFL Consulting Engineers
- Stormwater Audit, prepared by DBFL Consulting Engineers
- Ground Investigation factual Report, prepared by PGL Priority Geotechnical
- Construction & Demolition Waste Management Plan, prepared by Punch Consulting Engineers
- Ecological Impact Assessment, prepared by Openfield
- Building Lifecycle Report, prepared by Apleona
- Sustainability & Energy Report, prepared by Fallon Design M&E Engineering
- Traffic and Transport Assessment prepared by DBFL Consulting Engineers
- Preliminary Design Stage Quality Audit, prepared by DBFL Consulting Engineers

14.8 In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, the applicant has submitted an Article 299B Statement. . A Site Specific Flood Risk Assessment that addresses the

potential for flooding, which was undertaken in response to the EU Floods Directive (Directive 2007/60/EC). 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. A Construction and Demolition Waste Management Plan has been submitted which was undertaken having regard to the Directive 2018/850/EU in relation to landfill of waste and also Directive 2008/50/EC Clean Air for Europe Directive. An Outline Construction and Environmental Management Plan has been submitted, which has had regard to Directive 2002/49/EC, Environmental Noise Directive. The EIA screening report prepared by the applicant has, under the relevant themed headings, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the SEA for the operative County Development Plan.

- 14.9 I have completed an EIA screening assessment as set out in Appendix A of this report.
- 14.10 I consider that the location of the proposed development is such that the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.
- 14.11 I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

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

15.0 Recommendation

- 15.1 Having regard to the above assessment, I recommend that permission be GRANTED, for the development, as proposed, in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dun Laoghaire Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 15th day of December 2021 by Heronvale Limited care of Tom Phillips & Associates, Dublin 2.

Proposed Development:

Permission for a strategic housing development at this site at with a total application site area of c.3.32 ha (with a substantive residential site development area of 2.96 ha), on lands located off Enniskerry Road (R117), Kiltiernan, Dublin 18, principally bounded by existing undeveloped lands to the north and east; the adjoining Shaldon Grange residential property and associated lands (Protected Structure) to the south and Enniskerry Road to the west. The application site also includes limited frontage to Glenamuck Road to the south-east.

The development will consist of:

The development with a total gross floor area of c. 16,394 sq. m. will consist of the provision of 130 no. residential units (Phase 1) comprising 55 no. three storey houses (14 no. 5 bedroom units, 25 no. 4 bedroom units, 11 no. 3 bedroom units and 5 no. 2 bedroom units) and 75 no. apartments (consisting of 15 no. corner units arranged in 5 no. three storey blocks and 60 no. units arranged in 4 no. four storey blocks) comprising 47 no. 2 bedroom units and 28 no. 1 bedroom units, including all private, communal and public open space provision (including balconies and terraces to be provided on all elevations at all levels for each apartment block; a new public park and related play areas); surface car parking (204 no. spaces in total); car club spaces; 158 no. cycle parking spaces (long and short stay spaces including secure stands); motorcycle parking; storage areas; internal roads and pathways

including a part-temporary pedestrian and cycle link to Glenamuck Road; pedestrian access points including all pedestrian, cycle and vehicular connection points to adjoining lands; hard and soft landscaping and boundary treatments; changes in level; piped infrastructural services and connections; plant; electric vehicle charging points; ESB substation; revised entrances and tie-in arrangements to adjoining roads; waste management provision; solar panels; green roofs; attenuation tank and related SUDS measures; signage; public lighting; temporary access arrangements during the construction process and all site development and excavation works above and below ground. Vehicular access to the site will be from Enniskerry Road. No works are proposed to Shaldon Grange, which is an adjoining Protected Structure, as part of this application.

The subject site is zoned Objective A 'to protect and/or improve residential amenity' in the Dún Laoghaire Rathdown County Development Plan 2016-2022. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dún Laoghaire Rathdown County Development Plan 2016-2022. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) the site's location within the boundary of the Kiltiernan Glenamuck Local Area Plan with a zoning objective for residential development,
- (b) the policies set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022,
- (c) the provisions of the Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011;
- (d) the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the provisions of Housing for All- a New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage in September 2021
- (f) the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2019, as amended
- (g) the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (h) the provisions of the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020
- (i) the provisions of the Planning System and Flood Risk Management (including

the associated Technical Appendices), 2009

- (j) the provisions of the Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018
- (k) Chief Executive Opinion and associated appendices of Dun Laoghaire Rathdown County Council
- (l) the nature, scale and design of the proposed development,
- (m) the availability in the area of a wide range of social, community and transport infrastructure,
- (n) the pattern of existing and permitted development in the area,
- (o) the planning history within the area, and
- (p) the report of the Inspector and the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would respect the existing character of the area, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the

nature, scale and location of the proposed development within a zoned and serviced urban site, the information for the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Report (EIAR) Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to: -

- (a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (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/or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of the plan;
- (c) The provisions of the Kiltiernan Glenamuck LAP 2013
- (d) The existing use on the site and pattern of development in surrounding area;
- (e) The planning history relating to the site
- (f) The availability of mains water and wastewater services to serve the proposed development,
- (g) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (h) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance

for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Preliminary Construction and Environmental Management Plan (CEMP);

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

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would respect the existing character of the area, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that a grant of permission that could materially contravene section 10 of the Kiltiernan Glenamuck Local Area Plan in relation to phasing, which applies to the site, would be justified in accordance with sections 37(2)(b)(i),(iii) and (iv) of the Planning and Development Act 2000, as amended, having regard to:

- (a) The proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government’s policy to increase delivery of housing set out in the Rebuilding Ireland Action Plan for Housing and Homelessness 2016, and to facilitate

residential development in an urban centre close to public transport and centres of employment.

- (b) It is considered that permission for the proposal should be granted having regard to Government policies as set out in the Regional Spatial & Economic Strategy for the Eastern and Midlands Region 2019-2031 which includes the Metropolitan Area Strategic Plan (MASP) which identifies strategic residential and employment corridors.
- (c) It is considered that permission for the proposal should be granted having regard to the National Planning Framework, National Policy Objective 3b which seeks to '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'
- (d) . It is considered that permission for the proposal should be granted having regard to the pattern of development and permissions in vicinity since adoption of LAP

In accordance with section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Bord considered that the criteria in section 37(2)(b)(i)(iii) and (iv) of the Planning and Development Act 2000, as amended was satisfied for the reasons and considerations set out in the decision.

Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity</p> |
| 2. | <p>The mitigation measures and monitoring commitments identified in the Ecological Impact Assessment, Arboricultural Report, Bat Report, Outline Construction Management Plan and other plans and particulars submitted with the application, shall be carried out in full except as may otherwise be required in order to comply with other conditions.</p> <p>Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p> |
| 3. | <p>The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.</p> <p>Reason: In the interests of proper planning and sustainable development.</p> |

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| 4. | <p>Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:</p> <ul style="list-style-type: none"> a) Omission of the following car parking spaces- 18 spaces on the western side of Road B; 8 spaces to the north of Road E; 8 spaces to the south of Road A and 11 spaces on spur road to north of vehicular site entrance. These areas shall be suitably landscaped and incorporated into the public/communal open space provision. This will result in the loss of 45 car parking spaces. The omission of the proposed accessible space at the south-western corner of the site on the western side of Road B shall be relocated elsewhere within the site. b) Plan showing exact location of all trees/hedging to be retained on site. In this regard, the applicants shall endeavour to retain as many trees/hedging as possible on site. c) Details of all links (pedestrian, cycle and vehicular) to adjoining lands. Links shall be shown up the site boundary to avoid ransom strips and to facilitate future connection subject to appropriate third party consents. d) Additional details of the proposed works as indicated on submitted BDFL drawing No. 170230-2000 to be carried out at the applicants/developers expense at Enniskerry Road to facilitate this development. <p>Reason: In the interests of proper planning and sustainable development and to safeguard the amenities of the occupants.</p> |
| 5. | <p>The pedestrian and cycle shared surface path connecting the site into Glenamuck Road to the south of the site shall be completed to the satisfaction of the planning authority and shall be available for public use, prior to the first occupation of any of the proposed residential units.</p> <p>Reason: In the interest of amenity and the proper planning and sustainable development of the area.</p> |

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| 6. | <p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p> |
| 7. | <p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. In particular:</p> <ul style="list-style-type: none"> a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense. b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii; c) Pedestrian crossing facilities shall be provided at all junctions; d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works, and e) A detailed construction traffic management plan, including a mobility management plan, shall be submitted to, and agreed in writing with, the |

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| | <p>Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity</p> |
| 8. | <p>Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the Planning Authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Arboricultural Assessment Report and accompanying documents. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the birdbreeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.</p> <p>Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted</p> |

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| | development |
| 9. | <p>The developer shall provide for the following to the planning authority for its written agreement before the commencement of any clearance or development works on site:</p> <ul style="list-style-type: none"> (i) The developer shall submit a bat conservation plan for the site to include results of new bat activity and roost surveys of the site and measures to avoid injury to bats during tree felling or demolition works on site. If a bat roost is identified in a building or tree to be removed on site, a licence from the NPWS to derogate from the Habitats Directive to destroy the bat roost should accompany this plan (ii) Details of proposed bat boxes and bat friendly lighting. A bat specialist shall sign off on final lighting design for proposed development. (iii) Any clearance of trees or shrubs from the development site shall only be carried out in the period September to February inclusive, namely outside of the main bird breeding season (iv) Frog spawn and tadpole survey. If any spawn or tadpoles are identified, they shall be translocated under licence from the National Parks and Wildlife Service (NPWS) to a small pond to be constructed in a safe section of the development site. The methodology of this translocation and construction of the pond shall be included in the Construction Management Plan (v) Measures to prevent run-off of silt and other potential pollutants into the Glenamuck stream during site clearance and construction phase of the proposed development shall be included within the |

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| | <p>Construction Management Plan</p> <p>Reason: To avoid injury or death of bird, bat and spawn/ frog species and to protect the local ecology of the area.</p> |
| 10. | <p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p>Reason: In the interests of amenity and public safety.</p> |
| 11. | <p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interests of sustainable transportation</p> |
| 12. | <p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p> |
| 13. | <p>The applicant or developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> |

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| | <p>Reason: In the interest of public health.</p> |
| 14. | <p>The pedestrian and cycle shared surface path connecting the site into Glenamuck Road to the south of the site shall be completed to the satisfaction of the planning authority and shall be available for public use, prior to the first occupation of any of the proposed residential units.</p> <p>Reason: In the interest of amenity and the proper planning and sustainable development of the area.</p> |
| 15. | <p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p> |
| 16. | <p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority, prior to the commencement of any works on site. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity and durability.</p> |
| 17. | <p>Each unit shall be used as a single dwelling unit only and shall not be subdivided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning</p> |

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| 18. | <p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility</p> |
| 19. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity</p> |
| 20. | <p>The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p> |
| 21. | <p>Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p> |

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| 22. | <p>Prior to the commencement of development the following shall be carried out and a report submitted to the planning authority for written agreement:</p> <p>(i) An Archaeological Impact Assessment shall be complied, the applicant shall engage the services of a suitably qualified Archaeological to carry out an archaeological assessment of the development site No sub-surface work shall be undertaken in the absence of the Archaeologist without his/her express consent.</p> <p>(ii) The Archaeologist shall carry out any relevant documentary research and inspect the site. Geophysical Survey may be required and Test trenches may be excavated at locations chosen by the Archaeologist (licensed under the National Monuments Act 1930-1994), having consulted the site drawings.</p> <p>(iii) Having completed the work, the Archaeologist shall submit a written report to the planning authority. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.</p> <p>(iv) No site preparation or construction work shall be carried out until after the archaeologist report has been submitted and permission to proceeds has been received in wiring from the Planning Authority.</p> <p>Reason: In the interest of the preservation of archaeological heritage and the proper planning and sustainable development of the area.</p> |
| 23. | <p>The landscaping scheme as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others</p> |

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| | <p>of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.</p> <p>Reason: In the interest of residential and visual amenity.</p> |
| 24. | <p>(a) Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or</p> |

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| | <p>any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p> |
| 25. | <p>The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.</p> <p>Reason: In the interests of public safety and residential amenity.</p> |
| 26. | <p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p> |

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| 27. | <p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p> |
| 28. | <p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p> |
| 29. | <p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> |

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| | <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p> |
| 30. | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p> |
| 31. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> |

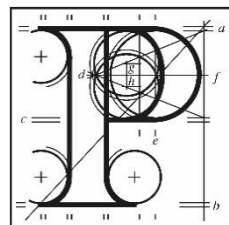
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| | <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
| 32. | <p>The developer shall pay to the Planning Authority a financial contribution in respect of the Glenamuck District Distributor Road Scheme and the Surface Water Attenuation Ponds Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the Planning Authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p> |

Lorraine Dockery

Senior Planning Inspector

March 28th, 2022

Appendix A: EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

| A. CASE DETAILS | | |
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| An Bord Pleanála Case Reference | | ABP-312214-21 |
| Development Summary | | Construction of 130 residential units and associated site works. |
| | Yes / No / N/A | |
| 1. Has an AA screening report or NIS been submitted? | Yes | An EIA Screening Assessment and aa AA Screening Report were submitted with the application |

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| 2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR? | No | |
| 3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA | Yes | See Inspector's Report section 13.8 SEA undertaken in respect of the Dun Laoghaire Rathdown County Development Plan 2016-2022 |

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| B. EXAMINATION | Yes/ No/ Uncertain | Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) | Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain |
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| | | Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect. | |
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| 1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning) | | | |
| 1.1 Is the project significantly different in character or scale to the existing surrounding or environment? | No | The development comprises the construction of 130 residential units on lands for which residential use is permissible in principle in keeping with development in the vicinity. | No |
| 1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)? | Yes | The proposal includes the construction of a residential development which is not considered to be out of character with the pattern of development in the surrounding area. | No |
| 1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially | Yes | Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a | No |

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| resources which are non-renewable or in short supply? | | result of the development of the site are not regarded as significant in nature. | |
| 1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment? | Yes | Construction activities will require the use of potentially harmful 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. | No |

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| <p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p> | <p>Yes</p> | <p>Construction activities will require the use of potentially harmful materials, such as fuels and 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 and 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>No</p> |
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| <p>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?</p> | <p>No</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.</p> | <p>No</p> |
| <p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p> | <p>Yes</p> | <p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p> | <p>No</p> |

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| <p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p> | <p>No</p> | <p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p> | <p>No</p> |
| <p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p> | <p>No</p> | <p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding.</p> <p>There are no Seveso/COMAH sites in the vicinity of this location.</p> | <p>No</p> |

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| 1.10 Will the project affect the social environment (population, employment) | Yes | Redevelopment of this site as proposed will result in an increase in residential units of 130 no. units which is considered commensurate with the development of a suburban zoned site within Dublin | No |
| 1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment? | No | Stand alone development, with minor developments in the immediately surrounding area. | No |
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| 2. Location of proposed development | | | |
| 2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve | No | An AA Screening Assessment has been undertaken which concluded no significant adverse impact on any European Sites. | No |

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| <p>4. Designated refuge for flora or fauna</p> <p>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</p> | | | |
| <p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p> | <p>No</p> | <p>No such uses on the site and no impacts on such species are anticipated.</p> | <p>No</p> |
| <p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p> | <p>No</p> | <p>The design and layout of the scheme considers all these built environment issues and mitigation measures are in place to address concerns.</p> | <p>No</p> |

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| 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? | No | There are no areas in the immediate vicinity which contain important resources. | No |
| 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? | No | 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. | |
| 2.6 Is the location susceptible to subsidence, landslides or erosion? | No | 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. | No |

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| 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? | No | The site is served by a local urban road network. | No |
| 2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project? | Yes | There is no existing sensitive land uses or substantial community uses which could be affected by the project. | No |

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

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| 3.3 Are there any other relevant considerations? | No | | No |
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| C. CONCLUSION | | | |
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| No real likelihood of significant effects on the environment. | Yes | ElAR Not Required | |
| Real likelihood of significant effects on the environment. | No | | |

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(i) and (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/or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Preliminary Construction and Environmental Management Plan (CEMP) .

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: _____ **Lorraine Dockery**

Date: _____

END

