



An
Bord
Pleanála

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

Inspector's Report ABP-312318-21

Strategic Housing Development

Demolish farmhouse structures and construct 349 residential units, a childcare facility, a retail unit, a link road extension and associated development

Location

Kellystown, Porterstown and Diswellstown townlands, Clonsilla, Dublin 15

Planning Authority

Fingal County Council

Applicant

Castlethorn Construction Unlimited Company & Castlethorn Developments (Kellystown) Unlimited Company

Prescribed Bodies

An Taisce;
Minister for Housing, Local Government and Heritage;

Inland Fisheries Ireland;
Transport Infrastructure Ireland;
National Transport Authority.

Observers

John Walsh;
Kevin Molloy;
Kirkpartick Rockfield Coolmine
Residents' Association;
St. Mochta's FC;
Tania Doyle;
Wolfgang Stengel.

Date of Site Inspection

29th November 2022

Inspector

Colm McLoughlin

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1.0 Introduction

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

2.0 Site Location and Description

- 2.1. Situated in the western suburbs of Dublin city and south of the suburban village of Clonsilla, the application site measures a stated gross area of 9.7 hectares. It is formed by two parcels of land, the largest of which primarily comprises agricultural fields lined by mature hedgerows and trees. It also features a ruinous farmhouse and associated outbuildings on the northern side of the site along Porterstown Road. The second smaller parcel comprises a 430m-long stretch of the Riverwood distributor road situated 300m to the east of the larger parcel. The majority of the site is situated within the townlands of Kellystown and Porterstown, approximately 500m south of the centre to Clonsilla and 1.6km to the southwest of Blanchardstown town centre. Agricultural lands and Kellystown Link Road are situated along the southern site boundary with Porterstown Road and Diswellstown Road situated along the eastern boundary. The site extends north to an operational railway level crossing that runs parallel with the Royal Canal. The western boundaries of the site are formed by field boundaries and drainage ditches dropping southwest towards the neighbouring grounds of Luttrellstown Castle demesne, including golf course and hotel accommodation facilities. St. Mochta’s Football Club (FC) grounds, two cottages and a travellers’ halting site known as St. Brigid’s Close, are situated along the immediate stretch of Porterstown Road adjacent to the application site. Overhead electrical power transmission lines traverse the southern portion of the site, as well as the area at the intersection of Kellystown Link Road and Porterstown Road. Based on the submitted survey levels, there is a 6m gradual fall from the northeast to the southwest corners of the site.
- 2.2. The immediate area to the west of the site is generally characterised by agricultural fields, while the lands on the opposite side of the Diswellstown Road and Dr. Troy overpass bridge, are characterised by a mix of housing in the Woodbrook and

Riverwood developments, including townhouses, duplexes, apartments, semi-detached and detached houses. The Luttrellstown Education Campus, including Scoil Choilm Community National School and Luttrellstown Community College, is situated to the south of the site along Kellystown Link Road. Coolmine railway station is situated a 1.1km walk to the east of the site along a pedestrian path to the Royal Canal.

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development would consist of the following elements:

- demolition of a farmhouse and associated outbuilding structures and the provision of a revised vehicular access to Abbey Cottage along Porterstown Road;
- construction of 349 residential units, comprising 123 own-door two to three-storey houses, including detached, semi-detached and terraced units, and 226 apartments in three blocks (A, B and C) ranging in height from four to eight storeys and featuring a mix of 84 one-bedroom, 138 two-bedroom and 4 three-bedroom apartments with associated internal residents' amenity areas to proposed block A;
- provision of a childcare facility measuring a stated floor area of 528sq.m in proposed apartment block B and a retail unit measuring a stated floor area of 236sq.m in proposed apartment block A;
- provision of landscaping and amenity areas, including a 2.1ha public park south of Kellystown Link Road;
- provision of vehicular, cyclist and pedestrian accesses off Porterstown Road and Kellystown Link Road, upgrade works along a 280m-long stretch of Kellystown Link Road and the construction of a 160m-long westward extension of Kellystown Link Road;
- associated infrastructure and services, including water supply and drainage service connections, upgraded services along Riverwood Distributor Road

and a foul wastewater pumping station and regional drainage infrastructure within the public parks area;

- all associated ancillary development, including parking, lighting, bin and bicycle stores and electricity substations.

3.2. The following tables set out the key standards for the proposed strategic housing development:

Table 1. Stated Development Standards

Site Area – gross / net	9.73ha / 5.7ha
No. of units	349
Part V units (%)	65 (18.6%)
Residential Gross Floor Area (GFA)	37,241sq.m
Non-residential GFA (% total GFA)	764sq.m (2%)
Total GFA	38,005sq.m
Residential Density (net)	61 units per ha
Public Open Space (% of gross site area)	27,420sq.m (28%)
Communal Open Space (% of net site area)	1,743sq.m (3.4%)
Plot Ratio (gross excluding Riverwood area)	0.7:1
Site Coverage (gross excluding Riverwood area)	25%

Table 2. Unit Mix

	one-bedroom	two-bedroom	three-bedroom	four-bedroom	Total
Apartments (%)	84 (24.1%)	138 (39.5%)	4 (1.1%)	-	226 (64.7%)
Houses (%)	-	-	99 (28.4%)	24 (6.9%)	123 (35.3%)
Total Units	84 (24.1%)	138 (39.5%)	103 (29.5%)	24 (6.9%)	345 (100%)

Table 3. Parking Spaces

Car parking – houses	170
Car parking – apartments	140
Car parking – visitors	58
Car parking – crèche / retail	14
Car parking – ESB service bays	3
Total car parking	385
Cycle parking (residential)	630

3.3. In addition to the standard contents, the application was accompanied by various technical reports with appendices and drawings, including the following:

- Planning Report & Statements of Consistency (including Statement of Response);
- Material Contravention Statement;
- Appropriate Assessment Screening Report;
- Environmental Impact Assessment Screening Report;
- Regulation 299B Statement;
- Architectural Design Statement (including Statement of Consistency and Statement of Universal Design);
- Housing Quality Assessment;
- Schedule of Accommodation;
- Engineering Assessment Report (including Road Safety Audit);
- Flood Risk Assessment (including Statement of Consistency with Flood Risk Guidelines);
- Traffic and Transport Assessment and Travel Plan, (including Statement of Consistency with Design Manual for Urban Roads and Streets);
- Preliminary Construction Management Plan;
- Ecological Impact Assessment;
- CGI Views;
- Photomontage Views;
- Landscape Design Development Report;
- Landscape & Visual Impact Assessment;
- Arboricultural Report;
- Outdoor Lighting Report;
- Building Life Cycle Report;
- Energy Statement;
- Property Management Strategy Report;
- Archaeological Assessment;
- Daylight, Sunlight and Overshadowing Study;
- Noise Impact Assessment;
- Community Infrastructure Audit;
- Construction and Demolition Waste Management Plan;
- Operational Waste Management Plan;
- Hydrological and Hydrogeological Assessment.

4.0 Planning History

4.1. Application Site

4.1.1. The following application relates to the subject site:

- ABP ref. 308695-20 - in March 2021 the Board refused permission for a strategic housing development comprising 360 residential units and a childcare facility for two reasons relating to the vehicular layout and the access arrangements resulting in a substandard form of development, including the high number of cul-de-sacs proposed and inadequate east-west connectivity, as well as the poorly defined and overlooked streets and open spaces.

4.2. Surrounding Area

- 4.2.1. Both the applicant and the Planning Authority refer to numerous planning applications relating to the surrounding area of the application site, including the Luttrellstown Education Campus and St. Mochta's FC grounds. The most recent permission on the Luttrellstown Education Campus is stated to relate to the development of temporary classroom structure in March 2017 under Fingal County Council (FCC) ref. F16A/0184. Development of an all-weather pitch, floodlighting and associated works under FCC ref. FW12A/0048 dating from February 2013 is stated to form the most recent permission on the St. Mochta's FC grounds. St. Mochta's FC were refused permission in June 2020 for a floodlit playing pitch at the junction of Porterstown Link Road and Luttrellstown Road (FCC ref. FW20A/0028) approximately 300m to the south of the application site. The Planning Authority refer to a planning application for a single-storey extension to Abbey Cottage along Porterstown Road dating from 1998 (FCC ref. F98A/0115).
- 4.2.2. Kellystown Link Road Part VIII application was subject of a preliminary public consultation event in November 2020, although I am not aware of a formal Part VIII application for this project as yet. The proposals in the subject strategic housing development application intend to deliver a 160m-long stretch of this link road.

4.2.3. The following application relates to a current residential development application in the immediate vicinity of the subject site:

- FCC ref. FW21A/0171 / ABP ref. 312190-21 – permission was refused by the Planning Authority in November 2021 for 99 apartments in a five-storey block on Porterstown Road approximately 65m to the north of the application site and on the opposite side of the canal/railway corridor, due to the proposals featuring an inadequate development strategy and deficiencies in green infrastructure. A decision on this appeal is awaited.

4.2.4. The following are currently the closest strategic housing development applications in the wider area to the subject site:

- ABP ref. 309622-21 – permission refused in March 2020 for 198 build-to-rent apartments in eight blocks ranging from four to seven storeys, approximately 60m to the north of the application site on the Old Clonsilla School site, due to the visual impact of the proposals on the Royal Canal, which is a Protected Structure and a proposed Natural Heritage Area (pNHA), and given the need for further ecological assessments to be carried out;
- ABP ref. 306074-19 – permission granted in March 2020 for 211 apartments in four blocks ranging from six to eight storeys with a net density of 126 units per hectare at Windmill Court, approximately 250m to the northeast of the application site.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 2nd day of November, 2021, in respect of a proposed development comprising 363 residential units, a crèche and associated site works. Copies of the record of this consultation meeting and the Inspector's report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- development strategy addressing previous reasons for refusal relating to east/west connectivity and cul de sacs, open space and green infrastructure;
- traffic and transport, including car parking, the internal roads layout, signalised junction details and the National Transport Authority (NTA) requirements;
- phasing provisions, including the provision of public open space and the relocation of St. Mochta's FC grounds;
- surface water drainage, water supply and wastewater services, Part V housing provision and the other required application details.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ABP ref. 310852-21) dated the 19th day of November, 2021, An Bord Pleanála stated that it was of the opinion that the documents submitted constituted a reasonable basis for an application under section 4 of the Act of 2016. In the opinion of An Bord Pleanála, the following specific information, in addition to the standard strategic housing development application requirements, should be submitted with any application for permission arising:

- justification for the open space layout having regard to Kellystown Local Area Plan 2021;
- addressing details raised by the Transportation Planning Section of the Planning Authority;
- Part V housing proposals;
- a taking in charge map;
- information in response to articles 299B(1)(b)(ii)(II) and 299B(1)(c) of the Planning and Development Regulations 2001-2022 (hereinafter referred to as the Planning Regulations).

5.2.2. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

- Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation);

- The Heritage Council;
- An Taisce;
- Iarnród Éireann;
- The Commission for Railway Regulation;
- Transport Infrastructure Ireland;
- NTA;
- Irish Water;
- Inland Fisheries Ireland;
- Waterways Ireland;
- Fingal Childcare Committee.

5.3. Applicant's Response to Opinion

- 5.3.1. The application includes a document titled 'Planning Report & Statements of Consistency'. Section 8 of this document outlines the specific information that has been submitted with the application to address the opinion of An Bord Pleanála, while also detailing how the development is considered to comply with the respective requirements listed in the opinion of An Bord Pleanála.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)' in order to ensure the provision of a social and affordable supply of housing in appropriate locations.

- 6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Other NPOs of relevance to this application include NPOs 4 (build attractive, liveable and well-designed urban places) and 13 (development standards).

Ministerial Guidelines

- 6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021);
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

- 6.1.4. The following planning guidance and strategy documents are also considered relevant:

- Places for People – National Policy on Architecture (2022);
- Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas - Water Sensitive Urban Design Best Practice Interim

Guidance Document (Department of Housing, Local Government and Heritage, 2022);

- Housing for All – A New Housing Plan for Ireland (2021);
- Climate Action Plan (2021);
- Archaeology in the Planning Process (2021);
- Planning for Watercourses in the Urban Environment (Inland Fisheries Ireland, 2020);
- Water Services – Guidelines for Planning Authorities - Draft (2018);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- National Biodiversity Action Plan 2017-2021;
- Road Safety Audits (Transport Infrastructure Ireland, 2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (Paul J. Littlefair, 2nd Edition 2011);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- British Standard (BS) 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting (2008);
- Best Practice Guidelines for Delivering Homes, Sustaining Communities – Quality Housing for Sustainable Communities (2007);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0);
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development (2003);

- Framework and Principles for the Protection of the Archaeological Heritage issued by the Department of Arts, Heritage, Gaeltacht and the Islands (1999).

6.2. Regional Planning Policy

- 6.2.1. The 'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. The following regional policy objective (RPO) of the RSES is considered relevant to this application:
- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas.
- 6.2.2. According to the RSES, the site lies within the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth and accelerated housing delivery, integrated transport and land use, and the alignment of growth with enabling infrastructure. The Royal Canal is identified in the MASP as a strategic natural, cultural and green infrastructure asset for the region.
- 6.2.3. Table 5.1 of the RSES addresses 'Strategic Development Areas and Corridors', including their requirements such as capacity, infrastructure and phasing. Within this table the development of the Kellystown area, as well as other neighbouring west Dublin landbanks, is identified for residential development. The short-term phasing and enabling infrastructure listed for the development of these lands are stated as comprising public transport, Clonsilla rail station, water and wastewater network upgrades.

6.3. Local Planning Policy

Fingal Development Plan 2017-2023

- 6.3.1. Objective SS12 of the Development Plan aims to promote metropolitan consolidation towns, including the Blanchardstown area as part of Fingal's primary growth centres for residential development and in line with the County's Settlement Hierarchy. The Development Plan refers to the key economic role played by Blanchardstown and its public transport connectivity.
- 6.3.2. Local objectives relating to towns in the metropolitan area are listed in section 4.2 of the Development Plan, with 18 objectives specifically relating to Blanchardstown, including Objective BLANCHARDSTOWN 18 referring to the preparation and / or implementation of Kellystown Local Area Plan during the lifetime of the Development Plan. The main elements of this Local Area Plan are listed, including those relating to phasing, transportation, the relocation of St. Mochta's FC grounds, the provision of a public park, as well as cycle and pedestrian routes, and the protection of biodiversity. Under the provisions of the Development Plan, St. Mochta's FC grounds are to be relocated to a site north of Luttrellstown Road in addition to a proposed 8 hectare public park.
- 6.3.3. Based on map sheet 13 appended to the Development Plan, the section of the application site north of the Kellystown Link Road features a land-use zoning 'RA - Residential Area' with an objective to 'provide for new residential communities subject to provision of the necessary social and physical infrastructure'. The southern section of the site features a land-use zoning 'OS - Open Space' with an objective to 'preserve and provide for open space and recreational amenities'. The Development Plan states that residential, childcare facility and retail uses are permitted in principle on 'RA' zoned land, while recreational facilities, sports clubs and open space are permitted in principle on 'OS' zoned land. The proposed development area and extensive lands adjoining to the north and west are identified as being subject to the objective relating to the Kellystown Local Area Plan (reference LAP 13.C).
- 6.3.4. Kellystown Road is referenced in table 7.1 of the Development Plan and an indicative route for this road proposal is identified in the Development Plan (sheet 13) running along the existing Kellystown Link Road and connecting northwest

towards Clonsilla Road (R121 regional road). An indicative pedestrian and cycle route is illustrated following south along the Porterstown Road, as well as travelling east along the Kellystown Link Road and onto the Diswellstown Road, before extending southeast along Luttrellstown Road.

- 6.3.5. The Development Plan also indicates a specific local objective (no.146) to provide for a burial ground of up to four hectares within the Kellystown area. This site is to be identified as part of, or in advance of, the adoption of the Kellystown Local Area Plan. Another specific local objective (no.137) supports the preservation of the existing pedestrian and vehicular right of way over the railway level crossing on Porterstown Road. Several transport objectives are also indicated in the Development Plan maps as following the alignment of Diswellstown Road, including a light rail corridor and the Greater Dublin Area (GDA) cycle network.
- 6.3.6. Two protected structures are identified close to the railway crossing comprising the Keeper's Cottage, described in the Record of Protected Structures (RPS) appended to the Development Plan as a mid-nineteenth century rail keeper's cottage, and Kennan Bridge, described in the RPS as a late eighteenth-century single-arched stone road bridge over the Royal Canal. The Royal Canal is also included in the RPS. An objective to 'protect and preserve trees, woodlands and hedge' is identified on site opposite the entrance to St. Brigid's Lawn and the traveller accommodation objective on the opposite side of the Porterstown Road. The Kellystown area is located within the 'River Valley and Canal Landscape Character Type' according to the Development Plan, which is considered to have a high-landscape value and a high-landscape sensitivity.
- 6.3.7. Chapter 3 of the Development Plan outlines the Council's approach to placemaking, including sustainable design standards, and chapter 12 of the Development Plan provides development management standards.

Kellystown Local Area Plan 2021

- 6.3.8. With the exception of the smaller section of the site on Riverwood distributor road, the remainder of the site is covered by the Kellystown Local Area Plan. The northern section of the application site is located within the Eastern Development Area of the Local Area Plan lands, as area that is intended to accommodate a high-quality quarter comprising 571 to 857 residential units. A total of 16 key objectives are listed

in the Local Area Plan for this development area, including those relating to the relocation of St. Mochta's FC grounds, the upgrade of traveller accommodation, increased connectivity, access, biodiversity and trees, housing mix and other requirements. A net density range of 50 to 75 units per hectare is set out for the Eastern Development Area. The southern portion of the site is located within the Open Space Area, with the application site providing a portion of the area indicated for the relocated St. Mochta's FC grounds. A cemetery or burial ground is to be provided directly to the south of this and the Luttrellstown Road. The Local Area Plan included specific objectives relating to movement and transport, green and blue infrastructure, parks, open space and recreation, creating communities, water and infrastructure services, and phasing.

Draft Fingal Development Plan 2023-2029

- 6.3.9. Fingal County Council has prepared a draft Fingal Development Plan for the period 2023 to 2029, which will replace the current Development Plan. It is understood that this new draft Plan was the subject of a period of public consultation that ended on the 12th day of May, 2022. The zoning maps for the application site area identify the application site as being on lands zoned for similar uses to those provided for in the current Development Plan. Similar local objectives are also provided for, as well as an indicative rectilinear roads layout and a specific local objective (no.88) to ensure pedestrian and cyclist connectivity is provided across the canal and rail line along Porterstown Road.

7.0 Statement of Consistency

- 7.1. The applicant has submitted a document titled 'Planning Report & Statements of Consistency', as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. Section 5 of the document refers to the provisions of 'Project Ireland 2040', the RSES for the Eastern and Midlands Regional Authority, Smarter Travel: A Sustainable Transport Future – A New Transport Policy for Ireland 2009-2035, the Transport Strategy for the Greater Dublin Area 2016-2035 and the DART+ Programme. Section 11 of the document addresses Ministerial guidelines, including those referenced in section 6.1 above. Section 12 of the document addresses local planning policy comprising the Fingal Development Plan 2017-2023 and the Kellystown Local Area Plan 2021.

Within the document the applicant asserts that the proposed development is in line with the aspirations of the Core Strategy for Fingal County and strategic policy objectives at national and regional level to consolidate housing growth, in order to meet population projections, within the Dublin metropolitan area.

8.0 Material Contravention Statement

8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant states that this Statement is submitted with the application in the event that An Bord Pleanála consider the proposed development to materially contravene specific objectives of the Fingal Development Plan 2017-2023 with respect to the relocation of St. Mochta's FC grounds (objective BLANCHARDSTOWN 18), the location of a pumping station on lands zoned 'open space' (zoning objective 'OS') and car parking standards (table 12.8). The Statement also addresses the potential for it to be considered that the development would materially contravene the Kellystown Local Area Plan 2021 with respect to hedgerow retention and protection (objectives 6.11, DA1.5, DA 1.14, 8.3, 8.4, 8.5, 8.7, 8.8, 8.9 and 8.13), the indicative green corridor alignment (objective 9.12), public open space configuration and the phased delivery of class 1 public open space (objectives 9.4, 9.5, 9.7, 9.8 and 9.12).

8.2. Within this statement the applicant sets out their rationale to justify granting permission, including:

- the site does not extend to the existing St. Mochta's FC grounds, it does not include their redevelopment or trigger relocating of the grounds at this juncture, and this was not raised as an issue during consideration of the previous development proposals under ABP ref. 308695-20. Furthermore, ample lands will be provided as open space by the applicant and it will be for the Planning Authority to design and configure the final space for St. Mochta's FC;
- while a pumping station is proposed in the northern corner of the zoned open space lands, it is not expressly stated that 'utility installations' are 'not permitted' on these lands based on the Development Plan, and such uses can be assessed in terms of their contribution towards the achievement of the

respective zoning objective and vision, as well as compliance and consistency with the policies and objectives of the Development Plan. Objective DMS73 of the Development Plan allows a maximum of 10% open space to be taken up by sustainable urban drainage systems (SUDS) measures, whereas the proposed pumping station would only occupy 1.7% of the open space;

- quantum of car parking would be appropriate for the site having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (hereinafter the 'New Apartment Guidelines') supporting reductions in car parking in contexts such as the subject proposals;
- the removal of hedgerows would be acceptable in the context of the overall extent of hedgerows to be retained and protected (85%), the local ecological value of several hedgerows identified in the Local Area Plan (H8, H9, H11 and H13), the proposal to provide extensive compensatory planting, the need to provide various connections through the lands and as this was not raised as a reason for refusal previously under ABP ref. 308695-20;
- the layout of the development, with housing encroaching onto an indicative green infrastructure corridor along Porterstown Road, would be acceptable given the scope for reasonable interpretation of the layout provided for in the Local Area Plan and as the open space provision is primarily to be facilitated on the lands to the south of the Kellystown Link Road;
- the layout of the public open space to facilitate the relocation of St. Mochta's FC grounds may not strictly align with the configuration in the Local Area Plan, however, the quantum and configuration of proposed public open space would be acceptable as the Local Area Plan layout is indicative and given the extensive provisions to be made on the applicant's lands;
- the provision of class 1 public open space would comply with the Development Plan objective DMS57 and table 12.5, while also complying with Local Area Plan objectives 9.4 (two multi-use games areas for school and community use), 9.5 (St. Mochta's open space requirements), 9.7 (playgrounds), 9.8 (class 1 open space to be on 'OS' zoned lands) and 9.12 (development area guidelines).

- 8.3. In conclusion, the applicant asserts that the Board may grant permission for the strategic housing development having regard to the provisions under subsection 37(2)(b) of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000').

9.0 Observers' Submissions

- 9.1. A total of six submissions were received within the statutory period from two local political representatives, the owner and resident of adjoining lands to the west of the application site, a resident of Castlefield Woods, which is approximately 750m to the north of the application site, a local residents' association and St. Mochta's FC. The submissions include extracted images from the subject application documentation, as well as maps and photographs relating to the area, and these submissions can be collectively summarised as follows:

Principle and Density

- the development is welcomed, although not in the form presented;
- the proposed development would materially contravene the Development Plan provisions with respect to the 'RS' zoning objectives, objective NH27 (protect existing woodlands, trees and hedgerows), the impact on a highly-sensitive landscape and objectives CLONSILLA 1 to 5 inclusive;
- the proposed development would materially contravene the Local Area Plan provisions with respect to the loss of hedgerows and the lack of commitment to relocate St. Mochta's FC grounds (objective DA1.1);
- the development may ultimately feature build-to-rent accommodation;
- by virtue of its proximity to the site boundaries the development would fail to provide a satisfactory development strategy for the site and it would be prejudicial to the future development potential of adjoining land;
- the level of existing public transport available in the area does not justify the density of the subject development, particularly as there are no current plans for a rail station at Kellystown;

St. Mochta's FC

- no meaningful engagement or a definitive plan in delivering relocation of St. Mochta's FC grounds has been undertaken;
- the initial phase of development on the Local Area Plan lands should have comprised the St. Mochta's FC grounds with the subject site forming the next logical area to be development following this. This requires St. Mochta's FC grounds to be relocated in the initial phasing and not subject of the hugely risky situation presented by the subject development;
- a condition to secure the relocation of St. Mochta's FC should be attached restricting commencement of proposed block A until a design scheme, agreeable to the Planning Authority and St Mochta's FC, has acquired planning permission and there is a contractual obligation in place between the relevant parties to commence construction, ensuring the relation of the St. Mochta's FC grounds in compliance with the Local Area Plan;

Scale, Design and Visual Impact

- in recent decades the area has struggled to maintain its village character due to the extent of large-scale residential development;
- the development needs to be considerate of the function and appearance of Clonsilla village centre, which it is not in keeping with;
- development would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) (hereinafter the 'Sustainable Residential Development Guidelines');
- excessive height to block A, which would be imposing on the surrounding area;
- building heights should not exceed four storeys;
- irreparable visual impact on the setting of the Royal Canal, which is intended to form a greenway in the future;
- failure to take adequate account of the location of the site within a highly-sensitive landscape, which is likely to be vulnerable to major change;

Impacts on Neighbouring Amenities

- the proposed development would seriously detract from the amenities of the area;
- overshadowing of the playing pitches by proposed block A and overbearing impacts would arise for children using the playing pitches;
- overlooking of existing and future residential units would arise;

Development Standards

- the development would fail to provide a satisfactory standard of residential amenity for future occupants;
- the proposals feature an inappropriate housing mix with an excessive provision of one and two bedroom apartments, particularly in block A, contrary to the Local Area Plan vision statement;
- a large number of one-bedroom apartments has been proposed within recent strategic housing development applications in the Dublin 15 area, including proposals at Pelletstown under ref. ABP-307656-20 incorporating 226 studio and one-bedroom units, proposals at Brady's Public House, Old Navan Road under ref. ABP-307976-20 comprising 210 co-living units, proposals at Balroy House, Castleknock under ref. ABP-309126-21 incorporating 67 one-bedroom apartments and proposals at Kellystown, Clonsilla under ref. ABP-306942-20 incorporating 82 one-bedroom apartments;
- a new primary school is required to serve the development in line with the provisions of the Local Area Plan (objective DA 2.4);
- the community infrastructure audit is inaccurate, outdated, lacking detail and fails to account for the fact that, notwithstanding the additional schools opened in the area, there are waiting lists for some schools and new schools are required to serve the development;
- schools in the area are oversubscribed and educational infrastructure needs to be built now rather than at some unknown date;
- insufficient services in the area, including childcare facilities, schools and medical practices;

Traffic and Transport

- inadequate and substandard roads serve the area, lacking sufficient capacity to cater for the additional traffic arising from the development and other developments in the area, with potential implications for pedestrian safety;
- Porterstown Road currently serves as a rat run between Clonsilla and Castleknock owing to the heavy traffic along Diswellstown Road;
- closure of the railway level crossing to vehicular traffic would lead to increased traffic onto Diswellstown Road;
- access to public transport services does not necessarily mean residents would use such services or not own a car;
- there is a lack of safe pedestrian access and cycle links to Coolmine station to justify traffic figures forecasting that half of the future residents would use this station;
- the applicant's traffic impact assessment fails to account for the traffic associated with the proposed childcare facility and retail unit, and the trip generation figures only use one site survey and the selection criteria appears very limited for this database;
- the site survey for traffic and transport does not follow the TRICS Good Practice Guide 2021 and the 'industrial' location subcategory is not compatible with the actual location or the survey site description;
- car and cycle parking, childcare facility set down and road upgrade works cannot be properly designed without reasonably accurate trip generation data;
- there would be an insufficient provision of car parking for the apartments;
- the facilitation of future access to the adjoining landholding to the west is welcomed via the inclusion of the Kellystown Link Road extending to the site boundary, and the provision of accesses to the adjoining lands from the northwest portion of the Eastern Development Area (phase 1) lands is welcomed with the access roads to be taken in charge;
- the footpath and cycle path to the western end of the proposed Kellystown Link Road on site, would not be completed to the western boundary of the site

until phase 3a of the development and this infrastructure should be provided upfront as part of the phase 1 works, as this would avoid impeding access to the adjoining Local Area Plan lands;

Biodiversity and Trees/Hedgerows

- the removal of 145m of hedgerow 8 and 55m of hedgerow 13 would cause significant destruction to essential green infrastructure and biodiversity in a highly-sensitive landscape and this amounts to a material contravention of the Local Area Plan;
- the proposals would be deficient in green infrastructure resulting in adverse impacts on biodiversity and the visual amenities of the area, including insufficient open space and inadequate hedgerow and tree protection;
- negative impact on the Royal Canal pNHA, which is a haven for wildlife, including bats, foxes and birds;
- the destruction of hedgerows would devastate this important habitat for flora and fauna;
- a pro-active tree management objective must be employed;
- the developer should have followed the refusal advice of An Bord Pleanála with respect to the need for proper assessment of biodiversity at the Old Clonsilla School site (ABP ref. 309622-21);

Other Matters

- all water services under the proposed roads should extend to the northern and western boundaries with the adjoining landholding within the Local Area Plan lands and such services should also be provided as part of the phase 1 development;
- ball-stop netting would be required along the boundary of the playing pitches with block A to address potential damage to the proposed development;
- child welfare and protection for the adjacent playing pitch area needs to be considered;
- lack of public / community engagement and the need for there to be greater consultation in order for concerns to be expressed;

- depreciation in the value of adjoining property.

10.0 Planning Authority Submission

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted the report of its Chief Executive Officer in relation to the proposal, summarising the prescribed bodies and observers' submissions, and providing planning and technical assessments of the proposed development. The views of the Chief Executive of the Planning Authority can be summarised as follows:

Zoning and Density

- the development is acceptable in principle having regard to the zoning objectives and the important role of the Kellystown lands in the future development of Fingal and Dublin;
- based on the Kellystown Local Area Plan a net density of 50 to 75 dwellings per hectare would be appropriate and the proposed density of 61 units per hectare would be appropriate;
- the Board is the competent authority for the purposes of AA and EIA;

Phasing and St. Mochta's FC

- the initial east to west progression of the development would generally be in accordance with the Local Area Plan phasing requirements;
- the relocation of the St. Mochta's FC grounds is critical and should form part of the works within the application redline boundary in order to secure these facilities. While the applicant may be willing to facilitate the relocation of the football club, the Local Area Plan outlines further improvements required to cater for the future development of St. Mochta's FC grounds;
- justification for the application phasing proposals has not been provided and concerns are noted that the class 1 public open space would not be provided in tandem with the residential development;
- the developer should fit out the pitch on the class 1 public open space based on the requirements of the Planning Authority;

- the childcare facility should be provided in phase 1 of the development;
- Kellystown Link Road extension and upgrade, the Diswellstown Road / Kellystown Link Road junction upgrade and the provision of a network of pedestrian and cycle links should not be provided subsequent to the occupation of the proposed dwellings;
- the proposals would compromise the hedgerow along the green infrastructure corridor leading north towards Clonsilla village, however, this is acceptable given the need to address connectivity for pedestrian and cyclists along a north-south axis on this corridor;
- ongoing consultation with the Department of Education will be required to ascertain their requirements with regard to the delivery of school places to serve Kellystown;

Urban Design

- the applicant's Design Statement complies with DMS03 of the Development Plan;
- block A presents a building with one storey less than that previously sought under ABP ref. 308695-20 and a stronger streetscape frontage, as well as active uses at ground level and a building line parallel to the Diswellstown Road;
- the massing of block A could be refined to present a more elegant tower as a gateway building to the Local Area Plan lands;
- the site is considered to have the capacity for the building heights proposed, although this could have been refined more by providing greater variation in heights throughout the proposed development;
- passive surveillance is provided via the housing onto the green route leading north and the open spaces along the northern side;
- the mix and form of the proposed units would generally be acceptable;

Layout and Connectivity

- the vehicular and pedestrian/cycle links into adjoining lands are noted and the proposed layout is considered to satisfactorily provide for connections into the existing road network and the Local Area Plan lands;
- although no plans have been submitted for the DART+ West programme, the proposals in this programme are noted, including the closing of the Porterstown Road level crossing to through traffic and the construction of a pedestrian/cycle bridge over the Royal Canal and the railway line;
- adequate setbacks have been provided to facilitate the DART+ West programme;
- the proposed road layout, including the internal layout and limited vehicular accesses into the residential areas off Kellystown Link Road would be in line with the Local Area Plan provisions, including objective DA 1.6 supporting a single access;
- the proposed road layout, including provision for a vehicular entrance to the lands on the east side, would provide for an alternative access when the right of way is extinguished on Porterstown Road;
- the pedestrian route along the boundary with Diswellstown Road should be amended to connect into the existing pedestrian footpath network;
- the shared pedestrian and cycle facilities along the western side of the Porterstown Road to link into the Royal Canal greenway is welcomed;
- cycle access to Kellystown Link Road from road nos.2 and 4 should be provided and a cycle link from road no.9 to Porterstown Road should be provided;

Landscaping and Open Space

- the green infrastructure masterplan submitted by the applicant is in accordance with the open space, landscaping and phasing requirements of the Local Area Plan and is generally acceptable, including the green corridor along the western boundary;

- insufficient detail has been provided regarding the play, outdoor exercise equipment and other amenities;
- the boundary securing the pumping station would not be acceptable;

Access, Traffic and Parking

- detailed design of the Kellystown Link Road needs to be resolved, including a cycle-friendly junction at Diswellstown Road, two-way cycle track on the northern side, future bus stop locations and zebra crossing and signalised junction details;
- mitigation measures will be required to improve the performance of Kellystown Link Road and Diswellstown Road junction;
- the proposed car parking below the Development Plan standards would be acceptable based on the provisions of the New Apartment Guidelines and the Local Area Plan, as well as the site proximity to public transport and the omission of parking for the one-bedroom units;
- six set-down parking spaces for the childcare facility should be provided, as opposed to the four proposed spaces;
- the provision of cycle parking is acceptable;
- taking in charge and podium-level parking details, including access to bike stores, can be addressed via condition;

Local Services and Flood Risk

- the proposal is acceptable from a flood risk perspective;
- the water services proposals are acceptable;
- the repositioning of the attenuation tanks serving the roadway outside of the footprint of proposed block A is noted;

Conclusion, Recommendation and Statement

10.1.1. The Planning Authority consider development of the subject site to be consistent with policy in the NPF and that it would realise objectives of the Kellystown Local Area Plan, albeit with some concerns regarding phasing proposals and the detailed design of the roads layout, which they consider possible to address as conditions in the

event of a grant of planning permission. The Planning Authority recommend a grant of planning permission for this strategic housing development, subject to four conditions, the following of which are of note:

Condition 2 – revised phasing plan addressing the provision of class 1 open space, the fitting-out of the playing pitch, a childcare facility, Kellystown Link Road works, upgrades at Kellystown Link Road / Diswellstown Road junction and all pedestrian and cycle links in phase 1;

Condition 3 – details of any diversion or relocation of existing surface water infrastructure;

Condition 4 – road layout requirements, including additional features and links.

10.2. Inter-Department Reports

- Environment Section (Waste Enforcement & Regulation) – conditions recommended relating to waste management and a comment provided regarding the site location proximate to an historic landfill ‘PR1008 Porterstown’;
- Parks and Green Infrastructure Division – open space provision would be acceptable and an amended boundary to the pumping station would be necessary, as well as conditions to address hedgerows and trees, landscaping, play equipment and the phased delivery of open space;
- Transportation Planning Section – 13 conditions recommended. Access and layout, car parking, electric-vehicle charging and motorcycle spaces would be acceptable. Attenuation tanks serving Porterstown Road and Diswellstown Road in the vicinity of proposed block A may need to be relocated and various details would need to be agreed regarding links, junction details, bus stops, setbacks, services, podium-level parking, road safety audits, swept paths, taking in charge and a construction management plan;
- Water Services Department – no objection subject to conditions;

- Economic, Enterprise, Tourism & Cultural Development – condition recommended regarding a piece of public art, sculpture or architectural feature;
- Housing and Community Department – copy of pre-application ‘Part V’ correspondence to the applicant attached.

10.3. Elected Members

10.3.1. The proposed development was presented to the Elected Members from the Blanchardstown/Mulhuddart/Castleknock/Ongar Area Committee of the Local Authority on the 11th day of January, 2022. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as part of the Chief Executive’s Report and these can be summarised as follows:

- limited changes from the previously refused scheme (ABP ref. 308695-20) and the subject proposals;
- limited details have been provided regarding the proposals for St. Mochta’s FC grounds;
- overdevelopment would arise and all strategic housing developments should be opposed;
- the development could potentially be a build-to-rent scheme and the units may not be affordable;
- building heights would be excessive and should be restricted to three storeys;
- school and community facilities in the area are limited and should be included as part of the strategic housing development application, as per the Local Area Plan requirements;
- limited consideration has been given for the surrounding area, including the impacts on biodiversity, noise and traffic that would be generated, as well as overlooking of schools;
- there is a need for consultation with St. Brigid’s Lawn residents;

- provision of a green corridor and the maintaining of hedgerows would be required otherwise the development would be contrary to the Development Plan and the Local Area Plan;
- the overall proposals are to be welcomed, including the housing, density, housing mix, public open space and opportunity to provide supporting services alongside the development, with insufficient rationale for refusing permission.

11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

An Taisce

- previous reasons for refusal of planning permission under ABP ref. 308695-20 must be fully addressed;
- the hedgerows along Porterstown Road should not have been designated as being of 'poor quality', as there would be scope for these to re-establish and be retained as part of the rural character;
- the site is located within a 'highly-sensitive landscape' and the proposals should be compliant with this;
- the housing mix should include a greater proportion of family home-orientated units;
- the provision of schools and community facilities should be integrated into this first phase of development at Kellystown.

Minister for Housing, Local Government and Heritage

- an archaeological impact assessment is required, including inspection of the site with test trenching;
- archaeological monitoring and reporting is required and all archaeological features identified should be fully archaeologically excavated by hand in advance of site preparation and/or construction works;
- all vegetation should be removed outside of the bird-nesting season;

- mitigation measures listed in the applicant's Ecological Impact Assessment to address impacts to bats arising from tree removal and the proposed lighting should be implemented in full;
- measures listed in the applicant's Ecological Impact Assessment to avoid pollution run-off to Liffey Valley pNHA should be set out in a Construction and Environmental Management Plan (CEMP) and should be implemented in full.

Inland Fisheries Ireland

- a CEMP should be prepared to ensure good construction practices are adopted, including controls with respect to contaminated water and dewatering;
- risk from storage and removal / disposal of excavated material should be minimised;
- mitigation measures, including silt traps and interceptors should be regularly maintained during the construction and operation phases;
- online monitoring and telemetry should feature failsafe and alarm-enabled mechanisms for the pumping station discharge, in order to protect the receiving water;
- Ringsend Wastewater Treatment Plan (WWTP) is operating at or above capacity and will not be upgraded until 2023. Local infrastructure will require capacity to protect the ecological integrity of the receiving aquatic environment;
- Inland Fisheries Ireland guidance titled 'Planning for Watercourses in the Urban Environment' should be referred to in any grant of planning permission.

Transport Infrastructure Ireland

- no observations to make.

NTA

- engagement by the applicant may have taken place with the Dart+ West Team and not with the NTA's Strategic Planning Team;

- there are concerns relating to the proposed works to the Kellystown Link Road and the access to the existing school campus to the south of the subject lands;
- there is no provision for a new rail station at this location in the current DART+ West programme and focus should be on providing direct connections to the two existing rail stations, the bus network and providing optimum conditions for walking and cycling;
- a condition to safeguard the future pedestrian and cycle connection across the railway line at Porterstown Crossing should be attached;
- the proposed pedestrian crossing on Kellystown Link Road should align with the internal desire lines within the school campus in order to reduce the potential for conflict between children arriving on foot or bicycle and those accessing the school campus by car;
- concerns raised regarding the number of lanes along Kellystown Link Road and the need to reduce the number of lanes to allow safe crossing, particularly for vulnerable users, to comply with DMURS and considerate of the Local Area Plan intention to serve the lands with high-quality walking and cycling routes;
- the second easterly lane proposed to start to the west of the proposed crossing point at the school would be contrary to the recommendation made by the NTA to have the secondary lane begin east of the crossing point;
- if there is no vehicular access from Kellystown Link Road to Porterstown Road, there is no requirement for a right-turning lane on the Kellystown Link Road;
- the left turn onto Diswellstown Road, and the straight-ahead movement could utilise one lane, maintain the right-hand turn lane and provide one westbound movement lane, reducing the total number of lanes on the link road to three.

11.1.1. In addition to the above prescribed bodies, the applicant states that they notified Iarnród Éireann, Irish Water, The Heritage Council, Waterways Ireland, The Commission for Railway Regulation and Fingal Childcare Committee. An Bord Pleanála did not receive a response from these bodies within the prescribed period.

12.0 Assessment

12.1. Introduction

12.1.1. This assessment considers the proposed development in the context of the statutory plans for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. Having regard to the documentation on file, including the application submitted, the contents of the Chief Executive's report received from the Planning Authority, issues raised in the observations to the application, the planning and environmental context for the site, and my visit to the site and its environs, I am satisfied that the substantive planning issues arising for this assessment can be addressed under the following headings:

- Development Principles;
- Density;
- Urban Design;
- Visual Impact;
- Impacts on Neighbouring Amenities;
- Residential Amenities and Development Standards;
- Traffic and Transportation;
- Services and Drainage;
- Built and Natural Heritage;
- Material Contraventions.

12.1.2. Planning permission for 360 residential units and a childcare facility under ABP ref. 308695-20 was refused by the Board in March 2021 for two reasons relating to the vehicular layout and the access arrangements, as well as the substandard form of development, including the high number of cul-de-sacs, poorly defined and overlooked streets and open spaces. An Taisce asserts that the previous reasons for refusal of planning permission under ABP ref. 308695-20 must be fully addressed and the Elected Members from the Planning Authority assert that the proposed development features limited changes to address the previous reasons for refusal of

planning permission. The applicant asserts that the reasons for refusal have been addressed, and below I consider under the sections addressing urban design, as well as traffic and transportation, whether this is the case.

12.2. Development Principles

Land-Use Zoning and Specific Objectives

- 12.2.1. Based on map sheet 13 appended to the Fingal Development Plan 2017-2023, the proposed housing area application site features a land-use zoning 'RA - Residential Area' with an objective to 'provide for new residential communities subject to provision of the necessary social and physical infrastructure'. The southern half of the site features a land-use zoning 'OS - Open Space' with an objective to 'preserve and provide for open space and recreational amenities'. The Development Plan states that residential, childcare and retail uses are permitted in principle on 'RA' zoned land, while recreational facilities, sports clubs and open space are permitted in principle on 'OS' zoned land. Observers assert that the proposed development would materially contravene the Development Plan with respect to 'RS' zoning objectives, however, I fail to see how this could arise given the stated zoning objectives for the site. Furthermore, an observer refers to the proposed development materially contravening Development Plan objectives CLONSILLA 1 to 5 inclusive, which relate to development within the village of Clonsilla and along the Royal Canal, in particular relating to the character and setting of these geographical features. As clarified in various sections below, I am satisfied that the proposed development would not have substantive impacts on the setting of Clonsilla village or the Royal Canal, therefore, I fail to see how the proposed development could reasonably be considered to materially contravene objectives CLONSILLA 1 to 5 of the Development Plan.
- 12.2.2. The applicant refers to the pumping station proposed on the lands zoned for 'open space' as potentially materially contravening the zoning objectives for the site. The Planning Authority consider the application proposals to be acceptable in principle having regard to the zoning objectives for the site. As detailed in application drawing nos.P240 Revision B and P244 Revision B, the pumping station would form part of the foul wastewater drainage infrastructure serving the subject development, comprising a fenced in area generally consisting of tanks, kiosks and chambers.

Pumping stations are not listed in the Development Plan as not permitted on 'OS – Open Space' zoned land. The Development Plan sets out that where planning permission is sought for developments that are ancillary to a parent use, i.e. they rely on the permitted parent use for their existence and rationale, such developments should be considered on their merits irrespective of what category the ancillary development is listed in the 'Zoning Objectives, Vision and Use Classes' section of chapter 11 to the Development Plan. Such a facility is better situated at a reasonable distance from housing areas. Having reviewed the details of this pumping station and recognised its necessity to serve the residential use, based on the stated provisions of the Development Plan it would not appear reasonable to consider the positioning of such an ancillary facility as materially contravening the 'OS - Open Space' land use zoning objective for the southern half of the site.

12.2.3. The RSES recognises that the lands at Kellystown are to provide for residential development. The Development Plan (map reference LAP 13.C) identifies that the site and the adjoining lands are subject to objective BLANCHARDSTOWN 18, which aims to prepare and/or implement the Kellystown Local Area Plan during the lifetime of the Plan. The Kellystown Local Area Plan was adopted by the Planning Authority in January 2021. The Local Area Plan provides a development framework for the associated lands, including residential areas to the north side of the Kellystown Link Road and recreational facilities primarily to the south of this. The general layout of the proposed uses on site would appear to generally accord to this aspect of the Local Area Plan.

12.2.4. The Development Plan and the Local Area Plan include various specific local objectives relating to the Kellystown Link Road and the immediate area, which I consider in the context of the subject proposals further below. In conclusion, having regard to the scale and nature of the development proposed and the current statutory plans for this area, the residential, childcare, retail and open space uses proposed on this site are acceptable, and I am satisfied that the proposed development would not materially contravene the Development Plan in relation to land-use zoning objectives for the site.

Core Strategy

- 12.2.5. Blanchardstown is identified within the Development Plan settlement strategy as a 'metropolitan consolidation town' with potential additional capacity for 11,757 residential units on zoned land amounting to 320 hectares. In 2019 table 2.4 of the Development Plan was updated as part of variation no.2 to the Plan, indicating that there was 260 hectares of residential zoned land available in Blanchardstown with potential capacity for 9,306 residential units.
- 12.2.6. The Local Area Plan lands at Kellystown amounting to approximately 58 hectares, 25.8 hectares of which would be provided for open spaces uses, were earmarked for 1,055 to 1,583 residential units and no houses have been constructed on the Local Area Plan lands since adoption of the Plan. The northern section of the application site is located within the Eastern Development Area of the Local Area Plan lands, and this area is intended to accommodate between 571 and 857 residential units. The subject proposals comprise approximately half of the Eastern Development Area and the proposed 349 residential units would not appear excessive and would appear to provide a reasonable quantum of residential units relative to the remainder of the Eastern Development Area. Accordingly, the proposed development could not be considered to materially contravene the unit numbers / core strategy of the Development Plan or the Local Area Plan. In section 12.3 below, I consider the acceptability of the proposed development with respect to residential density.

Demolition Works

- 12.2.7. Details of the former farmhouse building and its associated outbuildings measuring 330sq.m in floor area are included on application drawing no.1506D-OMP-00-SX-DR-A-1010. The Development Plan includes objective RF65 encouraging the sensitive restoration and/or conversion of vernacular rural buildings, as well as the discouragement of their demolition or replacement. The Local Area Plan would appear to show the footprint of these vacant buildings remaining in the Eastern Development Area as part of the green infrastructure corridor leading north following Porterstown Road. Observers do not specifically object to the demolition of these farmhouse structures and the Planning Authority has not raised any issues with this aspect of the proposed development. No parties have referred to the buildings that are proposed to be demolished as being of architectural merit or historical

significance, and I note that the buildings are not Protected Structures, nor are they listed in the National Inventory of Architectural Heritage (NIAH) or located within an architectural conservation area.

- 12.2.8. In order for a reasonable scale of development to be realised on this site, and I am satisfied that there is not a strict necessity within the Local Area Plan or the Development Plan for these structures to remain as part of the subject development. Their potential positioning within the green infrastructure corridor, as indicated within the Local Area Plan, would be of limited aesthetic or functional benefit, and would most likely inhibit movement and surveillance through this space. Accordingly, I am satisfied that the proposed demolition and removal of the farmhouse structures should be permitted as part of the subject proposals, albeit subject to the attachment of standard conditions with respect to demolition works in the event of a grant of planning permission for the proposed development.

Strategic Housing Definition

- 12.2.9. The proposed buildings would comprise a stated 37,241sq.m of residential floor space. A total of 764sq.m of non-residential floor space is proposed in the form of a childcare facility and a retail unit, and this would amount to 2% of the overall development gross floor area. The internal amenity areas and below podium-level parking, service and storage areas in block A would primarily serve as ancillary residential areas. The buildings proposed to be demolished would not form functional floorspace serving the development. Accordingly, the extent of non-residential floorspace proposed in the development would not exceed the 4,500sq.m or 15% floor area limitations set out in section 3 of the Act of 2016, and I am satisfied that the proposed development would come within the statutory definition of a 'strategic housing development'.

St. Mochta's FC Grounds Relocation

- 12.2.10. The Planning Authority, the observers and the Elected Members of the Planning Authority express several concerns with respect to the phasing of the development. The Development Plan sets out that a programme for the phasing of construction of residential and commercial development in tandem with the delivery of transport, recreational, community and educational infrastructure should form one of the main elements of the Kellystown Local Area Plan. Section 12 of the Local Area Plan sets

out the phasing requirements for the subject lands at Kellystown, stating that development will be phased to ensure that the infrastructure required for a given level of development is provided in tandem, or in advance of development, including water, sewerage and road infrastructure, open space and local facilities. The Eastern Development Area forms the first phase of development on the Local Area Plan lands and table 12.1 of the Local Area Plan sets out 11 elements to be provided in this development phase. Several of the phasing requirements relate to access arrangements, public open space provision and the provision of services, which I discuss under their respective headings further below.

12.2.11. The applicant considers the subject proposals to be consistent with the phasing requirements listed in table 12.1 of the Local Area Plan and they have provided a phasing plan (drawing no. 1506D-OMP-00-SP-DR-A-1006), which sets out that the initial phase would involve the works to Kellystown Link Road, the pumping station on the western end of the site and a central housing area. For the housing element of the proposed development a three-year construction period is envisaged in the applicant's Preliminary Construction Management Plan. The observers, the Elected Members of the Planning Authority and the Chief Executive's report refer to several concerns with respect to one of the phasing items centring on the relocation of St. Mochta's FC grounds, a matter that had previously arisen during consideration of the refused planning permission on this site (ABP ref. 308695-20).

12.2.12. The Development Plan sets out that the Local Area Plan should facilitate the relocation of St. Mochta's FC grounds to a new site north of the Luttrellstown Road, in addition to a proposed eight hectare public park. In response, the Local Area Plan includes objective DA 1.1, 9.2 and 9.6, as well as development phasing requiring the relocation of St. Mochta's FC grounds to a location within the 'OS - Open Space' zoned lands, with all specifications and a programme of works to be agreed with the Planning Authority. The Local Area Plan sets out that the relocation of the football grounds will be facilitated and undertaken by the developer as part of the phase 1 development, and works including the fitting out and completion of the sports pitches, boundary treatments, lighting, car parking, drainage and all other necessary requirements should be agreed with the Planning Authority.

12.2.13. The observers assert that the initial phase of development on the Local Area Plan lands should have comprised the existing St. Mochta's FC grounds with the adjoining

application site forming the next logical area to be development following this. Having reviewed the Local Area Plan, it is only apparent that the St. Mochta's FC grounds should form part of the Phase 1 development of the Local Area Plan lands and there is not a necessity to include the redevelopment of these grounds as part of the subject application proposals. I recognise that the Local Area Plan envisages development of the lands in an orderly and sequential manner to follow an east to west direction from Diswellstown Road, however, it is apparent that this relates to the three eastern, central and western development areas, and not individual plots within these development areas. The subject proposals are in compliance with this requirement and the Planning Authority accept that this is the case, however, notwithstanding this they still require the relocation of the St. Mochta's FC grounds to form part of the subject application.

12.2.14. The observers consider the failure to provide for the relocation of St. Mochta's FC grounds is in material contravention of objective DA 1.1 of the Local Area Plan and objective BLANCHARDSTOWN 18 of the Development Plan. In this regard I note that the wording of objectives DA 1.1 and 9.6 of the Local Area Plan clearly refers to the completion of the relocated St. Mochta's FC grounds prior to the redevelopment of the existing grounds. The subject proposals do not entail redevelopment of the subject existing grounds, therefore, it is not necessary for the relocated St. Mochta's FC grounds to be completed at this point and it cannot be reasonably stated that the subject proposals would contravene the aforementioned objectives. The impact of the proposed development on the existing St. Mochta's FC grounds, is considered further below under section 12.6 of this report.

12.2.15. It is envisaged in the Local Area Plan that the St. Mochta's FC grounds would be relocated to the south of the Kellystown Link Road. The relocation of the football club grounds do not form part of the subject proposals. Notwithstanding this, the applicant has provided drawings that they state reveal that the football facility could be readily accommodated as part of a future planning application on the lands in control of the applicant between the existing school campus, the future cemetery lands and the 2.1ha public park proposed on the application site. An indicative layout for the facility is provided in application drawing no.19-015_LP-06-PP, including a potential parking area, playing pitch areas and dressing rooms. I also note that the proposed development features a playing pitch and two multi-use

games areas, as part of the proposed public open space provision. Accordingly, I am satisfied that the proposed development would not be prejudicial to the future potential relocation of the St. Mochta's FC grounds and the proposed development would be in compliance with the phasing requirements of the Local Area Plan relating to same and, therefore, would not materially contravene the Local Area Plan in this respect. The applicant addresses the relocation of St. Mochta's FC grounds as part of their Material Contravention Statement, and, accordingly, it is open to the Board to consider the proposal in terms of a material contravention and I refer the Board to section 12.11 hereunder in relation to same.

- 12.2.16. Observers require a condition to be attached to secure a contractual obligation for the relocation of the St. Mochta's FC grounds and the specific details of the relocated facilities, however, asides from the statutory restrictions to attach same, I am satisfied that such a condition would not be warranted in this case, as it would not be reasonable based on my conclusions above, including the stated phasing requirements listed in the Local Area Plan allowing for the subject development to proceed as part of the phase 1 Eastern Development Area.

Housing Tenure

- 12.2.17. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. Part V Guidelines require a planning application to be accompanied by detailed proposals in order to comply with Part V housing requirements, and the Housing Department within the respective Local Authority should be notified of the application.
- 12.2.18. Appendix 1 to the Fingal Development Plan comprises the County Housing Strategy, which requires 10% of new residential developments to be made available for social housing. Part V of the Act of 2000 was amended by the Affordable Housing Act 2021, inter alia, amending provisions with respect to the Part V percentage housing allocation in a development, dependent on the date of purchase of the respective site. The application includes correspondence from the applicant to the Housing and Community Department of the Planning Authority setting out that it is proposed to provide the equivalent value of 20% and 10% for two differing portions of the development lands in their control at Kellystown. The applicant sets out that 18% of

the units within the scheme would be allocated as part of the Part V housing requirement, comprising 34 one, two and three-bedroom apartments in block B and seven three-bedroom houses in phase 2 of the development, as well as 24 one and two bedroom apartments in block C in phase 3a of the development. The Planning Authority and the application includes correspondence to the applicant from the Housing and Community Department confirming that the location, unit types and number of houses are yet to be agreed on.

12.2.19. Should the Board decide to grant permission for the proposed development, I am satisfied that Part V requirements are matters that can be finalised with the Planning Authority by way of a condition. The details provided accord with the requirements set out within the relevant Guidelines and the proposed Part V provision can be finalised at compliance stage. The overall social housing provision would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location.

12.2.20. An observer states that the development may ultimately feature build-to-rent accommodation, which the Elected Members consider may not be an affordable form of housing. The applicant has not specifically applied for build-to-rent units in their application. Notwithstanding this, I acknowledge that the residential units in the subject proposed development could be owner-occupied or rented in the future. Based on the Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021), there is only a requirement to regulate investment in the proposed houses, as apartments are exempt from a restrictive ownership condition. In the event of permission being granted, a condition should be attached to this effect to ensure an adequate and affordable choice and supply of housing within the development.

12.3. **Density**

12.3.1. Observations assert that the proposed density of the scheme is excessive based on the existing provision of public transport available in the area and as there are no current plans for a rail station at Kellystown. The Planning Authority consider the proposed density to be appropriate for the site based on the provisions of the Local Area Plan, which set out that a net density of 50 to 75 dwellings per hectare would

be appropriate for this part of the Local Area Plan lands. Several Elected Members from the Planning Authority consider the subject proposals to provide for overdevelopment of the site, while several of the Elected Members consider the density appropriate for the site. The applicant considers the site to be categorised as 'outer suburban greenfield' for the purposes of considering appropriate densities, where a density of greater than 45 units per hectare would be appropriate. The applicant asserts that the proposed density would provide for sustainable development of the site, based on its proximity to Coolmine and Clonsilla rail stations and the previous acceptance of a similar proposed density (64 units per hectare) for the site under ABP ref. 308695-20.

- 12.3.2. Comprising 349 units on a net site area of 5.7ha, which excludes the infrastructure and road upgrade areas, as well as the class 1 public open space to the south of the site, the proposed development would feature a net density of 61 units per hectare. When compared with residential densities in the immediate environment, such densities would be much higher than the density of housing to the north in the Clonsilla village area and the gross density of 40 units per hectare in Riverwood Square approximately 220m to the east (ABP ref. 300502-17). A similar, albeit gross density, was approved for the Windmill Court development approximately 250m to the northeast of the application site (ABP ref. 306074-19).

Local Policy

- 12.3.3. The Development Plan includes objective PM41, which aims to encourage increased densities at appropriate locations, whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised. The Development Plan states that in determining residential densities, regard should be given to the Sustainable Residential Development Guidelines and the Urban Design Manual. Objective MT05 of the Development Plan aims to integrate land use with transportation by allowing higher density development along higher capacity public transport corridors and, in addressing design criteria for residential development, the Development Plan promotes higher residential densities within walking distance of town centres.
- 12.3.4. The Local Area Plan sets out that the proposed development densities across the Local Area Plan lands accords with the provisions of the Sustainable Residential

Development Guidelines and that higher densities would be supported in the Eastern and Western Development Areas closest to the existing rail stations. As stated above, a net density range of 50 to 75 units per hectare is set out in the Local Area Plan for the Eastern Development Area containing the subject site.

National and Regional Policy

- 12.3.5. In terms of the national policy context, the NPF promotes the principle of ‘compact growth’ at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within existing urban envelopes. It is recognised that a significant and sustained increase in housing output is necessary. The RSES for the region require increased densities, as also set out in the Sustainable Residential Development Guidelines, the Building Heights Guidelines and the New Apartment Guidelines. All national planning policy indicates that increased densities and more compact urban forms are required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.
- 12.3.6. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but should be actively sought out and brought forward by planning processes, in particular by Local Authorities and An Bord Pleanála. The Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.

Sustainable Residential Development Guidelines

- 12.3.7. The Sustainable Residential Development Guidelines set out where increased residential densities will generally be encouraged in cities and large towns, including city or town centres, on brownfield sites within city or town centres, along public transport corridors, on inner-suburban / infill sites, on institutional lands and on outer-suburban / greenfield sites. The Guidelines refer to walking distances from public transport services as best guiding densities along public transport corridors with

scope for increased densities in locations within 500m walking distance of a bus stop or within 1km of a light rail stop or a rail station. The nearest public bus stops to the application site include stop nos.7031 and 4895 at Fernleigh Court approximately 350m walking distance or five-minute walk to the southeast of the application site. These bus stops provide access to Dublin Bus route 37. Other bus stops in the area include stop nos.1887 and 1897 in Clonsilla village, approximately 700m or a ten minute walk to the north of the site, which are served by Dublin Bus route 39 and GoAhead route L52. Clonsilla rail station and Coolmine rail station are a minimum direct distance of 900m from the application site boundaries. Coolmine rail station is a 1.1km walking distance or a 13-minute walk from the site via the Royal Canal walkway, while Clonsilla rail station is a 1.3km walking distance or a 16-minute walk from the site via this walkway. The Guidelines refer to the capacity of public transport services requiring consideration with respect to appropriate densities, a matter that I specifically address further below.

- 12.3.8. I note that observers highlight that the potential future location of the Kellystown rail station, as identified in the northeast corner of the Local Area Plan indicative layout plan, should not provide justification for the scale of development proposed on the application site. The NTA note that this future rail station, which had been envisaged to cater for DART services and the Metro West alignment, no longer forms part of the current DART+ West programme. Consequently, it would not be sustainable to rely on this potential future rail station as informing an appropriate density for the subject proposals.
- 12.3.9. I am satisfied that based on guidance, including the proximity of the site to existing bus services, and the stated zoning objectives for the site, the site could be considered to fall into the category of a site located within a public transport corridor. Lands within public transport corridors are stated in the Sustainable Residential Development Guidelines to generally be suitable for minimum net residential densities of 50 units per hectare, subject to appropriate design and amenity standards, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. The proposed development meets the minimum net density targets for this category of land.

New Apartment Guidelines

12.3.10. The New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support ongoing population growth, a long-term move towards smaller average household sizes, an ageing and more diverse population with greater labour mobility, and a higher proportion of households in the rented sector. The Guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable to achieve housing objectives, with a focus on the accessibility of a site by public transport and its proximity to city/town/local centres or employment locations. Suitable locations stated in the Guidelines include 'central and/or accessible urban locations', 'intermediate urban locations' and 'peripheral and/or less accessible urban locations'. The Guidelines also state that the range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

12.3.11. Intermediate locations include sites within walking distance (i.e. between 10 to 15 minutes or 1km to 1.5km walk) of a high capacity urban public transport stop, such as DART or commuter rail or sites within reasonable walking distance (between 5 to 10 minutes or up to 1km walk) of high-frequency urban bus services. The no.37 bus route connecting with Dublin city centre features up to six bus services per hour during morning and evening peak hours with reduced services outside of these hours. The no.39 bus route connecting with Dublin city centre operates two services per hour during daytime and the L52 route connecting Blanchardstown with Adamstown operates with hourly services. Commuter trains operate every 20 minutes during peak hours from Coolmine and Clonsilla stations. In considering the general provision of public transport available in this area, I would note that the capacity of services is intrinsically linked to frequency, as inferred in section 5.8 of the Sustainable Residential Development Guidelines. Under the terms of the Dublin Transport Authority Act 2008, the NTA is required to review the Transport Strategy for the Greater Dublin Area and I note that a Draft Greater Dublin Area Transport Strategy 2022-2042 has been published, with policy measures to monitor, review, enhance or amend transport services, as appropriate. While the Strategy is currently in draft format, I am satisfied that this reveals the intention, and the ongoing transport strategy approach, to constantly ensure public transport serving the greater Dublin

area would have capacity to meet demand, whether this be via reduced or increased levels of service. The NTA has not objected to the density of the proposed development relative to the provision of public transport services.

12.3.12. Overall I am satisfied that based on the existing provision of rail services operated at present from Coolmine and Clonsilla railway station, coupled with the neighbouring bus services, and the stated scope to readily address capacity issues, the future occupants of the proposed development would be served by reasonable access to public transport. Based on the above information and a review of the location categories in the New Apartment Guidelines relative to the provision of public transport services proximate to the site, this would suggest that the site would best fall into the category of an 'intermediate urban location', as also asserted by the applicant.

Density Conclusion

12.3.13. The statutory plans for this area set out a range of densities for this site, having regard to the density provisions outlined within the Sustainable Residential Development Guidelines. Sites along public transport corridors are stated in the Sustainable Residential Development Guidelines to generally be suitable for net residential densities of greater than 50 units per hectare. The New Apartment Guidelines recommend densities of greater than 45 dwellings per hectare in intermediate urban locations and this is also complied with as part of the subject proposals. The proposed development is above the minimum guided density range allowed for in the Sustainable Residential Development Guidelines and the New Apartment Guidelines and would not be excessively in exceedance of these minimum targets. Accordingly, it cannot be reasonably considered that development at the density proposed on the application site would materially contravene the density provisions in the Local Area Plan and the Development Plan.

12.3.14. Notwithstanding this, certain criteria and safeguards must be met to ensure a high standard of design and I address these issues in my assessments below.

12.4. Urban Design

12.4.1. The layout, design and building heights are considered in this section in terms of the urban design quality of the proposed development, with the potential impacts on

visual and residential amenities and the natural and built heritage primarily considered separately below (see sections 12.5, 12.6 and 12.10). This section of my report addresses the previous reasons for refusal of planning permission under ABP ref. 308695-20 with regard to the general layout of the proposed development relative to the Local Area Plan objectives, including those relating to connectivity and the provision of green infrastructure.

Design and Layout

- 12.4.2. Part of the previous reason for refusal no.2 of planning permission under ABP ref. 308695-20 referred to the poorly-defined and overlooked streets and open spaces, which it was stated would result in a substandard form of development that would seriously injure the residential amenities of future occupants. As part of the site analysis in their Design Statement, the key opportunities and constraints in developing the site are indicated, including the site context relative to neighbouring services and the general character of the area. The scheme features a layout of quadrangular housing blocks interspersed with three apartment blocks, the tallest of which marks the primary entrance to the Local Area Plan lands off Diswellstown Road. The applicant asserts that the layout has been guided by the previous reasons for refusal with substantive increase in passive surveillance, the provision of active street edges, and alterations to the layout onto the green spaces and Kellystown Link Road.
- 12.4.3. The proposed housing along the site boundaries, the internal network of streets, Kellystown Link Road and the green infrastructure route would overlook the public realm and would encourage passive surveillance of these spaces. Observers raise concerns that the development would be prejudicial to the future development potential of the adjoining land. I note the observation from an adjoining landowner of extensive Local Area Plan lands to the west, which does not raise concerns in this regard, and I highlight that all of the proposed buildings would feature reasonable separation distances from the adjoining Local Area Plan lands with Porterstown Road, open space or proposed road no.11 separating the proposed residential buildings from these areas.
- 12.4.4. The building line along Kellystown Link Road would vary, with a splayed setback for the semi-detached housing marking the main vehicular access to the development

and two apartments blocks (A and C) providing for surveillance of this roadside area. The proposed ground-floor childcare facility (block B) would be positioned along the green infrastructure route centrally within the development. The Planning Authority are broadly supportive of the layout noting that it provides for passive surveillance onto the green infrastructure route and the open spaces, and I am satisfied that it suitably addresses the previous concerns raised by providing for greater definition to the streets and overlooking of the public realm.

12.4.5. Numerous concerns were expressed in the previous reasons for refusal under ABP ref. 308695-20 regarding the restricted connectivity across the site, with references to objectives DA 1.3, DA 1.6 and 7.4 of the Local Area Plan not being capable of being adhered to. Objective 7.4 of the Local Area Plan aims to ensure delivery of an appropriate road infrastructure and objective DA 1.3 aims to promote cycle and pedestrian connectivity across the site. In this regard and in line with objective DA 1.6 it is noted that a single vehicular access to the site is to be provided to the subject housing area off Kellystown Link Road. The Local Area Plan assumes an indicative roads hierarchy featuring a looped local access road through the Eastern Development Area with homezones leading off this loop. The Local Area Plan highlights the potential for the future closing of the railway level-crossing to through traffic on Porterstown Road as part of the DART electrification project forming part of the Transport Strategy for the Greater Dublin Area 2016- 2035 (DART+ West programme). This is clearly a key design feature that the proposals need to be future-proofed to account for, which has been incorporated into the Local Area Plan objectives.

12.4.6. In contrast with the previously proposed roads layout, east-west connectivity across the green infrastructure corridor is facilitated. A looped local access road would also be provided for in the subject development with a looped access road extending to the site boundaries long the northwest and eastern sides of the site, as well as potentially being provided for under future development of the remainder of the Eastern Development Area lands. It was considered by the Board that the previous layout under ABP ref. 308695-20 would have resulted in an excessively high number of cul-de-sacs. In comparison there would be a reduction of four cul-de-sacs in the subject proposals and each cul-de-sac would connect into the pedestrian network. The internal roads layout is logical and the potential connections comply with the

proposals set out within the Local Area Plan, a matter that it also accepted by the Planning Authority.

- 12.4.7. A single vehicular access off Kellystown Link Road is not strictly provided for as part of the subject proposals. A proposed cycle and pedestrian route would be provided at the junction of the existing Porterstown Road with Kellystown Link Road and adjacent to the east of this it is proposed to provide a vehicular route connecting Kellystown Link Road to the junction of proposed roads 1 and 11. The provision of this section of road as a secondary vehicular access off Kellystown Link Road would not be in accordance with the Local Area Plan objective DA 1.6. In their Traffic and Transport Assessment report the applicant refers to this access as only being proposed for emergency access, although I have not been provided with any details setting out how this would be controlled. To comply with the Local Area Plan objective, this new stretch of road should not facilitate access to the proposed local road network. I note that an emergency access is permitted to be provided for under objective DA 1.6 of the Local Area Plan.
- 12.4.8. The applicant's phasing proposals indicate that an alternative route from Porterstown Road through the development site to Kellystown Link Road would be completed as part of the phase 2 stage of the development. The Planning Authority accept that the proposals to provide an alternative access between Porterstown Road and Kellystown Link Road would be in accordance with the Local Area Plan provisions, although the closing of the public right of way along the road could only be carried out by the Local Authority. Consequently, based on the provisions of the Local Area Plan, following completion of an alternative proposed vehicular route to Kellystown Link Road, the subject proposals should provide for the omission of the realigned section of Porterstown Road to the west side of block A between Kellystown Link Road and proposed roads 1 and 11, and this space should serve as open space for the development with scope to facilitate emergency access only between proposed roads 1 and 11 and Kellystown Link Road.
- 12.4.9. A green infrastructure corridor is to be provided along a north-south axis cutting through the development, and this would feature a segregated cycle and pedestrian route adjoining landscaped areas. North of the junction to proposed roads 1 and 11, the green infrastructure route would run along the western side of Porterstown Road

with the section south of this, as stated above, following the existing Porterstown Road.

12.4.10. Subject to minor amendments, the Planning Authority are generally satisfied that the proposed vehicular and pedestrian/cycle links provide suitable connections into the existing network and the Local Area Plan lands, including the space required for the segregated cycle and pedestrian route running through the green infrastructure corridor. The Planning Authority has sought cycle route connections from the southern ends of roads 2 and 4 into the proposed cycle infrastructure along Kellystown Link Road, and from the eastern end of road 9 into the green infrastructure route. I consider these to be reasonable requests in terms of ensuring connections into the wider cycle network. The Planning Authority has also sought various details with respect to the pedestrian and cycle route running through the green infrastructure corridor, including segregation of the routes and some alterations at the road crossing points. Such matters can be agreed as conditions in the event of a grant of planning permission, as necessary measures in addressing road safety in line with the DMURS and the NTA's National Cycle Manual. The Planning Authority also require the pedestrian route along the boundary with Diswellstown Road to be amended to connect into the existing pedestrian footpath network. This would also appear necessary as based on drawing no.15-038 P212 Revision B the proposed stepped and ramped pedestrian access along the embankment onto Diswellstown Road would appear to end short of the existing path.

12.4.11. Subject to conditions addressing the omission of the secondary vehicular access off Kellystown Link Road, as well as various alterations with respect to cycle and pedestrian routes, I am satisfied that the revised proposals would address the previous layout concerns expressed by the Board in considering the application for permission under ABP re. 308695-20 and the subject proposals would provide suitable connectivity across the site in compliance with the Urban Design Manual and objectives DA 1.3, DA 1.6 and 7.4 of the Local Area Plan. Further consideration of the design and layout with respect to the principles outlined in the DMURS is undertaken in section 12.8 below.

12.4.12. In relation to the proposed buildings, I note that they would feature regular rhythm and proportions, with a consistent architectural language used throughout the

scheme based on a limited palette of contemporary materials, including warm, dark and light-buff coloured bricks, render or a mix of render and brick. The proposed primary use of brick to the main façades would provide a robust, low maintenance and long-lasting finish to the buildings. The use of render is generally discouraged due to its tendency to discolour or spoil overtime. The applicant's Building Lifecycle Report refers to low-maintenance coloured render with a 25-year lifespan, which is substantially less than the 50 to 80-year lifespan identified in the report for the proposed brick finish. The applicant's Design Statement refers to the use of render on secondary frontages and within homezones, however, I note that each of the three apartment buildings would also feature façades solely finished in render onto the public realm. The render to the internal courtyard in block A would not be highly visible from the public realm, however, the northern façade would comprise a four-storey render finish onto a route that is intended to form part of the main vehicular loop within the Eastern Development Area. Block B would also feature render elements onto the looped access route and block C would comprise render elevations fronting onto Kellystown Link Road. From an urban design and visual amenity perspective, I consider it reasonable for the northern elevation to block A and all the elevations to blocks B and C to be finished with brick to complement the adjoining external elevations to the respective proposed blocks and in recognition of their positioning onto the public realm intended in the Local Area Plan to form part of a high-quality residential quarter. A condition to address this should be attached in the event of a grant of planning permission for the proposed development.

12.4.13. In conclusion, subject to amendments via conditions, I am satisfied that the design of the proposed buildings would be of high quality and would positively contribute towards place making in this new community. Final materials can be addressed via condition in the event of a permission for the development according to the Planning Authority.

Public Open Space and Green Infrastructure

12.4.14. The observers consider the lack of an agreed Green Infrastructure Masterplan for the application site to be contrary to the requirements for the Eastern Development Area (DA1) of the Local Area Plan and that the development features deficiencies in green infrastructure including insufficient open space. The applicant does not consider the subject proposals to materially contravene provisions of the

Development Plan or the Local Area Plan with respect to the provision of class 1 public open space, however, within their Material Contravention Statement they do address the potential for the development to contravene the Local Area Plan with respect to the indicative green corridor alignment (objective 9.12), public open space configuration and the phasing for the delivery of the class 1 public open space (objectives 9.4, 9.5, 9.7, 9.8 and 9.12).

12.4.15. The site is zoned for development with requirements to provide an appropriate quantum and quality of public open space relative to the extent of housing proposed. Objectives PM52 and DMS57 of the Development Plan require minimum public open space in housing developments based on a standard provision of 2.5 hectares per 1,000 population; assuming an occupancy rate of 3.5 persons for units with three or more bedrooms and 1.5 persons for units of two or less bedrooms. This would result in a population of 778 persons on the application site and the need to provide 1.9 hectares of public open space on the site, in a split of 75% class 1 space and 25% class 2 space. Objectives DMS57A / DMS57B of the Development Plan require a 10% provision of public open space in residential developments and the applicant considers that this would be complied with as part of the proposed development via provision of 0.64ha of class 2 public open space, amounting to 11.3% of the net site area north of the link road. Class 1 open space amounting to 2.1ha would be provided south of the link road, as part of the wider eight hectares of land designated in the Local Area Plan for open space. The Planning Authority is satisfied with the quantum of open space proposed on site. I am satisfied that the quantum, hierarchy and distribution of public open space within the proposed scheme would meet the minimum requirements set out in objectives PM52 and DMS57 of the Development Plan and would be sufficient to serve the proposed development. I am also satisfied that the extent of SUDS features measuring approximately 0.11ha, including attenuation pond and forebay, would not exceed the maximum 10% of the open space (0.19ha) allowed for under objective DMS73 of the Development Plan.

12.4.16. Within their Material Contravention Statement the applicant acknowledges that the proposed development does not deliver exactly the same configuration of active playing pitches within the red line, as indicated in figures 6.1, 6.3 and 9.4 of the Kellystown LAP. In this regard I note that figure 6.1 of the Local Area Plan portrays an indicative layout only and there is not a strict necessity to precisely follow the

layout suggested in this figure or the proceeding figures within the Local Area Plan. Consequently, I am satisfied that it would not be reasonable to consider the configuration of the proposed open space to be akin to a material contravention of the Local Area Plan. This would also apply with respect to the arrangement, layout and area of the green infrastructure corridors running through the northern side of the development site, which the Planning Authority consider to be acceptable when considered against Local Area Plan provisions. The applicant states that the class 1 open space would feature two multi-use games areas, in line with objective 9.4 and the phasing requirements of the Local Area Plan. Further scope for multi-use games areas would also be available adjacent to the schools campus on the adjoining lands to the southeast of the proposed class 1 open space. The Planning Authority require the playing pitch proposed on the class 1 open space to be fitted out to their requirements, which I consider reasonable to request as a condition, given the applicant's intention for this facility to be taken in charge by the Planning Authority.

12.4.17. The applicant proposed to provide the class 1 open space south of the link road in three phases, which they assert to be in tandem with the delivery of the second and third phases of housing on site. The applicant does not consider the phased delivery of this open space to be representative of a material contravention of the Development Plan or the Local Area Plan, despite addressing this in their Material Contravention Statement. The Planning Authority consider the development of the class 1 open space should occur at the earliest opportunity and should be completed and made available for use by residents in tandem with the housing. The Parks and Green Infrastructure Division of the Planning Authority require all the proposed class 1 open space to be completed in advance of the occupation of the proposed housing.

12.4.18. The applicant's phasing strategy reveals that the proposed housing would be provided in four phases (1, 2, 3a and 3b) and the second phase of the development would feature approximately three quarters of the class 1 open space provision. Class 1 open space would not be provided in the first phase of the development (59 houses), although there would be provision for four pocket parks as part of the class 2 open space provision. There is not a strict necessity for the open space to be provided upfront as part of the development and I am satisfied that the phasing proposals presented by the applicant would appear reasonable given the overall size

of the development, with the vast majority of the open space and play areas to be provided as part of the second phase of the development. For the above reasons, I do not consider the phasing proposals for the proposed open space to materially contravene the provisions of the Local Area Plan. However, as noted below in section 12.9 additional areas within the phase 2 open space provision, including the drainage infrastructure ponds and forebay, would appear to be required as part of the phase 1 development.

12.4.19. The applicant has proposed a 2.1m-high palisade fence surrounding the pumping station within the class 1 open space, and the Planning Authority has requested a revised boundary treatment for this facility, generally comprising a 2.2m-high railing. The revised boundary treatment would appear reasonable given the positioning of the pumping station and the provision of this infrastructure in phase 1 of the area development in an area that would be surrounded by public open space. A condition can be attached to address this in the event of a grant of planning permission for the proposed development.

12.4.20. Public lighting details, including the specifications and illumination levels for the lighting columns intended to be installed as part of the proposed development are identified within the applicant's Outdoor Lighting Report. A public lighting drawing (no.SES 06220) indicates the areas on site that would feature public lighting, including roadways and parkland settings. The applicant's ecologist requires the proposed lighting to be sensitive to bats. As required by the Planning Authority, I am satisfied that further details of public lighting serving the development should be provided in the event of a grant of planning permission, including the provision of lighting sensitive to bats.

12.4.21. The Economic, Enterprise, Tourism & Cultural Development Department recommend the attachment of a condition requiring the installation of a piece of public art, a sculpture or an architectural feature, and I consider this to be reasonable based on the requirements of objective DMS05 of the Development Plan, which require same in housing developments of greater than 100 units.

Hedgerows

12.4.22. Objective DMS39 of the Development Plan requires new infill development to retain the physical character of the area, including features such as boundary walls, pillars,

gates, gateways, trees, landscaping, fencing or railings and objective NH27 of the Development Plan looks to protect existing woodlands, trees and hedgerows. Objectives 6.11, DA 1.5, DA 1.14, 8.3, 8.4, 8.5, 8.8 and 8.9 of the Local Area Plan relate to the protection or retention of existing trees and hedgerows of amenity or biodiversity value and the need to incorporate these into future development proposals. The applicant addresses the potential for the development to materially contravene these objectives of the Local Area Plan due to the loss of hedgerows, as well as objective 8.7 requiring proposals to enhance biodiversity and objective 8.13 requiring replacement planting. Observers consider the loss of hedgerows and trees to materially contravene the Local Area Plan provisions and objective NH27 of the Development Plan.

12.4.23. The site features a host of trees, stonewalls, ditches and hedgerows, primarily marking the boundaries of the fields forming the site. Based on my visit to the area, substantive tree stands or hedgerows do not exist in the precise location identified in the Development Plan for the protection of trees, hedgerows or woodland. Existing hedgerows of varying quality are identified in figure 8.5 to the Local Area Plan and the observers consider the removal of 145m and 55m of high-quality hedgerow to be insensitive to the landscape setting and tantamount to a material contravention of the Local Area Plan. The applicant's initial groundworks would result in the removal of some sections of hedgerows, while other elements of the hedgerows on site would be maintained and enhanced.

12.4.24. The application lands are zoned for residential development, with specific principles and objectives to be achieved in order to provide for a sustainable level of development on site. It would be completely unachievable to rigidly comply with all objectives of the Local Area Plan in order to undertake development of the subject lands in a reasonable and sustainable manner. The development layout framework in the Local Area Plan suggests that it would not be possible for all hedgerows, including those of a high quality, to be maintained on site as part of the development. Accordingly, I do not consider it necessary or sustainable to maintain all existing hedgerows as landscape features on site, and standard conditions can be attached in the event of a grant of planning permission with respect to the protection of hedgerows to be maintained and the provision of additional landscaping to serve the proposed development. Furthermore, given the provisions within the Local Area

Plan indicating the removal of some sections of hedgerow and the requirement to develop zoned lands in a sustainable manner, the removal of sections of existing hedgerows as part of the proposed development could not reasonably be considered to represent a material contravention of any of the objectives of the Local Area Plan or the Development Plan. In section 12.10 below, further consideration of the loss of trees and hedgerows is undertaken with particular regard to biodiversity impacts.

Building Heights

- 12.4.25. The Development Plan does not place any specific height limitations on buildings in this location. Objective DMS39 of the Development Plan requires new infill development to respect the height and massing of existing residential units. Where the proposed height of new residential development is greater than that of the surrounding area, the Development Plan requires a transitional element to be provided. The Local Area Plan does not place specific restrictions for building heights on the subject lands, but it does refer to a gateway building and a landmark building within the Eastern Development Area, the latter of which would be on the subject site.
- 12.4.26. The Planning Authority acknowledge that proposed block A comprises a building one storey less than that previously sought and with a stronger streetscape frontage, with active uses at ground level and a building line parallel to the Diswellstown Road. Notwithstanding this, the Planning Authority request that the massing of proposed block A be refined to present a more elegant tower as a gateway building to the Local Area Plan lands. In the location of proposed block A at the junction of Diswellstown Road and Kellystown Link Road, the Local Area Plan identifies an ‘architectural landmark’ building for the area, featuring high-quality architectural design and appropriate height. Observers assert that the height of block A would be imposing on the surrounding area. I am satisfied that the scale and height of proposed block A would ensure that this building serves as a landmark at the entrance to the Local Area Plan lands, and that the architectural design of this proposed building, including modulated heights and varied material finishes, would be of sufficiently high quality to meet the Local Area Plan objective in this regard.
- 12.4.27. The proposed development primarily features three-storey housing fronting onto Kellystown Link Road, with two-storey housing within the blocks to the north and rear

of this. The apartment block buildings would vary in height with block A featuring single, four, six and eight-storey elements, block B featuring four and five-storey elements and block C featuring four and six-storey elements. Building heights in the area vary from single-storey residences along the immediate stretch of Porterstown Road to the north, single to two-storey education campus buildings on Kellystown Link Road, three to four-storey residential blocks in Woodbrook and Riverwood to the east, and six to eight-storey blocks nearing completion in Windmill Court to the northeast. Observations assert that the proposed building heights would be excessive for the site and that a height restriction of three storeys should be applied, while several of the Elected Members consider heights not exceeding four storeys to be appropriate. The Planning Authority consider the proposed building heights to generally be acceptable, although they consider greater variety in buildings heights could have been provided for throughout the proposed development.

12.4.28. The variations in building heights are illustrated on the site section drawing (no. 1506D-OMP-XX-ZZ-DR-A-3000). The heights of the proposed buildings would not appear excessive in principle, particularly when noting the general transition to lower heights moving north towards the canal, the provision of three-storey houses defining the edge along Kellystown Link Road, the setting of much of the site below the Diswellstown Road overpass and the recently constructed six to eight-storey apartment blocks in Windmill Court. The applicant refers to proposed apartment blocks A and C bookending the development area and the three-storey housing creating an active domestic edge along the link road, while other aspects of the building height strategy have been designed cognisant of the impacts on residential amenities. I am satisfied that the height of the proposed buildings along the link and loop roads provides transition and variety in the buildings, as required in SPPR4 of the Building Heights Guidelines. Excessively tall buildings are not proposed in the development relative to the scale of the site and its context. Given the height of buildings within Windmill Court, the proposed development would not be substantially higher than all existing buildings in the immediate area.

12.4.29. I have had regard to section 3.2 'Development Management Criteria' of the Building Heights Guidelines and I am satisfied that at the varying scales of the town, the neighbourhood, the street and the site, the predominance of two and three-storey buildings in the subject development would be acceptable and would be appropriate

for the site, and there would be scope for four to eight-storey buildings along the Kellystown Link Road and the green infrastructure corridor. Further consideration with respect to the building height impacts on the visual and residential amenities of the area is undertaken below.

Conclusion

12.4.30. I am satisfied that the applicant has fully addressed the previous reason for refusal of planning permission under ABP ref. 308695-20 relating to the layout of the housing area and the manner in which it provides for connectivity across the site and overlooking of the various areas. The proposed range of building typologies set amongst the green infrastructure corridors and the Kellystown Link Road would provide for diverse views within the development, albeit with a unified theme primarily supported by a limited selection of materials and similarity in building proportions, and this would contribute to a sense of place and identity in line with the requirements of the Development Plan and the Local Area Plan. I am satisfied that the overall layout, massing, building height and design of the scheme would provide a reasonable response in developing this site from an urban design perspective, in accordance with the provisions set out in the Local Area Plan.

12.5. Visual Impact

12.5.1. A Landscape and Visual Impact Assessment and an accompanying booklet of Photomontage Views, as well as a booklet of Computer-generated Images (CGIs), contextual elevations and sections drawings were submitted with the application to aid in visualising the proposed development, as required under objective NH39 of the Development Plan. A total of 16 short, medium and long-range viewpoints are assessed within the applicant's Landscape and Visual Impact Assessment. To avoid repetition, I have assessed in detail the impact of the scale and height of the proposed development on the environs of the site from an urban design and planning perspective in the previous section of my planning assessment (see section 12.4).

12.5.2. The observers assert that the proposed development would have a negative visual impact on the amenities of the area, including the setting of the Royal Canal, and that the proposed development fails to take adequate account of the location of the

site within a highly-sensitive landscape, which is likely to be vulnerable to major change. Other than commentary with regards to design elements, including the scale and detailing of Block A, the Planning Authority do not raise any specific concerns regarding the visual impacts of the proposed development, while also stating that they find the applicant's green infrastructure proposals to be acceptable.

12.5.3. Section 9.4 of the Development Plan addresses landscapes, views, prospects and other visual amenity classifications. The site and the immediate area are identified as being within the 'river valleys and canal character' landscape, which the Development Plan states to comprise the Liffey valley and the Royal Canal corridor. This landscape character type is categorised in the Development Plan as having a high landscape value and sensitivity. Development principles are outlined to assist in sensitive design and siting of the development in the coastal area, including landscaping measures. The Development Plan sets out that the river valleys and canal character area have particular qualities, such as steep banks and mature woodland, which makes them particularly sensitive to development. The subject site does not feature steep banks, however, there is an objective identified in the northern portion of the site off Porterstown Road in map sheet 13 of the Development Plan to protect and preserve trees, woodlands and hedgerows. The closest protected views are identified in the Development Plan for the Lower Road (R109) within the Liffey Valley Special Amenity Area Order, approximately 1km to the south of the site, where the subject development would not be visible from primarily due to changes in topography and the separation distance. The Local Area Plan also sets out the key features within the immediate area, including Protected Structures, such as the Royal Canal, Keenan Bridge and the Keeper's cottage (RPS refs. 944a, 698 and 699), and the Royal Canal pNHA.

12.5.4. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontages are taken from locations, contexts, distances and angles that provide a reasonably comprehensive representation of the likely visual impacts from the key reference points, including the most sensitive visual receptors. It would have been preferable if a photomontage towards the site was taken closer to the canal crossing to the north of the site given its heritage value. The CGIs submitted with the application include visual representations, which I am satisfied would be likely to provide a reasonably accurate portrayal of the completed

development in a late summer setting. The following table 4 provides a summary assessment of the likely visual change from the applicant's 11 selected viewpoints with the proposed development in place.

Table 4. Viewpoint Changes

No.	Location	Description of Change
1	Kellystown Link Road at school – 10m south	Three-storey housing fronting onto Kellystown Link Road would be visible from this location. I consider the magnitude of visual change from this short-range viewpoint to be substantive in the context of the receiving environment.
2	Diswellstown Road (L3036) at school – 140m south	Upper floors to block A would be visible along this approach to the site with the existing school generally screening the other proposed neighbouring buildings. I consider the magnitude of visual change from this medium-range viewpoint to be moderate in the context of the receiving environment.
3	Porterstown Road – 10m east	The roadside boundaries would be removed and a six-storey element to block A would be visible at this location with proposed planting along the pedestrian and cycle route screening views into the proposed housing area. I consider the magnitude of visual change from this short-range viewpoint to be substantive in the context of the receiving environment.
4	Porterstown Road at rail crossing – 10m northeast	The existing hedgerow and ditch along the roadside would be removed and the proposed two and three-storey housing and the new access to Abbey Cottage would be visible at this location. I consider the magnitude of visual change from this short-range viewpoint to be substantive in the context of the receiving environment.
5	Diswellstown Road (L3036) overpass – 230m east	The mature field boundary planting, would generally serve to screen the housing area of the development from this viewpoint with block A and the upper floors to block B visible. I consider the magnitude of visual change from this medium-range viewpoint to be moderate in the context of the receiving environment.

6	Porterstown Road at entrance to The Village – 100m north	The mature boundary planting would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this medium-range viewpoint to be negligible.
7	The Village estate – 120m north	The mature boundary planting would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this medium-range viewpoint to be negligible.
8	Royal Canal towpath – 80m north	The mature trees along the canal corridor and the drop in ground level would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this short-range viewpoint to be negligible.
9	The Village estate (western end) – 330m northwest	The mature boundary planting would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this long-range viewpoint to be negligible.
10	Lambourn Park estate – 450m northwest	The mature boundary planting and drop in ground level would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this long-range viewpoint to be negligible.
11	Clonsilla Road (R121) at Beech Park – 730m west	The mature boundary planting and drop in ground level would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this long-range viewpoint to be negligible.
12	Junction of Luttrellstown Road (L3032) / Clonsilla Road (R121) – 610m west	The mature boundary planting and drop in ground level would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this long-range viewpoint to be negligible.
13	Luttrellstown Road (L3032) – 480m southwest	The mature boundary planting and boundary wall would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this long-range viewpoint to be negligible.
14	Luttrellstown Road (L3032) – 180m south	The mature roadside boundary planting would serve to screen the development from this viewpoint. I consider the

		magnitude of visual change from this medium-range viewpoint to be negligible.
15	Luttrellstown Road (L3032) – 380m south	The existing school buildings would serve to screen much of the development from this viewpoint with only distant views of the upper floors to block A. I consider the magnitude of visual change from this long-range viewpoint to be negligible in the context of the receiving environment.
16	Junction of Luttrellstown Road (L3032) / Diswellstown Road (L3036) – 450m south	The existing maturing trees, boundary wall and school buildings would serve to screen much of the development from this viewpoint with only distant views of the upper floors to block A. I consider the magnitude of visual change from this long-range viewpoint to be negligible in the context of the receiving environment.

12.5.5. The subject site does not feature exceptional or unique landscape characteristics and the zoning of the subject lands for housing and associated development implies an inherent acceptance that the lands have been deemed suitable from a broad visual perspective to absorb a reasonable scale of housing development. In the immediate area the development would be most visible from the approaches along Diswellstown Road, Porterstown Road and Kellystown Link Road, as well as St. Mochta's FC grounds and St. Brigid's Lawn to the north, and the schools to the south. Only intermittent views of the main structural elements from local vantage points in the adjoining areas would be available due to the existing mature trees and hedgerows, and the surrounding suburban development. It is likely that only the higher structural elements of the development and landscaping would be visible from the location of the Protected Structures and the canal corridor to the north of the application site. The applicant considers the provision of two-storey housing closest to the canal to be appropriate in respecting the setting of this feature, while the maintaining of boundary planting would also serve to reduce the visual impacts of the development.

12.5.6. Impacts during the construction phase of the development would be unavoidable but these would be mitigated via protection measures for planting, screen hoarding, lighting and phasing measures. Mitigation measures to address the visual impacts at operational phase comprise the embedded elements of the green infrastructure proposals, which are asserted to respond to the immediate setting, including via

various planting proposals and measures to maintain hedgerows of greatest merit. The applicant asserts that the development of this site for housing would not be unexpected and would be similar to the land use on neighbouring lands and the eight-storey element to block A would be consistent with emerging building trends supporting increased building heights. The drainage works along Riverwood distributor road would only have very limited temporary impacts during the construction period, with the road generally reinstated following these works.

- 12.5.7. The housing element of the proposed development would be viewed as a modest insertion into this suburban setting and block A would be viewed as a substantive new element along the key approaches, particularly at the junction of Kellystown Link Road and Diswellstown Road. The immediate context of the area appears to have undergone a similar level of change in recent years with the Riverwood / Woodbrook development to the east and the soon to be completed Windmill Court development to the northeast. Screening offered by existing mature boundary planting and buildings, particularly along the roadsides and the canal corridor, would largely negate the visual impact of the development from medium and long-range locations, including Clonsilla village.
- 12.5.8. I am satisfied that the broad visual changes that would arise from the proposed development, would largely have limited to moderate effects on the landscape based on the information available, the existing site context, the design of the scheme and the objectives and policies of the statutory plans for this area. I am therefore satisfied that the proposed development would have acceptable impacts on the landscape and the visual amenities of the area. The impact on the outlook for neighbouring residences is considered in the proceeding section.

12.6. Impacts on Neighbouring Amenities

- 12.6.1. The observations assert that the proposals would seriously detract from the amenities of the area. The Planning Authority do not raise any particular concerns regarding the potential impact on neighbouring properties.

Context

- 12.6.2. The nearest existing residential properties to the proposed development are those located adjoining to the north along Porterstown Road comprising the single-storey

Abbey Cottage and the single-storey traveller halting site accommodation in St. Brigid's Lawn. There are also residential properties neighbouring the site to the southeast on the opposite side of Diswellstown Road. The buildings to the south of the site on the opposite side of Kellystown Link Road comprise school buildings. The distances from these neighbouring residences relative to the proposed houses and apartments are identified on the applicant's site layout plans (drawing nos.1506D-OMP-00-SP-DR-A-1000 & 1001). Building height differences are illustrated in the site section drawing (no.1506D-OMP-XX-ZZ-DR-A-3000).

- 12.6.3. Abbey Cottage would be 25m from the closest residence in the proposed development (house type 03), which would feature a ridge height approximately 4m above the roof ridge of the existing cottage residence. The proposed two-storey house (type H05) would be a minimum of 22m from the single-storey residence in St. Brigid's Lawn on a similar ground level, while the five-storey element to block B would be approximately 33m from the nearest residence in St. Brigid's Lawn and would feature a roof parapet height 14m higher than that of the existing residence. The six-storey element to proposed apartment block A would be situated approximately 36m to the south of the nearest existing residence in St. Brigid's Lawn and on a slightly lower ground with a 18m height difference between these proposed and existing buildings. The nearest of the four-storey blocks in Woodbrook Court on the opposite side of Diswellstown Road would be 76m from the eight-storey element of proposed block A on a similar ground level.

Overlooking and Loss of Privacy

- 12.6.4. The Development Plan refers to the Sustainable Residential Development Guidelines as an effective guide for residential developments in urban areas. These Guidelines and the Development Plan refer to the traditional minimum separation distance of 22m between opposing first-floor windows in two-storey housing for privacy reasons. Dependent on positioning and detailed design, reduced separation distances may be acceptable based on the Guidelines and the Development Plan, and in residential developments over three storeys the Development Plan states that minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

- 12.6.5. The observers refer to the need to address the potential for overlooking of existing residential units and the playing pitches. Given the separation distances and planning provisions presented above, there would not be any substantial potential for excessive direct overlooking to arise for existing neighbouring residents as a result of the proposed development. I also note that buildings overlooking recreational grounds would be typical for an urban setting such as this.
- 12.6.6. Several of the Elected Members from the Planning Authority consider the proposals to feature limited consideration with respect to the potential for overlooking of neighbouring schools to the south. The nearest section of the two-storey roof parapet to Scoil Choilm Community National School would be 18m below the roof parapet height to the eight-storey element to proposed block A opposite the site and separated across the roadway by 55m. I am satisfied that this context presents the worst-case scenario in terms of the potential for overlooking between the existing school and the proposed development. The existing boundary to the school and the extensive separation distance from the school grounds across a traffic artery would substantially restrict the potential for direct overlooking from the proposed development.
- 12.6.7. I consider that the separation distances that would be achieved from neighbouring residences and schools would be typical for a suburban setting that is primarily zoned for residential development and the design measures, including landscaping, would sufficiently address the potential for excessive direct overlooking between neighbouring properties and the proposed development. Furthermore, the proposed development would not substantially inhibit the future development potential of neighbouring lands, given the setback provided from the proposed buildings to the site boundaries, as well as the maintenance and enhancing of the hedgerow feature running along the western boundary with the other residential lands within the Eastern Development Area 1 of the Local Area Plan. Accordingly, a refusal of permission or modifications to the proposed development for reasons relating to overlooking of neighbouring properties would not be warranted. I consider the impacts on the privacy for future occupants of the proposed residences separately under section 12.7 below.

Outlook and Overbearing Impacts

- 12.6.8. The proposed development would be visible from the private amenity areas and internal areas of housing neighbouring the site. Consequently, it would change the outlook from these neighbouring properties. Having visited the area and reviewed the application documentation, including the photomontages and CGIs, I consider that the extent of visual change that would arise for those with views of the development, would be reasonable having regard to the separation distances to housing, as referred to above, and as a contemporary development of this nature would not be unexpected in this area owing to the residential zoning objectives for the site, as contained in the Development Plan for this area, and the residential development objectives for the site, as contained in the Local Area Plan for this area.
- 12.6.9. Another key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties. Observers assert that the position of proposed block A would result in overbearing impacts for children using the playing pitches in St. Mochta's FC grounds. As noted above, the proposed development features buildings similar to the prevailing most recently constructed building heights in the Windmill Court development to the northeast of the site. Section H-H and photomontage 5 best illustrate the relationship of the six-storey element of proposed block A between approximately 35m and 40m from the playing pitch area in St. Mochta's FC grounds. I am satisfied that the proposed development would not be overly prominent when viewed from the nearest houses and playing pitch areas, with an open outlook and sky view maintained from these areas. There would be sufficient intervening space from the existing houses and playing pitches to the proposed buildings to ensure that the proposed development would not be excessively overbearing when viewed from these neighbouring houses and playing pitches. The height of the proposed buildings, coupled with the separation distances from the existing housing, is such that where visible from neighbouring properties the proposed development would not be excessively overbearing.

Impacts on Lighting - Daylight and Sunlight

- 12.6.10. In assessing the potential impact on light access to neighbouring properties where existing occupants would have a reasonable expectation of daylight, two primary

considerations apply, including the potential for excessive loss of daylight and light from the sky into existing buildings through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including gardens. The applicant has provided a Daylight, Sunlight and Overshadowing report, including an assessment of the effect of the proposed development on lighting to neighbouring houses.

12.6.11. The Sustainable Residential Development Guidelines refer to the standards in BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. The BRE 209 guidance outlines a series of tests to identify whether rooms where daylight is required in adjoining dwellings, would receive adequate lighting as a result of a proposed development. The first of these tests states that if the separation distance is greater than three times the height of the new building above the centre of the main window (being measured), no further testing would be necessary. Based on section drawings and levels stated in the application, the proposed buildings would not appear to be located a distance of less than three times the height of these buildings to the centre of the main window facing the development in any existing neighbouring residences. Furthermore and according with the BRE 209 guidance, daylighting may not be an issue if development is less than 25° to the horizontal when measured from the centre of the lowest window to a main living room. When taking into account the limited differences in ground levels, the building heights and the separation distances, the proposed development would not subtend below an angle of less than 25° to the horizontal when measured from the centre of the lowest windows to the main living rooms of neighbouring properties. Accordingly, daylighting of existing residences is unlikely to be significantly affected by the proposed development. Notwithstanding this the applicant undertook tests to assess the potential for loss of daylight to neighbouring properties, including three windows to Abbey Cottage, 84 windows to Woodbrook Court, 84 windows in Scoil Choilm Community National School and 11 windows in St. Brigid's Lawn. The assessment of vertical sky component (VSC) revealed that the proposed development would have negligible impact on all windows tested in these properties, further confirming the above conclusions.

12.6.12. Section 3.2.2 of the BRE 209 guidance states that ‘obstruction to sunlight’ to existing dwellings may become an issue if –

- (i) some part of a new development is situated within 90° of due south of a main window wall of an existing building;
- (ii) the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.

12.6.13. To this end, obstruction of sunlight to the majority of neighbouring houses would not be issue, as the proposed development would not subtend below an angle of less than 25° to the horizontal when measured from the centre of the lowest window to a main living room of the nearest properties. Notwithstanding this, the main window wall to Abbey Cottage on Porterstown Road would be within 90° due south of the proposed development and the applicant tested the annual probably sunlight hours (APSH) for three windows serving this house and this revealed compliance with the BRE 209 guidance. Consequently, the proposed development is not considered to cause an obstruction to sunlight to neighbouring properties.

Overshadowing

12.6.14. Observers assert that overshadowing of the playing pitches would arise as a result of the positioning, height and scale of proposed block A. The BRE 209 guidance require greater than half of neighbouring garden and amenity areas to receive at least two hours of sunlight on the 21st day of March (the spring equinox). The scale, height, siting and orientation of the proposed buildings are such that it is clear that neighbouring gardens would not be unduly impacted by overshadowing from the proposed development and it would not result in less than half the area of existing neighbouring gardens receiving at least two hours of sunlight on the spring equinox. Within their Daylight, Sunlight and Overshadowing report, the applicant tested the potential for overshadowing of two ‘amenity’ areas, consisting of a section of the railway corridor to the north and the green corridor situated between Woodbrook Court and Diswellstown Road to the southeast of the site. This reveals that with the proposed development in place there would be no substantive change to sunlight hours on these neighbouring amenity areas. It would have been more preferable for the applicant’s overshadowing study to have specifically included the playing pitches in St. Mochta’s FC grounds, particularly as this would appear to be representative of

the worst-case scenario in this regard. Notwithstanding this, based on a review of the shadow analysis diagrams detailed in section 5 of the applicant's Daylight, Sunlight and Overshadowing report there would be no substantive change to sunlight hours on the adjoining playing pitches.

Construction Impacts

12.6.15. The applicant has submitted a Construction and Demolition Waste Management Plan in compliance with the Local Area Plan and objective DMS149 of the Fingal Development Plan 2017- 2023. Within the applicant's Preliminary Construction Management Plan (CMP) a three-year construction period is referenced based on the quantum of housing in the proposed development. Observers assert that the proposed development would result in nuisance for neighbouring residents as a result of noise and traffic. The Preliminary CMP sets out the intended measures to address traffic, construction waste, dust, dirt and noise emissions during the construction phase, as well as measures to control emissions to groundwater and surface water. According to the Preliminary CMP, no deliveries are to be scheduled or permitted during the hours of drop-off and pick-up at the adjacent school. Any construction phase impacts, including those closest to neighbouring properties, would only be of a temporary nature and would also be subject of a finalised project CEMP, as required by the Minister for Housing, Local Government and Heritage and Inland Fisheries Ireland, and standard for a development of this nature and scale. Standard construction hours can be applied to the proposed development as a condition in the event of a grant of permission.

Consultation

12.6.16. The Elected Members from the Planning Authority refer to the need for consultation with St. Brigid's Lawn residents, while observers refer to the need for greater consultation on the proposals. Public participation and consultation is an integral part of the Strategic Housing Development process as outlined in the Act of 2016 and the Planning and Development (Strategic Housing Development) Regulations 2017. I have taken into consideration all submissions received during the application process as part of this assessment. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

There is no specific requirement in this case to consult directly with residents of St. Brigid's Lawn, or any other residents.

Conclusions

12.6.17. In conclusion, sufficient information has been provided with the application and is available to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive overshadowing, overbearing or overlooking impacts for residents, occupants and patrons of neighbouring properties. Accordingly, subject to a condition, the proposed development should not be refused permission for reasons relating to the likely resultant impacts on neighbouring amenities.

12.6.18. An observation asserts that the proposed development would lead to a depreciation in the value of property in the vicinity. Following on from the assessment above, sufficient substantive and objective evidence has not been provided to support claims that the proposed development would be likely to result in a depreciation of property values in the vicinity.

12.7. Residential Amenities and Development Standards

12.7.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for residential development is undertaken below having regard to the guidance set out in the Quality Housing for Sustainable Communities Guidelines and the New Apartment Guidelines, as well as the Local Area Plan, the Development Plan and the Building Heights Guidelines, which refer to documents providing guidance for daylight / sunlight assessments within new developments. The Local Area Plan refers to the creation of a high-quality living environment as part of development on the subject lands. The subject development would not come within a category of development that would be open to relaxed development standards. The applicant has submitted Apartment and Housing Quality Assessments comprising a schedule of accommodation based on unit types and providing details of apartment and house sizes, aspect, room sizes, storage space and private amenity space.

Houses – Mix and Standards

- 12.7.2. Objective DA 1.4 of the Local Area Plan seeks to provide for a mixed typology of high-quality residential units, including apartments, duplexes and townhouses. Objective PM38 of the Development Plan requires new residential developments to achieve an appropriate dwelling mix, size, type and tenure, while objective PM40 requires the mix and range of house types to meet the diverse needs of residents. The Development Plan refers to the need for a range of house sizes and types in residential developments to allow for people to remain in an area at every stage of their lives. The Planning Authority consider the proposed development to be broadly consistent with these housing mix requirements. An Taisce assert that the housing mix should include a greater proportion of family home-orientated units. The applicant refers to the proposed houses ranging from two to three-storeys, with varied typology including deep-plan, wide-frontage, detached, semi-detached and terraced formats.
- 12.7.3. The 122 semi-detached and terraced houses and the single detached house within the development would feature three or four bedrooms, and in conjunction with the one, two and three-bedroom apartments, this approach would comply with the mix requirements outlined above with respect to the Development Plan, given the range of housing options provided for. This approach would also comply with the provisions of SPPR 4 of the Building Heights Guidelines requiring the avoidance of mono-type building typologies in locations such as this and at the scale proposed.
- 12.7.4. Objective DMS24 of the Development Plan requires new residential units to comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3 of the Development Plan. The floor areas for each of the proposed three and four-bedroom houses measuring a minimum of 92.2sq.m and 129sq.m respectively would be in compliance with the 92sq.m for a three-bedroom five-person two-storey house, 110sq.m for a four-bedroom seven-person two-storey house and 120sq.m for a four-bedroom seven-person three-storey house set out as minimum standards within the Quality Housing for Sustainable Communities Guidelines and the Development Plan. House type H06 is a four-bedroom six-person house and there is no directly referenced standards for this type of house in the 'Quality Housing' guidance. With the exception of the aggregate bedroom areas serving house type H06, the proposed houses would meet or marginally exceed the relevant 'Quality Housing'

guidance, as reflected in the Development Plan, with respect to aggregate living rooms and aggregate bedroom sizes, as well as layouts, room sizes and widths. Storage areas within the house types H01 (end of terrace), H03, H04 and H06 would rely on attic space for storage purposes in order to exceed the minimum 5m-6m required in the Quality Housing Guidelines. I am satisfied that this would be a fairly reasonable approach to take given the minimum head clearance area at attic level, and subject to a condition confirming means of providing ease of access to floored attic storage areas.

- 12.7.5. Objective DMS87 of the Development Plan requires a minimum of 60sq.m to 75sq.m private open space located behind the fronting building line of three and four-bedroom houses respectively. The Sustainable Residential Development Guidelines require private open space for houses to be provided in the form of rear gardens. Based on the drawings submitted, the proposed houses would feature rear gardens serving three bedroom houses ranging in size from 60sq.m to 85sq.m and the four-bedroom houses would feature rear gardens ranging in size from 75sq.m to 98sq.m. I am satisfied that the areas provided would be of a sufficient standard for housing in this location. Given the limited excess provision of garden space relative to the standards, to ensure sufficient private amenity space would be available in the future to serve these houses, a condition should be attached to remove the standard regulatory development exemptions for these houses.

Apartment Mix and Standards

- 12.7.6. The Climate Action Plan highlights that the NPF targets require the proportion of apartments to treble, from 13% in 2019, to 39% by 2030, and, as such, the proposed development featuring 65% apartments would support the achievement of this target. Objective PM43 of the Development Plan states that in considering new apartment developments, regard should be given to any updated version of the New Apartment Guidelines. SPPR1 of the New Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. I am satisfied that when excluding the house units, the proposed development featuring 84 one-bedroom (37.1%), 138 two-bedroom (61.1%) and 4 three-bedroom apartments (1.8%) would be compliant with SPPR1 of the New

Apartment Guidelines. All of the proposed two-bedroom apartments would accommodate four persons.

- 12.7.7. Observers assert that the proposed housing mix features an overprovision of one-bedroom apartments based on extensive provision of this unit typology in other neighbouring developments. Given the variety of housing proposed, I fail to see the development as featuring an over-provision of a single unit type, including one-bedroom apartments. I note that the planning permissions referred to by the observers in asserting that there is an overprovision of one-bedroom apartments proposed in the vicinity are either subject of ongoing Judicial Review proceedings (ABP-307976-20 and ABP-309126-21) or relate to a pre-application opinion (ABP-306942-20 relating to the subject application site).
- 12.7.8. The applicant asserts that the proposed apartments have been designed to fully accord with the minimum standards within the New Apartment Guidelines. The one-bedroom units measuring between 48.6sq.m to 58.8sq.m, the two-bedroom units measuring 76.4sq.m to 95.8sq.m and the three-bedroom units measuring 99.7sq.m, would meet the minimum 45sq.m, 73sq.m and 90sq.m unit size requirements respectively required for these apartments in the New Apartment Guidelines. The internal design, layout, block configuration, room sizes and storage space for each of the apartments and blocks, as identified in the applicant's drawings and Apartment Quality Assessment, would appear to accord with or exceed the relevant standards, as listed in the New Apartment Guidelines, including the appendix 1 standards. Floor to ceiling heights of over 3m are illustrated for ground-floor levels in the section plans for all three proposed apartment blocks, in compliance with SPPR5 of the New Apartment Guidelines and objective DMS22 of the Development Plan.
- 12.7.9. In safeguarding higher standards, the 10% additional floor space required in section 3.8 of the New Apartment Guidelines and objective DMS25 of the Development Plan would be achieved in the proposed apartment element of the development. Private amenity space for each of the apartments, including balcony or terrace sizes and depths, would meet or exceed the minimum requirements of the Guidelines, which are replicated in table 12.6 of the Development Plan. In compliance with objective DMS20 of the Development Plan and SPPR 4 of the New Apartment Guidelines, 52.7% of the proposed apartments would feature dual aspect, which I am satisfied would meet the 50% minimum required for a site such as this in an intermediate

urban location. North-facing, single-aspect apartments may be considered, where overlooking a significant amenity space such as a public park, gardens or formal space, or a water body or some other amenity feature. The six single-aspect apartments in block C would be all northwest facing and overlooking a proposed landscaped amenity space and an area of green infrastructure. I would have some reservations regarding the aspect for three of the 89 single-aspect apartments in block A (units BA.0118, BA.0219 and BA.0319), although I note that these are primarily northwest facing and more substantive concerns arise for these three apartments, which I address further below under the heading 'Privacy and Overlooking'.

12.7.10. Section 6.6 of the New Apartment Guidelines also states that Planning Authority's should have regard to BRE 209 and BS 8206-2: 2008 for lighting standards and this is also provided for in objective DMS30 of the Development Plan. The Planning Authority do not raise concerns with respect to the provision of daylighting to the proposed apartments and the location of the site and the nature of the development, including layout, building heights and separation distances, is such that lighting to the proposed development would not be likely to fail to provide adequate levels of lighting to the subject apartments.

12.7.11. The BRE 209 Guide and BS 8206-2:2008 standards recommend that for the main living spaces/living rooms of residences, a minimum average daylight factor (ADF) of 1.5% should be achieved, with a 1% ADF for bedrooms and a 2% ADF for kitchens. The applicant has referred to these targets in their Daylight, Sunlight and Overshadowing Study, with results of testing presented in tabular format for 515 rooms within the apartments and 89 rooms within the houses, and this is considered to provide a reasonably representative sample for the purposes of assessing against the standards.

12.7.12. The results of testing calculated ADF values between the ranges of 1.2% to 4.26% for the living/kitchen/dining rooms and 1.03% to 4.12% for the bedrooms in proposed block A, between the ranges of 1.46% to 5.14% for the living/kitchen/dining rooms and 1.04% to 3.58% for the bedrooms in proposed block B, and between the ranges of 2.18% to 3.8% for the living/kitchen/dining rooms and 2.33% to 5.87% for the bedrooms in proposed block C. This suggests that on the basis of the worst-case scenario, all bedrooms in the proposed development would comply with the ADF

target values in the BRE 209 Guide and the living/kitchen/dining rooms in block C would comply with the ADF target values in the BRE 209 Guide. Shortfalls in the target ADF value would arise for 49 of the tested living/kitchen/dining rooms in block A and two living/kitchen/dining rooms in block B. No shortfalls in ADF targets were calculated for the proposed houses. The ADF values for the tested living/kitchen/dining rooms in block A where a shortfall would arise was calculated as being between 1.2 and 1.98 and for the two living/kitchen/dining rooms in block B this was calculated as being between 1.46 and 1.6.

12.7.13. When using the 2% ADF target value for living/kitchen/dining rooms, the testing identified that 94% of the proposed apartment rooms would comply with the minimum ADF targets. While it would be more preferable for the ADF targets to be achieved for all internal living areas, the BRE 209 and BS 8206-2: 2008 guidance allow for flexibility in regard to targets and do not dictate a mandatory requirement. Where shortfalls occur with respect to the 2% target ADF to kitchen/living/dining rooms, the applicant has asserted that if a 1.5% target ADF was assigned as the target value for kitchen/living/dining rooms and the ADF values calculated for the houses were included, the fail rate would fall to 1% of all rooms in the overall development.

12.7.14. I note that ADF is only one of a wide spectrum of interrelated requirements in the successful design of new apartments such as those proposed, with room sizes and layouts, window types and positions, and the provision of balconies interacting with the achievement of ADF values. In this regard a reasonable balance needs to be achieved to ensure an appropriate standard of living accommodation and amenities for residents, and I am satisfied that this would generally be achieved in this case with only minor shortfalls relative to the scale of the overall development.

Privacy and Overlooking

12.7.15. Observers refer to the potential overlooking between the proposed residential units. As mentioned above the Sustainable Residential Development Guidelines generally require a minimum separation distance of approximately 22m between directly opposing first-floor windows to maintain privacy. A similar separation distance is required in objective DMS28 of the Development Plan, including potential for increased separation distances in residential developments of three storeys or more.

I am satisfied that the design measures such as separation distances, intervening public realm and open spaces, as well as building orientation would generally be appropriate and would primarily address the potential for excessive direct overlooking between the proposed houses within the development. Where the 22m rule is not complied with, for example, house nos. 74, 75 and 76 with rear elevations located approximately 13m to 16m from the rear elevations of house nos. 79, 80 and 81, the first-floor rear windows in house nos. 74, 75 and 76 would not serve habitable rooms, thereby avoiding the potential for excessive direct overlooking between the houses.

12.7.16. Notwithstanding this, I would have concerns regarding the positioning of house no.121 on the northern side of the site, which would feature a two-storey house type H03L with a side elevation bedroom window 1.5m from the rear boundary to house no.120, which is proposed to feature a two-storey house type H03R. While house type H03R would not feature first-floor windows, the positioning of the north-facing side elevation bedroom window in house no.120 would directly overlook the rear garden to no.120 and this window would not appear essential from a lighting perspective owing to the additional proposed front elevation window serving this bedroom. Accordingly, the first-floor side elevation north-facing window to proposed house no.121 should be omitted via condition in the event of a grant of planning permission. A similar situation for house nos. 102 and 114 would arise and the first-floor side elevation bedroom window to house no.114 should be omitted via condition to address overlooking concerns.

12.7.17. Detached house no.118 featuring side elevation walls proximate to the rear boundaries to house nos. 117 and 119 would not appear to feature side elevation windows at first-floor level based on drawing no. 1506D-OMP-H03-ZZ-DR-A-1000_H03, however, for clarity, as this house type would only appear to conform to a mid-terrace house type, the applicant should be requested to provide revised plans for house no.118, clarifying that first-floor side elevation windows serving habitable rooms would not be installed. Ground-floor side elevation windows would not be problematic owing to the proposed use of a 2m-high post and timber panel boundary fence between the proposed houses and the similarity in ground levels between adjoining houses. A similar situation would arise for the end-of-terrace house no.104 (house type H01), which is generally a mid-terrace house, therefore, revised

drawings should be provided via condition clarifying that first-floor side elevation windows serving habitable rooms would not be installed.

12.7.18. For the apartment units, separation distances below the 22m standard would arise between several proposed apartments at upper levels in block A with windows directly facing each other, including between first-floor units BA.0117 and BA.0118, as well as the units in a similar context and position directly above these apartments on proposed floors two and three. Specific design measures are not proposed to address the potential for direct overlooking between these respective units and I am satisfied that the applicant should be requested to provide some form of mitigation to address the potential for excessive direct overlooking and a resultant loss of privacy for future residents of the respective apartments. As mentioned above I have some reservations regarding the aspect proposed for apartments BA.0118, BA.0219 and BA.0319. Omitting windows or revising glazing types in apartments BA.0118, BA.0219 and BA.0319, as well as the apartments facing these apartments, would have knock on implications regarding access to light to the windows, which are northeast or northwest facing. Consequently, within the envelope of the proposed building, I consider the most appropriate means of addressing the potential for excessive direct overlooking would be for the three one-bedroom apartments BA.0118, BA.0219 and BA.0319 to be omitted and the resultant area absorbed into the adjoining two-bedroom apartments BA.0119, BA.0220 and BA.0320 on the respective floors with revised window positions to avoid direct overlooking of apartments BA.0117, BA.0218 and BA.0318. These revisions can be requested as a condition in the event of a grant of planning permission.

12.7.19. Where balconies and terraces would be separated to serve adjoining or immediately adjacent individual apartments, some form of vertical screen would be necessary in providing privacy between the respective private amenity spaces. Vertical screening would also be required for some terraces and balconies within the quadrangle space to block A to avoid excessive direct overlooking, including the west side of the terrace serving unit BA.0114, and the balconies serving units BA.0214 and BA.0314. In block B vertical screens would also be required on the west side of the balconies and terraces serving units BB.0103, BB.0203 and BB.0303. A condition to address the above need for vertical screens should be attached in the event of a grant of planning permission.

12.7.20. In general, there is sufficient space fronting the buildings to ensure that the privacy of future residents of the ground floor or podium level units would not be substantially undermined by residents and the public passing by these windows. The proposed terraces onto the internal courtyard space serving block A apartments BA.0106, BA.0107, BA.0108 and BA.0115, and the terraces onto the public path to the north serving BA.007 and BA.008 would benefit from defensible space in the form of revised landscaping adjoining these terraces, in order to safeguard the privacy of future residents of these apartments. A condition to address the necessity for this revised landscaping should be attached in the event of a grant of planning permission for the proposed development.

12.7.21. The hedge planting proposed around the footprint of block C would create the defensible space required for ground-floor apartment BC.0003, however some form of landscaping would be necessary adjoining the terraces to ground-floor apartments BC.0001 and BC.0002 onto the proposed communal space. The landscape layout plan (drawing no. 19-015_LP-05-PP) details for the exterior to block A are not consistent with the landscaping on the site layout plan (drawing no. 1506D-OMP-00-SP-DR-A-1000), and as a result revised landscaping details to provide for defensible space adjoining to the front of all proposed terraces on the exterior of block A should be provided as a condition in the event of a grant of planning permission.

Furthermore, clarity is required regarding the layout of proposed block C, to provide for consistency between the floor plan drawings, the proposed site layout plan and the landscaping plan. For example, the bicycle store appears only to be accessible from the communal space that is enclosed by a hedgerow, despite there being scope for access from the main access to the building. Revised details should be requested as a condition to address the above matters.

Communal Open Space and Facilities

12.7.22. The applicant proposes the provision of a residents' amenity area amounting to 406sq.m at ground floor to proposed block A of the development, featuring amenity space for a residents' lounge and a gymnasium, alongside post, security, estate management, staff, stores and other ancillary spaces. I am satisfied that the provision of residents' amenity facilities for the largest of the apartment blocks would be comparable with other contemporary apartment schemes of a similar scale and would be in line with the provisions set out in the New Apartment Guidelines.

12.7.23. According to table 12.6 of the Development Plan and appendix 1 of the New Apartment Guidelines, the communal open space provision to serve the development should amount to a minimum of 5sq.m per one-bedroom unit, 7sq.m for a two-bedroom unit and 9sq.m for a three-bedroom unit. Based on the apartment mix only and these planning provisions, the proposed development would require 1,506sq.m of communal open space. According to the applicant, communal external amenity areas would be provided in the form of a 1,018sq.m podium-level courtyard and ground-floor space measuring 122sq.m to block A, a 400sq.m fourth-floor roof terrace to block B and a 203sq.m area to the west of block C, in total amounting to 1,743sq.m. The location of the communal space would be reasonably accessible to the future residents of the respective apartment blocks and I am satisfied that the provision of communal open space would positively contribute to the amenities of future residents, in conjunction with the alternative public and private open space proposed within the development.

12.7.24. There is variety in the function and appearance of the courtyard communal spaces, including the soft landscaping, seating and play equipment elements. The applicant has not assessed whether the communal open spaces would receive sufficient sunlight based on the BRE 209 Guide minimum requirements, however, given the results illustrated in the applicant's Daylight, Sunlight and Overshadowing Study, I am satisfied that it would not be likely for the communal open spaces serving the development to receive insufficient sunlight. In conclusion, I am satisfied that the proposed communal open space would provide a reasonable level of amenity for future residents of the apartment units in the development based on the relevant applicable standards.

Play Provision

12.7.25. Objective DMS75 requires the provision of appropriately scaled children's playground facilities within residential developments greater than 50 units at a rate of 4sq.m per residential unit. Further to this objective DMS76 of the Development Plan requires an equipped playground no less than 0.02ha to be included as part of children's play facilities with a minimum of one piece of play equipment per 50sq.m of playground.

- 12.7.26. On the basis of the subject proposals providing for 349 units and the specific requirements set out in objective DMS75, a total of 1,396sq.m would be required as playground facilities within the proposed development. The applicant states that seven pocket parks measuring between 510sq.m and 1,326sq.m would be provided within the housing areas north of the Kellystown Link Road. These parks would amount to 6,442sq.m and would feature kick-about and play areas, a small running track (70m), ping pong, chess, boules, yoga/dance, informal and social spaces. Other play areas are proposed in the proposed public parks to the south of the link road extension, including multi-use games area, playing pitch and a half-basketball court.
- 12.7.27. I am satisfied that the proposals feature a quality mix of recreation spaces, with an appropriate quantum, distribution and typology of spaces based on the scale and nature of the proposed development and the standards outlined in DMS75. The Planning Authority assert that insufficient detail has been provided regarding the play, outdoor exercise equipment and other amenities and I am satisfied that it would be reasonable to request clarification on such details as a condition in the event of a grant of planning permission for the proposed development.
- 12.7.28. Observers also refer to the potential need for ball-stop netting to be installed along the boundary with the St. Mochta's FC grounds. There would be approximately 15m to 20m of ground that is currently not used as sports playing fields between the proposed development boundary and the nearest of the playing fields. Proposed block A would be an additional 20m distance from this boundary. Consequently, given these separation distances (35m to 40m), the installing of ball-stop netting would not appear necessary to address potential impacts on the amenities of residents of the proposed development.

Childcare Facility

- 12.7.29. Observers assert that there would be insufficient childcare facilities in the area to accommodate the proposed development. Sections 3.6 and 12.8 of the Development Plan address the provision of childcare facilities with reference to the standards in the 'Childcare Facilities - Guidelines for Planning Authorities' (2001), as well as the encouragement of the provision of childcare facilities in appropriate locations. The Local Area Plan lists six childcare facilities within the immediate area.

The applicant has proposed a childcare facility at ground floor to proposed block B along a green infrastructure route, accompanied by a 441sq.m external play area. The applicant refers to the criteria used in guiding the scale of the facility, including the Childcare Facilities - Guidelines for Planning Authorities and the previous consideration of this matter under ABP ref. 308695-20, whereby a facility with capacity to serve 74 children was stated to be necessary. The proposed facility would need to cater for 71 childcare spaces according to the applicant when excluding the one bedroom units from the demand criteria, as provided for under the Childcare Facilities - Guidelines for Planning Authorities. According to the applicant, the proposed childcare facility featuring four children's rooms, a reception area, staff rooms, wash rooms and various stores, would have capacity for 74 children.

- 12.7.30. Fingal County Childcare Committee has not commented on the application. I am satisfied that the scale of the childcare facility proposed would be acceptable to serve the development based on the relevant standards and the proposed unit types. The Planning Authority require the proposed childcare facility to be provided in phase 1 of the development, which I note would feature 59 three or four-bedroom houses. As the Childcare Facilities - Guidelines for Planning Authorities require a childcare facility to accommodate 20 children for every 75 units, I am satisfied that it would be reasonable to provide this facility as part of the second phase of the proposed development, as provided for by the applicant in their phasing proposals.

Support Facilities

- 12.7.31. The observations assert that the neighbouring area would not have sufficient capacity to serve the existing population or the proposed increase in population, and that the applicant's Community Infrastructure Audit features limited justification for the proposals, including several inaccurate assertions and limited evidence based on contemporary data. The observers and An Taisce request that schools are provided in the first phase of the development of the Local Area Plan lands, as the existing neighbouring schools are oversubscribed and further schools are needed. The Planning Authority do not raise concerns with respect to the supporting infrastructure provision in the area, including schools, although the Elected Members of the Planning Authority require school and community facilities to be included as part of the proposed development.

12.7.32. The Local Area Plan lists the various schools, emergency services, healthcare, religious and recreation facilities in the immediate and wider area of the application site. Within their Community Infrastructure Audit, the applicant has addressed the provision of schools and other community facilities within 1km of the site, including health, sports, recreation, social, arts, cultural, religious and other facilities, which they have listed and mapped.

12.7.33. There are currently two primary schools and one post-primary school on Porterstown Road, comprising St. Mochta's National School, Scoil Choilm Community National School and Luttrellstown Community College. The Development Plan also contains a specific local objective for a school on the western side of the Kellystown Local Area Plan lands. The initial phase of the Local Area Plan development refers to a variety of infrastructures and services to be provided as part of the Phase I development on the Local Area Plan lands, but it does not refer to the provision of specific community facilities, other than the recreational amenities discussed above. The Local Area Plan sets out that the Department of Education has confirmed the necessity for both primary and post-primary school sites on the Local Area Plan lands. In addressing this, the Local Area Plan proposes the provision of a new primary school to accommodate an estimated 400 pupils and a post-primary school to accommodate an estimated 1,000 pupils in the heart of the Central Development Area forming part of the phase II development of the Local Area Plan lands. Within the initial stage of the Local Area Plan phase II development, land is to be reserved for the provision of a primary school to be made available to the Department of Education and prior to the occupation of housing in this phase, unless otherwise agreed with the Planning Authority. Land is also required to be reserved in phase II for the provision of a post-primary school to be made available to the Department of Education. The observers refer to objective DA 2.4 of the Local Area Plan as justifying the need for schools as part of the subject development. This objective requires the timely roll-out of permanent school facilities by the Department of Education as part of the key objectives for the Central Development Area, and, as such, I am satisfied that this does not strictly apply to development of the subject development in the Eastern Development Area.

12.7.34. The applicant states that they facilitated the development of the Scoil Choilm Community National School and Luttrellstown Community College by providing the

lands for these schools in advance of the development of the subject residential lands. It is also asserted by the applicant that the potential demand for school places arising from the proposed development would be absorbed in the existing and planned schools proximate to the application site.

12.7.35. Increased housing in locations such as this, ensure the efficient and increased use of existing and planned services in a formal manner, including schools and other social and physical infrastructure. Such services are dependent on a critical mass of population to justify the establishment of additional services or for them to remain viable. In the immediate and wider environs of the site there are schools, shops and medical facilities, all of which would benefit from the development. I acknowledge that observers assert that existing schools in the vicinity may not presently have capacity to serve the proposed development, however, the engagement by the Department of Education as part of the preparation of the Local Area Plan does not dictate that an additional school or schools would be necessary as part of the subject proposals, based on the phasing and development objectives of the Local Area Plan. The Planning Authority are satisfied that ongoing consultation with the Department of Education will be required to ascertain their requirements with regard to the delivery of school places to serve the Kellystown area and they do not object to the subject proposals in this regard.

12.7.36. In conclusion, the immediate area features an array of existing and proposed infrastructure and services that would be supported by the proposed development and which would be likely to support the proposed development as demand increases.

Waste and Recycling Management

12.7.37. The applicant has submitted an Operational Waste Management Plan identifying the likely volumes and types of waste and recycling that would need to be managed on site based on the nature and scale of the proposed development and planning policy. Drawings have been submitted identifying the locations of the individual bin stores to serve residents of the apartments and houses, as well as the management of the retail unit and the childcare facility. Two separate communal bin stores serving block A are proposed at ground floor on the northern side of the building, which the applicant states would also incorporate locked bins for the proposed retail

unit. Block B would feature separate ground-floor bin stores for the childcare facility and the residential apartments. A ground-floor bin store is also proposed on the northern side of the block C to serve future residents of this block. Waste marshalling areas for the residents and management of each of the apartment blocks are identified on the site layout plan drawing (no.1506D-OMP-00-SP-DR-A-1000). Swept-path or auto-track movement diagrams for a waste and recycling collection truck are illustrated on drawing no.15-038 P218 Revision B. The Planning Authority suggest that a number of the turning movements are tight and in some locations reliant on overrun areas adjoining parking areas. I note that the turning movement on road nos.4 and 6 would overrun proposed lamppost locations (refs. P61 and P54), as well as a tree. Notwithstanding this, minor alterations to the layout or movements can be facilitated to fully address the turning movement areas required and this can be agreed with the Planning Authority by condition in the event of a grant of planning permission for the proposed development.

- 12.7.38. For the proposed houses featuring external access to the rear, bin storage areas would be available in the respective rear gardens, while individual bin stores enclosed by brick walls and timber doors would be provided to the front of mid-terrace houses. I am satisfied that these bin stores would comfortably sit into the appearance of the streetscape and allow for the accommodation and screening of bins. I am satisfied that sufficient provision for waste and recycling collection, comparable with developments of a similar scale and nature, would appear to be provided as part of the development and in line with the Sustainable Residential Development Guidelines.

Building Lifecycle and Management

- 12.7.39. As required within the New Apartment Guidelines, a Building Lifecycle Report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents of the proposed apartments, has been included with the planning application. Various energy efficiency measures are listed, as are proposals with respect to the management and maintenance of the development, including LED lighting and air-source heat pumps. The Building Lifecycle Report does not refer to the photovoltaic panels identified in the drawings submitted at roof level on each of the proposed apartment blocks. Prior to the lease of individual

apartments, the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific Owners' Management Company.

Sustainability and Energy Efficiency

12.7.40. Under the heading Climate Change and Environmental Sustainability, the Local Area Plan refers to the need for proposed new buildings to meet the Building Regulations with regard to energy and environmental performance, including reference to heat pumps. Objectives PM12 and PM28 of the Development Plan promote energy efficiency in existing and new residential developments. An Energy Statement addressing the sustainability and energy efficiency of the proposed development has been submitted with the application and this includes specific reference to mechanical and electrical measures as part of the development strategy, which the applicant states would be finalised based on detailed designs. The applicant sets out heat sources and renewable energy options considered for the residential and non-residential elements of the proposed development, including gas-fired condensing boilers, solar panels, air-source heat pumps, electric heating with hot-water heat pumps and ventilation. A range of most likely measures are subsequently listed in the report to address energy savings in the development to make the buildings fully compliant with the requirements of Part L of the building regulations nearly zero-energy buildings (NZEBS).

12.7.41. I am satisfied that the information provided with the application reveals that due consideration for energy efficiency has been undertaken as part of the initial design of the development, in compliance with the Development Plan and Local Area Plan provisions. Further consideration of energy efficiency matters will be evaluated under a separate code, including Part L of the building regulations.

12.7.42. The applicant submitted a Noise Impact Assessment considering the impact of noise sources on the residential elements of the proposed development. This revealed that the embedded design features, including layouts and building orientation, would be suffice in ensuring that the noise levels would be within the prescribed limits.

Conclusion

12.7.43. In conclusion, subject to conditions, I am satisfied that the proposed development would provide a quality and attractive mix of houses and apartments, meeting the

relevant design standards and providing a suitable level of amenity for future residents.

12.8. Traffic and Transportation

- 12.8.1. Observers assert that the existing and proposed roads serving the area, would be inadequate and substandard to serve the proposed development, featuring insufficient capacity to cater for the additional traffic that would arise from the development and other neighbouring developments, with implications for pedestrian safety. The Transport Planning Division of the Planning Authority do not object to the proposed traffic and transport impacts, although they do require compliance with various conditions, including those relating to revised design details for Kellystown Link Road, which they refer to as Kellystown Avenue, and the junction with Diswellstown Road. Within the executive summary of the Local Area Plan and throughout this Plan, a key vision for this new urban neighbourhood is the use of sustainable modes of transport, promoting and encouraging pedestrian and cyclist movements.

Access Arrangements

- 12.8.2. I have addressed the provision of public transport services in this area in section 12.3 of this report when considering the density of the development, which indicated that the future occupants of the proposed development would be served by reasonable access to public transport, including rail services at Coolmine and Clonsilla railway station, and public bus services (routes 37, 39 and L52).
- 12.8.3. It is anticipated that vehicular access to the Local Area Plan lands would be primarily achieved via an extended Kellystown Link Road and it is imperative that the final design of this piece of infrastructure is cognisant of the fact that it would dissect the Local Area Plan lands, separating the housing area to the north from the recreational grounds to the south.
- 12.8.4. The applicant proposed to extend the existing 280m-long stretch of Kellystown Link Road by a further 160m distance in a westerly direction to provide access into the Local Area Plan lands, including aspects of the proposed development. Kellystown Link Road is proposed to be upgraded and extended to feature a width of 21.5m approaching the junction with Diswellstown Road and 20.25m west of the proposed

primary vehicular entrance to the development. The Planning Authority state that a Part 8 application is being prepared for this link road following the preparation of a preliminary design. The applicant's proposals for the design of upgrades to Kellystown Link Road appear to generally follow the details of the emerging route for the proposed Part 8 application based on details provided in the submitted Traffic and Transport Assessment Report.

- 12.8.5. The widening of the link road would appear to be provided to facilitate junction upgrade at Diswellstown Road. According to the Planning Authority, mitigation measures will be required to improve the performance of the Kellystown Link Road and Diswellstown Road junction, and this would also need to ensure that this would be a cycle-friendly junction.
- 12.8.6. The NTA highlight numerous concerns regarding the width of Kellystown Link road, particularly along the approach to the Diswellstown Road junction. In this regard the NTA state that the left-turn onto Diswellstown Road and the right-turn into the secondary emergency vehicular access should be omitted. In effect the NTA requests that the road provides for three vehicular traffic lanes, as opposed to the four proposed. According to the NTA, the reduced width of the carriageway to the link road would also allow for safer crossing of the road in line with the provisions of the DMURS and considerate of the Local Area Plan intention to serve the lands with high-quality walking and cycling routes.
- 12.8.7. I am satisfied that the requests outlined by the NTA with respect to a reduced number of traffic lanes would appear reasonable in attempting to make the crossing of Kellystown Link Road safer and more encouraging for pedestrians and cyclists to use. This approach would also be in line with the requirements for carriageways outlined in the DMURS. Such an approach could also address the request of the Planning Authority for a two-way cycle track to be provided on the northern side of Kellystown Link Road as far as the school entrance, as well as the provision of future bus stop locations. The NTA require repositioning of the proposed pedestrian crossing on Kellystown Link Road, in order to align with the internal desire lines within the school campus and to reduce the potential for conflict between children arriving on foot or bicycle and those accessing the school campus by car. Pedestrians and cyclist safety should be prioritised along Kellystown Link Road and at junction with Diswellstown Road, given the context relative to a schools campus

and the proposed recreational grounds to serve the new communities in this area. I am satisfied that the above elements of the link road can be redesigned and they can be undertaken without substantive interference with other aspects of the proposed development. These matters can be addressed as a condition in the event of a grant of planning permission for the proposed development.

- 12.8.8. As requested by the Planning Authority the extension and upgrade of Kellystown Link Road should be completed in advance of the occupation of any of the proposed units and the applicant appears to generally facilitate this via the inclusion of the road as part of the phase 1 element of the development, although the pedestrian and cycle paths at the western end would not be provided until the third phase (3a) of the development, when these paths would provide access to the remainder of the open space, including areas within the curtilage of proposed block C. Given the timeframe and layout for the proposed development and as the Local Area Plan envisages an east to west phased development progression with other extensive areas of land within the Eastern Development Area being earmarked for development in advance of lands to the west, I am satisfied that it would not be necessary for the subject stretch of pedestrian and cycle paths to be immediately provided as part of phase 1 to the subject development, as had been requested by an observer.
- 12.8.9. As addressed above, with the provision of an alternative looped route from Porterstown Road to the link road, there would not be a necessity for a secondary vehicular access from the link road running adjacent to the cycle and pedestrian route to be provided along the existing Porterstown Road alignment. This stretch of proposed new vehicular access road approximately 85m in length adjacent to the west of block A should therefore be omitted from the proposals and landscaped with scope for emergency vehicle access only.
- 12.8.10. The proposed development would also feature a revised vehicular access to Abbey Cottage along Porterstown Road. Sightline visibility is provided for all junctions within the development, with the exception of this revised vehicular access (drawing no.15-038-P203B). The existing capped boundary wall to the cottage with a height of approximately 1.1m would not substantially impede views northwards from the revised access with sufficient visibility of greater than 45m provided for in both directions along this 50km/hr stretch of road; in accordance with the DMURS. The landscape drawing (no.19-015_LP-03-PP) would suggest that a proposed 'street or

parkland tree' is to be planted on the immediate south side of this access and this would restrict visibility southwards along Porterstown Road when exiting the revised access. Consequently, in the event of a grant of planning permission for the proposed development, a condition should be attached to ensure visibility in southerly direction is not impeded from the revised vehicular entrance to Abbey Cottage.

12.8.11. As part of the measures to support use of sustainable modes of transport, the NTA request that development should focus on providing direct connections to the two rail stations, the bus network and providing optimum conditions for walking and cycling. An observer refers to the lack of safe pedestrian access and cycle links to Coolmine station to justify half of the future residents using this station. There is an existing unlit walkway along the canal leading to the station and the applicant indicates an alternative route to the station via Riverwood distributor road. The NTA require a condition to safeguard the future pedestrian and cycle connection across the railway line on Porterstown Road, however, as noted by the Planning Authority, the stated future intention for a pedestrian and cycle overbridge crossing the rail infrastructure would not appear to be directly impacted by the proposed development. As noted in section 12.4 above, I am generally satisfied that the layout and provision of cycle and pedestrian routes through the development north of the link road would be in line with the Local Area Plan requirements, subject to conditions, including further specific details of the routes, such as materials, markings, signage and tie-ins.

12.8.12. The proposed looped access route from the link road, which generally follows the looped access route indicated in the Local Area Plan and provides access to future development lands, would feature a carriageway width of 5.5m, with perpendicular and parallel parking bays, uncontrolled pedestrian crossings and raised tables situated along this road. The proposals feature bends placed strategically along the looped route to curtail vehicular speeds. The network of secondary roads of this loop road would feature 5m-wide carriageways and 4.8m-wide homezones with turning heads, although these widths would drop to approximately 3m at landscaped bays. Footpaths with a width of 2m would also run parallel adjoining or adjacent to both sides of the secondary roads. The applicant's Engineering Assessment Report asserts that the proposed development has been redesigned to accord with the parameters of the DMURS. A Stage 1 Road Safety Audit identifying nine issues to

be addressed, as well as swept path analysis drawings to show access for a refuse vehicle, have been submitted with the planning application. The Transportation Planning Section of the Planning Authority does not object to the roads layout and refers to various additional requirements that would need to be addressed at planning compliance stage, including the taking in charge details, which can be addressed as a condition in the event of a grant of permission for the proposed development.

12.8.13. In conclusion, subject to conditions, I am satisfied that the proposed development would feature appropriate access arrangements and would be provided with all necessary transport infrastructure to serve the proposed development. Subject to minor amendments and further details, the layout of the proposed development would generally be consistent with the standards set out in the DMURS.

Parking Standards

12.8.14. The applicant is proposing a total of 385 car parking spaces all at surface or below podium level to serve the development, nine of which would serve the childcare facility, five would serve the retail unit and three would serve the electricity substations. Table 12.8 of the Development Plan sets out a normal requirement for two car parking spaces for three and four-bedroom houses within this area and between one and two car parking spaces for apartments, plus one visitor space for every five apartments. A maximum of one space per two classrooms is allowed for childcare facilities. The proposed childcare facility featuring four classrooms and a play area would attract a requirement for two car parking spaces based on the Development Plan standards. The 349 residential units would normally attract a minimum requirement for 490 car parking spaces. Consequently, a shortfall of 178 car parking spaces arises for the residential element. The Transportation Planning Section of the Planning Authority assert that the proposed car parking provision would be acceptable based on the provisions of the New Apartment Guidelines and the Local Area Plan, as well as the site proximity to public transport and the omission of parking for the one-bedroom units. Observers assert that there would be insufficient provision of car parking for the apartments and that it would be unrealistic to consider the provision of public transport as negating the demands for car parking.

- 12.8.15. The applicant addresses the provision of car parking within their Material Contravention Statement in the event that the Board consider the proposals to feature a shortfall in car parking for the mid-terrace houses and retail unit that would materially contravene the standards of the Development Plan. Notwithstanding this, the applicant asserts that the quantum of car parking would be appropriate for the site having regard to the proposed provision of 22 motorcycle spaces and the provisions of the Development Plan, the Local Area Plan and the New Apartment Guidelines supporting reduced parking in locations such as the subject site.
- 12.8.16. National policy objective 13 of the NPF advocates car parking standards in urban areas based on performance criteria. The Local Area Plan supports reduced car parking in this location and requires a Mobility Management Plan setting out proposed measures to support reduced car dependency and an uptake in sustainable travel options. A Travel Plan is included in section 14 of the applicant's Traffic and Transport Assessment Report. It is stated that five to six car share spaces would be allocated within the completed development. The Sustainable Residential Development Guidelines advocate use of maximum car parking standards in statutory plans and the New Apartment Guidelines state that Planning Authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard in intermediate urban locations such as this and particularly for housing schemes of greater than 45 unit per hectare. The Development Plan states that the car parking standards are only to be used as a guide and they refer to Government policy aimed at promoting a modal shift.
- 12.8.17. I am satisfied that car parking standards below the normal Development Plan standards for the housing element of the proposed development would be reasonable based on the proposals, planning policy and site context. I am also satisfied that the car parking proposed would not reasonably be considered to materially contravene the Development Plan, given the minor shortfall proposed relative to guideline standards and the provisions of the Development Plan supporting Government policy supporting reduced car parking in locations such as this and developments of this nature. A car parking management strategy to allocate spaces can be a condition of the proposed development in the event of a grant of planning permission. The Planning Authority has requested two additional set-down parking spaces for the childcare facility based on the size of the facility only. As the

childcare facility has been designed based on the likely population arising from the proposed housing immediate to the facility and given the vision of the Plan to encourage more sustainable modes of transport, I am satisfied that there would not appear to be substantive rationale to increase car set down spaces for the childcare facility.

12.8.18. A total of 630 cycle parking stands are proposed to serve the development, in a mix of 402 covered and 228 uncovered spaces. When excluding houses with external access to the rear, based on the New Apartment Guidelines and the Development Plan standards the proposed development would attract a demand for 485 residential and four non-residential cycle parking spaces. Cargo and electronic bike parking spaces are allocated in secure areas to each of the proposed apartment blocks according to the applicant, although I only note provision for same within proposed block A. The Planning Authority are satisfied with the provision of cycle parking and I am satisfied that the general provision of cycle parking would be appropriate based on the relevant standards and given the layout, nature and context of the proposed development. Details of access to the bicycle stores serving blocks A and C is required and can be requested as a condition in the event of a grant of planning permission for the proposed development.

Traffic

12.8.19. The observers refer to an array of concerns regarding the potential for the development to increase traffic congestion already experienced in the area. The applicant submitted a Traffic and Transport Assessment Report with traffic surveys undertaken in September 2021 at six junctions in the immediate vicinity of the site. The assessment illustrates the traffic flows surveyed and sets out forecasts for three different potential traffic growth scenarios. The applicant chose a low growth scenario as being most likely to be applicable based on future public transport upgrade projects envisaged for the area. The potential modal split for the development in the opening year (2024) and beyond is calculated based on census data and the modal split envisaged within the Local Area Plan. The Local Area Plan forecasted that the majority of trips in the Local Area Plan lands would be via public transport in 2027, with a 70:30 rail to bus split.

- 12.8.20. The assessment suggested the number of additional vehicular trips in 2024 associated with the proposed development during the morning peak hour (8:00 to 09:00 hour) would comprise 121 outward trips, with 115 returning trips during the evening peak hour (17:00 to 18:00 hours). The applicant's assessment did not account for the childcare and retail uses proposed on site, as they are anticipated to only serve residents of the development and they would not place an additional loading on road capacity. Such an approach would appear reasonable. For the future year of 2029 (opening year +5), the overall Local Area Plan development is estimated to potentially generate a total of 1,204 car trips during the morning peak hour (438 inbound and 766 outbound) and 851 car trips during the evening peak hour (521 inbound and 330 outbound).
- 12.8.21. Consequent to the potential future impact of the DART+West project, the observers refer to concerns regarding the closing to through vehicular traffic of the railway level crossing on Porterstown Road and the potential for this to result in increased traffic along Diswellstown Road. The Planning Authority acknowledge that the DART+West project may result in the need to upgrade junctions in the vicinity, but this rail project is only in the initial design phase as it has not advanced to planning application stage.
- 12.8.22. Assessment of the critical junctions highlighted traffic flow increases of 2.61% to 3.70% for junctions 2 (four-armed roundabout at Clonsilla Road / Diswellstown Road) and 5 (four-armed roundabout at Diswellstown Road / Riverwood Road / Fernleigh Drive) and as the increase in traffic movement at these junctions would not surpass the 5% threshold increase set in the Traffic and Transport Assessment Guidelines 2014, further assessment of the traffic impacts at these junctions was undertaken. Both do-nothing and do-something scenarios were assessed and the assessment takes a conservative approach by accounting for the Kellystown Link Road / Porterstown Road T-junction only catering for emergency vehicle, pedestrian and cyclists movements. Existing congestion at the Diswellstown Road / Kellystown Link Road junction is acknowledged at the improvement works, including space provided as part of the proposed development to enable upgrade of the junction given that this is viewed as being critical within the Local Area Plan. Despite the expected increased traffic arising from the proposed development, as well as the other Local Area Plan developments, the Traffic and Transport Assessment

concluded that junctions 1 (priority T-junction at Clonsilla Road / Porterstown Road) and 3 (priority T-junction at Kellystown Link Road / Porterstown Road) exceeding the initial 5% thresholds would operate within capacity during peak hours in the do-something scenario, when accounting for the closure of the railway level crossing. For junction 6 (signalised T-junction at Diswellstown Road / Luttrellstown Road) the modelling revealed that the junction would operate within capacity and for junction 4 (signalised cross roads at Kellystown Link Road / Diswellstown Road) the revised configuration would allow for this junction to operate within capacity.

12.8.23. An observer refers to various aspects of the applicant's assessment as being flawed and based on limited survey data, including the trip generation data being based on the site being within an 'industrial' subcategory location. The trip generation data appears to be primarily based on a '03 - residential' land use and 'k - mixed private houses (flats and houses)', with the 'industrial' zone subcategory location a secondary filtering parameter. Coolmine industrial estate located 500m to the north of the application site, is referenced in the Traffic and Transport Assessment report when discussing the site context. I am satisfied that based on the information provided in the Traffic and Transport Assessment, a reasonable approach to modelling future vehicular traffic scenarios on the local road network with the development in place has been set out and this does not reveal substantive inconvenience for road users with adequate capacity for the additional traffic movements onto Diswellstown Road and the immediate junctions serving local traffic movements. The Planning Authority has not objected to the findings of the applicant's Traffic and Transport Assessment.

12.8.24. The site is located on zoned lands with reasonable access to an array of services. While the proposed development would provide for a substantive scale of development, it would also connect in with cycle and pedestrian infrastructure serving the site and the surrounding area. There would undoubtedly be some increase in traffic as a result of the proposed development, which would invariably add to any existing congestion in the area. However, traffic congestion at peak periods in suburban and urban areas, would be anticipated to occur intermittently and temporarily, and various measures and design features have been set out within the application and as part of the proposed development to upgrade junctions and support the use of public transport, cycling and walking, as alternatives to the use of

private vehicles. All road networks feature limited capacity in terms of the accommodation of private cars and increased population in locations such as the application site area, which are served by public transport and have the capability for additional public transport services as demand requires, should be developed in the interest of providing for sustainable communities.

Conclusion

- 12.8.25. In conclusion, subject to conditions, the proposed development would feature appropriate access arrangements in compliance with the Local Area Plan, it would not reasonably result in significant additional traffic congestion in the area and it would feature an appropriate provision of parking to serve future occupants.

12.9. Services and Drainage

- 12.9.1. The application was accompanied by an Engineering Assessment Report and this sets out how water supply and drainage services would be provided for the development.

Water Supply

- 12.9.2. In table 9 to their Engineering Assessment Report the applicant estimates the expected total water supply demand arising from the proposed development based on an occupancy of 942 persons, as well as an additional 132 persons arising from the operation of the retail unit and childcare facility. According to the applicant, there is an existing 200mm-diameter watermain running along Diswellstown Road and Kellystown Link Road, as well as a 4-inch diameter watermain running along Porterstown Road. The proposed development would connect into the existing water supply infrastructure on Kellystown Link Road close to the existing junction with Porterstown Road. An end cap for future connection to the watermain along Porterstown Road would be provided on proposed road no.10 of the proposed development.
- 12.9.3. Irish Water who maintain and manage the existing water supply infrastructure did not respond to An Bord Pleanála following notification of the application by the applicant. Appendix A of the applicant's Engineering Assessment Report is stated to comprise correspondence from Irish Water addressing confirmation of feasibility and a statement of design acceptance for a project comprising 365 housing units, a crèche

and a retail unit. This correspondence is stated to confirm that a connection to the Irish Water supply network would be feasible without infrastructure upgrade works and subject to standard connection agreements. The Water Services Department of the Planning Authority accept the water supply proposals subject to compliance with Irish Water Code of Practice and infrastructure standard details, as well as standard connection agreements with Irish Water. The previously refused development under ABP ref. 308695-20, including the response form Irish Water, did not raise any concerns regarding the water supply proposals, including the capacity of the network.

Wastewater Services

- 12.9.4. Foul water arising from the proposed development, as well as Abbey Cottage along Porterstown Road, would initially drain to a wastewater pumping station. Objective 11.8 of the Local Area Plan states that where a pumping station is required to service the lands, its location shall be subject to agreement both with Irish Water and the Planning Authority. The proposed pumping station would be constructed on the southern side of the Kellystown Link Road in a location 97m from the nearest proposed residential units (block C), which the applicant asserts to be cognisant of the alignment of the blue SUDS infrastructure proposals in the Local Area Plan, objective WT12 of the Development Plan requiring a 35m development buffer zone for such infrastructure and based on agreements with Irish Water and the Planning Authority. This pumping station would have capacity for 24-hour storage from the subject development and has been designed to accommodate the remainder of the Local Area Plan lands should they be developed in the future in line with the Plan, with the level of the pumping station set to accommodate draining by gravity of foul wastewater arising.
- 12.9.5. Foul waters would be pumped from the station towards an existing 375mm-diameter foul sewer on Porterstown Road draining into the 750mm-diameter gravity sewer on Ongar Road. This sewer subsequently drains into the Dublin drainage scheme sewer discharging to Ringsend WWTP for treatment. The submission from Inland Fisheries Ireland (IFI) asserts that Ringsend WWTP is operating at or above capacity and will not be upgraded until 2023. The timelines within the applicant's Preliminary CMP suggest that the first 160 houses would require a year to construct, which would at worst tie in with the timeline for the upgrade works suggested by IFI.

- 12.9.6. To alleviate drainage towards the 375mm-diameter foul sewer on Porterstown Road, it is proposed to divert the existing Porterstown Foul Water Pumping Station eastwards to the 375mm gravity sewer on the Carpenterstown Road. This requires a 40m extension of the existing unused rising main east of the Porterstown Road Foul Water Pumping Station to connect into the 375mm sewer on Riverwood distributor road. As noted above, Irish Water has not responded to consultation on the application, however the applicant has been issued with a Confirmation Letter of Feasibility and a Statement of Design Acceptance for the development (appendix A to the Engineering Assessment Report), which appears to confirm a connection to the existing wastewater network would be feasible, subject to the upgrades proposed as part of this application. Irish Water and the Planning Authority had not objected to the wastewater drainage proposals of a very similar nature and scale that had been set out in the application to the Board under ABP ref. 308695-20. The Planning Authority accept the subject wastewater drainage proposals, subject to standard conditions.

Water Drainage and Flood Risk

- 12.9.7. A Hydrological and Hydrogeological Qualitative Risk Assessment has been undertaken as part of the design for the project surface water drainage proposals. Within their Engineering Services Report the applicant sets out the drainage pattern for the area primarily comprising surface waters draining southwest through a series of ditches, that drain into drainage channels streams and ponds within the Luttrellstown Golf Club. These surface waters subsequently, drain into the Rusk River with an outfall to the River Liffey. There is an existing 1,200mm-diameter surface water sewer generally running east-west through the northern section of the site from the Diswellstown Road to a drainage ditch on the western side of the site. A section of this surface water sewer would be decommissioned and realigned along the proposed roads within the development. There is an existing underground attenuation tank on site serving the Diswellstown Road overpass and this would be relocated to the public domain as part of the subject proposals to accommodate the footprint of block A. The Planning Authority welcome relocation of this tank.
- 12.9.8. The proposed development site would feature four catchments for the purposes of surface water drainage management with a surface water drainage network to be constructed on site, which would not drain into the existing surface water sewer

proposed to be realigned on site. Surface waters would drain into an existing drainage ditch on the southwest boundary of the site. As noted in the applicant's Ecological Impact Assessment, the drainage ditches are often dry. Surface waters would be managed through a series of SUDS measures, including source control measures consisting of permeable paving, green/sedum roofs to each of the three proposed apartment blocks, filter drains, and bio-retention systems/rain gardens, such as planter boxes. The proposed site control SUDS measures would also include roadside trees and swales within the western boundary green space. Regional control SUDS measures are stated to comprise a pond with forebay, which has been designed to accommodate surface water for a 1 in 100-year flood event. The regional control SUDS measures currently are suggested to form phase 2 of the development, however, these works should be brought forward as a condition of the permission to phase 1 of the development as necessary services for the initial housing element.

- 12.9.9. The SUDS measures have been designed to ensure runoff is treated to the standards outlined in the Greater Dublin Strategic Drainage Study – Regional Drainage Policies Technical Document - Volume 2 New Development (March, 2005). Runoff would be limited to either QBAR or to 2 l/s/ha, whichever is the greater with a flow-control device to ensure that the discharge rate is limited to the greenfield equivalent and ample attenuation is provided for, including a 20% increase due to climate change. Notwithstanding this, standard stormwater audits can be requested via condition to ensure the satisfactory undertaken and operation of the installed system. The Planning Authority do not object to the subject proposals and they acknowledge that comments previously raised have been addressed as part of the subject proposals.
- 12.9.10. Section 11 of the Local Area Plan addressing water and infrastructure services refers to the flood risk management measures required as part of development proposals on the subject lands. The applicant has submitted a Site Specific Flood Risk Assessment, which identifies the potential flood risks arising from the proposed development, as well as the measures that would be implemented to address the risk of flooding, including the sizing and design of the on-site drainage systems, the implementation and maintaining of SUDS measures, the provision of appropriate finished-floor levels and flood routing. Only a low residual risk of flooding via pluvial,

groundwater and human/mechanical error sources would be expected to arise according to the applicant. Surface water runoff from the site would discharge to the forebay and pond to be constructed in the southern lower section of the site, and the proposed development would not have substantive impacts on lands upstream or downstream of the subject site with scope for the proposed attenuation pond to be enlarged to accommodate development on the other Local Area Plan lands, if required. Given the proximity of the pond and forebay features approximately 11m from the drainage ditch, the potential to enlarge these further in future and the separation distance requirements set out in the Inland Fisheries Ireland 'Planning for Watercourses in the Urban Environment', it may be prudent for the proposed regional control SUDS features to be repositioned further from the drainage ditch. This can be addressed as a condition should a planning permission be granted for the development.

- 12.9.11. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities', the proposed development is a 'highly vulnerable' land use or type of development, and the site is within an area of low probability for flooding (flood zone C). Accordingly, the proposed development would be appropriate for this site from a flood risk perspective and a justification test for the proposed development would not be necessary. The Planning Authority accept that the proposed development is acceptable from a flood risk perspective.

Conclusion

- 12.9.12. In conclusion, I consider the water supply, wastewater and surface water drainage proposals to serve the proposed development to be satisfactory, subject to appropriate and standard conditions, including a condition requiring all services intended to serve future development on adjoining lands to be completed up to the site boundaries. Furthermore, the proposed development would not be at substantive risk of flooding and would not present a substantive risk of flooding to other lands.

12.10. Built and Natural Heritage

Local Ecological Impacts

- 12.10.1. Large-scale housing proposals on the Local Area Plan lands are required to include details for the protection and management of local biodiversity features. This site lies on the edge of an urban area and current land uses in the vicinity are detailed in section 2 above. Observers assert that consideration must be given to the impact of the development on biodiversity and wildlife with concerns expressed in relation to the loss of hedgerows and the potential impacts on wildlife associated with the neighbouring Royal Canal pNHA, as highlighted in the Board's refusal of planning permission for development on the Old Clonsilla School site (ABP ref. 309622-21).
- 12.10.2. An Ecological Impact Assessment was submitted with this application following five habitat, breeding bird and mammal field surveys between February 2019 and June 2021, as well as additional mammal trail and bat surveys. The applicant's assessment outlines the habitats and species identified on site during surveys, as well as referring to designated sites for nature conservation in the vicinity, including the Royal Canal pNHA (site code: 002103) located approximately 20m to the north of the application site and the Liffey Valley pNHA (site code: 00128) located approximately 300m to the south of the application site within Luttrellstown Castle demesne.
- 12.10.3. The site is stated by the applicant to primarily feature improved agricultural grassland (GA1) and dry meadows and grassy verge (GS2) habitats, with other habitats on site categorised into buildings and artificial surfaces (BL3), spoil and bare ground (ED2), recolonising bare ground (ED3), drainage ditches (FW4), hedgerows (WL1), treelines (WL2), scrub (WS1) and immature woodland (WS2) / scrub (WS1). It features numerous trees and hedgerows, considered to be of county importance, and the applicant states that 615m of this habitat would be removed as part of the project. These trees and hedgerows are primarily located on the field boundaries along the periphery of the site, although the majority of hedgerows to be removed traverse the internal development areas of the site. The loss of hedgerows is considered by the applicant's ecologist to be significant at a local geographical scale, while the applicant's arboriculturalist found the majority of the hedgerows on site to be of mediocre or poor quality. A detailed list of tree species and their conditions is

provided in the applicant's Arboricultural Report with Ash dominating the trees surveyed on site and other trees comprising Elm, Sycamore and Oak.

12.10.4. No evidence of badger, otter or other protected mammals using the site was recorded, although it was considered possible that the hedgerow habitat on site would be suited to supporting pygmy shrew and hedgehog. Otters are known to use the canal corridor northwest of the site. Rabbits and stoats were observed using the site, and a fox's den was identified south of the application site across from the existing schools. The site was considered of local importance for mammals based on the survey undertaken. Potential impacts on bats are considered further below. Amphibian species were not recorded on site, although drainage ditches may present suitable breeding habitat for these species following heavy rain. Grassland, hedgerow, treeline and scrub habitat on the proposed development site are considered to be of importance to nesting birds in the area, although no red-listed birds were recorded as using the site. The site was considered of local importance for birds based on the range identified as using the site, including the amber-listed birds, Goldcrest, Starling and Willow warbler, and 12 green-listed birds displaying breeding behaviour on site. The habitats on site were considered to be suitable to support wintering birds. No invasive species listed in the third schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 were identified on site during surveys, although five non-native invasive species were identified, including Old man's beard, Sycamore, Douglas Fir, Himalayan honeysuckle, Cherry Laurel and False acacia.

12.10.5. The development site is considered to be of low to county-level ecological importance. The site was noted not to be hydrologically connected to the Royal Canal pNHA, and the temporary disturbance of wildlife species using this corridor would not affect the integrity of the pNHA, particularly given the presence of the operational railway line between the site and the pNHA and the wider residential character of the area. Cumulative impacts of the proposals with the potential future pedestrian and cycle route along the canal are not expected to be significant for local ecology given the existing extent of human and vehicle-related disturbance in the area.

12.10.6. The site is hydrologically connected to Liffey Valley pNHA and to address potential impacts of this pNHA the applicant sets out a range of measures to protect water

quality during both the construction and operational phases of the proposed development. The measures listed, including bunding, spill kits, fuel separators, buffers, flow-control devices and SUDS, are typical and well-proven construction and operational methods for surface water management that would be expected by any competent developer for a residential development on any site. The Minister for Housing, Local Government and Heritage require the water quality control measures to be implemented in full and listed within a CEMP for the project. Measures to address water quality are also referred to by Inland Fisheries Ireland and these measures, which are standard for a development of this nature, can be included as part of the final CEMP for the project. I am satisfied that a final CEMP for the project can be requested as a condition in the event of a grant of planning permission for the proposed development.

12.10.7. While substantive sections of hedgerow habitat would be removed, the applicant sets out that 620m of high value hedgerow habitat would be maintained. As noted by An Taisce in objecting to the proposed loss of hedgerows on site, there is scope for some of the hedgerow to regenerate and provide improved habitat. The applicant considers the extent of hedgerow loss to be compliant with the provisions of the Local Area Plan, including objective 4.7 requiring the retaining of existing treelines and hedgerow, as well as enhancement of these features, and objective DA 1.5 requiring existing trees and hedgerows to be protected and retained as far as is practicable. As highlighted above with respect to the principle of removing hedgerows on site, I am satisfied that a sustainable approach has been taken by the applicant in terms of the maintaining and removal of hedgerows on site based on the provisions of the Local Area Plan, which provide for a substantive housing development on the northern portion of the site.

12.10.8. The applicant sets out various measures to protect vegetation during the construction period, including temporary fencing to root protection areas, buffer zones and planting with native hedgerows. To address the potential impact on stoats a pre-construction survey would be undertaken and any active dens protected and retained until such time as young have left the den and based on the supervision by an ecologist. Other habitat in the neighbouring area, as well as the dark corridor along the western hedgerow boundary to the site are anticipated as offering alternative habitat and commuting corridor for mammals, such as stoat. Birds on site

would be expected to be habituated from human and vehicle-related disturbance existing in the area and, according to the applicant, no removal of vegetation would occur during the bird nesting period, as is required by the Minister for Housing, Local Government and Heritage.

12.10.9. Biodiversity and ecological enhancement measures are listed by the applicant in their Ecological Impact Assessment primarily based on the landscape plans for the development relating to planting of flora, the construction of an attenuation pond and the installing of bird boxes. After mitigation, the applicant asserts that the proposed development would avoid or minimise the effects on the receiving ecological environment. With the implementation of the identified measures, I am satisfied that the residual impact on local ecology would be no more than moderate-negative at a local level and the proposals adhere to the requirements of the Local Area Plan requiring protection and management of local biodiversity features.

Bats

12.10.10. Bat surveys of potential roosts, buildings, dusk activity and dawn activity were undertaken between February 2019 and July 2021, including during peak season. No bats entering roost sites were recorded during the surveys, although several bats were recorded in close proximity to the farm buildings proposed to be demolished on site. Potential roost sites for bats were identified in the farmhouse buildings and trees on site. Four species of bats were identified foraging or commuting through the site, including the areas along Diswellstown Road and Kellystown Link Road, with the hedgerow features considered to be of local importance as commuting corridors for bats. According to the applicant, extensive alternative suitable foraging and commuting habitat within the core sustenance zone for bats was identified in the neighbouring area.

12.10.11. To avoid displacement of commuting or foraging bats, the applicant proposes to incorporate bat-sensitive lighting as part of their proposals for the construction and operational phases, despite the applicant's assertion that bats within this area are likely to be habituated to artificial lighting based on the survey results. I am satisfied that this can be requested as part of the condition requiring finalised lighting proposals. A project ecologist would be engaged to inspect any works involving the removal of trees or demolition of buildings to avoid any potential for loss of bats during these

works. To encourage nesting, the applicant's Landscape Plan sets out that three bat boxes are to be installed. The Minister for Housing, Local Government and Heritage requires the bat mitigation measures to be implemented in full. Accordingly, given the absence of bats found to be roosting on site, the extent of the identified potential roosts sites and the extent of bat activity noted throughout the site and within the area, I am satisfied that, subject to conditions and the stated measures being implemented in full, there would not be a significant adverse impact on bat populations, as a result of the proposed development.

Trees

- 12.10.12. The observations submitted object to the extent of tree removal proposed as part of the development. Following a tree survey, 31 of the 63 trees were identified for removal, including 14 grade 'C' trees of low quality and limited value, four grade 'B' trees of moderate quality and 13 grade 'U' trees, which are stated to be trees in poor quality, dangerous or diseased with no realistic sustainability. The majority of the trees to be removed are in roadside locations on raised ditches along Porterstown Road and trees in poor condition along the western hedgerow boundary.
- 12.10.13. Proposals with respect to tree protection were submitted as part of the tree protection drawings, and trees to be removed are identified on a tree constraints drawing. Replacement tree planting would be undertaken throughout the site, as illustrated and listed on the applicant's planting plans (drawing nos. PP-02-PP to PP-10-PP inclusive).
- 12.10.14. As noted above there is an objective in the Development Plan to protect and preserve trees, woodlands and hedgerows in a location within the northern portion of the site off Porterstown Road. I am not aware of a tree preservation order relating to the site and the applicant's tree survey does not identify any trees in the location of this objective. The most visually impressive of the trees on site are situated along the central section of the western boundary to the site, with many of the trees in this location intended to be protected during the construction works and maintained as part of the development. The extent of tree removal would only have minor impacts along the roadside areas and with the maturation of compensatory replacement

planting this would allow for screening of the development and some maintenance of the character of the area.

- 12.10.15. I am satisfied that given the extent of trees to be maintained on site and the trees to be protected, the stated condition of the trees on site and the proposed provision of replacement tree planting, a sustainable approach to developing the site has been set out in this regard. In the event that permission is granted for the proposed development, I recommend the attachment of conditions with respect to the engagement of an arborist as part of the landscape works to best provide for the protection of any trees and hedgerows proposed to be maintained on site.

Architectural Heritage

- 12.10.16. The applicant's Archaeological Assessment report and Landscape and Visual Impact Assessment identify the locations of neighbouring properties that are listed in the NIAH, as well as the Protected Structures to the north of the site; Keenan Bridge (RPS ref. 698) and the Keeper's cottage (RPS ref. 699). The Royal Canal is also a Protected Structure (RPS ref. 944a) and there are other Protected Structures to the southeast of the site off Luttrellstown Road (RPS ref. 945 - The Gables) and Porterstown Road (RPS ref. 727 - Home Villa and 728 - Annfield). The ACA for Luttrellstown is 70m from the southwest corner of the site and 350m from the proposed housing area on site. This neighbouring ACA appears to be of special interest for the stonewall enclosed parkland setting to Luttrellstown Castle demesne. Fáilte Ireland and The Heritage Council did not respond to the Board following notification of the application.

- 12.10.17. Given the separation distance of the proposed housing area on site from the ACA, as well as the nature and scale of the proposed works closest to the Protected Structure, primarily comprising the laying of underground engineering services and the revised access to Abbey Cottage, the proposed development would not reasonably have any appreciable permanent impact on the character or setting of the ACA or the closest Protected Structures. Other buildings and structures included in the NIAH, such as Porterstown School House (NIAH ref. 11.361.001), a water pump (NIAH ref. 11.361.002) to the north on Porterstown Road and Home Villa on Diswellstown Road (NIAH ref. 11.361.008), are at a sufficient remove from the site, not to have their character and setting impacted upon by the development.

12.10.18. Objective DMS80 of the Development Plan aims to 'ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments'. The historical townland boundary between Kellystown and Porterstown follows the western boundary of the site, which is intended to remain as part of the subject development. Accordingly, the proposed development would not conflict with objective DMS80. In conclusion, the proposed development would not appear to contradict any guidance within the Architectural Heritage Protection – Guidelines for Planning Authorities (2011) and would not have substantive impacts on the architectural heritage of the area.

Archaeology

12.10.19. To protect undiscovered archaeological features, the developers of the Local Area Plan lands are required to make provision to allow for and fund all required archaeological investigation that may be needed in accordance with the National Monuments legislation. An Archaeological Assessment report was submitted as part of the application and this considered the site to be in an area of relatively low archaeological potential with no known cultural heritage features on site. The assessment identifies locations of existing recorded monuments and places (RMPs) and archaeological investigations in the vicinity of the site. Known archaeological sites, finds or find spots were not identified within 500m of the site. Chronological review of placenames and mapping identifies the historical townland boundary following the western boundary of the site and the location of the former Porterstown House in the area of the existing ruinous structures on site. The applicant recommends a programme of geophysical surveying on site prior to any groundworks and archaeological monitoring. The Minister for Housing, Local Government and Heritage requires test trenching to also be undertaken, as well as archaeological monitoring and reporting.

12.10.20. I am satisfied that the results of the applicant's initial archaeological assessment would not give rise to a situation that would preclude the granting of permission or the construction of the proposed development. Notwithstanding this, given the potential for unknown archaeological features to survive on site, a condition similar to that required by the Minister for Housing, Local Government and

Heritage would appear reasonable and necessary to attach in the event of a grant of permission for the proposed development.

12.11. Material Contraventions

- 12.11.1. Under the provisions of section 9(6) of the Act of 2016, the Board may decide to grant a permission for a proposed strategic housing development where the proposed development, or a part of it, contravenes materially the Development Plan relating to the area concerned, albeit with exception to a material contravention of land-use zoning objectives and subject to circumstances provided for under section 37 of the Act of 2000, as outlined below.
- 12.11.2. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000, notwithstanding that the proposed development materially contravenes the Development Plan and the Local Area Plan with regard to specific statutory planning requirements.
- 12.11.3. The applicant addresses the potential for the Board to consider that a material contravention would arise consequent to non-compliance of the proposals with the land-use zoning objective for the sites, specifically the location of a pumping station on lands zoned 'open space' (zoning objective 'OS') in the Development Plan. The observers assert that the proposed development would materially contravene the Development Plan provisions with respect to the 'RS' zoning objectives. However, for reasons outlined above in section 12.2, I am satisfied that a material contravention with respect to current land-use zoning objectives would not arise in the case.
- 12.11.4. The applicant addresses the potential for material contraventions to arise with respect to the proposed development and Development Plan provisions relating to the relocation of St. Mochta's FC grounds (objective BLANCHARDSTOWN 18) and car parking standards (table 12.8). The applicant also addresses the potential for material contraventions to arise with respect to the proposed development and Local Area Plan provisions relating to hedgerow retention and protection (objectives 6.11, DA1.5, DA 1.14, 8.3, 8.4, 8.5, 8.7, 8.8, 8.9 and 8.13), the indicative green corridor alignment (objective 9.12), public open space configuration and the phased delivery

of class 1 public open space (objectives 9.4, 9.5, 9.7, 9.8 and 9.12). For reasons outlined above, I am satisfied that material contraventions would not arise regarding these matters.

12.11.5. The observers refer to potential for material contraventions to arise with respect to the proposed development and the provisions of the Development Plan relating to the removal of hedgerows (objective NH27), the impact on a highly-sensitive landscape and objectives CLONSILLA 1 to 5 inclusive. The observers also refer to potential for material contraventions to arise with respect to the proposed development and the provisions of the Local Area Plan relating to the removal of hedgerows and the lack of commitment to relocate St. Mochta's FC grounds (objective DA1.1). For reasons outlined above, I am satisfied that material contraventions would not arise regarding these matters.

12.11.6. I am satisfied that a material contravention of the Development Plan or the Local Area Plan would not arise with respect to the proposed development.

13.0 Environmental Impact Assessment Screening

13.1.1. The applicant has addressed the issue of EIA within an EIA Screening Report, which contains information to be provided in line with Schedule 7A of the Planning Regulations. I have had regard to same in this screening assessment. The information provided by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Where an application is made for subthreshold development and Schedule 7A information is submitted by the applicant, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.

13.1.2. This proposed development is of a class of development included in Schedule 5 to the Planning Regulations. Schedule 5 to Part 2 of the Planning Regulations provides that mandatory EIA is required for the following classes of development:

- Class 10(b)(i) construction of more than 500 dwelling units,

- Class 10(b)(iv) 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.

*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

13.1.3. Class 14 of Part 2 to Schedule 5 of the Planning Regulations provides that mandatory EIA is required for:

- works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

13.1.4. The development would provide for the demolition of a farmhouse and associated outbuilding structures and the construction of 349 dwelling units, a childcare facility, a retail unit, road improvement and extension works, associated infrastructural upgrades and recreation grounds, all on a gross site measuring 9.73 hectares in a non-business district on the edge of a built-up urban area. The net proposed residential area of the development site amounts to 5.7ha. Having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Planning Regulations, the proposed development is subthreshold in terms of the mandatory submission of an EIA. The nature and the size of the proposed development is below the applicable class 10(b) thresholds for EIA. Further consideration with respect to 'class 14' demolition works is undertaken below.

13.1.5. The criteria within Schedule 7 to the Planning Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential and associated uses proposed would be similar to the surrounding land uses in the area to the north and east. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The agricultural use of part of the site is noted, and significant constraints in developing the site at the scale proposed have not been identified. The development would be served by municipal foul wastewater drainage and water supplies. The site is not subject to any architectural or nature conservation designation and does not support

substantive habitats or species of conservation significance, as highlighted in the applicant's Ecological Impact Assessment and addressed in section 12.10 above. Connectivity of the site with protected habitats is considered further below in section 14 of this report. The site is considered to be of relatively low archaeological potential with no known cultural heritage features on site.

13.1.6. The reports submitted with the application, as listed in section 3.3 above, address a variety of environmental issues and the environmental impacts of the proposed development. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application, including the following:

- Planning Report and Statements of Consistency (including Statement of Response);
- Appropriate Assessment Screening Report;
- Environmental Impact Assessment Screening Report;
- Regulation 299B Statement;
- Architectural Design Statement (including Statement of Consistency and Statement of Universal Design);
- Engineering Assessment Report (including Road Safety Audit);
- Preliminary Construction Management Plan;
- Landscape & Visual Impact Assessment;
- Ecological Impact Assessment;
- Hydrological and Hydrogeological Assessment.

13.1.7. In addition, noting the requirements of Section 299B(1)(b)(ii)(II)(C) of the Planning Regulations, the applicant has provided a statement indicating how the available results of other relevant assessments of the effects of the project on the environment carried out pursuant to European Union legislation other than the EIA Directive have

been taken into account. In this regard I note the following EU Directives and regulation are directly addressed by the applicant in their document titled 'Relevant Assessments Regulation 299B Statement':

- Directive 92/43/EEC – Habitats Directive;
- Directive 2009/147/EC – Birds Directive;
- Directive 2001/42/EC – Strategic Environmental Assessment Directive;
- Directive 2000/60/EC - Water Framework Directive;
- Directive 2008/98/EC - Waste Framework Directive;
- Seveso Directive 82/501/EEC, Seveso II Directive 96/82/EC and Seveso III Directive 2012/18/EU - Risk of Major Accidents;
- Directive 2007/60/EC - Floods Directive;
- Directive 2008/56/EC - Marine Strategy Framework Directive;
- Directive 2008/50/EC - Ambient Air Quality / Clean Air for Europe Directive;
- Regulation (EU) 1315/2013 – Trans-European Networks in Transport, Energy and Telecommunications Regulation;
- Directive 2010/75/EU - Industrial Emissions Directive;
- Directive 2002/49/EC - Environment Noise Directive.

13.1.8. As part of their Appropriate Assessment Screening Report the applicant has addressed the Habitats Directive (1992/43/EEC) and the Birds Directive (2009/147/EC). As part of the Preliminary CMP the applicant has referred to the European Commission Directive 2000/14/EC, while there are other references to the Directives referred to above in the application documentation. Under the relevant themed headings, the EIA screening information prepared by the applicant addresses the implications and interactions of the proposed development, and concludes 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 for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the

Strategic Environmental Assessment of the Development Plan and the Local Area Plan.

- 13.1.9. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects that would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility, and this opinion extends to my conclusion that the proposed development is subthreshold in terms of the mandatory submission of an EIA based on class 14 of Part 2 to Schedule 5 of the Planning Regulations. In these circumstances, the application of the criteria in Schedule 7 of the Planning Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required should a decision to grant planning permission for the project be arrived at. This conclusion is consistent with the EIA screening information submitted with the application. Overall I am satisfied that the information required under article 299B(1)(b)(ii)(II) of the Planning Regulations has been submitted. A Screening Determination can be issued confirming that there is no requirement for an EIAR to be prepared for the project based on the above considerations.

14.0 Appropriate Assessment

- 14.1.1. The requirements of Article 6(3) of the Habitats Directive, related to screening the need for appropriate assessment (AA) of a project under section 177U of the Act of 2000, are considered in the following section.

14.2. Compliance with Article 6(3) of the EU Habitats Directive

- 14.2.1. The Habitats Directive deals with the conservation of natural habitats, including wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or

in combination with other plans or projects, shall be subject to AA of its implications for a European site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given. The proposed development in the townlands of Diswellstown, Kellystown and Porterstown in west County Dublin, is not directly connected to or necessary to the management of any European site and, therefore, is subject to the provisions of Article 6(3) of the Habitats Directive.

14.3. Stage 1 AA Screening

- 14.3.1. The applicant has submitted an AA Screening Report dated December 2021 and prepared by professional ecologists from Scott Cawley. This report initially provides a description of the proposed development and identifies European sites within the possible zone of influence of the development.

Site Location

- 14.3.2. A description of the site is provided in section 1 above and throughout the assessments above. The site features several agricultural fields and adjoining and neighbouring stretches of roads. The site is stated by the applicant to be dominated by habitats comprising improved agricultural grassland (GA1) and dry meadows and grassy verges (GS2), with other habitat categories on site comprising buildings and artificial surfaces (BL3), spoil and bare ground (ED2), recolonising bare ground (ED3), drainage ditches (FW4), hedgerows (WL1), treelines (WL2), scrub (WS1) and immature woodland (WS2) / scrub (WS1).
- 14.3.3. The Royal Canal is situated 20m to the north of the application site. As noted above, the applicant's Engineering Assessment Report outlines that based on the reported hydrogeological and hydrological data surface waters from the site drain southwest through a series of ditches into drainage channels and ponds within the Luttrellstown Golf Club. Following this, the surface waters drain into the Rusk River before draining into the River Liffey. The River Liffey is located approximately 900m to the south of the application site flowing east towards Dublin Bay. Dublin Bay has a 'good' water quality status and is not at risk of achieving good water quality for the purposes of the Water Framework Directive. No Annex I habitats were recorded within the application site during the applicant's habitat surveys and no species listed

for protection under the Habitats Directive or the Wildlife Act were recorded as using the site. No invasive species listed in the third schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 were identified on site during surveys.

Proposed Development

14.3.4. A detailed description of the proposed development is provided in section 2 above and expanded upon below where necessary. Details of the construction phase of the development are provided throughout the application documentation, including the Preliminary CMP. Foul wastewater from the operational phase of the proposed development would discharge to the public network for treatment at the Ringsend Wastewater Treatment Plant (WWTP). Following various standard practice construction site environmental management measures, as well as SUDS measures during the operational phase, surface waters would be discharged into a dry drainage ditch running along the south west boundary of the site. Ultimately the resultant surface waters and treated wastewaters from the proposed development would drain to Dublin Bay.

14.3.5. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- Construction Phase – demolition, surface water runoff, disturbance and emissions, including dust, noise and vibration;
- Operation Phase – disturbance, surface water runoff and emissions to water.

Submissions and Observations

14.3.6. The submissions and observations from observers, the Planning Authority and prescribed bodies are summarised in sections 9, 10 and 11 of this Report. The Planning Authority refer to An Bord Pleanála as being the competent authority for the purposes of appropriate assessment of strategic housing development applications. IFI require the proposed infrastructure to serve the development to have sufficient capacity to protect the ecological integrity of the receiving aquatic environment.

European Sites

14.3.7. The nearest European sites to the application site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), comprise the following:

Table 5. European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
001398	Rye Water Valley / Carton SAC <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] • <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016] 	5.3km	west
004024	South Dublin Bay and River Tolka Estuary SPA <ul style="list-style-type: none"> • Light-bellied Brent goose <i>Branta bernicla hrota</i> [A046] • Oystercatcher <i>Haematopus ostralegus</i> [A130] • Ringed plover <i>Charadrius hiaticula</i> [A137] • Grey plover <i>Pluvialis squatarola</i> [A141] • Knot <i>Calidris canutus</i> [A143] • Sanderling <i>Calidris alba</i> [A149] • Dunlin <i>Calidris alpina</i> [A149] • Bar-tailed godwit <i>Limosa lapponica</i> [A157] • Redshank <i>Tringa totanus</i> [A162] • Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] • Roseate tern [A193] • Arctic tern [A194] • Wetland and waterbirds [A999] 	11.9km	east
001209	Glenasmole Valley SAC <ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Petrifying springs with tufa formation (Cratoneurion) [7220] 	13.4km	south
000210	South Dublin Bay SAC	13.7km	east

	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Embryonic shifting dunes [2110] 		
004006	<p>North Bull Island SPA</p> <ul style="list-style-type: none"> • Light-bellied brent goose [A046] • Shelduck <i>Tadorna</i> [A048] • Teal <i>Anas crecca</i> [A054] • Pintail <i>Anas acuta</i> [A054] • Shoveler <i>Anas clypeata</i> [A056] • Oystercatcher [A130] • Golden plover <i>Pluvialis apricaria</i> [A140] • Grey plover [A141] • Knot [A143] • Sanderling [A144] • Dunlin [A149] • Black-tailed godwit <i>Limosa</i> [A156] • Bar-tailed godwit [A157] • Curlew <i>Numenius arquata</i> [A160] • Redshank [A162] • Turnstone <i>Arenaria totanus</i> [A169] • Black-headed gull [A179] • Wetland and waterbirds [A999] 	15.1km	northeast
000206	<p>North Dublin Bay SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows [1330] • Mediterranean salt meadows [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with marram grass <i>Ammophila arenaria</i> (white dunes) [2120] 	15.1km	east

	<ul style="list-style-type: none"> • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • Petalwort <i>Petalophyllum ralfsii</i> [1395] 		
002122	<p>Wicklow Mountains SAC</p> <ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] • Natural dystrophic lakes and ponds [3160] • Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] • European dry heaths [4030] • Alpine and Boreal heaths [4060] • Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] • Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] • Blanket bogs (* if active bog) [7130] • Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] • Calcareous rocky slopes with chasmophytic vegetation [8210] • Siliceous rocky slopes with chasmophytic vegetation [8220] • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] • <i>Lutra lutra</i> (Otter) [1355] 	15.7km	south
000205	<p>Malahide Estuary SAC</p> <ul style="list-style-type: none"> • 1140 Mudflats and sandflats not covered by seawater at low tide • 1310 <i>Salicornia</i> and other annuals colonising mud and sand • 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) • 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 	16.5km	northeast

	<ul style="list-style-type: none"> 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 		
004025	<p>Malahide Estuary SPA</p> <ul style="list-style-type: none"> A130 Oystercatcher (<i>Haematopus ostralegus</i>) A005 Great Crested Grebe (<i>Podiceps cristatus</i>) A162 Redshank (<i>Tringa totanus</i>) A067 Goldeneye (<i>Bucephala clangula</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A149 Dunlin (<i>Calidris alpina</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A054 Pintail (<i>Anas acuta</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A069 Red-breasted Merganser (<i>Mergus serrator</i>) A143 Knot (<i>Calidris canutus</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) <p>Habitats</p> <ul style="list-style-type: none"> Wetlands 	16.6km	northeast
004040	<p>Wicklow Mountains SPA</p> <ul style="list-style-type: none"> Merlin [A098] Peregrine Falcon [A103] 	17.0km	south
000199	<p>Baldoyle Bay SAC</p> <ul style="list-style-type: none"> Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] 	17.8km	northeast
004016	<p>Baldoyle Bay SPA</p> <ul style="list-style-type: none"> Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] 	18.1km	northeast

	<ul style="list-style-type: none"> • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Wetland and Waterbirds [A999] 		
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14.3.8. In determining the zone of influence I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site. Table 1 of the applicant's screening report identifies the potential links from European sites to the application site. Distances and direction from the site to European sites are listed in table 5 above.

14.3.9. I do not consider that any other European Sites other than those identified in table 6 potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the distance from the development site to same, and the lack of an obvious pathway to same from the development site. The only European site located within the same groundwater body as the application site and designated for groundwater-dependent terrestrial habitat and species is the Rye Water Valley/Cartron SAC.

Table 6. Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name / Code	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
South Dublin Bay and River Tolka Estuary SPA 004024	QIs – 14 bird species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf	Yes Weak hydrological connections exist through: Surface water ultimately discharging to Dublin Bay	Yes
North Bull Island SPA 004006	QIs – 18 bird species To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it	Wastewater from the site passes and would be treated in Ringsend WWTP, which also discharges to Dublin Bay.	

	To maintain the favourable conservation condition of the qualifying interest species		
North Dublin Bay SAC 000206	QIs – ten coastal habitats and species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf		
South Dublin Bay SAC 000210	QIs - Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf		
Rye Water Valley / Carton SAC 001398	QIs - Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001398.pdf	No. SAC groundwater is upstream of the groundwater to the application site, as well as being at a substantive distance and buffered by flows that would be interrupted by natural surface water bodies and physical infrastructures such as roads.	No

14.4. Potential Effects

- 14.4.1. Habitat loss and fragmentation would not arise given the location and nature of the site. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for

examination in terms of implications for likely significant effects on European sites within the zone of influence:

- increased noise, dust and/or vibrations as a result of construction activity;
- surface water drainage from the proposed development site;
- increased wastewater being sent to Ringsend Wastewater Treatment Plant during the operational phase of the proposed development.

Construction Phase

- 14.4.2. Having regard to the information submitted with the application, including the Engineering Assessment Report, the Construction and Demolition Waste Management Plan and the Preliminary CMP, pollution sources would be controlled through the use of normal best practice site management. The proposed construction management measures outlined, including runoff control, are typical and well-proven construction (and demolition) methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. Furthermore, their implementation would be necessary for a residential development on any site, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. I am satisfied that the construction practices set out are not designed or intended specifically to mitigate any potential effect on a European site.
- 14.4.3. I am satisfied that the potential for likely significant effects on the qualifying interests of the stated European sites in Dublin Bay can be excluded given the absence of a likely pollution source on the site, the considerable intervening distances and the volume of waters separating the application site from European sites in Dublin Bay (dilution factor).
- 14.4.4. Survey details provided with the applicant's AA Screening Report and Ecological Impact Assessment do not highlight qualifying interest species or other species associated with the conservation objectives of European sites habituating the site or its adjoining area. The development would not increase disturbance effects to birds in Dublin Bay, including during construction (and operational) phases, given the separation distance from these sensitive areas across an extensive urban area.

14.4.5. In the event that the pollution and sediment-control measures were not implemented or failed during the construction phase, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites can be excluded given the distant and interrupted hydrological connection through a series of ponds and drains on the golf course lands, the nature and scale of the development and the distance and volume of water separating the application site from European sites in Dublin Bay (dilution factor).

Operational Phase

14.4.6. During the operational stage surface water from the site would be discharged at rates compliant with the Greater Dublin Regional Code of Practice for Drainage Works to a drainage ditch after passing through various SUDS, including fuel interceptors and an attenuation pond. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development featuring a piped surface water network feeding to an open drainage ditch and the distance and volume of water separating the application site from European sites in the Dublin Bay area (dilution factor).

14.4.7. Wastewater would ultimately be treated at Ringsend WWTP and the proposed development would result in a residential loading equivalent to approximately 945 for the residential element and 132 for the non-residential elements. Having regard to the scale of the development proposed, it is considered that the development would result in an insignificant increase in the loading at Ringsend WWTP, which would in any event be subject to Irish Water consent, and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached. Notwithstanding this, water quality is not a target for the maintenance of any of the qualifying interests within the SACs closest to Ringsend WWTP (i.e. South Dublin Bay SAC and North Dublin Bay SAC). Their qualifying interest targets relate to habitat distribution and area, as well as vegetation structure and the control of negative indicator species and scrub. The development would not lead to any impacts upon these qualifying interests, consequent to changes to the physical

structure of the habitats or to the vegetation structure that defines their favourable conservation status.

- 14.4.8. On the basis of the foregoing, I conclude that the proposed development would not impact the overall water quality status of Dublin Bay and that there is no possibility of the operational phase of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay via surface water runoff and emissions to water.

In-combination Impacts

- 14.4.9. This project is taking place within the context of greater levels of construction development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased volumes to the Ringsend WWTP.
- 14.4.10. The expansion of the city is catered for through land use planning by the various Planning Authorities in the Dublin area, including the Fingal Development Plan 2017-2023 and the Kellystown Local Area Plan 2021. The Development Plan and Local Area Plan have been subject to AA by the Planning Authority, who concluded that their implementation would not result in significant adverse effects on the integrity of any European sites. The proposals would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, evidence shows that negative effects to European sites are not arising. Furthermore, Ringsend WWTP is currently operating under the EPA licencing regime that was subject to AA Screening and the facility is subject to ongoing upgrade works.
- 14.4.11. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects, which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

AA Screening Conclusion

- 14.4.12. The significant distance between the proposed development site and any European sites, and the very weak ecological pathways are such that the proposal would not

result in any likely changes to the European sites that comprise part of the Natura 2000 network in Dublin Bay.

14.4.13. The proposed development was considered in light of the requirements of section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC) and European Site No. 000210 (South Dublin Bay SAC) in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.

14.4.14. The possibility of significant effects on other European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.

15.0 Conclusion and Recommendation

15.1. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be granted for the proposed development, subject to conditions, for the reasons and considerations set out in the draft Order below.

16.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 22nd day of December, 2021, by Castlethorn Construction Unlimited Company & Castlethorn Developments (Kellystown) Unlimited Company care of Stephen Little & Associates Chartered Town Planners & Development Consultants of 26/27 Upper Pembroke Street, Dublin 2.

Proposed Development:

The development will consist of:

- residential-led development (c.38,005.4 sq m gross floor area), including 349no. residential units, internal residential amenity area (c. 405.7 sq m), 1no. childcare facility (c. 528.2 sq m) and 1no. retail unit (c. 236.2 sq m), in buildings ranging from 2 to 8-storeys, and associated site works
- the breakdown of proposed accommodation is: - 123no. own door detached, semi-detached, terraced and end of terrace houses, (including 99no. 3-bed, 2-storey houses, 24no. 4-bed, 2 to 3-storey houses and private rear gardens are provided for all houses.) 3no. apartment buildings, accommodating 226no. apartment units, internal residential amenities and non-residential units, including: -
 - Block A: 4 to 8-storey building, accommodating 168no. apartments (70no. 1-beds and 98no. 2-beds), internal residential amenity area (c. 405.7 sq m) and a ground floor retail unit (c. 236.2 sq m)
 - Block B: 4 to 5-storey building, accommodating 34no. apartments (9no. 1-beds, 21no. 2-beds and 4no. 3-beds) and a ground floor childcare facility (c.528.2 sq m)
 - Block C: 4 to 6-storey building, accommodating 24no. apartments (5no. 1-beds and 19no. 2-beds). Private patios / terraces or balconies are provided for all apartment units, on all elevations of the proposed apartment buildings
- and all associated and ancillary site development and infrastructural works, hard and soft landscaping and boundary treatment works, including: -
- road infrastructure works, including: - Upgrading of existing section of 'Kellystown Link Road' (c.280m), between the Diswellstown Road junction to a point west of the existing main vehicular entrance to Scoil Choilm Community National School, to provide new and enhanced pedestrian and cycle facilities, new left turn lane, provision of Toucan crossing, upgrade of existing junctions with Porterstown Road and Diswellstown Road / Overbridge
- a new c. 160m western extension of the 'Kellystown Link Road', including new pedestrian, cycle and crossing facilities and 1no. new vehicular access to the scheme. 3no. new vehicular site entrances on the Porterstown Road. New internal residential road network including pedestrian and cycle links and

green routes, including segregated pedestrian and cycle link aligned along the western edge of the existing Porterstown Road. Pedestrian and cycle access to the proposed public park to the south west. Pedestrian, cyclist and vehicular connections to facilitate future access to future development lands to the west. Repositioning of existing vehicular site entrance to 'Abbey Cottage' on its eastern boundary to Porterstown Road

- new dedicated public park with active and passive recreation facilities (c. 2.1 Ha), smaller public pocket parks, green infrastructure links and communal private open space
- waste water infrastructure, including pumping station, pipe network and associated service road to connect to a public watermain under the proposed 'Kellystown Link Road'
- proposed Surface Water network with associated SuDS devices and attenuation pond with forebay
- upgrade works to existing drainage infrastructure in the Riverwood Distributor Road
- 385no. car parking spaces, including: 170no. spaces on-curtilage and on-street for the houses; 140no. spaces for the apartments; and 14no. spaces for the proposed commercial unit and creche, 58no. visitor spaces and 3no. ESB service spaces. 22no. motorcycle parking spaces for the apartment units. 630no. bicycle parking spaces, including 402no. covered spaces in dedicated secure facilities and 228no. uncovered spaces
- bin and bicycle storage for all houses and apartment blocks
- ESB sub-station units
- demolition of the existing vacant house and agricultural buildings

at Kellystown, Porterstown and Diswellstown townlands, Clonsilla, Dublin 15.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- a) The policies and objectives as set out in the Fingal Development Plan 2017-2023;
- b) The objectives as set out in the Kellystown Local Area Plan 2021;
- c) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- d) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness, 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 Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- g) The provisions of the Climate Action Plan issued by the Government of Ireland in 2021;

- h) 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;
- i) The provisions of the 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;
- j) The provisions of the Guidelines for Sustainable Residential Developments 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;
- k) The provisions of the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019;
- l) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in 2009;
- m) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- n) The pattern of existing and permitted development in the area;
- o) The planning history of the site;
- p) The submissions and observations received;
- q) The Chief Executive's report from Fingal County Council;
- r) The report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the

nature of the receiving environment, the distances from the application site to the nearest European Sites and the hydrological pathway considerations, the information submitted as part of the Appropriate Assessment Screening Report submitted with the application, submissions and observations on the file and the Planning Inspector's Report. In completing the screening, the Board agreed and adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Sites 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 Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001-2022, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;
- the location of the proposed houses, the retail unit and childcare facility on lands zoned 'RA - Residential Area' in the Fingal Development Plan 2017-2023 with a stated objective to 'provide for new residential communities subject to provision of the necessary social and physical infrastructure' and the location of the public open space on lands zoned 'OS - Open Space' in the Development Plan with a stated objective to 'preserve and provide for open space and recreational amenities', and the results of the Strategic Environmental Assessment of the Development Plan;

- the location of the proposed houses, apartments and open space on lands included as part of the Eastern Development Area (Phase I) within the Kellystown Local Area Plan 2021 and the results of the Strategic Environmental Assessment of the Local Area Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001-2022;
- 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);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2022, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Preliminary Construction Management Plan, the Construction and Demolition Waste Management Plan, the Ecological Impact Assessment, the Hydrological and Hydrogeological Qualitative Risk Assessment and the Engineering Assessment Report.

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

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this intermediate urban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of impacts on traffic, pedestrian and cyclist safety and convenience, would provide an acceptable form of residential amenity for future occupants, would not be at risk of flooding, or increase the risk of flooding to other lands, would be capable of being adequately served by wastewater and water supply networks and would not detrimentally impact on the built and natural heritage of the area.

The Board considered that the proposed development would be compliant with the provisions of Fingal Development Plan 2017-2023 and Kellystown Local Area Plan 2021, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) apartments BA.0118, BA.0219 and BA.0319 in proposed block A shall be omitted, providing for a total of 346 units within the proposed development, and their resultant respective floor areas shall be absorbed into the adjoining apartments BA.0119, BA.0220 and BA.0320 on each respective floor, and these enlarged apartments shall feature revised window positions to avoid excessive direct overlooking of apartments BA.0117, BA.0218 and BA.0318. The floor areas and layouts for revised apartments BA.0119, BA.0220 and BA.0320 shall be compliant with the provisions of the 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;
- (b) following completion of an alternative vehicular access route from Porterstown Road to the Kellystown Link Road, the proposed vehicular access to Kellystown Link Road adjacent to the east of the existing Porterstown Road, adjacent to the west of proposed block A and immediately to the south of the junction of proposed roads 1 and 11, shall be suitably landscaped and secured to only allow for use of this stretch of road by emergency vehicles. Such landscaping may comprise grasscrete or similar material finishes.
- (c) the pedestrian and cycle routes running through the green infrastructure corridor following Porterstown Road shall be segregated;
- (d) cycle route connections shall be provided from proposed road nos.2 and 4 to the proposed cycle infrastructure along Kellystown Link Road, and also from proposed road no.9 into the proposed cycle infrastructure along the green infrastructure corridor;
- (e) a pedestrian route from the southeast side of proposed road no.11 to the east of proposed block A, shall be revised to facilitate a direct connection into the existing pedestrian path infrastructure on Diswellstown Road (overpass route);

- (f) the render finishes for proposed blocks B and C, and the northern elevation of proposed block A, shall be omitted and replaced by a brick finish complementing the respective adjoining external elevations;
- (g) the proposed palisade fence boundary treatment to the pumping station facility shall be omitted and replaced with a 2.2m-high rail fence or similar secure boundary treatment, subject to agreement with the Planning Authority;
- (h) access details to floored attic storage spaces in proposed house types H01, H03, H04 and H06 and to the bicycle and bin stores serving proposed blocks A and C shall be provided;
- (i) the first-floor side elevation north-facing window to proposed house no.121 and the first-floor side elevation south-facing window to proposed house no.114 shall be omitted;
- (j) revised plans for house nos.104 and 118 shall be provided, ensuring the omission of first-floor side elevation windows serving habitable rooms to these houses;
- (k) vertical privacy screens shall be provided to all adjoining terraces and balconies, including the west side of the terrace serving apartment BA.0114 and the balconies serving apartments BA.0214 and BA.0314 in proposed block A, and the west side of the balconies and terraces serving apartments BB.0103, BB.0203 and BB.0303 in proposed block B;
- (l) defensible space shall be provided to the terraces onto the internal courtyard space serving apartments BA.0106, BA.0107, BA.0108 and BA.0115 in proposed block A, the terraces onto the public path to the north serving apartments BA.007 and BA.008 in proposed block A, and the terraces onto the proposed communal space to apartments BC.0001 and BC.0002 in proposed block C;

- (m) all proposed roads and environmental services shall be constructed to immediately abut the boundaries of the site connecting with the adjoining Kellystown Local Area Plan lands.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of visual amenities, orderly development, the amenities of residents, road and traffic safety, permeability, and to comply with the objectives of the Kellystown Local Area Plan 2021 and the Fingal Development Plan 2017-2023.

3. All measures outlined in the plans and particulars submitted with the application, including the Ecological Impact Assessment Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment and public health.

4. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The first phase of the development shall include for all necessary Sustainable Urban Drainage Systems required to safely facilitate the proposed development. The phasing scheme shall identify how vehicular access, as well as a sufficient quantum of parking spaces and open spaces to serve residents, occupants and visitors for each phase of the development, would be provided throughout the construction phases of the development, as well as all services, including drainage and external lighting;

- (b) Work on any subsequent phases shall not commence until substantial completion of Phase 1 or prior phase or such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To protect the environment and to ensure the timely provision of services and facilities, for the benefit of the occupants and residents of the proposed units and the satisfactory completion of the overall development.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application and subject to the conditions of this permission, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

6. Proposals for an estate/street name, house and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house / apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

7. (a) The internal road network and accesses serving the proposed development and the stretch of Kellystown Link Road / Diswellstown Road proposed to be upgraded, including sightline visibility at Abbey Cottage, turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets. All findings of the submitted Road Safety Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
- (b) The Kellystown Link Road shall be revised to comply with the Design Manual for Urban Roads and Streets and the provisions of the Kellystown Local Area Plan 2021, to facilitate the provision of bus stops and two-way cycle path on the northern side, with a reduced number of traffic lanes and width to the proposed carriageway via the omission of the right-turn lane to the new proposed section of road to the west of proposed block A, and the omission of the left-turn lane onto Diswellstown Road to a point east of the proposed pedestrian/cyclist crossing infrastructure to the schools campus to the south. The proposed pedestrian/cyclist crossing infrastructure to the schools campus shall be repositioned to align with the internal desire lines within the school campus;
- (c) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and indicate how these and other spaces within the development shall be assigned, segregated by use and how car, cycle, motorcycle and car-share / club parking, as well as turning areas, shall be continually managed.

- (d) The developer shall comply with all requirements of the Planning Authority in relation to roads, access, cycling infrastructure, turning movements for refuse and emergency vehicles, and parking arrangements.

Reason: In the interest of amenity, orderly development and traffic and pedestrian safety, and to comply with the provisions of the Design Manual for Urban Roads and Streets and the Kellystown Local Area Plan 2021.

8. A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post-construction stage. All audits shall be carried out at the developer's expense in accordance with the Design Manual for Urban Roads and Streets guidance and Transport Infrastructure Ireland standards. The independent audit team(s) shall be approved in writing by the planning authority and all measures recommended by the Auditor shall be implemented unless the planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted and agreed with the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety and proper planning and sustainable development.

9. Prior to the commencement of any house in the development, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority and such agreement must specify the number and location of each house, pursuant to Section 47 of the Planning and Development Act 2000, as amended, which restricts the 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.

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.

10. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001-2022, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.

Reason: In the interest of residential amenity and in order to ensure that sufficient private open space is provided for the benefit of the future occupants of the proposed houses.

11. Prior to the occupation of the development, a finalised Mobility Management Plan (travel plan) shall be submitted to and agreed in writing with the planning authority. This shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, as well as staff employed in the development, and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

12. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

13. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

14. 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.

Reason: To protect the visual amenities of the area.

15. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

16. a) Drainage arrangements including the diversion of existing water infrastructure, and the proposed arrangements for attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and the guidance contained within Inland Fisheries Ireland 'Planning for Watercourses in the Urban Environment' regarding separation distances between the proposed SUDS features and watercourses.
- b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

- c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health, the environment and surface water management.

17. Public lighting shall be provided in accordance with a scheme, which shall include lighting for play areas, opens spaces and pedestrian / cycle routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the development phasing arrangements and the existing public lighting in the surrounding area, as well as the requirements of the submitted Ecological Impact Assessment with respect to bat species. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

18. The landscaping scheme shown on the Overall Landscape Plan (drawing no. 19-015_LP-01-PP) and the Landscape Design Report, as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works in the respective phases of the proposed development. In addition to the proposals in the submitted scheme, the following shall be carried out:

- a) Revised landscaping details detailing defensible space adjoining to the front of all proposed terraces on the exterior of block A shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development;

- b) Measures for the protection of trees and hedgerows proposed to be maintained shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development and all measures to protect trees and hedgerows shall be overseen by an arborist;
- c) All details of the play facilities and passive recreation facilities shall be submitted for the agreement of the planning authority prior to commencement of development;
- d) Fitting out details for the proposed playing pitch shall be provided as part of the development and details of same shall be submitted for the agreement of the planning authority prior to commencement of development;
- e) A public artwork feature shall be provided as part of the development and details of same shall be submitted for the agreement of the planning authority prior to commencement of development;
- f) Details of landscaping measures to address impacts on foraging / feeding bats, including the locations of the proposed bat boxes, shall be submitted for the agreement of the planning authority prior to commencement of development.

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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation in the respective phases and shall be maintained as public open space by the developer until taken in charge by the local authority or the management company.

Reason: In the interest of environmental, residential and visual amenity, and to accord with the requirements of the Fingal Development Plan 2017-2023 and the Kellystown Local Area Plan 2021.

19. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

20. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.

(b) A map delineating those areas to be taken in charge by the Local Authority, including the playing pitches and associated facilities and equipment, and details of the legally-constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

21. 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 and for the ongoing operation of these facilities for each apartment, house and non-residential unit shall be submitted to, and agreed in writing with, the

planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To ensure the provision of adequate refuse storage.

- 22.** The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site. In this regard, the developer shall notify the planning authority in writing at least four weeks in advance of the commencement of development works on the site.

The developer shall also comply with the following requirements: -

- (a) The developer shall engage the services of a suitably qualified archaeologist to carry out an Archaeological Impact Assessment of the development site. The assessment will include the results of an archaeological geophysical survey. No subsurface work should be undertaken in the absence of the archaeologist without his/her express consent.
- (b) An archaeologist should carry out any relevant documentary research and inspect the site. Test trenches will be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings.
- (c) Having completed the work, the archaeologist should submit a written report to the Planning Authority and to the Department of Housing, Local Government and Heritage in advance of the commencement of construction works. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to preserve the archaeological heritage of the site in situ or by record.

- 23.** The construction of the development shall be managed in accordance with a final project 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 incorporate all measures stated in the application plans and particulars, including the Ecological Impact Assessment, the Construction and Demolition Waste Management Plan, the Engineering Assessment Report and the Preliminary Construction Management Plan, and shall provide details of the intended phased construction practice for the development, including:
- a) Location of the site and materials compound(s);
 - b) Location of areas for construction site offices and staff facilities;
 - c) Details of site security fencing and hoardings;
 - d) Details of on-site car parking facilities for site workers during the course of construction;
 - e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385:

Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels;

- j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that excessive silt or other pollutants do not enter local infrastructure or watercourses;
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, the environment, public health and safety.

- 24.** Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 25.** 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.

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.

- 26.** 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 provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

- 27.** The developer shall pay to the planning authority a financial contribution in respect of the Re-opening of the Navan to Dublin Railway Line – Phase 1 – Clonsilla to Dunboyne (Pace) 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.

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.

- 28.** 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.

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.

Colm McLoughlin
Senior Planning Inspector

15th December 2022

Appendices

Appendix A: EIA Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-312318-21
Development Summary		Construction of 123 houses and 226 apartments, as well as a childcare facility, a retail unit, road improvement and extension works, open recreation grounds, infrastructure upgrades and associated development at Kellystown, Diswellstown and Porterstown townlands, Clonsilla, Dublin 15.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A report titled 'Appropriate Assessment Screening Report' was submitted with the application.
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	SEA and AA were undertaken in respect of the Fingal Development Plan 2017-2023 and the Kellystown Local Area Plan 2021.

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) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
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	There is a clear consistency in the nature and scale of development in the surrounding area, comprising low-rise residential buildings on single plots and in estates to the north, low-rise school buildings to the south and housing developments to the east. The proposed development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed residential development would result in the loss of agricultural lands that have been zoned for development and the development has been designed to logically address the alterations in topography on site, resulting in minimal change in the locality, with no substantive waterbodies on site and measures to address potential impacts on surface water and groundwaters in the locality.	No

1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such urban development. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.	No
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. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in the Preliminary Construction Management Plan (CMP), as well as a final Construction and Environmental Management Plan (CEMP) would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of the standard measures outlined in the Preliminary CMP and a final CEMP would satisfactorily mitigate the potential impacts.</p> <p>Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other</p>	No

		operational impacts in this regard are not anticipated to be significant.	
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?	Yes	<p>Operation of the standard measures outlined in the Engineering Assessment Report, the Preliminary CMP and a final CEMP will satisfactorily mitigate emissions from spillages during construction and operation.</p> <p>The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and SUDS. Surface water drainage will be separate to foul services within the site.</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in the Preliminary CMP. Management of the apartment aspect of the scheme in accordance with an agreed management plan will also mitigate potential operational impacts.</p>	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	<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 standard measures within the Preliminary CMP and a final CEMP would satisfactorily address potential risks on human health.</p> <p>No significant operational impacts are anticipated for water supplies in the area via piped services.</p>	No

1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted having regard to the nature and scale of development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding. The site is outside the consultation / public safety zones for Seveso / COMAH sites.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No		No
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: 1. European site (SAC/ SPA/ cSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna	No	Sensitive ecological sites are not located on site. The nearest European sites are listed in table 5 of this report and other designated sites, including the proposed Natural Heritage Areas are referred to in section 12.10. Protected habitats or habitat suitable for protected species or plants were not found on site during ecological surveys. The proposed development would not result in significant	No

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		impacts to any protected sites, including those downstream.	
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?	No	The proposed development would not result in significant impacts to protected, important or sensitive species. Biodiversity measures are included as part of the proposals, including landscaping and species-sensitive lighting.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The site and surrounding area does not have a specific conservation status and the site has relatively low potential for archaeology on site, which would be subject of further investigations, as well as testing and recording, in the event of a permission.	No
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	No such features are in this suburban location with extensive other agricultural lands of comparable characteristics in the immediate area to the west.	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	The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.	No

2.6 Is the location susceptible to subsidence, landslides or erosion?	Yes	There is a steady drop in ground levels across the site moving southwest. Only shallow cut and fill, as well as excavation works for services and SUDS are proposed and construction measures can be implemented to safeguard risks to any sensitive receptors.	No
2.7 Are there any key transport routes (e.g. 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 road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	No significant construction or operational impacts would be anticipated for other facilities with construction deliveries not intended to coincide with neighbouring school drop-off or collection periods.	No

3. Any other factors that should be considered which could lead to environmental impacts			
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 existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No

3.3 Are there any other relevant considerations?	No	No	No
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C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	

D. MAIN REASONS AND CONSIDERATIONS
<p>Having regard to</p> <ul style="list-style-type: none"> the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022; the location of the proposed houses, the retail unit and childcare facility on lands zoned 'RA - Residential Area' in the Fingal Development Plan 2017-2023 with a stated objective to 'provide for new residential communities subject to provision of the necessary social and physical infrastructure' and the location of the public open space on lands zoned 'OS - Open Space' in the

Development Plan with a stated objective to 'preserve and provide for open space and recreational amenities', and the results of the Strategic Environmental Assessment of the Development Plan;

- the location of the proposed houses, apartments and open space on lands included as part of the Eastern Development Area (Phase I) within the Kellystown Local Area Plan 2021 and the results of the Strategic Environmental Assessment of the Local Area Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001-2022;
- 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);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2022, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Preliminary Construction Management Plan, the Construction and Demolition Waste Management Plan, the Ecological Impact Assessment, the Hydrological and Hydrogeological Qualitative Risk Assessment and the Engineering Assessment Report.

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: _____ Colm McLoughlin

Date: 15th December 2022