



An
Bord
Pleanála

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

Inspector's Report ABP-312501-22

Strategic Housing Development

Demolition of an existing dwelling, construction of 274 no. residential units (51 no. houses, 223 no. apartments), creche and associated site works.

Location

Mill Road, Saggart, Co. Dublin.
(www.millroadshd.ie)

Planning Authority

South Dublin County Council

Applicant

Tetrarch Residential Limited

Prescribed Bodies

1. Irish Water.
2. Department of Defence.
3. Irish Aviation Authority.
4. Inland Fisheries Ireland.
5. Transport Infrastructure Ireland

Observer(s)

1. Burnella Cottages Ltd
2. Ciaran and Ann Reilly
3. Rathcoole Community Council
4. Cllr. Shirley O'Hara

Date of Site Inspection

15th June 2022

Inspector

Daire McDevitt

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Appendix 1 List of documentation submitted with the application.

Appendix 2 EIA Screening Determination Form

1.0 Introduction

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

2.0 Site Location and Description

The site with a stated gross area of c.4.9 hectares and a nett area of c 4.62 hectares is located on the eastern side of Mill Road in Saggart to the north-west of Saggart Village and south of Junction 4 of the N7 that serves Saggart and Rathcoole.

There is an existing dwelling and associated outbuildings on the north-western corner of the site with the remainder of the site being greenfield. There are a number of existing residential properties that front onto the Mill Road and there is also a residential property to the north-east of the site. Avoca retails is located to the west. An ESB overhead cable traverses the site from east to west. The Camac watercourse is located to the north and west of the site. All boundaries predominately consist of mature trees and hedgerows.

The site is bounded to the east by the Citywest Golf Course (not in use) with a house bounding the north eastern corner of the site. To the south is a field with an extant permission for a residential Development of 44 units (3 storeys). To the west the site is bounded by three house that front onto Mill Road and a track of vacant land. Access is proposed off Mill Road via an original side garden of one of these houses. To the north is a minor road that runs parallel to the N7 and serves as access to two properties and fields, there is an existing agricultural access to the site and the domestic entrance to the house proposed to be demolished off this road.

3.0 Proposed Strategic Housing Development

The proposed development is for 274 no. residential units on a 4.62 ha (net) site (density 60 units per hectare) as follows:

- 51 no. houses, 38 no. duplex units and 185 no. apartments.
- The height of the proposed scheme will range from two storey houses and three storey duplexes to 5 storey and part 8 storey apartment blocks.
- The proposed residential mix will comprise of: 17 no. 2-bed houses, 27 no. 3-bed houses and 7 no. 4-bed houses, 2 no. 1-bed duplex, 17 no. 2-bed duplex and 19 no. 3-bed duplex units, 62 no. 1-bed apartments, 119 no. 2-bed apartments and 4 no. 3-bed apartments.
- A 4-classroom crèche of c. 276 sq.m and 2 no. substations are also included in the proposed development.
- 276 no. car parking spaces and 634 no. bicycle spaces are provided.

- A planted woodland berm will be developed along the northern boundary with the N7 to provide a sound barrier and amenity open space. There are a number of green spaces located in the centre of the site and on the south east and west of the site with natural play and SUDS elements as well as a large open communal space for the two apartment blocks to the south.
- Vehicle, pedestrian and cycle access to the site will be from the Mill Road. A new road will be constructed running east west at the southern boundary of the site. The residential element of the site will have two access points off the proposed new road. This new route will extend eastwards to provide cycling and pedestrian connections through neighbouring Citywest lands and to the Saggart LUAS light rail terminus.
- Secondary access is proposed at the north west of the site from an existing access road connecting to Mill Road. This access is designed as services and emergency only and will be controlled by collapsible bollards.

3.1 Development Parameters.

Site Area in hectares (ha)	4.62 (net) or 4.9 (gross) hectares
No. of units	274
Density	59.3 units per hectare (uph)
Height	Houses (2 storeys), Duplex (3 storeys), Block A (8 storeys), Block B (5 storeys)
Dual Aspect	51%
Open Space	c.8,970sqm
Part V	28 (10%)
Vehicular Access	Mill Road with a second access for emergency vehicles (bollards)
Car Parking	276 (comprised of 51 allocated to the proposed houses; 6 for the proposed creche; and the remaining 219 for the proposed apartments/duplexes.) Equates to a ratio of 0.98 per unit.
Bicycle Parking	634 (includes 14 for creche)
Creche	c.276sqm (4 classrooms)

3.2 Unit Mix

Housing Type	1 bed	2 bed	3 bed	4 bed	Total
No. of Apartments	62	119	4	-	185
No. of Duplexes	2	17	19	-	38

No. of Houses	-	17	27	7	51
Total	64	153	50	7	274
% of total	23.3	55.8	18.2	2.5	100

4.0 Planning History

Site

PA reg. ref. SD14A/0003: Application for the demolition of 1 dwelling and construction of 88 houses was withdrawn following request for additional information.

Surrounding Area

Lands to the south:

- PA reg. ref. SD15A/0086: Application refused for modifications to permitted development SD13A/0221, modifications related to creation of vehicular access.
- PA reg. ref. SD13A/0221 & SD13A/0221/EP: Permission granted for demolition of dwelling and construction of 22 no. three bedroom duplex units and 22 no. two bedroom apartment units in 5 no. 3 storey blocks.(Permission expires 19th July 2023).

Lands to the east:

- PA reg. ref. SD04A/0090: Application refused for the construction of 88 no. golf lodges in 2 no. 4 storey blocks, comprising 44 golf lodges per blocks, all with basement car parking for 134 car parking spaces and access road, with associated site works; site includes recorded monument with protected structure status.
- PA reg. ref. SD03A/0400: Permission granted for a new bottle store; on a site that contains a recorded monument with protected structure status.
- PA reg. ref. SD02A/0722: Permission granted for extension to existing hotel comprising 167 bedrooms in 2 no. blocks.
- PA reg. ref. S01A/0450: Permission granted for construction of apart-hotel in 3 storey building with fourth floor in roof space, with one section facing into a lower courtyard of 4 storeys with fifth floor in roof space.

5.0 Section 5 Pre Application Consultation

A section 5 pre-application consultation with the applicants and the planning authority took place online under ABP 308982-20 on the 22nd March 2021 in respect of a proposed development of 275 no. apartments and creche. Copies of the record of the meeting and the inspector's report are on this file.

Notification of Opinion

Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála issued an opinion that the documentation submitted with the consultation request under section 5(5) of the Act would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that the following specific information should be submitted with any application for permission

1. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.
2. Justification, and where appropriate amendment, to demonstrate that surface car parking quantity and location, road hierarchy and layouts, including design and materiality of the proposed shared surfaces, complies with DMURS. To this end, matters raised in the PA submission (dated 1st February 2021), including those comments contained in the internal report from the Transportation Planning Section of South Dublin County Council, should be addressed in any report/justification relating to the outlined transport issues. Issues to be addressed include but are not limited to the overall quantum of surface car parking, details of existing and proposed pedestrian and cycle links to Saggart, to the nearest Luas stop, and through lands to the east and south of the site, and the proposed provision of an access road in close proximity to that permitted on lands to the south of the site.
3. An Integrated Area Plan/Masterplan as required, that considers inter alia proposed and potential links to adjoining sites.
4. Relevant drawings/reports that address the issue of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to an amended daylight/sunlight/overshadowing analysis, overlooking, visual impact (Townscape and Visual Impact Assessment) and noise (including that from the surrounding road network). The application shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby

residential development. The daylight/sunlight/overshadowing analysis shall address the full extent of the requirements of 'Building Research Establishment (BRE) Report 209 "Site Layout Planning for Daylight and Sunlight – a guide to good practice, 2nd Edition, 2011' and BS8206 – Part 2: 2008 Code of Practice for Daylighting, where applicable.

5. A Housing Quality Assessment (HQA) which provides the specific information regarding the proposed apartment/duplex units as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December, 2020). The assessment should also demonstrate how the proposed apartments/duplexes comply with the various requirements of those guidelines, including its specific planning policy requirements.
6. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments.
7. Landscaping Proposals, including a report that provides appropriate rationale and details, and addresses the comments contained within the Planning Authority's submission on this pre-application, and as contained within the report of Parks & Landscape Services (dated 1st February). Issues to be addressed, include, but are not limited to, the quality, quantity and location of the proposed open spaces; impacts on trees, replacement planting, and provision of play areas and details of integration of SuDS.
8. A report, that includes relevant surveys, that fully addresses potential impacts on ecology and biodiversity including, where appropriate, potential impacts on bats.
9. A report that addresses potential impacts on Archaeology.
10. Drainage details such as would address and respond to comments within the internal report from the Water Services of South Dublin County Council, and having regard to the submission from Irish Water (dated 18th January 2021).
11. Additional CGIs/visualisations/3D modelling.
12. Existing and proposed surveys/drawings/sections etc that clearly show the volume of land to be cut and filled/that clearly indicate finished floor levels and ground levels. Finished floor levels should also be shown relative to existing residential units and relative to those permitted units (not yet constructed) to the south-east of this site.
13. Existing floor plans, elevations, sections detailing existing structures on site as well as demolition plans, where applicable. If applicable, the development description should refer to any demolitions proposed.
14. All supporting technical/environmental reports to be updated as required.

15. A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces.
16. A report that addresses any aviation issues having regard to the location of the site relative to Casement/Baldonnell Aerodrome.
17. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
18. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage

The applicant has submitted a response to items no.1 to 18 of the detailed Specific Information required in an attempt to address these matters:

Re.1: Refer to Material Contravention Statement.

Re. 2: The layout is amended to ensure the car parking quantity and location, road hierarchy and layouts, including design and materiality of the proposed shared surfaces, complies with DMURS and best practice. Refer to compliance reports and Transportation Assessment Report submitted.

The allocation of car parking spaces throughout the site is identified and colour coded in section 11.1 of the Architectural Design Statement to illustrate the breakdown of the proposed quantum of spaces for the proposed development. The layout includes direct connectivity to the Saggart Luas stop through the lands and existing development to the east. A pedestrian and cycle route is proposed to connect into the existing road & paths serving the Citywest Hotel & Conference Centre which link to Garter lane just south of the Luas Stop. This route is identified in the Proposed Site Plan, PA-001 and the Masterplan Drawing, PA-002. The existing public path abutting the south west boundary of the subject site extends directly into Saggart Village Centre with active bus stops in close proximity to the site entrance – illustrated on the Masterplan Drawing, PA-002. The layout also accommodates potential vehicular & pedestrian links to 2 no. adjacent undeveloped sites to the north west and south and to the existing Citywest Campus lands to the north east by proposing road & footpaths up to these site boundaries. Additional detail on these linkages are outlined in the Transportation Assessment Report, and the Landscape Masterplan submitted.

Re. 3: An integrated Masterplan is submitted. This illustrates the potential future masterplan of the Citywest lands and indicates proposed & potential connections to the existing Saggart Luas stop, and the existing pedestrian connection to Saggart Village Centre. Drawing PA-002, illustrates the proposed development within the subject site and the proposed links to adjoining sites and lands.

Re. 4: A 'Sunlight, Daylight & Shadow Assessment (Impact Neighbours and Development Performance) has been submitted. The apartment units within Blocks

A & B have been redesigned to achieve a high level of compliance with the BRE Guidelines.

A Townscape & Visual Impact Assessment is submitted to illustrate the impact of the proposed development on the surrounding lands. Full and complete drawings including levels and cross-sections are submitted showing the relationship between the proposed development and nearby residential development. Refer to Existing and Proposed Site Sections, Drawing No.s, EX-200, EX-201, EX-202, EX-203 and PA-200, PA-201, PA-202, PA-203.

An Inward Noise Assessment report has been submitted which outlines the impact of Noise on the proposed development from the surrounding road network.

Re. 5: Refer to the submitted Housing Quality Assessment.

Re. 6: Refer to the Materials and Finishes Report submitted.

Re. 7: Refer to the Landscape Report submitted.

Additional information and details on SuDS is provided in the Infrastructure Design Report and Drawing No.s, MILL-CSC-ZZ-XX-DR-C-0010 & MILL-CSC-ZZ-XX-DR-C-0011 submitted.

Re. 8: Refer to the Ecological Impact Assessment.

Re. 9: Refer to the Archaeological Assessment Study

Re. 10: Please refer to Drainage Details submitted. In particular, refer to Infrastructure Design Report and Drawing No.s, MILL-CSC-ZZ-XX-DR-C-0005, MILL-CSC-ZZ-XX-DR-C-0006, MILL-CSC-ZZ-XX-DR-C-0007.

Re. 11: A number of CGIs/Visualisations have been and are included within the Appendix B section of the Architectural Design Statement.

Refer to the Townscape & Visual Impact Assessment submitted which illustrates the impact of the proposed development on the surrounding lands.

Re. 12: Refer to Proposed Cut & Fill drawing submitted, in particular to Drawing No. MILL-CSC-ZZ-XX-DR-C-0014, MILL-CSC-ZZ-XX-DR-C-0015 and T060-CSC-ZZ-XX-RP-C-0005_Construction Management Plan Report, which forms part of this submission.

An existing site survey is also included in Drawing No. EX-001. Finished Floor Levels are indicated for all proposed residential units, and levels have been included relative to the permitted development south-east of the subject site. Please refer in particular to Proposed Site Plan, Drawing No. PA-001.

Re. 13: A detailed set of Existing floor plans, elevations, sections of the existing structures on the site to be demolished have been prepared and submitted. Please refer in particular to Drawing No. EX-001, EX-100, EX-101, EX102. Further details of the demolition plans for the existing structure is included within the Construction Management Plan.

Re. 14: All relevant Technical and Environmental reports have been updated.

Re. 15: All proposed open spaces, and communal open spaces are clearly identified on the Proposed Site Plan PA-001, and illustrated within Sections 8.1 & 10.1 of the Architectural Design Statement. The areas of proposed Public and Communal Open Spaces are also noted on the summary schedule of accommodation. Please also refer to Landscape design reports and drawings that illustrate the proposed detail

Re. 16: Refer to Section 4.2.2 of a Statement of Consistency report.

Re. 17: A site layout plan indicating areas to be taken in charge has not been prepared as it is the Applicant's intention not to offer any areas of the proposed development to be taken in charge, and the site will be managed by a management company.

Re. 18: Refer to Section 5.17 of the Statement of Consistency.

6.0 Policy Context

6.1 National

National Planning Framework 'Project Ireland 2040'

This addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place.

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Relevant Policy Objectives include inter alia:

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

Objective 4 to ensure the creation of attractive, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and wellbeing

Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 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.

Objective 35 promotes increased densities through measures including infill development schemes, area or site-based regeneration and increased building height.

Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

Pillar 4 refers to the Improvement of the Rental Sector. Key objectives include addressing the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

Key actions include encouraging the “build to rent” sector and supporting greater provision of student accommodation. The plan recognises the importance of providing well designed and located student accommodation in order to avoid additional pressures in the private rental sector.

Housing for All – A New Housing Plan for Ireland (2021)

It is a multi-annual, multi-billion euro plan which will improve Ireland’s housing system and deliver more homes of all types for people with different housing needs.

The government’s overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

The government’s vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system.

The policy has four pathways to achieving housing for all:

- supporting home ownership and increasing affordability
- eradicating homelessness, increasing social housing delivery and supporting social inclusion
- increasing new housing supply
- addressing vacancy and efficient use of existing stock

Housing for All contains 213 actions which will deliver a range of housing options for individuals, couples and families.

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant Section 28 Ministerial Guidelines are:

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

Other relevant national guidelines include:

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

6.2 Regional

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

Transport Strategy for the Greater Dublin Area 2016-2035

The Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

The Strategy sets out the necessary transport provision, for the period up to 2035, to achieve the above objective for the region, and to deliver the objectives of existing national transport policy, including in particular the mode share target of a maximum of 45% of car-based work commuting established under in “Smarter Travel – A Sustainable Transport Future”.

6.3 Local

I draw the Boards attention to the South Dublin County Development Plan 2022-2028 which was made on the 22nd June 2022 and due to come into effect on the 3rd August 2022. My assessment is based on the South Dublin County Development Plan 2016-2022 which is the statutory Plan in place at the time of writing this report.

South Dublin County Development Plan 2016-2022

The proposed site is subject to three zoning objectives:

The bulk of the site is located on lands subject to land use zoning **RES-N** with a stated objective *‘to provide for new residential communities in accordance with approved area plans’*

A portion of the site located along the western and southern boundaries is on lands subject to land use zoning **RES** with a stated objective *‘to protect and /or improve residential amenity’*.

The proposed pedestrian /cycle link through the former City West Golf Course)) is located on lands subject to land use zoning **OS** with a stated objective *‘to preserve and provide for open space and recreational amenities’*.

The site is located south of Baldonnel Aerodrome. It is outside the flight paths and ‘Noise Significant Boundary’ but partially within the boundary of the ‘Security Zone’ (where the woodland berms and a 3 storey duplex is proposed).

Record of Monument & Place Dúchas No. 021-032 Field System to the east.

Chapter 2 of the Plan outlines policies and objectives in relation to new housing and includes objectives relating to urban design, densities, building heights, mix of

dwelling types and open space. In particular, section 2.2.2 of the South Dublin Development Plan sets out that densities should take account of the location of a site, the proposed mix of dwelling types and the availability of public transport services. As a general principle, higher densities should be located within walking distance of town and district centres and high capacity public transport facilities. Policies H8 Objectives 1 and 2 promote higher densities at appropriate locations.

Development Management Standards are included in Chapter 11. **Policy H6 Sustainable Communities** It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Policy H7 Urban Design in Residential Developments It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Policies H8 Residential Densities It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

H8 Objective 6: To apply the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N) and are not subject to a SDZ designation, a Local Area Plan and/or an approved plan, excluding lands within the M50 and lands on the edge or within the Small Towns/ Villages in the County.

Policy H9 Residential Building Heights It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

H9 Objective 1: To encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity.

H9 Objective 2: To ensure that higher buildings in established areas respect the surrounding context

H9 Objective 3: To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).

H9 Objective 4: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic

Development Zones and subject to an approved Local Area Plan or Planning Scheme.

H9 Objective 5: To restrict general building heights on 'RES-N' zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan.

Section 7.8.1

IE8 Objective 1: To ensure the safety of military air traffic, present and future, to and from Casement Aerodrome with full regard for the safety of persons on the ground as well as the necessity for causing the least possible inconvenience to local communities.

IE8 Objective 2: To maintain the airspace around the aerodrome free from obstacles to facilitate aircraft operations to be conducted safely, including restricting development in the environs of the aerodrome.

The airspace of Casement is defined by the Obstacle Limitation Surfaces, prepared and mapped on the County Development Plan map in accordance with the ICAO Standards and the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces (2015)', including the following:

- a). Prevent objects from penetrating the Obstacle Limitation Surfaces for runway 11/29. The existing main runway (11/29) is considered as an instrument approach Code 4 runway and the relevant Obstacle Limitation Surfaces of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces' (2015) are applicable.
- b). Prevent objects from penetrating the established International Civil Aviation Organisation (ICAO) Annex 14 standards for approach, transitional, inner horizontal and conical Code 3 Obstacle Limitation Surfaces for the subsidiary instrument approach runway (23) in accordance with Tables 1-7 of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces' (2015). The extent of the lands under the runway approach surface whereby no development is allowed for runway 23 (Corkagh Park) is shown on the Development Plan maps. i.e 1,100 metres.
- c). Protect runway 05 as a Code 3 subsidiary visual approach runway due to the land contours in the area and prevent objects from penetrating the relevant approach, transitional, inner horizontal and conical limitation surfaces for a visual approach runway in accordance with Section 3.13 of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces' (2015). The extent of the lands under the runway approach surface whereby no development is allowed for runway 05 (Rathcoole end) is shown on the Development Plan maps (i.e 1,100 metres) and the ICAO standards will not prejudice the development of zoned lands in Rathcoole.

IE8 Objective 3: To implement the principles of shielding in assessing proposed development in the vicinity of Aerodromes, having regard to Section 3.23 of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces (2015)'.

IE8 Objective 4: To prohibit and restrict development in the environs of Casement Aerodrome in the following ways:

a) By prohibiting development within the immediately adjacent approach areas to reduce the slight risk to persons on the ground and the increased risk to occupants of an aircraft in the event of the aircraft accidentally touching down outside the aerodrome boundary while taking off or approaching to land, except where development could not reasonably expect to increase the number of people working or congregating in or at the property (this may include development such as the extension of an existing dwelling or a change of building use). In general, no development shall be permitted within the Public Safety Zones.

b) By applying height restrictions to development in the environs of the Aerodrome.

c) By eliminating potential sources of interference with the operation of electronic navigation aids.

d) By obviating possible hazards to aircraft through the generation of smoke, dust or fumes which may reduce visibility.

e) By controlling and assessing the locations of any activities which may be an attraction to birds.

f) By limiting the extent, height and type of external lighting to avoid confusing pilots in the interpretation of aeronautical lights or cause dazzle or glare.

The extent of the restriction necessary in any particular instance depends on its purpose. In some cases, more than one purpose may have to be served in which case a combination of the restrictions to satisfy all the purposes to be served will be necessary.

IE8 Objective 5: Within the Department of Defence Inner Zone (delineated on Development Plan Index Map), in addition to the Obstacle Limitation Surfaces for the Aerodrome, no buildings or structures exceeding 20m in height above ground level should be permitted except where specifically agreed following consultation with the Department of Defence that the proposed development will not affect the safety, efficiency or regularity of operations at the aerodrome.

IE8 Objective 6: To limit residential development and other land uses impacted by noise, such as nursing homes, schools, hospitals and conference centres within the Noise Significant Area Boundary delineated for Casement Aerodrome, subject to an appropriate noise assessment and mitigation measures to protect residential amenity

Chapter 11 relates to Development Management Standards.

Section 11.2.7: The appropriate maximum or minimum height of any building will be determined by:

- The prevailing building height in the surrounding area.
- The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.
- The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.
- The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.

Policy H11 Residential Design and Layout It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy TM7 – Transport and Mobility – policy of Council to take a balanced approach to provision of car parking with aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transportation. Number of supporting objectives (TM7 Obj.1) which seek to carefully consider the number of parking spaces provided to service needs of new development.

South Dublin County Development Plan 2022-2028 (adopted 22nd June 2022 and comes into effect on the 3rd August 2022)

Policies and objectives are set out in the new Plan.

With regard to Land Use Zoning Objective.

I note the following.

The bulk of the site remains under land use zoning objective **RES-N** with a portion under land Use objective **RES**. Lands to the east are the subject of land use zoning **OS** through which the proposed pedestrian/cycle link is proposed.

Map 1 shows the western portion of the site located within the 'Noise Significant Boundaries' of Casement.

Policy objectives of note include:

H1 Objective 13: Proposals for residential development shall provide a minimum of 30% 3-bedroom units unless it can be demonstrated that: a) there are unique site constraints that would prevent such provision or b) that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socio-economic, population and housing data set out in the Housing Strategy and Interim HNDA.

Section 13.4.3 (Building Heights and Density)

In line with the provisions of the South Dublin Building Heights and Density Guide, development proposals for increased building heights and densities shall be accompanied by a contextual analysis by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development.

Proposals are required to demonstrate to the satisfaction of the Planning Authority that the overall positive benefits of the development justify the scale of increased height being proposed.

In order to demonstrate the overall positive benefits and justify the scale of increased height being proposed a detailed analysis of the existing context and a demonstration that the proposed height increase is contextually appropriate will be required.

This process of analysis shall be considered alongside the provisions set out in the 'Urban Design Manual – A Best Practice Guide' (2009) which forms a key component in the design and planning processes for higher density and larger scale development proposals

Chapter 5 Quality Design and Health Place Making

Section 5.2.7 Density and Building Heights

The approach to building heights in South Dublin County, as supported by South Dublin County's BHDG, will be driven by its context. This is in line with the Urban Development and Building Height Guidelines and specifically SPPR1 which prohibits numerical limitations on building height by planning authorities

Appendix 10 South Dublin Building Heights and Density Guide

This forms the primary policy basis and toolkit to employ the delivery of increased building height and density within the County in a proactive but considered manner.

The guide contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height. It provides a series of detailed notional development scenarios for various site contexts providing for specific guidance criteria around contextual appropriateness. These have been developed especially for South Dublin County based on the known qualities and characteristics of its particular urban and suburban environments. The performance-based assessment criteria will enable proper consideration of development proposals for increased building height linked to the achievement of a greater density of development.

The BHDG has regard to and is informed by all relevant Ministerial Guidance documents (and any amendments thereof) and Specific Planning Policy Requirements contained therein, most notably the Urban Development and Building Heights Guidelines for Planning Authorities (2018). The premise of these guidelines is not intended to introduce height for the sake of height, but to introduce and consider increased heights and densities as a means of accommodating greater

residential populations within the County's serviced and zoned land banks in particular where public transport, employment and other services are proximate to a development proposal in line with the principals of compact growth.

Securing compact and sustainable urban growth in South Dublin County will mean focusing on reusing previously developed 'brownfield' land in the County as well as undeveloped infill sites, particularly those served by good public transport. The BHDG sets out the key considerations in scenarios such as this and other relevant varying site contexts across the County.

Mill Road, Saggart – Area Plan (2004-2010) (adopted in January 2008).

The applicant referenced this Area Plan and noted that notwithstanding its non-statutory nature and that it expired in 2018, the guiding principles of this plan were taken into consideration in the design process. The planning authority stated that this 2008 Plan is dated.

I draw the Board attention to the fact that this is not a statutory plan and also that this Plan adopted in 2008 and subsequently extended for 5 years, expired in 2018. Therefore I have not considered it in my assessment.

6.4 Applicant's Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of National Planning Framework, Section 28 Guidelines, the South Dublin County Development Plan 2016-2022, I have had regard to same. As set out above the Statement of Consistency also includes reference to the Mill Road, Saggart Local Area Plan.

6.5 Applicant's Material Contravention Statement

The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The statement sets out the justification for the proposed residential development, in particular the proposed:

- Height.

which is stated to materially contravenes the South Dublin County Development Plan 2016-2022.

H9 Objective 4: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.

Policy H9 Objective 5: To restrict general building heights on 'RES-N' zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan.

There is no LAP relevant to the site at present. The lands were subject to the non-statutory Mill Road, Saggart Area Plan adopted in January 2008, and extended for 5 years (since expired in 2018).

The proposed development has heights ranging from 2 storey to 5 storeys (c.15.2m) and 8 storeys (c.23.7m) exceeding the parameters of 5 storey as set out in H9 Objective 4 of the Development Plan.

Justification for Material Contravention:

- It is submitted that the Development Plan provides a number of policies and objectives which seek to provide for higher residential densities and ensure the efficient use of zoned lands. And that these policies are contrary to the height limitations imposed by H9 Objective 4 and Objective 5 of the Development Plan. Therefore there are conflicting Development Plan policies.
- It is submitted that recent National Policy provides justification for the proposed increased density and building heights within the subject scheme due to the strong encouragement of higher densities on appropriately zoned (RES-N) and serviced lands adjacent to town centres, employment hubs and high quality public transport. Planning permission has been granted by An Bord Pleanála for substantial residential developments on adjoining lands through the Strategic Housing Development process which provides for a pattern of development in the area (e.g. Garter's Lane SHD, Saggart, Co. Dublin). It is, therefore, considered that sufficient justification exists for An Bord Pleanála to grant permission for the proposed development notwithstanding the material contravention of the Development Plan.
- It is submitted that the proposed development is consistent with the objectives of the NPF in seeking to consolidate and densify an urban area proximate to primary transport routes. The proposal will also provide an alternative residential format which will contribute to the overall availability of accommodation in the Greater Dublin Area.

It should be noted that, notwithstanding the adoption of Urban Development and Building Heights – Guidelines for Planning Authorities in December 2018, it has been confirmed by both An Bord Pleanála and the Department of Housing, Planning and Local Government that these Guidelines do not supersede policies within statutory Local Area Plans, and therefore, until such time as a Development Plan is varied to align with the requirements of the Guidelines, a material contravention is still considered to have occurred.

In consideration of the fact that the subject site meets many, if not all, criteria set out by National Policy in terms of suitability for a high density development incorporating taller buildings, the applicant submits that there is ample justification for An Bord Pleanála to permit a material contravention of the Development Plan in terms of allowable heights having regard to Section 37(2)(b)(ii) and Section 37(2)(b)(iii) of the Planning and Development Act, 2000 (as amended).

6.6 Nature Designations

The site is not located in or adjacent to any Natura 2000 site. The following sites have been identified within 15km of the site.

- Glenasmole Valley SAC c. 6.6km.
- Wicklow Mountains SAC c.8.8km
- Rye Water Valley/Carton SAC c.9.2km
- Red Bog, Kildare SAC c.10.9km
- Wicklow Mountains SPA c.10.5km.
- Pulaphouca Reservoir SPA c.11.5km

7.0 Observer Submissions

The Board received 9 valid submissions, these included 5 from Prescribed Bodies (refer to section 9 of this report) and 4 observer submissions which I propose to summarise in this section.

The 4 submission received can be broken down as follows:

- 1 from a limited company stated to represent the residents of Coldwater Lakes and Saggart Lakes.
- 1 from Rathcoole Community Council
- 1 observation received is from an adjoining property owner in support of the application as it would provide much needed residential development for the area.
- 1 observation is for a local elected representative, Cllr Shirley O'Hara.

There is a degree of overlap in the issues raised, I therefore proposed to summarise them by topic to avoid repetition. The main issues raised are summarised as follows:

Principle of Development

- Application is premature pending adoption of the 2022-2028 County Development Plan.
- Application is premature pending the masterplan going through consultation or approval of proposed zoning of gold [sic] course lands.
- A Local Area Plan is needed for Rathcoole.

- Application is flawed as while the address is Rathcoole, it is not acknowledged in the project justifications that it is part of Rathcoole from a census, electoral area and parish perspective.
- With the decision to replace SHDs with LSRDs it is clear that SHDs are not fit for purpose.

Residential Amenity

- New European Standard EN 17037 has been adopted in Ireland, but with no corresponding regulatory or legislative framework. Proposed development does not meet EN 17037 and falls below minimum BRE standards.
- Compensatory design measures should not have to be relied upon in the development of a greenfield site.
- Growth of the area has put a strain on the community trying to integrate newcomers. Rate of change needs to be measured against the small population of Rathcoole.

Density, Design, Height, Scale

- The proposed height and scale is at odds with the South Dublin County Development Plan 2016-2022 and out of keeping with the character of the village.
- Height difference is stark and not in keeping with the traditional townscape of the village contrary to the Council's policy of integration in the Development Plan.
- Low rise can achieve higher densities, don't need tall buildings.
- Interchanging reference to 60 and 61 uph in the submission.

Few CGIs, all summer views, no views from adjoining lands, no realistic assessment can be made on visual amenity. CGIs don't show all cars spaces in use which would give a different less pleasant visual environment.

Transportation

- Increase in traffic at already busy junction will be chaos.
- Junction should be fully upgraded.
- Overdevelopment at the junction could pose serious problems for pedestrians and cycle safety.
- Cumulative impact of traffic from surrounding approved development should be considered, Garter Lane in Citywest 224 apartments, 2018 Cosgrave permission for 44 duplexes/apartments accessed from Mill Road.
- Inadequate road infrastructure to cater for existing traffic. The Dublin Western Orbital Route should be finished prior to more housing in the area.

- No traffic impact study included in the application.
- Lack of public transport serving Rathcoole.
- Parking will overspill into local roads.

Infrastructure

- Additional infrastructure must be put in place prior to approval of additional large-scale housing projects.
- Existing schools are under pressure to cater for existing increased demand.
- The justification for the proposed level of development is dependent on the provision of local infrastructure. Given the distance to the Saggart LAUS stop and the poor bus connections, local infrastructure does not exist and social amenities would be put under strain.

Air Safety

- The proposed density and height would overlook the runway and would cause safety and security concerns. Dept. of Defence has not been consulted.

Environmental Considerations

- Loss of hedgerows and amenity as well as loss of vegetation on adjoining lands, which should be addressed with reference to EU Directives and erosion of amenity space in the masterplan.
- Due to the extended nature of the masterplan which underpins the application, a full masterplan is required and cumulatively, the threshold would be met for EIA, AA and an Archaeology Report with consideration for Protected Structure on Citywest Hotel Land and Flood Risk Management Plan for the Camac River catchment.

Other

- The subject site is not of strategic or national importance, it is not subject to conflicting objectives in the SDCCDP, is aligned with the EMRA RSES, MASP objectives and is in line with the permitted pattern of development appropriate to its zoning and location. It is outside the accepted distances to high quality public transport links and does not meet the criteria for justifying higher density and increased heights.
- There are conflicting red ownership lines shown in the submission, appearing to relate to sewerage. North point not shown on all plans and different orientations to different plans. Potentially confusing and open to challenge.
- No meaningful engagement between Tetrarch and local residents.
- Masterplan not clearly described in the submission.

- Inaccurate phrases used to describe the adjacent site which is amenity lands. Inaccurate and unadopted rezoning of adjacent lands shown in masterplan.
- No notice or agreement by third party landowner to routes from site to the LUAS. The distance measurement from the site to LUAS is not taken from the centre of the site.
- Lack of social and community infrastructure.
- Invalid application.
- Third party lands included in the masterplan without consent.

8.0 Planning Authority Submission

In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 14th March 2022. The planning authority has raised serious concerns with regard to the proposed development submitted. The report may be summarised as follows:

8.1 Information Submitted by the Planning Authority

The submission from the Chief Executive includes details in relation site location and description of proposal, zoning, planning history, interdepartmental reports, summary of submissions/observations, summary of views of elected members, policy context and assessment.

8.2 Summary of views of Elected Representatives - Meeting of the Clondalkin Area Committee (17th February 2022). The Chief Executive's Report contains a summary of comments made by 6 Councillors. These are summarised as follows:

- Ratio of car parking spaces is noted as being nearly 1 to 1.
- Site is not well served by public transport. It is a distance from the LUAS and the bus stop in Saggart has a frequency of 1 bus every hour.
- Concerns regarding the proximity of the development to the N7. Refer to the existing Broadfield development where due to its proximity to the N7 noise issues arise. There would be more dwellings exposed to noise from the N7 in the proposed development.
- Public transport is too far.
- The Residents' Association have made a submission stating that 8 storeys is unprecedented.

- Query on what tenure the development will be.
- Implications on adjoining open space/golf course.
- Large development in a small village.
- What would happen with the lands to the east.
- Query as to how the proposal fits in with County Development Plan zoning and policy.
- Building heights and scale would be out of line with the County Development Plan and would be out of keeping with the character of the village.
- Result in an increase in car journeys.
- This is already a busy junction, which should be upgraded.
- Concerns regarding traffic impact on pedestrian and cyclist safety.
- Raises concerns with increased traffic at the junction in Saggart.
- Added pressure on existing infrastructure, including roads.
- Proposal is excessive. Raises concerns in relation to heights of up to 8 storeys.
- Lack of existing infrastructure to cater for the proposed development.
- Impact of the proposed development on existing residents.

8.3 Planning assessment

Principle of Development

- The planning authority noted that the subject zoned lands form part of the Saggart/ Citywest Core Strategy landbank and the development of the lands is in accordance with the strategic approach for the County.
- Residential development on the site is supported by the RES-N and RES zonings. It is noted that the proposed residential facilities and amenity spaces are associated with the residential use of the site. The proposed childcare facility would be located within zoning 'RES-N' where childcare facilities are permitted in principle. The proposed eastern pedestrian/cyclist link would be located within zoning objective 'OS', a pedestrian/cyclist link is not listed and should therefore be considered based on conformity with the relevant policies, objectives and standards contained within the Plan, particularly in relation to the zoning objective of the subject site and its impact on the development of the County at a strategic and local level. The link is acceptable in principle given it would be publicly accessible.
- Zoning Objective RES-N requires that lands be developed in accordance with an approved plan. The planning authority acknowledges the urban design guidance that is part of the Mill Road Area Plan 2008, however, it is

considered that the plan is dated. The submitted plan from the applicant relies on connections to the east and these adjoining lands being brought forward for residential development. The planning authority has concerns in regard to this. These lands are currently zoned OS.

- The planning authority also highlight that the Mill Road Area Plan is not referred to in the 2016-2022 County Development Plan and there is no provision for the monitoring or review of the Plan. In the context of the above, it is considered that the planning authority cannot rely on it to assess planning applications in the area.
- The potential link to the southern lands, to the development permitted under Reg. Ref. SD13A/0221/EP, is welcomed by the Planning Authority. The applicant notes that this is subject to agreement with the applicant of the southern lands. The applicant has also indicated potential future connections to the east, in addition to the proposed pedestrian/cyclist link, and these lands as residential on the masterplan in the Design Statement. However, these lands are currently zoned OS under the County Development Plan. Any design for potential future connections should be cognisance of this.
- The submitted documentation shows that sufficient consideration has been given to the RES-N zoning and how the site connects with the RES-N lands to the south and the wider area. However, the Planning Authority does have concerns in relation to the connectivity of the site to support higher densities onsite.

Residential Density and Building Heights

The proposed residential density is 61 units per ha.

- H8 Objective 6 of the Development Plan recommends a density of 35-50 dph for sites such as the subject site. The site is considered an intermediate location under the Apartment Guidelines suitable for >45 dph or a peripheral and/or less accessible urban location <45 dph, depending on how the site's accessibility is assessed.
- A link for pedestrians and cyclists is proposed via the open space lands to the east and Citywest Hotel lands to link to the Saggart Luas stop. This stop would be approx. 1.5 km or 18 minutes' walk from the site. There are GoAhead bus services along the N7 and Dublin Bus services along Mill Road. The bus services along Mill Road are every 60 min, limited or peak-only, so not considered to be a quality, frequent service. Under BusConnects the services along Mill Road would be Orbital, Other City Bound and Peak Time Routes, thereby not resulting in a significant improvement. The site is an approx. 10-15 minute walk to Saggart Village.
- The planning authority consider that the current and proposed public transport infrastructure and local facilities and services would not support a higher

residential density on the site. To justify the proposed density the applicant relies, in part, on the proposed eastern pedestrian/cyclist connection. However, this route is considered long, convoluted, and would lack passive surveillance. The planning authority therefore raises significant concerns that the proposed link would fail to provide the high quality, attractive and usable link required to serve future residents, in order to support the residential density proposed. This element of the development is therefore considered unacceptable and the proposed density should be reduced.

- The subject site is not identified for tall buildings exceeding five storeys in an approved plan (as per Policy H9 Objective 4 and Policy UC6 Objective 3). Apartment Block A would exceed 5 storeys in the south-eastern corner where it projects up to 8 storeys. The proposed height of 8 storeys would be a material contravention of the County Development Plan, specifically Policy H9 Objective 4 and Policy UC6 Objective 3. The applicant has submitted a Material Contravention Statement in relation to building heights. This states that national policy justifies the proposed increased density and heights due to the strong encouragement of higher densities on appropriately zoned (RES-N) and serviced lands adjacent to town centres, employment hubs and high quality public transport.
- The planning authority is not satisfied that the site justifies the proposed greater heights, having regard to its location from the centre of Saggart, the location to the closest LUAS stop, the moderate bus services in the area and its current dependence on vehicular movement.
- The planning authority is not satisfied that the proposed residential density, which results in a number of taller buildings, is justified. It is considered that the current and proposed public transport infrastructure and local facilities would not support the higher residential density level proposed on the site. The proposed development should be revised to a more appropriate density and height.
- Blocks A and B would be setback approx. 56.9 m and 57.3 m respectively from the permitted dwellings to the south. Some of the houses and duplexes proposed as part of the subject development would be approx. 22.0 m and 24.8 m from the proposed 5 storey apartment blocks. It is noted that these houses and duplexes would be located to the north-west and south-west of the proposed apartment blocks.
- The planning authority noted given the concerns in relation to residential density, the site's location and internal residential amenity it is not considered the proposed heights are justified. The heights of the apartment blocks should be reduced, in particular Block A.

Unit Mix, Type & Tenure

- The planning authority is of the view that the applicant has not fully justified the proposed provision of 1 bed apartments. This could be addressed with the reduction in scale of the apartment blocks.
- The Housing Department have reviewed the proposed Part V provision. While the applicant's proposed mix is noted, the preference is for a better mix of unit types in line with the schedule of accommodation and the inclusion of two universal type units to accommodate persons with medical needs.
- It is not clear from the documentation submitted what the tenure of the units would be. The applicant states that it is their intention to work with SDCC to accommodate 45 no. affordable to sell units, 70 no. social units and 159 no. affordable/cost rental units. Considering no mention of Build-To-Rent has been included in the Public Notices the applicant has assessed the apartments and duplexes against the Build-To-Sell requirements of the 2020 Apartment Guidelines.

Layout & Urban Form

- The layout of the proposed development is generally acceptable. The planning authority does have some concerns regarding the proximity of proposed houses and duplexes to the proposed apartment blocks.
- The proposed materials and finishes are acceptable. However more differentiation in the use of these should be provided. Particularly in the proposed housing where rows of brick housing would be provided, creating a monotone visual. It is noted that the architectural detailing, including the use of high-quality material and finishes and variation in brick type and bonding patterns, to break up the bulk and massing of the buildings and mitigate any potential negative visual impact. A condition should be included that materials and finishes are agreed with the Planning Authority.
- The Department of Defence has raised concerns in relation to the height of Block A and recommend an Aeronautical Study be conditioned, however the planning authority recommend a reduction in height to Block A and that an aeronautical study can be required by condition.

Daylight & Sunlight

- The planning authority noted a Sunlight, Daylight & Shadow Assessment was submitted. This founds that the impact on the neighbouring properties and the proposed standard of the development itself is acceptable in relation to sunlight, daylight and overshadowing.

Permeability & Access

- The site would have an access for vehicles, pedestrians and cyclists from Mill Road in the south-west of the site.

- The Roads Department noted that the permission Reg. Ref. SD13A/0221/EP would have a vehicular access off Mill Road very close to the proposed access for the subject application. As part of the grant of permission for Reg. Ref. SD13A/0221/EP Condition 2 required the omission of this vehicular access. This was again refused under Reg. Ref. SD15A/0086. The proposed access for the subject proposal from Mill Road is therefore acceptable. This access might impact an existing bus stop on Mill Road.
- The applicant would have to liaise with the relevant bus agency in relation to this. The applicant has stated that a potential secondary access to the site would be provided at the north-west boundary, connecting to the existing road along the frontage of the site. This access would be controlled using removable bollards for use by service and emergency vehicles only. While it is noted that the Roads Department have suggested that the bollards are instead installed at Mill Road, other sites, including a site outside of the applicant's ownership, use this access road, and therefore it is recommended that should the application be granted the control bollards should be installed as proposed.
- The applicant has also indicated a potential vehicular connection to the permitted development to the south, subject to agreement with the applicant. This is welcomed by the planning authority.
- A pedestrian and cyclist access would be provided to the north-east via the open space lands to the east. This connects to Citywest Hotel lands and then to the Saggart Luas stop. These adjoining lands are shown to be within the ownership of the applicant. The proposed link would appear to be publicly accessible. The full detail of this link including lighting should be agreed via condition if permission granted.

Residential Amenity & Design

Standard of Accommodation

- In terms of the standard of accommodation, the proposed development appears to be generally consistent with the standards of the Quality Housing for Sustainable Development, Apartment Guidelines and County Development Plan. Better differentiation in the use of materials and finishes should be provided.

Private and Communal Open Space

- Private open space would be afforded to each house in the form of rear gardens.
- Private open space would be provided to the duplexes and apartments in the form of balconies, terraces or gardens.

- Communal amenity space would be provided to the apartments centrally within Block B and to the north-east of Block A. Communal amenity space for the duplex units is identified along the north-west of these blocks, adjoining the public open space here. Consideration would need to be given to the provision of defensible space where units and private open space adjoin public areas. This includes the apartments at the ground floor level adjoining both communal and public spaces and the duplexes that adjoin communal and public spaces.

Energy Efficiency

- The applicant has submitted a Sustainability Report with the application. This report outlines the strategy for M&E systems including the energy performance and sustainability of construction.

Public Open Space

- The main concerns from the Public Realm Section are tree and hedgerow loss, impact on existing green infrastructure and local biodiversity, impact on bats, detail on play items, reliance of underground attenuation and location of underground attenuation. Policy IE2 Objective 5 states that surface water run-off should be limited to SUDS and underground attenuation avoided. Conditions are recommended.
- The total public open space would be 0.897ha, 19.44% of the net site area. The Public Realm Section and Planning Authority still have concerns with the usability of some of these spaces. The central area of open space is welcomed, however car parking should be omitted from the perimeter of this space.
- The quantity of public open space provided is acceptable, however, there are some areas that are not considered to contribute (around ESB structures for example). How the public open space interacts with communal and private open space should be addressed with provision for defensible space to units that adjoin public areas.
- The submitted Arboricultural Impact Plan shows that the existing vegetation would be largely retained on the north-west boundary and north-east boundary. Existing trees and vegetation would be removed along the south-east and south-west boundary, save for the retention of some trees and vegetation. The retention of existing trees and vegetation should be addressed via condition.

Ecology

- An Ecological Impact Assessment has been submitted, however it is considered that a Biodiversity Management Plan should be submitted to detail the protection of existing trees and woodland plantations, protection and enhancement of bats and use of SUDS and Climate Adaption Measures.

Archaeology

- The Record of Monument and Place Duchas No. 021-032 Field System Site is located at the proposed eastern link. An Archaeological Impact Assessment has been submitted. This assessment states that there is a potential for sub-surface archaeological remains. It is recommended that the measures recommended in this report, including an archaeological assessment (geophysical survey and test trenching), is conditioned in the event of a grant of permission.

Creche

- It is noted that the proposal would include a creche facility (c.59 children) at the ground floor of apartment Block A. There would be an associated outdoor play area and car parking.

Roads, Access and Parking

- Refer to Roads Department report. This report makes a number of observations relating to access, masterplan, the hierarchy of roads, cycle route, internal footpaths, roads layout and compliance with DMURS, car and bicycle parking, EV charging, mobility spaces, mobility management, public lighting, construction traffic and waste, and taken in charge

Part V

- 28 Units allocated . Appropriate condition to be attached.

Conclusion

The planning authority concluded that there remains a number of concerns, in particular considering the limited public transport connections, the proposed density and building heights are not suitable for the subject site and would result in a poor quality standard of development, and considered alternations to the development as proposed should be provided.

The planning authority recommended, having regard to the principle of development, County Development Plan, national and regional policy and the layout and design, that the development can be granted permission subject to conditions.

37 no. conditions are recommended, conditions of note include the following:

- Condition no.2 'Amendments' requests revised plans showing the 3 upper floors omitted from Block A, house type 3 with an opaque first floor window on the rear elevation directly facing existing residential dwellings, and car parking fully omitted from the perimeter of POS 01.
- Condition no.15 'Open Space Provision' justification of hierarchy and quantum of open space provision both communal and public, clarity with regard to compliance with Development Plan standard and location of underground attenuation tanks and storage systems.

- Condition no.19 'Tree Bond and Arboricultural Agreement' bond of €82,692.08.
- Condition no.22 'Surface Water Attenuation' requesting revised plans showing increased provision for surface water attenuation.
- Condition no.24 'Biodiversity Management Plan'.
- Condition no.34 'Aviation Safety'.
- Condition no.37 'Section 48 Financial Contribution'.

8.4 Inter- Departmental Reports

Roads Department

- Access: The Roads Department would need to see a Masterplan of the entire lands to the east of the proposed development with the intended roads layouts and road hierarchies for the entire development lands, to ensure that the key link roads are in place for this phase to connect to future developments to the east of the proposed development. Request to see road alignment, road widths and connections to and through the existing City West campus, as well as the intended cycling and pedestrian permeability to such key destinations as the Saggart LUAS stop. Note planning permission with access road close to the proposed access road.

(Inspector note: Planning Authority notes removal of the access road to the referenced planning permission by way of condition).

- Internal Layout: Some links could be designed as shared surface Homezones to comply with DMURS recommendations.
- Pedestrian and Cycling Access: Request to see how it connects to the Masterplan to the east.
- Traffic and Transport Assessment: The TTA demonstrates no significant impact and junctions with sufficient capacity with minimal queuing.
- Car Parking: Parking allocation is considered a little high, and 20-30 spaces could be removed from the Duplex and Apartment allocations.

Water Services

Surface water:

- The surface water attenuation of 2,525m³ for the site is undersized by approximately: 13% for 1 in a 30 year storm event, 20% for 1 in a 100 year storm event.
- The applicant should submit a revised report and drawing showing increased surface water Attenuation in m³. The report should show SAAR value (Standard Annual Average Rainfall). Explain further existing roadway and why

this is taken as 0% surface water runoff. Increased surface water attenuation shall be provided by means of SuDS where possible.

- The applicant is required to provide a drawing showing details on how much attenuation storage (if any) is available in proposed SuDS (Sustainable Drainage Systems) systems such as tree pits, infiltration trenches, swales etc.

Flood Risk Report: No Objection.

- The Developer shall ensure that there is complete separation of the foul and surface water drainage systems within the site, both in respect of installation and use.
- All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

Public Realm

- Tree and hedgerow loss: The proposed development will have a high impact on the existing tree cover on the site. 50% of the existing trees on the site will be removed.
- Impact of proposed development on existing green infrastructure and on local biodiversity.
- Ecological impact: Impact of development on bat foraging routes due to removal of boundary trees.
- Addition detail required on proposed play items contained within the landscape proposals: There seems to be insufficient play items proposed within the overall development.
- The issue of surface water attenuation is a significant concern for the Public Realm section. All proposed attenuation tanks are situated under areas identified as public open space, a large proportion of the public open space areas are underlain by these tanks.
- SUDS provision for the development relies on underground attenuation which is contrary to SDCC objectives and best practice in sustainable drainage. The primary attenuation systems for the site will be underground tanked systems. All of the proposed attenuation tanks (2 no. in total) are situated under areas of public open space. Locating these tanks under public open space places severe limitations on the potential use, amenity value and landscaping of these public open space areas into the future. SDCC do not approve of using underground tanks as part of SUDS schemes where the full natural potential of the site to manage surface water runoff has not been explored. SUDS

proposals should be designed to improve water quality, deliver amenity and biodiversity improvements and attenuate water.

- Details of soft and hard landscaping required.

Housing Department

- It is South Dublin County Council's preference to acquire a mixture of units on site in line with the ratio of units proposed in the development and as such it would be the preference of the Housing Department that a revised proposal is submitted to include a better mix of unit types available in the overall development in line with the schedule of accommodation, as well as the inclusion of two universal type units to accommodate persons with medical needs. The Applicant is required to contact the Housing Department directly with any revised proposals. The Part V percentage is dependent upon the date the applicant purchased the subject site and the applicant is required to provide proof of the same to the Housing Department.

9.0 Prescribed Bodies

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was informed at Pre-Application Consultation stage that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016: Irish Water, Inland Fisheries Ireland, Department of Defence, Irish Aviation Authority, Operator of Baldonnel Aerodrome, Transport Infrastructure Ireland, National Transport Authority and the South Dublin Childcare Committee.

The following Prescribed Bodies have made a submission on the application:

Irish Water

Based on the details provided by the applicant to Irish Water as part of their Pre-Connection Enquiry, and on the capacity available in the local networks, Irish Water made the following observations:

- In respect of Water: A water connection to the proposed development is feasible without infrastructure upgrade by Irish Water.
- In respect of Wastewater: A wastewater connection to the proposed development is feasible without infrastructure upgrade by Irish Water.
- Design Acceptance: The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate

connection(s) from the boundary of the Development to Irish Water's network(s) (the "Self-Lay Works"), as reflected in the applicants Design Submission. A Statement of Design Acceptance was issued by Irish Water on 19th October 2021.

Inland Fisheries Ireland

- The proposed development is located in the catchment of the Camac River. This is recognised salmonid system, under significant ecological pressure as a result of its largely urban situation. Although considerable sections of main channel are culverted, lengths of this river that remain on the surface invariably support self-sustaining populations of brown trout (*Salmo trutta*). The river also support populations of the Freshwater Crayfish (*Austropotamobius pallipes*) and Lamprey (*Lampetra* sp.) species, listed under Annex II of the EU Habitats Directive.
- If permission is granted, all works will be completed in line with the Construction Management Plan (CMP) which ensures that good construction practices are adopted throughout the works period and contains mitigation measures to deal with potential impacts identified in advance of the scheme.
- There can be no direct pumping of contaminated water from the works to a watercourse at any time; any dewatering must be treated by either infiltration over land or to a suitably sized and sited settlement pond. A discharge licence may be required from South Dublin County Council.
- Any topsoil or demolition material which is to be stored on site must have mitigations in place to prevent any deleterious material entering the river. Drainage from the topsoil storage area may need to be directed to a settlement area for treatment.
- Concrete / cement and other construction materials are highly toxic to aquatic life. Use of these elements should be strictly controlled and monitored. Implementation of comprehensive and strict site housekeeping measures to isolate concrete from local surface waters is essential.

Transport Infrastructure Ireland

- The proposed development shall be undertaken with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted. Any recommendations arising should be incorporated as conditions in the permission, if granted. The developer should be advised that any additional works required as a result of the Transport Assessment and Road Safety Audits should be funded by the developer.

Department of Defence

- The submission hightide that Minister of Defence is responsible for the regulation of military aviation, whereas the Irish Aviation Authority is

responsible for the safety regulation of civil aviation. Casement Aerodrome at Baldonnell is the sole permanent air base for the Irish Air Corps (IAC) which operates a mixed fleet of fixed wing aircraft and rotary aircraft engaged in a range of training operations.

- Casement Aerodrome is the only secure airport in the state providing the government and the president with an independent and flexible transport service.
- ICAO Annex 14 Obstacle Limitation Surfaces (OLS) are established at Casement Aerodrome. 'Apartment Block A' in the proposed development penetrates the Inner Horizontal Surface (HIS), which is intended to protect aircraft which are visually manoeuvring in the vicinity of an aerodrome. The HIS surface begins at 131.8m above mean sea level (AMSL). Based on the details supplied in the applicants website it is IAC's calculation that the development of Block A, in particular, stands at 135.8m which is a clear breach of the HIS (by some 4m). This would require an Aeronautical Study.
- The area of the proposed development is regularly overflowed by visually manoeuvring aircraft – fixed wing aircraft, helicopter training and helicopter traffic joining/departing.
- New penetrations of the HIS should not be permitted unless the new object is shielded by an existing immovable obstacle or, after an aeronautical study, it is found not to have a negative impact on safety or regularity of operations.
- The Department of Defence is not satisfied that the Mill Road SHD will not negatively impact flight operations in the vicinity of Casement Aerodrome. The development will penetrate the HIS. There is no existing obstacle that meets the shielding criteria as described in the ICAO Airport Services Manual, Part 6 or the criteria contained within the IAA material. In addition, the Developer has not appeared to have considered or provided any documentation on this matter.
- Work methods and landscaping at the site should be such not to act as a bird attractant. Potential bird attractants include attenuation ponds, water amenities, landscaping, especially sowing of plant species which provide attractive food sources to birds, temporary features including landscaping work, broken ground, soil etc. These include the selection of trees and shrubs which do not produce fruit and seed desired by birds and avoiding the creation of areas of dense cover for roosting by flocking species of birds. If permission is granted, it should be a condition that appropriate management methods during construction should be employed to avoid sites becoming a bird attractant.
- Permission should not be granted to this development unless it has been demonstrated that it will not increase bird hazard to aircraft operating to/from Casement. If permission is granted, it should be a condition that mitigating

measures must be taken if negative effects on Irish Air Corps flight operations become apparent due to bird activity at the site.

- During construction, the use of cranes, other tall construction equipment, temporary lighting, equipment which could impact navigational aids and any activities likely to produce dust or smoke, must be managed to reduce any impact on regularity or safety of flight operations. Appropriate conditions should be applied to ensure that these temporary hazards do not pose a danger to aviation.
- The operation of cranes at the site requires prior permission from Military Air Traffic Services in order to mitigate the impact on flight operations. In certain circumstances a Notice to Airmen may be required. If permission is granted it should be a condition that crane activity at the site shall be co-ordinated with Military Air Traffic Services at least 90 days in advance for assessment of proposed crane activities.
- Aviation obstacle lighting may be required as a temporary or permanent fixture by the Irish Air Corps, as the operators of Casement Aerodrome. If permission is granted, it should be a condition that an aviation obstacle warning lighting scheme be agreed with the Military Air Traffic Services.
- It should be noted that Irish Air Corps lighting requirements are separate to any that may be specified by the Irish Aviation Authority.
- If permission is granted an aviation obstacle warning lighting scheme for the development must be agreed with Military Air Traffic Services.
- The planning authority should take account of the effects of aircraft noise as the site lies in close proximity to Casement Aerodrome.

Irish Aviation Authority

- The applicant should be required to engage with the Property Management Branch of the Department of Defence to undertake a preliminary screening assessment to confirm that the proposed development and any associated cranes that would be utilised during its construction, would have no impact on the safety of flight operations at Casement Aerodrome.

10.0 Planning Assessment

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory Development Plan and has full regard to the Chief Executive's report, third party observations and submissions by Prescribed Bodies.

The assessment considers and addresses the following issues:

- Principle of Development, Quantum and Nature of Development
- Design Strategy
- Standard of Accommodation for future residents
- Potential Impact on Adjoining Properties/Lands.
- Traffic and Transportation
- Services & Drainage
- Ecology
- Trees and hedgerows
- Archaeology
- Social Infrastructure
- Part V
- Other Matters
- Material Contravention
- Chief Executive Report

I draw the Boards attention to the South Dublin County Development Plan 2022-2028 was made on the 22nd June 2022 and due to come into effect on the 3rd August 2022. My assessment is based on the South Dublin County Development Plan 2016-2022 which is the statutory Plan in place at the time of writing.

10.1 Principle of Development, Quantum and Nature of Development

10.1.1 Context

Having regard to the nature and scale of development proposed, namely an application for 274 residential units (mix of houses, duplex and apartments) located on lands for which residential development is permitted in principle under the zoning objectives. I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

Observers refer to the proposed development as being premature pending the preparation of a Local Area Plan for the area and a Masterplan for the site. Presently there is no Local Area Plan and the statutory Development Plan for this area does not require a Local Area Plan to be prepared for this area.

10.1.2 Land Use Zoning

Third parties and elected representatives in both submissions and in the Chief Executive report have raised concerns that the proposed Development is premature pending the adoption of the South Dublin County Development Plan 2022-2028. The new County Development Plan is not currently in force. Therefore, the planning framework for assessment of the application is through adopted planning policy as expressed in section 6 of this report, and specifically, the current statutory Development Plan (i.e South Dublin County Development Plan 2016-2022) and associated zoning of the site.

The land use zoning of the site is described in the South Dublin County Development Plan 2016-2022 as predominantly RES-N 'New Residential' with the objective 'to provide for new residential communities in accordance with approved area plans', as well as partially RES 'Existing Residential' with the objective 'to protect and/or improve residential amenity'. The zoning matrix in section 5 of the Development Plan describes that residential is a permitted in principle use in both of these zonings, while childcare is permitted in principle in RES-N areas and open for consideration in RES areas. The current land use zoning of the land to the east where the pedestrian/cycle link is proposed is 'OS' with the objective 'to preserve and provide for open space and recreational amenities'. As this cycle and pedestrian connection would be public accessible and open links from Mill Road to the Saggart Luas terminus I consider this acceptable.

I am therefore satisfied that the proposed uses for each defined area, are compatible with approved uses for these respective zonings.

Concerns raised referring to the site as part of Rathcoole are noted

Having regard to the zoning objective on the site, those uses which are permitted in principle, I consider the principle of residential development on this site is acceptable in principle subject to compliance with the relevant standards and other planning considerations which are addressed in this report.

10.1.3 Area Plan

I note that a constant theme raised by third parties and elected representatives in both submissions and in the Chief Executive report relates to the requirement under RES-N for an Area Plan and the absence of an area action plan or other area specific plan for the site, which has been subject to consultation.

The bulk of the application site is located are lands identified as '**RES-N Residential Land** which has a stated objective '*to provide for new residential communities in accordance with approved area plans*'.

The Planning Authority's Chief Executive Report refers to the previously published Mill Road Saggart Area Plan in 2008 (extended to 2018) and noted that given the context of more recent national and local planning policy and that this area plan is not referred to in the current Development Plan, the Planning Authority 'cannot rely on it to assess planning applications in the area'. The planning authority also identified that an applicant led approach to area plans in RES-N zoned lands has taken place elsewhere in the County.

Item no. 3 of the An Bord Pleanála Pre-Application Opinion that issued under ABP – 308982-20 required the submission of "*An Integrated Area Plan/Masterplan as required, that considers inter alia proposed and potential links to adjoining sites*"

In response to item no. 3 of the Pre-Application Consultation Opinion the applicant has submitted a Proposed Masterplan Connectivity & Permeability drawing No.PA-002 to illustrate potential future connections from the site and Saggart/Citywest and the Luas terminus. Third party objections have been received relating to this 'masterplan,' stating that it is unclear, inaccurate, contains unadopted zonings of adjacent lands and has no notice or agreement by third party landowners to the routes illustrated. The proposed masterplan drawing submitted by the applicant indicates lands adjacent and to the east as future residential / commercial areas, as well as a hotel and primary care uses.

The proposed layout provided in the Masterplan and the application details appears to provide scope for connectivity between the adjoining lands via the provision of a pedestrian/cycle link through the open space (former golf course) , linkages to lands to the south are also shown. The 'Masterplan' shows the former golf course as 'residential'. The suitability of the linkages across the site are discussed further below under section 10.2.5 when addressing the proposed development layout. The

applicant's Masterplan (in the form of a drawing) does not explicitly stipulate the quantum or type of development replacing the existing open space, nor addresses the issue of compliance with land use zoning objectives for the lands in question.

The detail of the applicant's Masterplan is limited and they have indicated a pedestrian link from the site to the access road serving City west Hotel & Conference Centre as access to the Saggart Luas stop all of which appears to be predicated on the assumption that the wider 'OS' lands will be brought forward for residential development. The South Dublin County Development Plan 2022-2026 which was made on the 22nd June 2022 and is due to come into effect on the 3rd August 2022 retains the 'OS land use zoning objective on these lands in question. Therefore the 'masterplan' is viewed purely as an academic exercise. I note that the planning authority do not consider the absence of an area plan as a contravention of the RES-N land use zoning objective given the level of detail submitted with the application. I concur with the planning authority and draw the Board attention to the wording of the stated objective for RES-N which states '*to provide for new residential communities in accordance with approved area plans*'

The wording refers to an 'approve area plan' does not specify by whom or when. As such a plan submitted by a developer at application stage could be interpreted as an 'approve area plan' as part of the development management process. In this regard I note that the application submitted includes a masterplan layout, and regardless of the substandard information submitted and the nature of same it could be argued that it fulfils the need for an area plan as it provides a plan for the area (or applicant's landholding).

Having regard to the foregoing I consider that the documentation submitted with the application complies with the spirit of RES-N stated objective, the nature and quality of the masterplan submitted is assessed throughout this report in the relevant sections.

10.1.4 Density

Observer submissions, Elected Representatives and the planning authority have raised concerns in relation to the density of the development given the location of the site which is not considered accessible.

The proposal is for 274 residential units on a site with a stated Nett area of c.4.62 hectares, therefore a density of c.59.3units per hectare is proposed.

I consider the stated nett area of c.4.62 hectares having regard to Appendix A of the Sustainable Residential Development in Urban Areas Guidelines states that in calculating net density, major local distributor roads, primary schools, churches, local shopping and open spaces serving a wider area and significant landscape buffer strips can be excluded for the purposes of the net density calculation.

The current County Development Plan Policy H8 Objective 6 sets out a recommended density of 35-50 dwellings per hectares for sites such as the current one. The planning authority raised concerns that the proposed density (reference to

61 uph) is not appropriate and should be revised by reducing the number of units (through the removal of three floors to Block A which I address in section 10.2.3)

I consider, the proposed density of 60uph (59.3) is a marginal increase. I also refer the Board to section 10.2.3 where I address height and the implications for density arising from my recommendations should the Board concur which results in a development with a net density of c.56.7uph which I consider a marginal increase and not a material contravention.

The Dublin MASP, as set out in the RSES, highlights the Luas Corridor as a strategic development corridor, where compact growth is supported. The Guidelines on Sustainable Residential Development in Urban Areas (SRDUA) states that for sites located within a public transport corridor, it is recognised that to maximise the return on this investment, it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns, including higher densities. The guidelines state that minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, i.e within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. The application site at present is c. 1.5km from the Saggart Luas Stop, this would be reduced to c. 950m if the proposed pedestrian/cycle link through the former City West golf Course is provided.

A link for pedestrians and cyclists is proposed via the open space lands (golf course) to the east and Citywest Hotel lands to link to the Saggart Luas stop. The applicant has set out that this is c. 950m. I note that this is the distance to link to the Avenue (access road) serving the City West complex and that from the junction of the proposed link to the Luas stop via the avenue and the adjoining Fortunestown Road/Garters Lane. There are GoAhead bus services along the N7 and Dublin Bus services along Mill Road with a bus stop at the point where the vehicular access to the site is proposed. The bus services along Mill Road are every 60 min, limited or peak-only, so not considered to be a quality, frequent service. Under BusConnects the services along Mill Road would be Orbital, Other City Bound and Peak Time Routes, thereby not resulting in a significant improvement. The site is c.10-15 minute walk, to Saggart Village. I note that the applicants appear to rely on the proposed eastern pedestrian /cycle connection in part to justify the proposed density.

Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO10, RPO34 and RPO35 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR1 and SSPR2 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.

Having regard to the foregoing and given the location and context of the site located on a on lands identified as part of the Saggart/Citywest Core Strategy landback and accessibility in term of public transport it is in my opinion an 'intermediate urban location' which are suitable for densities greater than 45dph as defined under

Section 2.4 of the Apartment Guidelines 2020. I am satisfied that the site is suitably placed to accommodate the proposed density given its proximity (via the proposed link) to high capacity public transport of the Luas, within short commute (walking, cycling, Luas, bus) of a range of employment options, and within walking distance of a range of services and amenities. I am of the opinion that the delivery of residential development on this underutilised, serviced site would be consistent with policies and intended outcomes of current Government policy, specifically the NPF, which looks to secure more compact and sustainable urban development. In terms of local policy, South Dublin County Development Plan states the council will promote sustainable residential densities in accordance with the Guidelines on Sustainable Residential Development in Urban Areas (as considered above). The overall acceptability of the proposed density (60uph) is subject to appropriate design and amenity standards, which are addressed in the relevant sections of this report. I note that Policy H8 Objective 6 sets out recommended densities, given the wording of the objective I am satisfied that the proposed density does not constitute a material contravention of the current Development Plan.

Having considered the applicant's submission, observers submissions and those of the Planning Authority, as well as local, regional and national policy, the site is within the MASP, close to public transport and in line with s.28 guidance on residential density, I am satisfied that the proposed quantum and density of development is appropriate in this instance having regard to national policy, the relatively recent permissions in the vicinity, the area's changing context, the site's size and proximity to public transport and is not contrary to the provisions of the development plan in respect of density or quantum.

10.1.5 Unit Mix.

The Planning Authority and third party observers have raised concerns regarding the appropriateness of apartments at this peripheral location.

The proposed unit mix for the overall development is good with 62 x 1 bed apartments, 119 x 2 bed apartments, 4 x 3 bed apartments, 2 x 1 bed duplex, 17 x 2 bed duplex, 19 x 3 bed duplex 17 x 2 bed house, 27 x 3 bed house and 7 x 4 bed house. This equates to 23.3% 1 bed, 55.8% 2 bed. 18.2% 3 bed and 2.5% 4 bed overall scheme of 274 units (51 houses, 38 duplex and 185 apartments).

The Planning Authority are of the view that the applicant has not fully justified the proposed provision of 1 bed apartments but are satisfied that this could be addressed by the recommended reduction in scale of the apartment blocks. Through the omission of 3 floors to Block A which I address in section 10.2.3 of this report.

SDCC Housing Department reviewed the proposed Part V provision and noted the applicant's proposed mix but highlighted that SDCC preference is for a better mix of unit types in line with the schedule of accommodation and the inclusion of two universal type units to accommodate persons with medical needs.

In my opinion the proposed development offers a good mix of unit types ranging from houses, duplex to apartments. This would lead an acceptable population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. The proposed unit types will improve the range of housing types available in the area which is predominately characterised by low density suburban housing and single dwellings on individual plots. The provision of apartments within the scheme and at this location is also in accordance with the guidance set out in the Guidelines for Planning Authorities on Sustainable Residential.

National planning policy supports the provision of new housing as a priority on appropriate sites and recognises the importance of apartment development as part of the efficient delivery of much needed housing in the State. The proposed development is a mix of houses, duplex and apartments. Overall, I do not consider there to be any in principle objection to the provision of apartment style units as part of a wider housing scheme on this site.

With regard to unit sizes I note the concerns raised by the Planning Authority. SPPR 1 of the Apartment Guidelines states that up to 50% of a proposed development may comprise 1 bedroom units, with no more than 20-25% being studio units. The proposed development does not include any studio units but 52.1% of the apartments are 1 bedroom units which exceeds the 50% contained in SPPR1. In the event that a grant of permission was forthcoming this would need to be addressed, I refer the Board to section 10.2.3 where recommendations to omit floors are outlined and the implications for units number and mixes are set out.

I note that the recently adopted 2016-2028 Development Plan which comes into effect on the 3rd August 2022 includes H1 Objective 13 which sets out that proposals for residential development shall provide a minimum of 30% 3-bedroom units unless it can be demonstrated that there are unique site constraints that would prevent such provision or that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socio-economic, population and housing data set out in the Housing Strategy and Interim HNDA. No such policy objective is in the current statutory Plan.

I note the recent s.28 Guidelines for Planning Authorities on the Regulation of Commercial Institutional Investment in Housing May 2021. This includes requirements in relation to duplex and standalone housing units, to restrict occupation of these units under section 47 of the Planning and Development Act 2000 (as amended).

National planning policy supports the provision of new housing as a priority on appropriate sites and recognises the importance of apartments as part of the efficient delivery of much needed housing in the State. The proposed development is a mix of houses and apartments/duplex. Overall, I do not consider there to be any in principle objection to the provision of apartment/duplex style units as part of a wider housing scheme on this site and outstanding matters relating to unit size (i.e. number of bedrooms) are addressed in section 10.2.3.

10.1.6 Tenure

The applicant has stated in the documentation submitted that *“subject to permission being granted, it is the intention of the applicant to subsequently enter into negotiations with SDCC to seek agreement for a tenure mix and pricing structure for all units in the development to accommodate 45 no. affordable to sell units, 70 no. social units and 159 no. affordable/cost rental units. The applicant has submitted a detailed proposal to SDCC in relation to tenure mix and pricing. It is the applicant’s intention that the proposed development on the site will constitute the first large scale, privately delivered residential development devoted entirely to social and affordable tenure, including a very material quantum of affordable to sell units.*

The Planning Authority also noted that it is not clear from the documentation submitted what the tenure of the units would be. Considering no mention of Build-To-Rent in the Public Notices the Planning Authority assessed the proposed development against the provisions set out in the Apartment Guidelines for non BTR developments.

I note that the development is not advertised as a Built to Rent Development, therefore is not assessed as one and as noted above SPPR1 applies. In addition the Development includes a mix of apartments, duplex units and houses, therefore if the Board is of a mind to grant permission relating to the Regulation of Institutional Investment in Housing - Mixed unit-type development would apply.

The applicant has submitted Part V proposals as part of the application documents 28 no. units are currently identified as forming the Part V housing. The Planning Authority’s Housing Department have confirmed the developer’s agent has engaged with the department and are aware of the Part V obligations pertaining to this site if permission is granted, Detailed comments are made with respect to the Council’s preference for Part V units in terms of unit type, design, location and layout.

I note the recent Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending on when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

10.2 Design Strategy

10.2.1 Context

Permission is sought for the demolition of a detached house and the construction of a residential development comprised of houses (2 storeys), duplex (3 storeys) and Apartments in 2 no. blocks (5 and 8 storeys) and a creche,

The 3 storey duplex units are located on the norther eastern section, closest to the N7 with the 2 storey houses are located behind these, centrally in the site. The 2 no. Apartment blocks (A&B) are located on the eastern corner and north eastern section of the site, Block A (8 storeys) is located on the eastern corner and addresses the existing golf course/lands zoned under open space and Block B (5 storeys) is located to the west of it. the applicant's design strategy appears to be predicated on the adjoining open space lands being developed as residential. This is further illustrated by the 'masterplan' for the applicants overall holding at this location submitted with the application. I have addressed the status of this masterplan in section 10.1.3.

As part of the site analysis in their Architectural Design Statement, the key constraints in developing the site are indicated by the applicant, while matters required to be addressed in the Development Plan are also directly and indirectly referred to. The applicant also addresses the key principles of the Urban Design Manual in their Architectural Design Statement, asserting that all principles were considered as part of the proposals in response to sustainable place-making.

10.2.2 Demolition works

Observers do not specifically object to the demolition of the existing house and outhouses that occupy the north wester corner of the site and the planning authority has not raised any issues with this aspect of the proposed development, other than referring to the attachment of standard conditions with respect to demolition works in the event of a grant of planning permission.

No parties have referred to the house/building that is proposed to be demolished as being of architectural merit or historical significance and I note that the house is not a Protected Structure, nor is it located within an architectural conservation area.

I have no objection to the demolition of the existing house which occupies the north-western corner of the site and its removal would not be contrary to the provisions of the Development Plan. I am satisfied that there are no planning provisions restricting the principle of this part of the proposed works.

10.2.3 Height

10.2.3.1 Context

The proposed development includes 2 storey houses and 3 storey duplex, the height of which I consider acceptable and compliant with current Development Plan standards for height. I propose to address in this section the height of the apartment blocks in two parts: a) policy compliance and b) aircraft safety.

10.2.3.2 Height & Policy Compliance

A common thread raised in the observation relates to the proposed height of the development which is not in keeping with the character of the area which is predominantly characterised by two storey houses.

The Planning Authority has raised serious concerns regard the proposed height of Block A and recommend that a condition be attached to any grant of permission requiring that the top 3 floors be omitted. It is also noted the proposed height would materially contravene the current County Development Plan. The Planning Authority is not satisfied that this site justifies the proposed greater heights, having regard to its location from the centre of Saggart, the location to the closest Luas stop, the moderate bus services in the area and its current dependence on vehicular movement.

The applicant has sought to justify the proposed density by reference to the permitted Garter's Lane SHD (ABP 308088) for justification. I do not consider the context the same as the Garter Lane site was immediately adjacent to the Saggart Luas stop. The applicant has also submitted the 8 storey element would act as a marker for the entrance to the adjoining lands to the east, for legibility for the future development of those lands. These lands are zoned Open Space under the current Plan. I note that the planning authority in the Chief Executive report satiated that *"these lands are zoned OS, and will not be brought forward for development."* and recommended that Block A be reduced to 5 storeys in height.

The application site is not identified for tall buildings exceeding five storeys in an approved plan as per Policy H9 Objective 4 and Policy UC6 Objective 3 of the current County Development Plan. The proposed height of 8 storeys (Block A) would be a material contravention of the County Development Plan, specifically Policy H9 Objective 4 and Policy UC6 Objective 3. Furthermore I note Policy H9 Objective 5 which seeks to restrict general building heights on 'RES-N' lands south of the N7 to no more than 12m where not covered by a current statutory Local Area Plan.

I do not consider that the application site is suitable for the proposed height of Block A in particular, which ranges from 5 to 7 to 8 storeys in height. It is submitted by the

applicant that this is justified as it addresses lands to the east which are referred to as 'residential' in the applicant's masterplan which accompanies the application. I concur with the planning authority given the context of the site that blocks should be a maximum of 5 storeys in height, Therefore if the Board is of a mind to grant permission I recommend that Block A should be reduced in height to provide a block with a maximum of 5 storeys. The recommendation for Block A to be 5 storeys in height, through the omission of the 3 upper floors results in a building height exceeding 12m. The Planning Authority did not raise this a material contravention of policy H9 Objective 5. I note that while there is no requirement under the current Development Plan for a LAP to be specifically prepared for the area where the site is located, a structure with a height exceeding 12m contravenes Policy H9 Objective 5. The applicant has addressed this in the Material Contravention Statement.

The recommended omission of the three upper floors would address concerns raised by the planning authority in terms of height, density and number of 1 bed units. The omission of the floors results in the omission of 12 apartments. This results in an overall development of 262 residential units and a density of c. 56.7 uph which I consider acceptable for the site. The omission of the 12 apartments results in a development comprised of 173 apartments consisting of 55 no.1 bed, 114 no. 2 bed and 4 no. 3 bed which I consider acceptable and compliant with the current statutory plan and compliant with SPPR1 as 1 bed comprise 31.7%.

A Material Contravention Statement is submitted with the application in which the applicant seeks to justify the material contravention of the provisions of the South Dublin County Development Plan 2016-2022 in respect of building heights. The planning authority also considers the proposal to present a material contravention of the operative County Development Plan in relation to height. I too consider that the proposal represents a material contravention in relation to height (proposed Block A)

The Urban Development and Building Height Guidelines provide clear criteria to be applied when assessing applications for increased height. The Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. Having regard to the Urban Development and Building Heights Guidelines, 2018, I note that specific assessments were undertaken including Townscape and Visual Impact Assessment, CGIs and daylight/sunlight analysis. Applying section 3.2 of the Building Height Guidelines I consider the following:

At the scale of relevant city/town, the proposal will make a positive contribution to place-making introducing new street frontage within the Development and opening links to and through adjoining lands and subject to the recommended changes set out above achieves the required densities. I consider there to be sufficient variety in scale and massing to respond to the scale of adjoining developments through the provision of a development comprising of 2 storey houses, 3 storeys duplex and

(subject to recommended amendments) 5 storey apartment blocks I consider the proposed quantum of residential development, residential density and tenure type acceptable in the context of the location of the site in an area that is undergoing redevelopment and considered an area in transition.

At the scale of district/neighbourhood/street, The proposed development would not interfere with significant views in the locality. The site is not located within an Architectural Conservation Area and there are no protected structures onsite or within the immediate vicinity. A Record Monument is noted along the proposed pedestrian/cycle route. The use of material and finishes to the elevations assists in breaking down the overall mass and scale of the different elements of proposed development. CGIs of the proposed development have been submitted with the application and have assisted in my assessment of the proposal. I acknowledge that the development of the site would bring into use a zoned serviced site that is underutilised at present at this location. The recommended removal of 3 floors from Block A would result in a building with a height less than 20m which addresses the concerns raised by the Department of Defence which I address in section 10.2.3.3 below.

At the scale of the site/building: The proposal will passively survey the internal access road and pedestrian/cycle linkages to adjoining lands are indicated and would contribute to the legibility of the area. The addition of a Development comprising of houses, duplex and apartments will contribute to the unit mix and tenure at the location. Residential Amenities are addressed in section 10.3 and 10.4 Sunlight and daylight consideration are addressed in section 10.3.3 and 10.4.3. Flood Risk Assessment has been carried out and this is addressed in section 10.6.

Having regard to the considerations above, I consider that the recommend amended proposal in principle for 2 to 5 storey buildings at this location is acceptable in terms of height subject to aircraft safety concerns being addressed (see section 10.2..3.3 of this report). I consider the recommended amended height to be in keeping with national policy in this regard. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which signals a shift in Government policy towards securing more compact and sustainable urban development and recognises that a more compact urban form, facilitated through well designed higher density development is required. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. Overall, I am of the view that having regard local and national guidance, the context of the site in an accessible location which is undergoing significant redevelopment, the recommended amended height is acceptable in principle subject to further assessment pertaining to impact on the receiving environment.

Should the Board consider the applicant's proposed height of 8 storey for Block A suitable for this location I wish to highlight in terms of the potential impact of the proposed height of the development on aircraft safety I am of the view that the proposed development (in the absence of specific studies/surveys) does not satisfy the criteria described in section 3.2 of the Building Height Guidelines in particular when assessed at the scale of district/neighbourhood/street to justify that the Board grant permission in this instance and invoke section 37(2)(b) of the of the Planning and Development Act 2000, as amended.

10.2.3.3 Height & Aircraft Safety

The site is located to the south, across the N7, from Casement Aerodrome. Part of the front of the site is located within the Department of Defence Inner Zone on the County Development Plan maps.

The Department of Defence in its submission noted ICAO Annex 14 Obstacle Limitation Surfaces (OLS) are established at Casement Aerodrome. 'Apartment Block A' in the proposed development penetrates the Inner Horizontal Surface (IHS), which is intended to protect aircraft which are visually manoeuvring in the vicinity of an aerodrome. The HIS surface begins at 131.8m above mean sea level (AMSL). Based on the details supplied in the applicants website it is IAC's calculation that the development of Block A, in particular, stands at 135.8m which is a clear breach of the HIS (by c.4m). This would require an Aeronautical Study and in the absence of one that permission should be refused on the grounds of air traffic safety as a full assessment could not be carried out. Concerns regarding bird hazards were also raised which I address in this section as well.

The IAA in their submission noted no objection subject to conditions. The planning authority noted the recommendation of the Department of Defence and recommended that a condition be attached requiring the submission of such a study and highlighted that the planning authority recommended the omission of the three upper floors to Block A.

IE8 Objective 5 contained in the South Dublin County Council Development Plan 2016-2022 sets out that *'Within the Department of Defence Inner Zone (delineated on Development Plan Index Map), in addition to the Obstacle Limitation Surfaces for the Aerodrome, no buildings or structures exceeding 20m in height above ground level should be permitted except where specifically agreed following consultation with the Department of Defence that the proposed development will not affect the safety, efficiency or regularity of operations at the aerodrome'*. Block A has a proposed height of 24.6m and therefore materially contravenes Policy IE8 Objective 5. I note that this was not raised in the Chief Executive report and acknowledge the planning authority's recommendation that the upper three floors of Block A be omitted by condition, thus reducing the height of Block A below the 20m. My recommendation to the Board relating to the omission of 3 floors from Block A results in a building with a height less than 20m therefore material contravention Policy IE8 Objective 5 does not arise. Should the Board consider the original height of 8 Storeys for Block A appropriate I wish to again highlight that this would be a material contravention of IE8 Objective 5 which I would advise against.

I note under item no.16 of the Pre-Application Consultation Opinion, the Board requested "A report that addresses any aviation issues having regard to the location of the site relative to Casement/Baldonnell Aerodrome". No Report has been submitted with the application and the applicant in their response directed the reader to *"Refer to Section 4.2.2 of a Statement of Consistency report"* which states *"The site is located south of the Baldonnell Aerodrome. The South Dublin County Development Plan 2016- 2022 Zoning Index Map (overleaf) shows the site is outside the flight paths and the 'Noise Significant Boundary' but partially within the boundary of the 'Security Zone'. The part of the site that is within this zone is mostly the planted woodland berm, and a 3 storey duplex building"*. I have examined the documentation submitted and not that no further details are provided to address item no. 16 above. I also note that the submitted Statement of Consistency does not address policy objectives pertaining to Casement/Baldonnell Aerodrome.

The planning authority recommended the omission of the upper three floors from Block A. I have set out in section 10.2.3.2 that I recommend that Block A be reduced to a height of 5 storeys which would bring it below the HIS identified by the Department of Defence in their submission. I note that the planning authority recommended that this be required by condition. If the Board wish to pursue this for the amended Block A or the original height proposed. I would advise that I do not consider it appropriate to require this level of information/surveys by condition as it would require an assessment post consent that has the potential to impact on the proposed development.

Furthermore, given that air traffic safety is of paramount importance in the interests of public safety and where there remains a concern by the Department of Defence, I consider that the original proposed height of 8 storeys which penetrates the Inner Horizontal Obstacle Limitation surface has not been justified either through a)

existing shielding by an immovable obstacle or b) where an aeronautical study finds the object will not have a negative impact on the safety or regularity of operations. The applicant was made aware of this issue at pre-application stage and no aeronautical report has been submitted. SHD is a fast-track system for housing applications with no further information mechanism which the applicant would be aware of. The only provision available to address this matter is in my opinion by way of Oral Hearing which is provided for under section 18 of the Planning and Development Act 2016 as amended. However, such can only be held where the Board has regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness and having regard to the particular circumstances of the application, that there is a compelling case for such a hearing. Given that the applicant was made aware of the need to address aviation interference I do not consider that this represents a 'compelling case' should the Board wish to consider a building exceeding 20m in height at this location.

My recommendation to the Board relating to the omission of 3 floors from Block A results in a building with a height less than 20m brings Block A below the Obstacle limitation Surface for Baldonnel Aerodrome which addresses the concerns raised by the Department of Defence and the requirement for an Aeronautical Study.

With regard to potential safety implications arising from bird hazards I note that the Department of Defence (DoD) recommended that permission be refused in the absence of such surveys. I also note that a series of recommended conditions are included in the DoD submission. Neither the planning authority nor the IAA raised the issue of aircraft safety and potential bird hazard at this location. I am of the view that this can be addressed through appropriate landscaping and SuDS conditions should be Board be of the mind to grant permission.

10.2.4 Design/Materials/Finishes

A detailed Architectural Design Statement, a Materials & Finishes Report are submitted with the application which sets out clearly the overall architectural rationale and approach. The applicant also provides inter alia a Landscape Architect's Report, a Sustainability Report and Building Lifecycle Report, these should be read in tandem as they set out external building materials and landscape external materials.

The proposed houses and duplex blocks are finished in a mix of selected pre-coloured render and brick (with brick being the primary material). Apartment Block A and B are a mix of two selected brick types (dark and light buff coloured brick) and selected cladding. The use of stepped bricks is proposed at entrances to apartment blocks and circulation areas in order to enliven the façade and signal the entrance by providing visual and tactile interest. Decorative brick is proposed at selected areas of Block A and B's façade. Bike stores are enclosed by a galvanised steel frame construction, within infill mesh panels and timber panels as ventilated doors with a green proposed. The bin store areas are masonry construction, timber panels as ventilated doors and brick finish to match duplex units. Proposed materials and finishes are acceptable in my opinion

The Apartment Guidelines require the preparation of a Building Lifecycle Report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission for apartments.

Landscaping is a mix of hard and soft landscape creating a distinctive character which is brought through the numerous pocket parks to the central park space which I address in more detail in section 10.2.5.

10.2.5 Layout

The applicant in the documentation submitted with the application has attempted to illustrate how the proposed layout responds to the future potential development of lands to the east and permitted development to the south. I draw the Board attention to the lands to the east which are zoned under land use objective 'OS' in the current plan and in the 2022 Plan that come into effect on the 3rd August 2022.

As set out above the proposed Development is laid out with the 3 storey duplex located closest to the N7 but separated from it by a woodland berm. The 2 storey houses are located centrally within the scheme with the 2 apartment blocks in the north eastern and eastern portion of the site. The houses (house type 3 and 5) along the southern boundary are set back between c.14m - 20m from existing dwellings fronting Mill Road. I address potential impacts on these properties in section 10.4.

The Proposed Site Plan shows an indicative/potential vehicular connection to the permitted development to the south (subject to agreement). This is welcomed by the Planning Authority. The layout shows connections up the boundary which I consider acceptable and best practice. The provision of a vehicular access to the lands to the south would require all relevant consents.

A pedestrian and cyclist access is proposed to the east via the open space lands (golf course) and connects to Citywest Hotel lands. It is stated that this will provide access to the Saggart LUAS stop as it will connect to the access road to the Hotel & Conference Centre and then along the public road. These lands are in the ownership of the applicant and the applicant has stated that the link would be publicly accessible. The planning authority has raised significant concerns that the proposed link would fail to provide the high quality, attractive and usable link required to serve future residents, in order to support the residential density proposed.

The proposed internal road layout appears to be predicated on the lands to the east being brought forward for residential development as its illustrated in the masterplan drawing submitted which I considered academic in nature given the open space zoning associated with the lands the east. Potential future connections to the east, in addition to the proposed pedestrian/cyclist link are also indicated. This appears to be on the premise that the lands are residential as indicated on the submitted Masterplan drawing. However, these lands are currently zoned OS under the County Development Plan. Any design for potential future connections should be cognisance of this.

The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria for such development, including context, connections, layout, public realm and distinctiveness. The Design Manual for Urban Roads and Streets (DMURS) provides further guidance on the design and layout of streets in terms of the creation of sense of place.

The public realm approach to the overall site is fairly standard with a variety of street planting and passive supervision opportunities. A Statement of Consistency with DMURS has been submitted with the application. I note that SDCC Transport Department raised issue with the 6m width of internal roads but noted that this matter could be addressed by a condition requiring footpath rearrangement to outside the parking bays and forming shared surfaces, with homezones created at some locations with narrower road widths and a better hierarchy. I note the concerns raised and I consider that this matter can be addressed through the provision of appropriate landscaping to provide informal breaks rather that relating the footpaths to outside of the bays. This matter can be addressed by condition, in my opinion.

In overall terms, I am satisfied that the urban design approach employed by the applicant is satisfactory. Open spaces are logically situated throughout the site The provision of a woodland berm along the interface with the N7 is acceptable as is the interface with the open space lands to the east. I note the proposed scheme has been designed with the expectation that adjacent sites would be developed in the future as illustrated in the proposed street layout and submitted masterplan. I also

note the Chief Executive report states that these lands will not be brought forward for development.

The creche is located on the south eastern portion of the site in Block A. I have no objection to the scale and location of the creche. I note that it has a small outdoor play area adjoining it. Issues relating to residential amenity are addressed in section 10.3.

Overall I am of the view that proposed layout provides a logical street hierarchy and open spaces are adequate and well distributed throughout the site. House and apartment design are articulated at the corners in order to allow good levels of passive supervision of the street and open spaces. Play areas are convenient and well located and overlooked by a variety of units. Where possible, vegetation and trees have been retained and incorporated into open spaces. I note the location of parking along open space and concerns raised by the planning authority. This is not ideal however this matter could be addressed by condition of a grant of permission was forthcoming.

10.2.6 Open Space & Landscaping

Section 11.3.1 (iii) set out that new residential development on lands zoned under objective RES-N shall be required to incorporate a minimum of 14% of the total site as public open space. The Plan also sets out requirement for play areas and seeks that new residential developments are served by a clear hierarchy and network of quality public open space that provides for active and passive recreation. It is proposed to provide c.8970sq.m of public open space across the subject site (c.19.4%) of the total site area. The quantity of public open space is, therefore, in accordance with plan standards, and it is noted that neither planning authority nor third parties raised concerns regarding the quantity.

Public open space is provided in 6 distinct parcels dispersed through the proposed development. The documentation has used different labels with some mislabelling which for clarity I set out below:

Drawing No. PA-001 Proposed Site Plan	Landscape Architect's Report
POS1 (c.0.174ha)	Central Park Space (1740sq.m)
POS2 (c.0.0212ha)	Entrance Pocket Park (212sq.m)
POS3 (c. 0.034ha)	Pocket Park (340sq.m)
POS4 (c.0.094ha) (along southern boundary and includes ESB substation)	
POS5 (c.0.0627ha)	Pocket Park-Natural Way, Western Boundary (627sq.m)

POS6 (c.0.5112ha) along northern boundary with N7	Public Open Space (5112sq.m) along southern boundary which includes ecological measures.
	Northern Public Open Space (1740sq.m) functions as buffer with N7.

The distribution of open space through the scheme offers an appropriate balance and provide a variety of spaces which is easily accessible with distances from the furthest house to the central area of open space acceptable. I note that POS 1 has banks of parking along its periphery, this was also highlighted by the planning authority. The removal and relocation of these parking bays could be address by condition if the Board were of a mind to grant permission. I do not consider a reason for refusal on these grounds warranted.

Landscaping plans for the development have been prepared. The Plan provides pathways and planting with existing hedgerow and trees to be retained where feasible. The proposed playground is located in the large central open space. A Wooded berm is located along the northern open space which also acts as a buffer with the N7. The areas of public open space are overlooked and supervised by residential units and comply with Development plan standards which is acceptable. I note that the planning authority raised issue with the provision of attenuation within areas of public open space, I am of the view that once done in an appropriate manner attenuation proposals do not diminish areas of public open space or detract from their amenity value.

I address private and communal amenity space in section 10.3.1 below

10.3 Standard of Accommodation for future residents

10.3.1 Context

The development includes 185 (173 with recommended amendments) apartments and 38 duplex units and as such the Sustainable Housing: Design Standards for New Apartments 2020 has a bearing on the design and minimum floor areas associated with the apartments. In this context the Guidelines set out Special Planning Policy Requirements (SPPRs) that must be complied with.

In terms of amenities for future occupants the development is of a high standard. It complies with the requirements of the 2020 Apartment Guidelines. The proposal complies with SPPR3 (internal floor areas), SPPR 4 (dual aspect) SPPR5 (ceiling heights) and SPPR6 (units per stair core).

Appendix 1 of the Apartment Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. The submitted schedule of areas indicates that all apartments meet or exceed the minimum storage area, floor area and aggregate floor area and width standards.

In my view the design and internal layouts of the units are generally satisfactory with regard to national guidance for residential and that there will be a reasonable standard of residential accommodation for future residents of the scheme.

The apartments and duplex are provided with either terrace or balcony spaces which comply with the standards set out in the appendix to the Guidelines.

Communal Amenity Space for the duplex units and apartments is provided with an overall provision of c.1842sq.m (I note that the Landscape Architect's Report refers to an overall figure of c.1479sq.m) broken down into c.1206 sq.m for the apartments, split between c. 966 sq.m adjoining Block b and c. 314sq.m to the east of Block A. A separate c.178sq.m of play area is provided for the creche in Block A. Communal amenity space for the duplex blocks is provided in two areas (one for each block) c. 314sq.m and c. 304sq.m respectively. I am satisfied that all communal amenity spaces are adequately sized and are provided to an acceptable standard.

Private amenity for the houses are in the form of private gardens which are adequately sized private open space and to an acceptable standard.

Overall the proposed development, subject to the recommend amendments, provides an acceptable standard of residential accommodation for future occupants.

10.3.2 Overlooking

Overlooking of units within the scheme has not been raised as a concern by observers or the planning authority.

Section 11.3.1(v) set out separation distances of 22m between opposing first floor windows. Block A and Block B has separation distances of c.25m and Block B to Block B distances of c. 22m.

I am satisfied that adequate separation distances are provided within the proposed development and overlooking does not arise. The proposed development has been designed to have regard to the siting of residential units and their relationship with each other within the overall development.

10.3.3 Daylight/Sunlight/Overshadowing

The Planning Authority raised no concerns in relating to access to sunlight/daylight or overshadowing within the proposed development. I note that observers raised concerns that the proposed Development does not comply with the BRE standards and that the Daylight/Sunlight Assessment is not based on the European Standard EN 17037 which was adopted in Ireland in January 2019 (IS EN 17037). No regulatory or legislative framework to currently enforce these in Ireland and in the absence of such a framework and based on current section 28 Guidelines the 2011 BRE Guidelines are used.

Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

The Sunlight, Daylight & Shadow Assessment (Impact Neighbours and Development Performance submitted with the application considers inter alia potential daylight provision within the proposed scheme and overshadowing within the scheme.

This assessment is read in conjunction with the BS 2008 Code of Practice for Daylighting and the BRE 209 site layout planning for daylight and sunlight (2011). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Urban & Building Heights Guidelines and the Apartment Guidelines. I am satisfied that the target ADF for the new residential units and minimum sunlight exposure for the open spaces are acceptable and general compliance with these targets/standards would ensure adequate residential amenity for future residents.

The assessment submitted has examined the first floor of the 2 apartment blocks for ADF and APSH/WPSH. I accept the selection of first floor windows as the 'worse case' scenario.

I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The Design Standards for New Apartments states that levels of natural light in new apartment developments is an important planning consideration and regard should be had to BRE standards.

A Daylight and Sunlight Report has been submitted with the application and describes the performance of the proposed apartment blocks in the development against BRE guidelines in relation to daylight and sunlight. BRE guidelines describe ADF targets of 2% for kitchens, 1.5% to living rooms and 1% to bedrooms. In the proposed development, where kitchens and dining spaces form part of open plan living areas, the applicant has provided analysis against the 2% ADF target. A selection of the units as 'worst case scenario' aspects have been used to illustrate the minimum daylight conditions within the proposed development.

When considering the targets set out in the BRE guidelines as described above, the applicant demonstrates within the submitted report that all 'worst case scenario' units bar one will meet the minimum ADF targets as described above. Block A achieves 100% with 1 living room (B20111L) in Block B having a value of 1.9% which falls marginally below the 2%. As a result, it can be logically extrapolated across the development, that the majority of the units will achieve the minimum ADF levels of 1% to bedrooms and 2% to open plan living / kitchen / dining spaces. I am satisfied that most of the units will in fact comfortably exceed these minimum levels.

In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. The APSH criteria involves an assessment of the level of sunlight that reaches the main living room window to determine the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis.

I am satisfied that the orientation of the proposed blocks has sought to maximise sunlight penetration into the accommodation, while addressing street interface and enclosure of open spaces. The predominance of proposed units will achieve minimum BRE APSH target levels, which is acceptable in my view. I also note that the Apartment Guidelines does not refer to sunlight and only to daylight, while the Building Height Guidelines refer to daylight or light more generally, and therefore sunlight to windows is not a specific consideration under those guidelines.

In addition to daylight within the units, the proposed development is also required to meet minimum levels of sunlight within amenity spaces. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March.

To this end, an analysis of the sunlight exposure levels for the communal and public amenity areas in the proposed scheme was carried out and submitted. This analysis indicated that the proposed development of the amenity areas met or exceeded the minimum 2 hours of sunlight recommended. Based on the assessment submitted and having regard to the referenced guidance (requiring a minimum of 50% of the amenity space to achieve 2 hours of sunlight on the 21st March), I am satisfied that the proposed amenity areas will meet and in fact exceed sunlight standards.

I consider that adequate allowance has been made in the proposed design for daylight and sunlight through adequate separation between the units, relevant to the scale of the development. As such, I am content that daylight and sunlight conditions for the residential units within the proposed development will be within an acceptable range. I am satisfied that considerations of daylight and sunlight have informed the proposed layout design in terms of separation distances, scale and dual aspect of units. I have also carried out my own assessment in accordance with the considerations outlined in the BRE guidelines. I consider the to be in accordance with the BRE guidelines.

Rear garden serving the two storey houses were not tested by the applicant. Having regard to their orientation and height of the houses I am satisfied that these are also compliant.

10.3.4 Noise (from N7 and from aircraft)

The Dublin Agglomeration Environmental Noise Action Plan December 2018 – November 2023 Vol. 4 – South Dublin County Council (NAP) was published in December 2018 this set out requirements for new residential development or other sensitive development in an area with an existing climate of environmental noise.

A Inward Noise Impact Assessment has been submitted to measure the potential noise level impacts from the N7 carriageway and Baldonnel Aerodrome to the north. This classified the site as having a range of noise levels associated with a 'Low to Medium to High Risk' of noise impacts based on the proximity to the N7 road and Mill road. The report concluded that Incident noise levels at dwellings located close to the N7 would be very high without appropriate mitigation in the form of noise screening from noise barriers and/or earth berms. Detailed mitigation measures for some facades are specified for building element to ensure that when windows are closed good internal noise levels is achieved.

This includes a noise barrier at the front boundary and sound insulation specification on these buildings. These measures should be conditioned in the event of a grant of permission. There would be some terraces for the duplexes to the north, however, it is noted that all duplexes would have terraces to the south, away from the N7.

The Noise Impact Assessment states the following regarding internal noise levels of the proposed buildings: "Considering the external façade levels and the specified acoustic performance to the building envelope, the internal noise levels have been calculated. In all instances the good to reasonable internal noise levels outlined in Table 9 are achieved for daytime and night-time periods. However, at facades on the duplex units facing the N7, should occupants choose to open windows it will not be possible to achieve reasonable internal noise levels in these conditions."

The report noted that the runway at Baldonnel Airport is located c. 800m to the north of the application site. The applicant's assessment concluded that Baldonnel Airport is not a commercial airport, and the number of aircraft events are considered low and the dominant source of noise across the development site remains road traffic.

Having regard to the forgoing I consider the potential impacts acceptable subject to appropriate mitigation measures required by condition.

10.3.5 Noise and Creche

A creche is proposed in Block A with associated outdoor play area. Noise levels from this use have not been addressed by the application and potential impacts on the residential amenities of future occupiers of units in the immediate vicinity. I acknowledge that sound proofing is governed by Building Regulations addressed under this code. My concerns relate to the outdoor play area. In this regard if permission is forthcoming mitigation measures would be required to address this matter and I acknowledge that outdoor play areas for creches are used during the day when a level of noise in suburban areas is to be expected.

10.4 Residential Amenity of neighbouring properties

10.4.1 Overbearing Impact

A portion of the sites western boundary is immediately adjacent to rear gardens of an existing dwellings that front directly onto the Mill Road. The site is bounded to the south by a vacant site that has an extant permission for a small residential scheme of 44 no. units in 5 no. 3 storey blocks. To the east are lands in the applicant's ownership. The site is immediately bounded to the east by the former City West Golf Course with the City west Hotel & Conference Centre to the east of the course. To the north the site is bounded by a slip road off the N7 and north of this the N7. To the northwest is the Saggart/Rathcoole/N7 roundabout and Avoca retailers.

With regard to potential overbearing impact the residential units closest to the shared boundaries with the nearest adjoining residential properties (houses along Mill Road) are two storey houses with rear garden bounding the rear garden of the houses along Mill Road. Having regard to the separation distances and the limited difference in height between the proposed houses at this location and the existing houses it is my view that the proposed development would not result in any undue overbearing impact on the adjacent properties to the south.

I am satisfied that there is sufficient set back from the proposed Block B (5 storey) and the recommended amended Block A (5 storey) that the Development would not be overbearing when viewed from the adjoining permitted residential properties (3 storey duplex) to the south (if constructed).

10.4.2 Overlooking

Observers did not raise concerns regarding overlooking of adjoining properties. The planning authority noted the proximity of houses along the western boundary and house types proposed and recommend obscure glazing be provided to stairwells and bathrooms facing the existing houses.

Houses along the southern boundary have set backs ranging from 14m to 20m from the existing houses along Mill Road. The first-floor windows in House Type 3 serve a stairwell and bathroom, a condition should be attached that this are opaque glazing, including windows serving stairwells where set back are less than 22m. House type 5 has no first floor windows on the elevation facing the existing dwellings therefore I have no concerns regarding overlooking of these properties.

Houses along the southern boundary are set back between c.14m - 20m from existing houses along Mill Road. Apartment Block B is set back between c.39.7 and 56.8m from the adjoining permitted development on lands to the south where there is an extant permission for a residential development that includes 3 storey duplex.

10.4.3 Daylight, Sunlight and Overshadowing

The Planning Authority raised no concerns in relating to overshadowing or access to sunlight/daylight from any of the residential properties within the immediately vicinity of the application site.

Criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that 'appropriate and reasonable regard' is had to the BRE guidelines. I also note reference to British Standard (BS) 8206-2:2008 'Lighting for buildings - Code of practice for daylighting', which has subsequently been withdrawn and replaced by BS EN 17031:2018 'Daylight in buildings'. These standards have therefore informed my assessment of potential daylight and sunlight impact as a result of the proposed development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.

Section 5 of the BRE guidance notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

The BRE guidelines state that in relation to daylight to existing buildings:

“Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small...” (para. 2.2.4)

The guidelines also states that if a proposed development is taller or closer than this, a 25° line can be drawn from 1.6m above ground from adjacent properties, and if the proposed development is below this line, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.

In relation to existing properties that could potentially be impacted, the BRE guidelines recommend that a proposed development does not reduce daylight levels to a VSC (vertical sky component) to less than 27%, or where this is the case, not more than 0.8 times its former value. The guidelines state that if with a new development in place, the VSC to an existing neighbouring property 'is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.' Therefore, the preservation of a minimum VSC of 27% and/or reductions to no more than 0.8 times the former value, illustrate acceptable daylight conditions to existing properties. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. If with the development in place, the centre of the window can receive more than one quarter APSH, including at least 5% of APSH in the winter months between 21st September and 21st March, then the room should still receive enough sunlight. In relation to overshadowing, BRE guidelines recommend that at least 50% of existing properties rear gardens or other public / communal amenity areas, should receive at least 2 hours of sunlight on the 21st March.

The above noted tests/checklist are outlined in Figure 20 of the BRE Guidelines, and it should be noted that they are to be used as a general guide. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. Where the assessment has not provided an assessment of all sensitive receptors, I am satisfied that there is adequate information available on the file to enable me to carry out a robust assessment, To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

The application includes a 'Sunlight, Daylight & Shadow Assessment (Impact Neighbours and Development Performance.' I am satisfied that there is adequate information in the submitted assessment to assess the impact of the proposed development.

I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines and the Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020.

There are three properties (houses labelled Group B2 in the applicant's assessment) located to the west of the proposed development which front onto Mill Road. Two houses (labelled Group B3) are located to the northeast of the proposed development and a house (labelled Group B1) bounds the site to the southwest. The houses along Mill Road are bounded by proposed two storey houses within the development, Group B1 is bounded by the proposed access road and Group B3 by communal amenity space serving the duplex units. Permitted (not constructed) development to the south is labelled Group B4.

Group B3 to the north east is set back c.19m from the nearest duplex (3 storey) Group B1 to the southwest is set back c.34m from Block B (5 storeys) and Group B4 is set back c.56.8m from the proposed Block A (8 storeys) All windows tested in Group B1/B2/B3 and B4 have values exceeding 27%. Therefore comply with the BRE requirements.

I am satisfied that adequate regard has been had to the preservation of the residential amenity of existing properties, when balanced against the need for housing on zoned and serviced lands and that the design and layout of the proposed scheme is of a good architectural and urban design standard respecting the established pattern of development in the area.

The assessment submitted includes modelling of overshadowing for various times on the 21st of March. I have examined the diagrams submitted. The BRE guidance recommends that at least 50% of the amenity areas should receive a minimum of two hours sunlight on 21st March (spring equinox). I note that the diagram shows the permitted residential development to the south as orange (are marginal or borderline – just below the 2 hour requirement. It is not clear if the assessment refers to this group as 'orange' for the reason above or use this shading to illustrate the layout of the duplex. The table included with the assessment does not provide figure for this group (Group B4).

In respect of Group B2 is located to the west of the proposed development which is comprised of standard two storey dwellings along this portion with rear gardens depths of c.11m. I note that the private amenity space for the existing houses is limited in depth. Notwithstanding, I am satisfied that in respect of obstruction to sunlight, given the orientation of the permitted development (south of the proposed development and labelled Group B2 in the submitted assessment) there is no adverse impact on the amenity areas of these properties.

In respect of Group B4 is located to the south of the proposed development. The closest block of duplex is set back c..56.8m from the southern elevation of the 8 storey apartment block. I am satisfied that in respect of obstruction to sunlight, given the orientation of the permitted development there is no undue adverse impact on the amenity areas of these properties.

In respect of Group B1 is located to the south of the proposed development. The closest block (Block B) is set back c.34m from the boundary with this property. I am satisfied that in respect of obstruction to sunlight, given the orientation of the permitted development there is no adverse impact on the amenity areas of these properties.

In respect of Group B3, located to the east of the proposed development. The closest block of duplex is set back from the eastern boundary. I am satisfied that in respect of obstruction to sunlight, given the set back and orientation of the proposed development there is no adverse impact on the amenity areas of these properties.

To the north the development is bounded by a road running parallel to the N7, therefore I do not propose to assess this further as it is not considered a sensitive receptor. To the east (with the exception of Group B3) the proposed development is bounded by a Golf Course on lands zoned Open Space therefore I do not propose to assessment further

I am satisfied that the extent of potential obstruction to sunlight experienced is not an issue given the set back of the proposed development from these house/duplex (existing and permitted). Furthermore I note that the critical amenity space associated with these houses (i.e the rear gardens) are not affected by the shadow cast by the proposed development which is comprised of two storey houses along the western boundary which bound houses fronting onto Mill Road. To the north the development bounds a road which runs parallel to the N7. The amenity space serving the house bounding the north eastern corner of the site will not be unduly impacted as it is predominantly bounded by the access road serving the proposed development. The bulk of the western boundary is with a golf course on lands are the subject of 'OS' land zoning objective. The garden of the house adjoining the south western corner bounds the proposed access road. I am satisfied that the proposed development would not have an adverse impact on the amenity of the properties.

10.4.4 Other potential Impacts:

With regard to potential impacts from noise and dust during the construction phase of the proposed development. The Construction & Demolition Waste Management Plan and the Construction Management Plan address how it is proposed to manage noise, dust, vibration, demolition waste and other impacts arising at the construction phase to ensure the construction of the development is undertaken in a manner to minimise intrusion.

I note that Inland Fisheries Ireland (IFI) recommended conditions be attached pertaining to the storage of materials on site, dewatering, etc which are address in the CMP, CDWMP and by discharge licence (if required).

I note that the impacts associated with the construction works and construction traffic would be temporary and of a limited duration. I am satisfied that any outstanding issues could be required by condition if the Board is of a mind to grant permission.

10.4.5 Devaluation of Property:

I consider the impacts on the residential amenity of the area are acceptable and that the proposal would not detract from this amenity to any significant degree. I have no information before me to believe that the proposal if permitted would lead to devaluation of property in the vicinity. This is a zoned, serviceable site and I consider the proposal, in principle. appropriate at this location.

10.5 Traffic and Transportation

10.5.1 Context

The application is accompanied by a Transportation Assessment which also includes a Stage 1 Road Safety Audit, a Preliminary Mobility Management Plan and a DMURS Statement of Consistency. The contents of which appear reasonable and robust. This describes that the surrounding road network has capacity to accommodate the predicted vehicular traffic generation from the proposed development.

I note that concerns regarding traffic transportation matters were raised by the Elected Members, as contained in the Chief Executive Opinion and observers in their submissions.

10.5.2 Access

An access is proposed off Mill Road via what is at present the former side garden of one of the observers (who have outlined their support for the proposed development), this access would serve vehicles, pedestrians and cyclists. The applicant has stated that a potential secondary access to the site would be provided at the north-west boundary off the slip road, connecting to the existing road along the frontage of the site. This access would be controlled using removable bollards for use by service and emergency vehicles only

Observers have raised concerns regarding the proposed access onto Mill Road which is the subject of extensive congestion and that the additional traffic associated the proposed development would exacerbate this further.

SDCC Road Department raised issue with the number of access points onto Mill Road. The planning authority consider the locations of the of the proposed accesses acceptable. The proposed access from Mill Road is in close proximity to an existing bus stop and noted that the applicant would have to liaise with the relevant bus agency in relation to this. SDCC Roads Department also suggested that bollards should be installed at the Mill Road entrance. This is not considered appropriate as this is the main access road to the proposed development.

The Proposed Site Plan shows an indicative/potential vehicular connection to the permitted development to the south (subject to agreement) via the main access proposed off Mill Road. This is welcomed by the Planning Authority. The provision of a vehicular access to the lands to the south would require all relevant consents.

A pedestrian and cyclist access is proposed provided to the north-east via the open space lands (golf course) and connects to Citywest Hotel lands which are in the ownership of the applicant and the applicant has stated that the link would be publicly accessible.

A second access is proposed off the road/lane which bounds the site to the north, this is proposed to serve emergency vehicles and access would be restricted through the use of removable bollards. I have no objection in principle to a second access point at this location for emergency vehicles, the use of bollards and the removable nature of same would need to be address by appropriate condition if permission is granted.

I am satisfied that the proposed location of the entrances to serve the development and the gain provided to the overall area through the provision of a pedestrian/cycle link through the golf course which would assist in opening up access through open space lands by linking the Mill Road to the Citywest access road.

Elected Representatives and observers have raised concerns about the existing traffic situation in the area. Concerns centre around the capacity of the existing road infrastructure and the likely negative impact from the increase in traffic from the proposed development.

Observers and Elected Representatives have raised concerns relating to the capacity of the local road network to accommodate existing traffic that will be exacerbated by traffic movements associated with the proposed development. I note that neither the planning authority nor SDCC Roads department raised this as a concern

The applicant has submitted a Traffic Assessment Report (TAR). The applicant is satisfied that the traffic generated by the proposed development would have a negligible impact up the operation of the adjacent road network and that the simple priority controlled vehicular success junction to Mill road is more than adequate to accommodate the worst case traffic associated with the development.

The site is a serviced site zoned for residential purposes, and I am satisfied within this evolving urban context that the proposed development will not cause a traffic hazard at the proposed access points into the site on the western boundary (Mill Road) or on the northern boundary (access for emergency vehicles). Furthermore I am of the view that the proposed development would not unduly impact on the carrying capacity of the surrounding road network, and that subject to conditions, the development is acceptable from a traffic/roads perspective.

10.5.3 Parking

Car parking

Observers have raised concerns that the proposed development does not provide enough car parking spaces to serve all the units and that this will result in overspill parking to adjoining residential streets.

Section 11.4.2 and Table 11.24 of the current County Development Plan sets out the carparking standards for the county. I note the wording refers to 'maximum parking rates'

Type	No. of Units	Current CDP requirement for car parking spaces	CDP requirement	Proposed
Houses 2 bed	17	1.5 per unit	25.5	17
Houses 3+ bed	34	2 per unit	68	68
Duplex 1 bed	2	1 per unit	2	1.65
Duplex 2 bed	17	1.25 per unit	21.25	14.02
Duplex 3 bed	19	1.5per unit	28.5	15.6
Apart 1 bed	59	1 per unit	59	48.6
Apart 2 bed	119	1.25 per unit	148.7	98.1
Apart 3 bed	7	1.5per unit	10.5	5.7
Crèche	4 classrooms	1 per classroom	4	6 (includes 2 setdown)
TOTAL			367.45	276

The applicant has presented the calculation for the proposed 'parking spaces' as set out above and outlined in the TAR that it is intended that the car parking will be numbered and allocated to specific units for residents, with an associated allocation of 10% of the total dedicated managed & controlled short stay visitor spaces dedicated around the site. There are 51 spaces allocated to the 51 residential houses, with 6 for the Crèche, leaving the remaining 219 spaces to be dedicated to the apartments/duplexes combined. The applicant justifies their parking provision on the basis that the site is located on an 'Intermediate Urban Location'. Section 4.21 of the Apartment Guidelines (2020) sets out that in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

SDCC Roads Department noted discrepancies in the documentation and a total of 293 spaces are proposed, not the 276 referred to above. Notwithstanding Planning Authority considers the proposed parking provision appropriate given the context of the site. I note the discrepancies in the documentation. The figure of 276 is the proposed figure and is contained in the public notices, this could also be clarified by appropriate condition outlining the permitted number of spaces if required. With regard to parking provision, the applicant has justified the higher density for housing and the reduced parking provision based on proximity to public transport and the Luas Saggart Stop in particular subject to the provision of the pedestrian/cycle link through the applicant's lands to the east (golf course and Citywest Hotel & Leisure Centre access road).

In this instance I note that the proposed development is for a mix of apartments, duplex and houses which have not been advertised as built to rent and the proposed parking equates to 0.98 per unit for the apartments and duplex. I acknowledge that the location of the proposed development and the provision of the links through the lands to the east strengthens the argument for reduced parking and I consider the proposed parking provision acceptable at this location and that the proposal is broadly in compliance with national, county and local objectives with respect to transport.

Bicycle Parking

Section 11.4.1 and Table 11.22 of the current County Development Plan sets out the carparking standards for the county.

Unit Type	SDCC requirement	2020 Apartment Guidelines requirement	Proposed	Proposed total per type
Duplex	1 per 5 units	1 per bedroom	96 (long term) 36 (short term)	132
Apartments	1 per 5 units	1 per 10 units	320 (long term) 128 (short term)	448
Creche	1 per 5 staff & 1 per 10 children		14 (short term)	14
Visitor				40
TOTAL	74	523	634	634

The breakdown for the apartments/duplex is 416 long stay and 218 short stay spaces. The proposed parking exceeds the Development Plan and Apartment Guideline requirements. I consider the proposed provision acceptable. Bicycle storage is proposed and the provision of same can be addressed by appropriate condition.

10.6 Services & Drainage

10.6.1 Foul

The applicant has outlined in the documentation submitted that Irish Water drainage records show that there is an existing 450mm diameter sewer traversing the N7 carriageway flowing south to north (towards Dublin city centre). An additional 375mm foul sewer is shown on mill Road. However due to its proximity to the Camac River the applicant has set out that a connection to this sewer is considered unattainable. It is proposed to serve the site by a new drainage system with separate sewers and manholes for both foul and storm water within the site boundary.

It is proposed that all foul effluent generated from the proposed development will be collected in 150mm and 225mm diameter pipes and flow under gravity, to the existing 450mm diameter foul sewer running adjacent to the N7 carriageway via a new connection. It is proposed to make the connection to the existing 450mm foul sewer by thrust boring a pipe under the carriageway as to avoid affecting traffic movements to existing road network.

Irish Water have stated that the proposed development can be accommodated without networks upgrades.

10.6.2 Water

The applicant has outlined in the documentation submitted that Irish Water drainage records show that there is an existing public watermain to Mill Road and adjacent to the northern boundary just to the south of the N7 carriageway. It is proposed to make a new connection off the existing watermain running along northern boundary to the site and supply a 150mm diameter watermain to the site.

Irish Water have noted no objection subject to the standards connection agreements.

10.6.3 Surface water

SDCC drainage records show that there is an existing c.225mm storm water line running along the northern boundary of the site, just off the N7 carriageway.

The development is to retain storm water volumes predicted to be experienced during extreme rainfall events. This is defined as the volume of storm water generated during a 1 in 100-year storm event increased for predicted climate change factors.

Based on the above criteria, the applicant has outlined that development site shall limit its discharge to 10.6 l/s, in line with the QBAR flow of 2.29 l/s/ha. Due to the size and layout of the development it is proposed to provide this volume of attenuation 2 number attenuation tanks. The first tank is located in the centre of the development site and shall limit its discharge flow to 5.0 l/s and provide 1082m³ of storage, the second tank is adjacent to the outfall at the northern boundary of the development and provide 1043m³, with the discharge flow limited to 10.6 l/s at this location. The applicant has outlined that the restricted flow from the development site would then discharge to the existing 225mm stormwater network along the northern boundary. The last public manhole and network to the existing sewer is to be constructed in accordance with Local Authority's requirements.

I note Inland Fisheries Ireland (IFI) raised that the proposed Development is located in catchment of the Camac but raised no objection subject to appropriate conditions relating to the CMP, pumping of contaminated water, storage to topsoil/demolition material and the use of construction materials. I further note that neither Irish Water nor the Council's Water Services Section raised this matter

Having regard to the foregoing I am satisfied that the site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition. I note the requirements of Irish Water and the Council's Water Services Section which can be addressed by condition if the Board considers granting permission

10.6.4 Flood Risk Management

The site is located in Flood Zone C.

A Site Specific Flood Risk Assessment has been submitted with the application and the information contained therein appears reasonable and robust. The planning authority have not raised concerns in relation to flood risk.

The River Camac which runs along the site's southwestern boundary, flowing in a north-westerly direction towards the N7. OPW Maps show recorded flooding to the junction of Mill Road and the Avoca Roundabout and along the N7 Naas Road. No flooding is shown on the applicant site. This is due to the existing topographical levels of the applicant lands being circa 1.0m and rising above the existing levels of Mill Road/Avoca Roundabout and the N7 Naas Road i.e. the areas subject to flooding. The flood level shown for the 0.1% AEP (1000-year event) is 106m AOD. The nearest FFL to this node point and lowest FFL of the scheme is 107.75m AOD, meaning there is freeboard of over 1.5m provided to the scheme. There is a small local stream running along the eastern boundary with the Citywest Campus. The level of this stream and the existing levels of the site shall prevent the egress of floodwater from this stream onto the applicant site. The SSFRA concluded that the risk of fluvial flooding is not an issue and no mitigation measures are required.

The sites location is such that it is not affected by tidal water bodies therefore tidal flood risk does not arise.

The OPW flood maps show a record of a flood event due to a high rainfall event in October 2011 at the junction of the Avoca roundabout and Mill Road. No flooding recorded on the application site at the time. No risk of pluvial flooding due to topography.

Proposed attenuation will be sized for a 1 in 100-year extreme storm event increased for the predicated effects of climate change. The attenuation shall release the storm water in a controlled manner after the peak storm duration has passed. By restricting the flow, the likelihood of the proposed development adversely affecting the public drainage system or contributing to downstream flooding is mitigated.

The groundwater vulnerability assessment of the site shows that the vulnerability of groundwater in the area is high. There shall be no significant alterations to the existing site levels and no basement structures are proposed and therefore shall not increase the potential for groundwater flooding and as such the risk is deemed acceptable.

Having regard to the forgoing I am satisfied that there is no potential flood risk within the site or in the vicinity of the proposed site.

10.7 Ecology

10.7.1 Context

The applicant has identified a number of ecological sensitives that affect the site. To this end, the applicant has prepared an 'Ecological Impact Assessment' (EclA) together with an 'EIA Screening Report' and 'Appropriate Assessment Screening Report (AA Screening).

The EclA (dated 13th December 2021) highlights impacts and outlines mitigation measures. It was noted that no mammals of conservation concerns were recorded within the site, although a variety of species may use the site. The following surveys were carried out:

- Field Study carried out on 29th June, 7th & 112th July 2015, 17th November 2016, 28th September 2020 and 13th August 2021
- Terrestrial Mammal Survey (12th July 2015) see Appendix I of the EclA
- Bat Fauna Study 29th June 2015 see Appendix II of the EclA, 28th September 2020 and 13th August 2021). Purpose of the 2021 survey was to identify habitat types according to the Fossitt (2000) habitat classification and map their extent. Bat emergent and detector survey also carried out.

The author of the EclA noted that all surveys were carried out within the appropriate survey period. And that consultation took place with the NPWS in relation to species and site of conservation interest. A Derogation Licence was acquired from the NPWS in 2016 in relation to bats located within the dwelling on site.

The EclA submitted with the application includes recommended mitigation measures to mitigate any potential impacts on flora and fauna. SDCC in the Chief Executive report raised no concerns in general but having regard to the green infrastructure and biodiversity on site recommended a condition requiring a Biodiversity Management Plan.

The planning authority acknowledge that an EclA is submitted with the application and noted that having regard to the existing green infrastructure and biodiversity on the site it is considered that a Biodiversity Management Plan should be submitted

10.7.2 Flora

The EclA concluded that the proposed development site is mainly made up of a large field of improved agricultural grassland of low biodiversity and conservation significance. A house with overgrown amenity grassland is located in the north west corner of the site with hedgerows and a treeline surrounding the plot. The hedgerow on the eastern perimeter of the site is proposed to be retained. Behind the hedgerow on the eastern boundary is a drainage ditch. This area has a poorly developed understory due to the thick canopy above it.

No rare or plant species of conservation value were noted. However, 8 no. pyramidal orchids found in the eastern hedgerow are of noteworthy importance. Records of rare and threatened species from NPWS were examined. No rare or threatened plant species were recorded in the immediate vicinity of the proposed site at a fine resolution. No invasive plant species, that could hinder removal of soil from the site during groundworks were noted on site.

10.7.3 Bats

A Bat survey of the house (proposed to be demolished) was undertaken in 2015. Pipistrelle bats were found roosting in the house. As all bat species are protected under existing legislation and a bat roosting site or resting place is protected whether bats are present or not. A derogation licence was provided by the Licensing Department of the NPWS at the time.

Subsequent surveys in 2020 and 2021 did not reveal a bat roost on site. The EclA submitted by the applicant noted that upgrading of attic insulation had taken place between 2015 and 2020. As a precaution, it is recommended that as a condition of planning that, prior to the commencement of any demolition/clearance on site being carried out, an up to date and valid Derogation Licence is sought and is necessary for the removal of the bat roost onsite. Mitigation measures are proposed and it will be necessary to follow the outlined mitigation in the bat fauna report and in the valid derogation licence.

Recommended mitigation measures contained in the EclA include: a) measures for the protection of bats during the removal and building and requirement for a derogation licence from the NPWS for the demolition of the house, b) Timing of building removal, c) method of roof removal, d) retention of mature trees, e) protection of retained trees, f) tree felling and treatment of ivy covered trees, g) retention of other vegetation and additional planting, h) lighting and i) provision of bat boxes.

The mitigation measures set out in the EclA been incorporated into in the Landscape Plan, any outstanding measure can be addressed by condition where appropriate. I note the in the event a roost is found on site, its removal can only be conducted under the supervision of the NPWS and under licence. I recommend that a pre-construction survey be required by condition be attached to any grant of permission

I have considered the mitigation measures contained in the EclA which are acceptable and appropriate, in my opinion.

10.7.4 Badgers

The 2015 survey showed a number of larger mammal burrows found on site, some of these were of the size and shape of badger setts. The entrances to all badger setts are within the hedgerows, outside the areas of construction. It is noted that the tunnels of three of the setts on the north eastern boundary face the drainage ditch and could extend into the field. It is proposed to retail all setts and access to all settsAll burrows were revisited in 2020 and in 2021. No signs of recent activity were noted. All burrows contained leaf litter and cobwebs indicating that they are not currently being used by mammals. A pre-construction mammal assessment should be carried out on site.

The EclA includes mitigation measures despite no signs of badgers being actively present on site, there are however three setts on the eastern boundary of the site, situated at the top of a drainage ditch along the hedgerow. An area adjacent to these burrows is proposed as green amenity space and the hedgerow and ditch will be left in place. Therefore, there should be no direct impacts on these burrows. The sett at the south-west corner has been interfered by earlier dumping of materials. Again, retention of the hedgerow is proposed there and a narrow green amenity space is to be provided there also.

Mitigation in relation to badgers include: a) requirement for a pre-construction survey, b) restriction on use of heaving machinery near setts, c) the sett at the south-west has a tunnel system that extends off site and not into the development site. The sett should be retained in place. Provision of the amenity area will not interfere with this sett, d) fencing works, e) planting and f) requirement for a badger proof fence. A badger proof fence should be placed in the SW corner of the site to prevent any badger movement on to the main access road.

I have considered the foregoing and I consider the mitigation measures proposed appropriate.

10.7.5 Birds

The most common bird species observed on site at the time of survey were wood pigeon feeding in the large open field. A pair of barn swallows was seen nesting in the outbuildings to the rear of the house on site.

Standard mitigation measures are proposed regarding the removal of trees and timing of nesting birds which I consider acceptable and appropriate.

10.7.6 Frogs

The Common frog (*Rana temporaria*) I was observed in the south west corner of the site in 2015. Juvenile frogs (~20) were observed on the grassland area immediately beside the hedgerow (WL1) area. A damp depression in this shallow ditch, possibly caused by poaching horses, is likely to form a pond during winter/spring. At time of the most recent 2021 survey this area was damp but, had no surface water. The presence of numerous froglets in 2015 and also some sub-adult frogs in the immediate vicinity is suggestive of the ditch (where it is open and not shaded by scrub) being a frog spawning site. In November 2016 water was present in the depression but no frogs or froglets were visible. A single frog was seen in 2021.

The current frog breeding area is located beside one of the main access areas. As a result a compensatory wetland habitat will be prepared on site away from vehicular areas. If deemed necessary by the ecologist any frogs will be removed off site under licence to the new habitat prior to works in the area.

I have examined the mitigation measures proposed in the EclA and I consider these acceptable and appropriate.

10.7.7 Other

Foxes were observed during the site visit. Records from the NBDC indicate a fox sitting from 2012 in the vicinity of the proposed site/ or the golf club to the east.

Hedgehogs have been recorded by NBDC within the 10km square but, not within 1km at a finer resolution. No hedgehogs were seen during the site visits.

No newts were noted.

Records from NPWS rare and threatened species database indicate that mammals were not found in the immediate vicinity of the site at a fine resolution.

10.8 Trees and Hedgerows

There is no objective to protect trees and preserve woodlands at this location. There are no TPO attached to the site.

An Arboricultural Inventory and Impact Assessment was submitted with the application. A tree and hedgerow survey was carried out on the 28th October 2020 and the 11th November 2021. It noted that 28 category B trees, 22 category C trees and 6 Category U category C hedges are present on site. Of which it is proposed to remove 6 category B trees, 16 category C trees and 6 category U. It is set out that the loss of trees and vegetation is to be mitigated against within the landscaping of the development with new trees, shrub and hedge planting proposed.

The applicant's assessment noted that there are no trees within the site area of the proposed cycle and pedestrian route to the east of the main part of the development site. The closest distance at which the path passes any of the immature tree groups on the golf course is approximately 3.5m.

The hedgerows currently form the main habitat of conservation importance, not by the presence of protected species, or individual trees of particular ecological importance, but by the provision of a wildlife corridor, around the site and the presence of a drainage ditches. This corridor forms a foraging area for bats and nesting areas for bird species.

The EclA submitted concluded that the retention of existing hedgerows on-site in addition to the planting, or replacement perimeter trees and hedgerows, will assist in mitigation impacts on biodiversity, particularly if native trees are selected and allowed to grow to their full potential.

The incorporation of significant native tree and hedgerow planting, and provision of wild flower meadows specifically for native biodiversity; within the landscaping proposals, along with additional measures where possible to enhance biodiversity, are recommended, and would be of considerable benefit to the long-term biodiversity value of the site and its surrounding area.

I have examined the measures contained in the EclA, the Landscape Plan, the CMP and the arboricultural assessment. I note the report of the SDCC Public Realm Section . I recognise that in order to facilitate the development of the site, site clearance and some hedgerow and tree removal is required. The site is zoned for residential development and the clearing of the site to accommodate the development of the site is inevitable. There is no doubt that any site clearance will have an irreversible impact on the character of the site. I consider, on balance, based on the successful implementation of the mitigation measures and proposed works to be carried out in accordance with the EclA , the Arboricultural Inventory & Impact Assessment report and the CMP the site could be developed in an appropriate manner.

10.9 Archaeology

Record of Monument & Place Duchas No, 021-032 Field System is located to the east of the main site where the pedestrian/cycle route is proposed. This area has been developed as a Golf Course.

An Archaeological Assessment is submitted with the application. This concluded that there is potential for sub-surface archaeological remains. The planning authority noted the content of the applicant's archaeological assessment and raised objections.

Having regard to the nature and context of the area, which have been developed as a golf course with little of the original field system remaining, I have no objection on these grounds and consider that, subject to appropriate conditions requiring further testing and archaeological monitoring during the construction phase should be attached.

10.10 Social & Community Infrastructure

Concerns have been raised by observers and public representatives that there is a lack of available social infrastructure in the area to meet the needs to the existing community and additional demand arising from the proposed development will further exacerbate this situation.

A 'Community and Social Infrastructure Audit' has been submitted with the application. This has examined existing range of social and community infrastructure within a 1km and 2km radius of the subject site. The applicant's audit examined open space, sport & recreation, education services, healthcare/social services, community facilities and retail services. .

The applicant's audit identified and established the level of existing social infrastructure provision within and bordering the c.1km and 2km study areas to support the needs of the existing population and offered insights into the likelihood of the capacity of the existing services and facilities to support future residents.

Within the study area, 3 no. primary schools, 1 no. post primary school were recorded within 1km and 3 no. primary schools within 2km. There is also an extant permission (SD19A/0393) for a primary school and secondary school at Fortunestown Lane that was granted permission in 2021. I note that no details regarding enrolment number or capacities have been submitted with the audit.

There are 2 medical centres within c 1km and a medical centre at the Citywest shopping centre c.2km from the site. Other medical providers are found within the study area, however I note that the audit does not specify where, it stats that these include services ranging from dentistry, physiotherapy and mental health.

There are 5 childcare providers within 1km of the site and 20 within the 2km radius. I note that no details regarding enrolment number or capacities have been submitted with the audit.

A review of employment centre within a c. 2km radius of the subject site was also conducted, which identified that the site is within close proximity to a number of employers ranging from the Citywest Hotel, the Citywest Business campus, Greenogue Business Park and Baldonnell. The Audit also notes that the site within 15km of Dublin City Centre.

A review of the retail offerings within a c. 2km radius of the subject site was also conducted, which identified that the site is served by Rathcoole Village, Saggart Village, Avoca retailers and the Citywest Shopping Centre.

The applicant submits that there is ample provision and capacity within the existing infrastructure to cater for the demands of the proposed development and that the development cannot be considered in isolation given its proximity to Dublin City Centre.

I have reviewed the applicants audit and noted that concerns raised by third parties. I also note that the planning authority has not raised concerns in this regard. Furthermore I note that the 2022 Development Plan has been adopted and addresses community and social infrastructure needs for the area. While I have concerns regarding the level of detail provided in the applicant's audit which does not provide sufficient information to determine the capacity of existing services. Based on the information before me I see no justification to refuse permission on the ground of available social infrastructure.

10.11 Part V

The applicant has submitted Part V proposals as part of the application documents 28 no. units are currently identified as forming the Part V housing. The Planning Authority's Housing Department have confirmed the developer's agent has engaged with the department and are aware of the Part V obligations pertaining to this site if permission is granted, Detailed comments are made with respect to the Council's preference for Part V units in terms of design and layout.

I note the recent Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending on when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

I also refer the Board back to section 10.1.5 where I addressed tenure.

10.12 Other Matters

10.12.1 Validity of Application

I note third party concern that the site red line boundary is not shown consistently on the submitted drawings. The site red line takes in the proposed development area for residential uses and creche, as well as areas to facilitate infrastructural connections i.e. water/wastewater services. The submitted Site Location Map PA-000 shows the site at a scale of 1:2500 and allows appreciation of the site red line boundary in context with the wider area. Other site plans are at a smaller scale, to allow more detail of the proposed development to be provided, and therefore cut through the site red line where it extends out for infrastructural connection. In my opinion, it is clear from the submitted drawings what the site red line boundary is, and I am satisfied that the submitted drawings are consistent in this regard. It is not unusual for a planning drawing to omit sections of the site when showing a proposed development in detail on particular plans.

In relation to the north point, I note third party concern that drawings include a variety of orientations and that the north point is not always shown, leading to potential confusion. The submitted site plans all contain a north point indicator, and while this is orientated differently depending upon the plan, this is in order to allow the wider site area to be appreciated and/or allow the entire proposed development plan area to fit onto the drawing. As the north point is shown on these plans, it is not necessary for it to be included in more detailed layout plans for the proposed development in my view. I am satisfied that the application is sufficient in this regard.

10.12.2 Land Ownership

The issue of landownership has been raised by observers and the inclusion of third party lands in the Masterplan lands without consent. The masterplan submitted is an indicative plan and has no statutory standing and I further note that it is not for the planning system to resolve matters relating to landownership.

With regard to the potential inclusion of third party lands within lands included in the redline boundary of this application I note section 5.13 of The Development Management, Guidelines for Planning Authorities (2007) refer to Issues relating to title of land. This section states that *the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution by the Courts. In this regard, it should be noted that, as section 34 (13) of the Planning Act states, a person is not entitled to solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision.*

The Guidelines also set out that permission may be granted even if doubt remains. However, such a grant of permission is subject to the provision of section 34(13) of the Act. In other words the developer must be certain under civil law that he/she has all the rights in the land to execute a grant of permission.

The question of ownership of land is a legal matter and outside the scope of a planning permission.

10.13 Material Contravention

The applicant has submitted a material contravention statement in relation to the matter outlined above, the justification/ reason put forward relate to the relevant section 28 guidelines, regional guidelines or national frameworks. The applicant has advertised that a material contravention statement is submitted as part of the application has as required under legislation.

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

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan

The current application has been lodged under the Strategic Housing legislation and in respect of 37(2)(b)(1) the proposal meets the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The policies and objectives within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 which fully support and reinforce the need for increased residential density in settlements such as that proposed. National Policy Objective 35 of the NPF refers to such sites. I consider this to be one such site. I have addressed all of these points in the body of my report.

Height:

H9 Objective 4: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.

Policy H9 Objective 5: To restrict general building heights on 'RES-N' zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan.

There is no LAP relevant to the site at present. The lands were subject to the non-statutory Mill Road, Saggart Area Plan adopted in January 2008, and extended for 5 years (since expired in 2018).

The proposed development has heights ranging from 2 storey to 5 storeys (c.15.2m) and 8 storeys exceeding the parameters of 5 storey as set out in H9 Objective 4 of the Development Plan.

The recommended amendments to Block A (refer to section 10.2.3.2) result in a building with height ranging up to 5 storeys (c.15.2m) which exceeds the 12m set out in Policy H9 Objective 5 but within the parameters of 5 storeys contained in Policy HP Objective 4.

The 2018 Building Height Guidelines provide that permission may be granted for taller buildings where the development management criteria in the guidelines are met, even where specific objectives of the relevant Development Plan or Local Area Plan indicate otherwise. I consider that the site is appropriate for the recommended height in light of guidance in the Urban Development and Building Height, Guidelines for Planning Authorities (SPPR3) particularly in consideration of the Development Management Criteria in section 3.2 of the guidelines relating to proximity to high quality public transport services, character of the location, the contribution of the proposal to the street, improvement of legibility and daylight and sunlight considerations alongside performance against BRE criteria. I have addressed compliance with criteria contained in section 3.2 in section 10.2.3.2. of this report. I have addressed access to sunlight/daylight in sections 10.3.3 and 10.4.3.

I am of the opinion that given its 'RES' and 'RES-N' zoning, the delivery of residential development on this serviced zoned site would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness. The site is located in an accessible location, served by good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The proposed development has been lodged under the strategic housing process, which aims to fast-track housing development on appropriate sites in accordance with the policies and objectives of Rebuilding Ireland. This legislation recognises the strategic importance of such sites in the provision of housing in meeting both current and future need. The proposed development meets or exceeds to requirements set out in the Urban Development and Building Height Guidelines for Planning Authorities, Sustainable Urban Housing: Design Standards for New Apartments and the Sustainable Residential Development in Urban Areas Guidelines.

I have set out my concerns regarding the originally proposed height of Block A (8 storeys) and compliance with section 3.2 of the Building Height Guidelines for an amended Block A (5 storeys) in section 10.2.3.2 of this report. I am of the view that material contravention is justified in this instance for the recommended amended development as set out above.

Having regard to the provisions of Section 37(2)(b) of the Planning and Development Act (as amended), I consider that a grant of permission, that may be considered to materially contravene the Development Plan, would be justified in this instance under sub sections (ii) and (iii) of the Act.

10.14 Chief Executive Report

I have fully considered the Chief Executive Report, the views of the Elected Members and the content of the internal reports and incorporated these into my assessment.

I note that the Chief Executive report set out a number of issues and considered alterations to the development as proposed should be considered and a series of conditions are included in the recommended schedule to address these alterations.

I have addressed issues raised in the Chief Executive Report in my assessment above.

11.0 Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

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

The Habitats Directive deals with the Conservation of Natural Habitats and of 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 the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development at Mill Road, Saggart, Co. Dublin is a residential development comprising the demolition of existing house and the construction of 274 residential units comprised of houses, apartments and duplex, a creche and the provision of a cycle/pedestrian link through the applicants' lands to the east (former golf course). and all associated works 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).

The Appropriate Assessment Screening report submitted with the application concluded that there are no significant impacts on Natura 2000 sites arising from this planned development and that a Natura Impact Statement (NIS) is not required.

Screening for Appropriate Assessment (Stage 1)

Description of Development

The applicant provides a description of the project in page 4 of the Appropriate Assessment Screening Report. I refer the Board to section 3 of this report.

Description of the Site Characteristics

The applicant provides a description of the project in page 4 of the Appropriate Assessment Screening Report. The site has a stated gross area of c.4.9hectares in Saggart. The site currently contains a house which is proposed to be demolished and a greenfield where a number of horses were present at the time of my inspection. The site is located within the catchment of the River Camac which is located to the north and west of the site. There are no European sites in the immediate vicinity of the site.

Relevant prescribed bodies consulted:

The submitted AA Screening report does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documents and information.

The application was referred to the following prescribed bodies: Irish Water, Transport Infrastructure Ireland and National Transport Authority, Inland Fisheries Ireland, the Operators of Baldonnel Aerodrome, Irish Aviation Authority and South Dublin Childcare Committee. In response to the referrals, no submissions in relation to biodiversity or ecology were received from the prescribed bodies. The Department of Defence as the operators of Baldonnel raised birds as a concern in the context of potential bird hazards to aircraft which I have addressed in my assessment.

Test of likely significant effects

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

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

- Habitat loss/ fragmentation
- Habitat degradation as a result of hydrological impacts.
- Disturbance and displacement impacts on QI/SCI
- 'In combination' effects arising from the development.

An AA Screening Report is submitted with the application. No Natura 2000 sites have a direct hydrological connection to the proposed development site. However, potential pathways / connections between the application site and European sites in Dublin Bay are identified via wastewater discharge from Ringsend Wastewater Treatment Plant.

Designated sites within Zone of Influence

There 6 Natura 2000 sites within 15km of the application site and are referred to in the applicant's Appropriate Assessment Screening Report. For completeness I have included a summary of the European Sites that occur within 15km of the site of the proposed development is set out below:

SACs:

- Glenasmole Valley SAC (site code 001209).
- Wicklow Mountains SAC (site code 002122).
- Red Bog SAC (site code 000397)
- Rye Water Valley/Cartron SAC (site code 001398)

SPAs:

- Wicklow Mountains SPA (site code 004040).
- Poulaphouca Reservoir SPA (site code 004063)

The submitted AA screening report identified the above mentioned sites within a 15km radius of the site. There are no direct hydrological pathways to sites beyond the 15km radius. a number of these sites do not have a connection or pathway to/from the subject site and are therefore not within the extended zone of influence of the site.

The applicant's AA Screening report notes *"No European sites are within the potential Zone of Influence (Zoi). The Zoi of the proposed project would be seen to be restricted to the site outline with potential for minor localised noise, dust and light impacts during construction. Drainage from site, both foul and surface water, would be seen as the outputs from the site during construction and operation that could potentially extend the potential Zoi. As a result, further information was provided in relation to the proposed drainage strategy. However, the proposed development is not directly hydrologically linked to a Natura 2000 site."*

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 the European Sites, and any potential pathways which may exist from the site to a European Site.

No Natura 2000 sites are within the zone of influence of this development. Having taken into consideration the distance between the proposed development site to designated conservation sites with a 15km radius, lack of direct hydrological pathway or biodiversity corridor links to conservation sites I am satisfied that they can be excluded any potential zone of influence as the proposed development would not give rise to any significant effects to designated sites.

There is an indirect pathway to marine-based Natura 2000 sites via the proposed foul and surface water drainage networks via Ringsend Wastewater Treatment Plant (WWTP). Using the source-pathway-receptor model, foul and surface waters from the proposed development will ultimately drain to Dublin Bay, to the east of the proposed development site, and therefore may indirectly have an impact. Therefore, the European sites with qualifying interests, which are potentially linked to the proposed development are South Dublin Bay SAC (site code: 000210), North Dublin Bay SAC (site code: 000206), South Dublin Bay and River Tolka Estuary SPA (site code: 004024) and North Bull Island SPA (site code: 004006). Given the scale of the proposed development, the lack of a hydrological connection, the dilution provided in the estuarine/marine environment and the distances involved other sites in the bay area are excluded from further consideration this screening.

I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), the applicant's Appropriate Assessment Screening Report, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file, including observations made by third parties and I have also visited the site.

The Screening Report submitted with the application identified the following sites within a 15km radius for initial screening as follows:

European Site (code)	Distance to site	List of Qualifying Interest (QI)/Special Conservation Interest (SCI)
Special Area of Conservation (SAC)		
Glenasmole Valley SAC (site code 001209),	6.6km	6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) (* important orchid sites)* 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7220 Petrifying springs with tufa formation (Cratoneurion)* * denotes a priority habitat
Wicklow Mountains SAC (site code 002122),	8.8km	3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wethheaths with Erica tetralix
Rye Water Valley/Carton SAC (site code 001398),	9.2km	7220 Petrifying springs with tufa formation (Cratoneurion)* * denotes a priority habitat 1014 Narrow-mouthed Whorl Snail (Vertigo angustior) 1016 Desmoulin's Whorl Snail (Vertigo moulinsiana)
Red Bog SAC (site code 000397)	10.9km	7140 Transition mires and quaking bogs
Special Protection Areas (SPA)		
Wicklow Mountains SPA (site code 004040)	10.5km	Falco colombarius (Merlin) [A098] Falco peregrinus (Peregrine) [A103]

Poulaphouca Reservoir SPA (site code 004063).	11.5km	A043 Greylag Goose (<i>Anser anser</i>) A183 Lesser Black-backed Gull (<i>Larus fuscus</i>)
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There are no direct pathways/links to the above mentioned site and I am satisfied that they can be screened out from further consideration

Given the potential for indirect linkages I am also including the following sites in my screening exercise:

European Site (code)	Distance to site	List of Qualifying Interest (QI)/Special Conservation Interest (SCI)
Special Area of Conservation (SAC)		
North Dublin Bay SAC (000206)	c.19.6km to northeast	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] <i>Salicornia</i> and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]
South Dublin Bay SAC (000210)	c.17.2km to the east	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] <i>Salicornia</i> and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
Special Protection Areas (SPA)		
South Dublin Bay and River Tolka Estuary SPA (004024)	c.17.2km to the east	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>) [A144] 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 (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]
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North Bull Island SPA(004006)	c.19.6km to north east	Light-bellied Brent Goose (Branta bernicla hrota) [A046]Shelduck (Tadorna tadorna) [A048]Teal (Anas crecca) [A052]Pintail (Anas acuta) [A054]Shoveler (Anas clypeata) [A056]Oystercatcher (Haematopus ostralegus) [A130]Golden Plover (Pluvialis apricaria) [A140]Grey Plover (Pluvialis squatarola) [A141]Knot (Calidris canutus) [A143]Sanderling (Calidris alba) [A144]Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]
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Potential Effects on Designated Sites

Potential indirect effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), North Dublin Bay SAC (Site Code 000206), South Dublin Bay SAC (Site Code 000210) and North Bull Island SPA (Site Code 004006), relate to:

- Potential impact from operational wastewater discharges from Ringsend WWTP to Dublin Bay / Liffey Estuary Lower.

Assessment of Likely Significant Effects on Designated Sites

The proposed development will not result in any direct loss of habitat within Natura 2000 sites and no potential for habitat fragmentation is identified. Similarly, having regard to separation from European sites, construction or operational activity thereon will not result in any disturbance or displacement of qualifying interests of the identified sites. The habitats within or adjoining the site are not of value for qualifying species of these Natura 2000 sites. The site does not provide suitable roosting or foraging grounds for these species. No ex-situ impacts on qualifying species are therefore considered likely.

The site is located in the catchment of the Camac River, IFI raised the potential of pollutants entering the river. I note that the measures contained to address this are no measures designed to protect a Natura 2000 site and relate to good practice measures that apply to all sites close to watercourses. Furthermore, there is no direct hydrological pathways to the 4 sites in Dublin Bay therefore are no considered to be mitigation measures for the purposes of appropriate assessment screening.

In relation to the operational phase of the development, I note the development includes attenuation proposals as required under SuDS. These are no considered mitigation measures for the purposes of appropriate assessment screening as are required for sites in the GDA regardless of location.

I am satisfied that the design of the system takes into account the nature and scale of the development, ie a housing development of moderate size which will be constructed and operated in accordance with standard environmental features associated with residential developments, it is not considered that the proposed development would have potential to have a significant impact on the water quality (and hence various qualifying interests of the Dublin Bay marine habitats).

Foul wastewater will be connected to an existing public sewerage network, which will subsequently be treated at Ringsend WwTP via a new foul water connection. The proposed development at Mill Road shall be serviced by a new drainage system with separate sewers and manholes for both foul and storm water within the sites boundary. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

There is an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP.

Permission was granted by An Bord Pleanála in April 2019 for the upgrading of the Ringsend WWTP under ABP ref. ABP-301798-18, which works are currently underway. In granting permission, the Board undertook an Appropriate Assessment of the proposed development and concluded that that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

Documentation and evidence provided in that case, including the EIAR, provide a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider city and the increased capacity of the plant.

Irish Water in their report have indicated no issues with regard to foul and I note that the connection for the development to wastewater infrastructure is subject to agreement with Irish Water.

In Combination/Cumulative Impacts

A number of small scale residential Development and SHD application have been permitted in the wider area. None of the SHD developments are within the immediate vicinity of the current site. I am satisfied that 'in-combination' effects arising from this development and others, will not result in significant effects on any European site arising from the level of discharge envisaged.

Therefore, having regard to the scale and nature of the proposed student accommodation and its location within the built up area of the city which can be serviced, I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects.

Mitigation measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 000210 (South Dublin Bay SAC), 000206 (North Dublin Bay SAC), 004024 (South Dublin Bay and River Tolka Estuary SPA) and 004006 (North Bull Island SPA) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This is based on the following:

- The nature and scale of the proposed development on fully serviced lands,
- The intervening land uses and distance from European Sites, and
- Lack of direct connections with regard to the source-pathway-receptor model.

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. A stage 2 appropriate assessment (and submission of NIS) is not therefore required

12.0 Screening for Environmental Impact Assessment (EIA)

The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an 'EIA Screening Statement & Statement in Accordance with Article 299B(i)(b)(ii)(II)(c)- Appendix A' and 'EIA Screening Appendix A: Statement in accordance with Article 299B(1)(b)(ii)(II) (c) of the Planning and Development Regulations 2001-2021 and I have had regard to same in this screening assessment. These reports contain information to be provided in line with Schedule 7 of the Planning and Development Regulations 2001. The EIA screening report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Class10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

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

Class 14 relates to 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.

It is proposed to demolish existing house and outhouses and construct 274 no. residential units (houses, duplex and apartments), a creche and a pedestrian/cycle link through a former golf course on a site with a stated gross area of c 4.9ha. The site is located on a greenfield site in Saggart, Co. Dublin. The site is not located within any designated Archaeology zone of Interest but Record of Monument No. 021-032 (field system) is located to the east where the pedestrian/cycle link is proposed. The site is, therefore, below the applicable threshold of 10ha. The site currently contains a single house which is to be demolished as part of the proposed development. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The potential presence of Bats and Badgers requires further surveys and derogation licences. The presence of frogs and if required their relocation will also require a licences. The proposed development would use the public water and drainage services of Irish Water and South Dublin County Council, upon which its effects would be marginal. A preliminary CMP, preliminary CDWMP, a Ecological Impact Assessment Report, and Appropriate Assessment Screening report a Landscape Design Report, An Arboricultural Inventory and Impact Assessment', an 'Inward Noise Assessment along with other reports have also been submitted with the applicant and an Appropriate Assessment Screening Report.

Article 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. It is my view that sufficient information has been provided within the Environmental Report and the 'Statement pursuant to Planning and Development Regulations 2001 (as amended) and Section 299B(1)(b)(ii)(II)(C)' (which should be read in conjunction with each other) and other documentation to determine whether there would or would not be likely to have a significant effect on the environment.

Article 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Community and Social Infrastructure Audit
- Architect Design Statement
- Building Life Cycle Report
- Sunlight, Daylight & Shadow Assessment (Impact Neighbours and Development Performance)
- Landscape Architects Report (incorporates Landscape Design Statement, Landscape and Visual Assessment and Landscape Specifications & Management Plan) and Drawings
- Traffic Assessment Report including Preliminary Mobility Management Plan, DMURS Statement of Consistency and Stage 1 Road Safety Audit
- Daylight, Sunlight and Shadow Assessment
- Photomontages Strategic Housing Development on site at Mill Road, Saggart, Co. Dublin.
- Appropriate Assessment Screening for the proposed development of a No. 274 residential
- Ecological Impact Assessment for a proposed development of a no. 274 residential unit at Mill Road, Saggart, Co. Dublin.
- EIA Screening Statement & Statement in accordance with Article 299B (1)(b)(ii)(II)(C)
- Archaeological Impact Assessment of Strategic Housing Development at Mill Road, Saggart, Co. Dublin
- Site Specific Flood Risk Assessment
- Infrastructure Design Report
- Sustainability Report
- Sustainability Statement
- Sight Lighting Report
- Utility Briefing Report
- Mechanical & Electrical Planning Reports.
- Stage 1 Construction Management Plan.
- Stage 1 Construction and Demolition Waste Management Plan
- Operational Waste Management Plan for a proposed Strategic Housing Development
- Inward Noise Assessment for a proposed Residential Development at Mill Road, Saggart, Co. Dublin.

Article 299B (1)(b)(ii)(II)(C), requires the applicant to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. In this regard the applicant submitted a Section 299B Statement.

The list below relates to assessment that I have taken account of -

- The Birds Directive (Directive 2009/147/EC) and Habitats Directive (Council Directive 92/43/EEC) through the Appropriate Assessment Screening, Ecological Impact Assessment and Stage 1 CMP.
- The Water Framework Directive (WFD) (Directive 2000/60/EC) and The Groundwater Directive (Directive 2006/118/EC). The EIA Screening statement AA Screening Report, Ecological Impact Assessment and Infrastructure Design Report have been informed by the water quality status.
- The Floods Directive (Directive 2007/60/EC) Risk Assessment through the Site-Specific Flood Risk Assessment (SSFRA) and the implementation of the South Dublin Development Plan 2016-2022 which undertook a Strategic Flood Risk Assessment (SFRA).
- The Strategic Environmental Assessment (SEA) Directive 2001/42/EC through the zoning of the land for Z6 in accordance with the South Dublin County Development Plan 2016-2022 which was subject to SEA.
- The Waste Framework Directive 2008/98/EC thorough the design of the proposed development and the mitigation measures set out in the Stage 1 Construction Management Plan, the Stage 1 Construction & Demolition Waste Management Plan, Infrastructure Design Report and the Operational Waste Management Plan.
- The Seveso Directive (Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU). The proposed site is not located within the consultation zones, therefore, this does not form a constraint to the proposed development at this location.

The applicant's Environmental Impact Assessment Screening Report under the relevant themed headings and the Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021 considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I have also taken into account the SEA and AA of the South Dublin County Development Plan 2016-2022.

Observers raised concerns that the cumulative impact of the Masterplan lands triggers the requirement for an EIA. I have considered the submission and note that there is no statutory masterplan in place for the applicant's. Furthermore, each subsequent stage of development would be assessed on its own merits if and when an application for planning permission is lodged and the cumulative impacts with permitted and proposed assessed and a determination issued accordingly.

I have fully considered the potential impact arising from the proposed height of the development and the Board is referred to section 10.2.3 in this report where I have addressed this. I have fully considered the potential impact of the proposed development to Baldonnel Aerodrome the Board is referred to section 10.2.3.3 in this report where I have addressed this. I have fully considered the impact on the receive natural environment and in particular bats, badger, frogs and flora and the Board is referred to section 10.7 in this report where I have addressed this. I am satisfied that the proposed development will not a significant impact on the receiving environment in this regard.

I have completed an EIA screening determination as set out in Appendix 2 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's EIA Screening Report.

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

13.0 Recommendation

For the reasons outlined above, I consider that the proposal is in compliance with the proper planning and sustainable development of the area and I recommend that

permission is GRANTED under section 9(4)(b) of the Act for the reasons and considerations set out below.

14.0 Reasons and Considerations

Having regard to the following:

- (a) the location of the site contiguous to the evolving settlement area of Saggart/Citywest an area zoned for residential under Land Use Zoning Objective RES and RES-N where residential development is permitted in principle under the South Dublin County Development Plan 2016-2022 and under Land Use Zoning Objective OS where the publicly accessible pedestrian/cycle link is located.
- (b) the policies and objectives of the South Dublin County Development Plan 2016-2022
- (c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) The pattern of existing and permitted development in the area;
- (e) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (f) The provision of Housing for All, A New Housing Plan for Ireland 2021;
- (g) 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;
- (h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;
- (j) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (k) The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- (l) The submissions and observations received;
- (m) The Chief Executive Report from the Planning Authority

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

15.0 Recommended Board Order

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 19th day of January 2022 by Tetrarch Residential Limited care of Manahan Planners, 38 Dawson Street, Dublin 2.

Proposed Development

Permission for a strategic housing development (SHD) on site (4.94ha (gross)) at Mill Road, Saggart, Co. Dublin bounded by the N7 road to the north and citywest lands to the east.

The development will consist of: demolition of existing single storey dwelling and the construction of 274 no. units on a 4.62 ha (net) site (density 60 units per hectare). It will comprise of 51 no. houses, 38 no. duplex units and 185 no. apartments. The height of the proposed scheme will range from two storey houses and three storey duplexes to 5 storey and part 8 storey apartment blocks.

The proposed residential mix will comprise of: 17 no. 2-bed houses, 27 no. 3-bed houses and 7 no. 4-bed houses, 2 no. 1-bed duplex, 17 no. 2-bed duplex and 19 no. 3-bed duplex units, 62 no. 1-bed apartments, 119 no. 2-bed apartments and 4 no. 3-bed apartments. A 4-classroom crèche of c. 276 sq.m and 2 no. substations are also included in the proposed development. 276 no. car parking spaces and 634 no. bicycle spaces are provided. A planted woodland berm will be developed along the northern boundary with the N7 to provide a sound barrier and amenity open space. There are a number of green spaces located in the centre of the site and on the south east and west of the site with natural play and SUDS elements as well as a large open communal space for the two apartment blocks to the south. Vehicle,

pedestrian and cycle access to the site will be from the Mill Road. A new road will be constructed running east west at the southern boundary of the site. The residential element of the site will have two access points off the proposed new road. This new route will extend eastwards to provide cycling and pedestrian connections through neighbouring Citywest lands and to the Saggart LUAS light rail terminus. Secondary access is proposed at the north west of the site from an existing access road connecting to Mill Road. This access is designed as services and emergency only and will be controlled by collapsible bollards

The application contains a statement setting out how the proposal will be consistent with objectives of the relevant county development plan (South Dublin County Dublin Development Plan 2016-2022).

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

Decision:

Grant permission for the 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 location of the site contiguous to the evolving settlement area of Saggart/Citywest an area zoned for residential under Land Use Zoning Objective RES and RES-N where residential development is permitted in principle under the South Dublin County Development Plan 2016-2022 and under Land Use Zoning Objective OS where the publicly accessible pedestrian/cycle link is located.
- (b) the policies and objectives of the South Dublin County Development Plan 2016-2022
- (c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) The pattern of existing and permitted development in the area;
- (e) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (f) The provision of Housing for All, A New Housing Plan for Ireland 2021;
- (g) 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;
- (h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;
- (j) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (k) The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- (l) The submissions and observations received;
- (m) The Chief Executive Report from the Planning Authority

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

Appropriate Assessment: Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites,

taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Screening Report for Appropriate Assessment submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) 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 Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

Having regard to: -

- a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) The location of the site on lands zoned "RES-N" and "RES" where residential development is permitted in principle and "OS" where the pedestrian/cycle link is acceptable and the results of the Strategic Environmental Assessment of the Plan.
- (c) The pattern of development in surrounding area;
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Preliminary Construction and Demolition Waste Management Plan (pCDWMP), Preliminary Construction Management Plan (pCMP), , the Operational Waste Management Plan and the Infrastructure Services Report, the Ecological Impact Assessment, the Archaeological Impact Assessment The Arboricultural Inventory & Impact Assessment, the Inward Noise Assessment and the Architectural Design Statement and the Landscape Design Report

The Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable

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

The Board considered that a grant of permission could materially contravene the South Dublin County Development Plan 2016-2022 in relation to building height. The Board considers that, having regard to the provisions of section 37(2)(b) (ii) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the County Development Plan would be justified for the following reasons and considerations:

In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended):

The conflicting objectives contained in the South Dublin County Development Plan 2016-2022 in relation to building height.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 27, 33 and 35), the 'Dublin Metropolitan Area Strategic Plan' (in particular the provisions relating to 'Saggart'), the 'Urban Development and Building Height Guidelines for Planning Authorities' issued in 2018 (in particular section 3.2, Specific Planning Policy Requirement 3 and Specific Planning Policy Requirement 4), 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities', issued in 2020 (in particular section 2.16 - 2.22 and Specific Planning Policy Requirement 1, 2 and 3) and the 'Guidelines

for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual' issued in 2009 (in particular section 5.8).

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 and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment, Arboricultural Inventory & Impact Assessment, Infrastructure Design Report, Landscape Design Report, Inward Noise Assessment Preliminary Construction Management Plan, and Preliminary Construction and Demolition Waste Management Plan with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, 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.

4. The proposed development shall be amended as follows:
 - (a) Revised plans and particulars for Block A which shall be reduced in height by three floors (omission of the three upper floors).
 - (b) Final details of all boundary treatments of the site to be provided and agreed with the Planning Authority.
 - (c) Planting areas shall be provided throughout the development where road widths are 6 meters and planting in the home zones shall be built out to assist traffic calming.
 - (d) Parking bay located along the perimeter of POS 01 shall be removed and alternative arrangement provided.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of .

Reason: In the interests of proper and sustainable planning.

5. This permission is for a development of 262 units comprised of 173 apartments, 51 houses, 38 duplex and a creche only.

Reason: In the interest of clarity.

6. a) Prior to commencement of development final details of the proposed new pedestrian and cycle connection along the Mill Road, bus stops and all required site works shall be submitted to and agreed in writing with the planning authority.

b) Prior to commencement of development final details of the proposed new pedestrian and cycle connection through the lands to the east (golf course), and all required site works shall be submitted to and agreed in writing with the planning authority.

c) all links/connections to adjoining lands (within and outside the applicants control) shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.

Reason: In the interest of permeability and safety.

7. The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, (unless otherwise agreed in writing with the planning authority/An Bord Pleanála prior to commencement of any development.)

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

8. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees/hedging which are to be retained on the site.

Reason: To protect trees/hedgerow and planting during the construction period in the interest of visual amenity.

9. The internal road network serving the proposed development, including 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 DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

10. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of /installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed is made available for occupation.

Reason: In the interest of public safety and visual amenity.

11. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development .

This plan shall provide details of intended construction practice for the development , including:

- a) A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
- b) Provision for mitigation measures described in the EclA;
- c) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- d) Location of areas for construction site offices and staff facilities; e) Details of site security fencing and hoardings;
- f) Details of on-site car parking facilities for site workers during the course of construction;

- g) 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;
- h) Measures to obviate queuing of construction traffic on the adjoining road network;
- i) Details of lighting during construction works;
- j) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- k) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works;
- l) Provision of parking for existing properties at during the construction period;
- m) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- n) 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;
- o) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
 - p) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- q) 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, public health and safety.

12. Site and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and between 0800 and 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

14. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

15. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development .

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

16. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

17. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the for which the 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.

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

18. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are

made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory of the public open space areas, and their continued use for this purpose.

19. Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the Planning Authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Arboricultural Inventory and Impact Assessment Report and accompanying documents. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

20. a) a pre-construction Badger survey shall be carried out as set out in the EclA
- b) The house to be demolished and all trees shall be inspected by a suitable qualified expert for bats prior to felling. In the event a roost is found the developer shall require a derogation license from the National Parks and Wildlife Service.
- c) Bat boxes shall be installed in the proposed development, prior to the occupation of the residential units. The number, type and location of the boxes shall be submitted to and agreed in writing with the planning authority.
- d) Any clearance of vegetation from the site should only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season.
- e) protection measures for flora of importance found on site.

Reason: To avoid the destruction of the nests, nestlings and eggs of breeding birds and to avoid the proposed development causing detrimental effects on flora, fauna and natural habitats.

21. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. 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.

22. Details of signage relating to the creche unit shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

23. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

24. 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 residential amenities of property in the vicinity and the visual amenities of the area.

25. a) appropriate management methods during construction shall be employed to avoid sites becoming bird attractant.

b) Mitigation measures shall be taken if negative effects on Irish Air Corps flight operations become apparent due to bird activity on site.

c) Crane activities at the site shall be coordinated with Military Air Traffic Services (ATS) at least 90 days in advance for assessment of proposed crane activities.

d) Prior to the commencement of developemtn an aviation obstacle warning lighting scheme for the developemtn shall be agreed with Military Air Traffic Services.

Reason: In the interests of aviation safety.

26. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

a. notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed ,

b. employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and c. provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

27. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names 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 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.

28. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

29. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

30. Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each housing unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing 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.

31. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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 plan of the area.

32. 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

33. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting 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 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 Contribution Scheme made under section 48 of the Act be applied to the permission.

Dáire McDevitt
Senior Planning Inspector

19th July 2022

**Appendix 1 Documentation submitted with the Application.
Appendix 2 EIA Screening Determination**

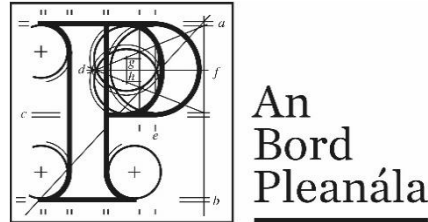
Appendix 1

Reports submitted with the application include inter alia:

- Planning Statement of Consistency.
- Material Contravention Statement
- Community and Social Infrastructure Audit
- Architect Design Statement and Drawings
- Apartment & Housing Quality Assessment
- Material & Finishes Report
- Building Life Cycle Report
- Schedule of Accommodation
- Sunlight, Daylight & Shadow Assessment (Impact Neighbours and Development Performance)
- Landscape Architects Report (incorporates Landscape Design Statement, Landscape and Visual Assessment and Landscape Specifications & Management Plan) and Drawings
- Arboricultural Inventory & Impact Assessment
- Noise Impact Assessment
- Part V proposal Schedules and Drawings
- Part V Correspondence dated 8th November 2021, from South Dublin County Council
- Letter of Consent from South Dublin County Council for access point
- Letter of Consent from Cape Wrath Hotel ULC re cycle/path on adjoining lands
- Traffic Assessment Report including Preliminary Mobility Management Plan, DMURS Statement of Consistency and Stage 1 Road Safety Audit
- Daylight, Sunlight and Shadow Assessment
- Photomontages Strategic Housing Development on site at Mill Road, Saggart, Co. Dublin.
- Appropriate Assessment Screening for the proposed development of a No. 274 residential
- Ecological Impact Assessment for a proposed development of a no. 274 residential unit at Mill Road, Saggart, Co. Dublin.
- EIA Screening Statement & Statement in accordance with Article 299B (1)(b)(ii)(II)(C)
- Archaeological Impact Assessment of Strategic Housing Development at Mill Road, Saggart, Co. Dublin
- Site Specific Flood Risk Assessment
- Infrastructure Design Report & Irish Water Pre-Connection response attached as Appendix B of the Report
- Sustainability Report
- Sustainability Statement
- Sight Lighting Report
- Utility Briefing Report
- Mechanical & Electrical Planning Reports.
- Stage 1 Construction Management Plan.
- Stage 1 Construction and Demolition Waste Management Plan

- Operational Waste Management Plan for a proposed Strategic Housing Development
- Inward Noise Assessment for a proposed Residential Development at Mill Road, Saggart, Co. Dublin
- Response to the Board's Opinion and South Dublin County Council's Opinion at pre-Application stage

Appendix 2 EIA Screening Determination Form



EIA - Screening Determination for Strategic Housing Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-3312501-22
Summary		
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Screening for Appropriate Assessment report was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

<p>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</p>	<p>Yes</p>	<p>SEA and AA undertaken in respect of the South Dublin City Development Plan 2016-2022 and see also Inspectors Report section 11 in relation to Article 299 B(1)(b)(2)(c)</p>
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<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises the construction of 274 residential units (houses, duplex and apartments) a creche and the provision of a pedestrian/cycle links through lands to the east on lands where residential is permitted in principle.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposal includes construction of a residential complex which is not considered to be out of character with the pattern of in the surrounding area.</p>	<p>No</p>

<p>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?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development . The loss of natural resources or local biodiversity which may include Bat roost and badger sets which would require appropriate derogation licences</p>	<p>Yes</p>
<p>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?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction & Demolition Waste Management Plan and a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction and Demolition Waste Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>

<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal.</p> <p>Such construction impacts would be local and temporary in nature and implementation of a Construction and Demolition Waste Management Plan, Construction Management Plan and Asbestos Refurbishment/Demolition Report. will satisfactorily mitigate potential impacts.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of the development. Any risk arising from construction will be localised and temporary in nature.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site as proposed will result in an increase in residential units (274 residential units) which is considered commensurate with the development of RES-N and RES lands in South Dublin County.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Current proposal is a standalone development, with small and medium scale developments in the immediately surrounding area. Site is part of a larger tract of lands in the applicants ownership which are the subject of a masterplan prepared by the applicant.	Yes
2. Location of proposed			
2.1 Is the proposed located on, in, adjoining or have the potential to impact on any of the following: 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a plan/ LAP/ draft plan or variation of a plan	No	There are no conservation sites located in the vicinity of the site. The nearest Natura 2000 sites of relevance are: South Dublin Bay SAC North Dublin Bay SAC North Bull Island SPA South Dublin Bay & River Tolka SPA The proposed development will not result in significant impacts to any of these sites. Please refer to the AA Screening in section 12 of this report	No

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	Potential impact on Bats, Badgers pyramidal orchids	Yes
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	A Record of Monument No. 021-032 Field System is located where the pedestrian/cycle route/link is proposed. The area at present is a golf course.	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	There are no areas in the immediate vicinity which contain important resources.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	The site is located within the Catchment of the Camac river. The development will implement SUDS measures to control surface water runoff. (see also section 10.6 in the Inspectors Report in relation to services and drainage)	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.	No
2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local urban road network.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There are no existing sensitive land uses or substantial community uses which could be affected by the project.	No
3. Any other factors that should be considered which could lead to environmental impacts			

3.1 Cumulative Effects: Could this project together with existing and/or approved result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No other relevant considerations arise	No

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

D. MAIN REASONS AND CONSIDERATIONS			
Having regard to: -			
a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,			
(b) The location of the site on lands zoned "RES-N" and "RES" where residential development is permitted in principle and "OS" where the pedestrian/cycle link is acceptable and the results of the Strategic Environmental Assessment of the Plan.			
(c) The pattern of development in surrounding area;			
(e) The availability of mains water and wastewater services to serve the proposed development,			
(f) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as			

amended)

(g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

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

(i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Preliminary Construction and Demolition Waste Management Plan (pCDWMP), Preliminary Construction Management Plan (pCMP), , the Operational Waste Management Plan and the Infrastructure Services Report, the Ecological Impact Assessment, the Archaeological Impact Assessment The Arboricultural Inventory & Impact Assessment, the Inward Noise Assessment and the Architectural Design Statement and the Landscape Design 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.

_____ 19th July 2022

Daire McDevitt
Senior Planning Inspector

Date