



An
Bord
Pleanála

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

Inspector's Report ABP-313059-22

Strategic Housing Development

The refurbishment and re-use of 2 no. stone outbuildings for community use and the construction of a mixed-use development comprising neighbourhood centre and 178 no. residential units (72 no. houses, 38 no. apartments and 68 no. duplex apartments); and all associated works.

Location

Lands at Kilmashogue House and Coill Avon House, Whitechurch Road, Rathfarnham, Dublin 16.

Planning Authority

South Dublin County Council
Dun Laoghaire-Rathdown County
Council

Applicant

BCDK Holdings Limited and Coill
Avon Limited

Prescribed Bodies

1. Transport Infrastructure Ireland (TII)
2. Inland Fisheries Ireland (IFI)
3. Department of Housing, Local Government and Heritage
4. An Taisce

Observer(s)

1. Angela O'Donohgue
2. Edward Fox & Cunnane Stratton Reynolds
3. Nigel Tennant and Rolyen Long and Others
4. Whitechurch National School
5. Ballyboden Tidy Towns Group – prepared by Marston Planning Consultancy

Date of Site Inspection

27th May 2022

Inspector

Paul O'Brien

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	6
4.0 Planning History.....	9
5.0 Section 5 Pre-Application Consultation.....	12
6.0 Relevant Planning Policy	21
7.0 Third Party Submissions	27
8.0 Planning Authority Submission	33
9.0 Prescribed Bodies.....	47
10.0 Oral Hearing Request	50
11.0 Assessment.....	50
12.0 Appropriate Assessment (AA)	106
13.0 Environmental Impact Assessment Screening	119
14.0 Recommendation	123
15.0 Recommended Draft Order	124
16.0 Reasons and Considerations	126

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

2.1. The subject site with a stated area of 6.77 hectares, comprises an irregular shaped area of land located to the west of the Whitechurch Road and north of the M50, in Rathfarnham. The site comprises of two separate sections of land, one to the north of the M50 and the other further to the north. There is no connection between these sites other than by way of the Whitechurch Road and its associated footpath, which is located on the western/ development side of the road. The Whitechurch Road connects Taylor's Lane in Rathfarnham/ Edmonstown with Kilmashogue to the south.

2.2. The surrounding area is characterised by rural development to the west of the Whitechurch Road and a golf course to the east. The development lands are within the South Dublin County Council area and the Whitechurch Road is located within the Dun Laoghaire-Rathdown administrative area.

2.3. The subject lands are in agriculture use. The sites slope downwards on a south to north axis, but with an increased fall towards the road on those sections of the site. An agricultural type entrance and laneway provides access to the southern portion of lands from the Whitechurch Road. To the western end of this laneway is a ruined house and some agricultural buildings. The house retains its roof but is in poor repair and is partially covered by ivy. Similarly, the northern portion of the site includes a vacant house and associated agricultural buildings. A stream, named as the Whitechurch Stream, is located towards the front of the site (both portions) and which runs parallel to the public road.

2.4. The development site also includes a number of the public roads that adjoin the site. These include the Whitechurch Road to the east of the site and College Road which runs to the east off the Whitechurch Road. There is no direct impact from the development on the adjacent M50.

2.5. The site is approximately 8.6 km to the south of Dublin City and the nearest urban centre is located at Ballinteer, 2 km to the east and Tallaght is 6.1 km to the north west.

2.6. Public transport provision in the area is very limited. The site is not served by any public bus service. The following table provides details of bus services in the area, as of June 2022:

Route:	From/ To:	Frequency:	Operated by:	Distance from site:
15D	Whitechurch/ Merrion Square	1 service into City Centre in AM 2 services to Whitechurch in PM	Dublin Bus	1.25 km
61	Whitechurch/ Eden Quay	Hourly/ every hour and a quarter	Dublin Bus	1.25 km
116	Whitechurch/ Eden Quay	1 service to City in AM and 1 service to Whitechurch in PM	Dublin Bus	1.25 km
161	Dundrum/ Tibradden	8 services each way Monday to Friday only	Go Ahead Ireland	1.25 km

Balally Luas stop, on the Green Line, is approximately 3.5 km to the east and the Tallaght Square stop, on the Red Line, is over 6 km away to the north west of the subject site. The walking distance to both locations would be significantly further than the direct line distances.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the provision of 178 residential units in the form of houses, duplex, and apartment units. In addition, a neighbourhood centre is located below a podium level and accommodates a 2-level creche (313 sq m) at lower ground and ground floor level, and 3 no. retail/ non-retail service/cafe units (total of 470 sq m) at ground level.

3.2. The following tables set out some key elements of the proposed development as submitted:

Table 1: Key Figures

Site Area	6.77 hectares gross – 4.32 hectares net
Units to be demolished	Two houses – Kilmashogue House and Coill Avon House.
No. of Houses	72
No. of Apartments	38
No. of Duplexes	68
Total	178
Density – Total Site Area	26 units per hectare – Gross 41 units per hectare - Net
Public Open Space Provision	0.69 hectares/ 16% of the site
Communal Open Space	0.12 hectares
Car Parking – Apartments/ Residents	218
Visitors	50 (17 in basement and 33 at surface level)
Neighbourhood Centre	16
Creche/ Staff Parking	5

Total	289
Bicycle Parking	627

Table 2: Breakdown of Apartments/ Duplexes

Unit Type	1 Bedroom	2 Bedroom	3 Bedroom	Total
Number of units	28	60	18	106
% Of Units	26.4%	56.6%	17%	100%

Table 3: Breakdown of Houses

Unit Type	3 Bedroom	4 Bedroom	5 Bedroom	Total
Number of units	6	45	21	72
% Of Houses	8.4%	62.5%	29.1%	100%

Table 4: Apartments/ Duplexes - Unit Mix

Block	Floor	1 Bed	2 Bed	3 Bed	Total
A/ B	Total	10	16	1	27
C	Total	4	8	0	12
E	Total	8	16	0	24
S	Total	0	2	4	6
T	Total	6	18	15	39
Total		28	60	20	108

3.3. Vehicular access is from Whitechurch Road, with separate entrance/ exits points to serve the individual portions of the site.

3.4. Water supply and foul drainage connections to the existing public network will be provided.

3.5. The application was accompanied by various technical reports and drawings, including the following:

- Planning Report and Statement of Consistency – Doyle Kent Planning Partnership Ltd.
- New Edmonstown Neighbourhood - Spatial Framework Study (DK, SC & JFOC)
- Architectural & Urban Design Statement – JFOC Architects
- Schedule of Accommodation – JFOC Architects
- Quality Housing Assessment – JFOC Architects
- Part V Submission Details – JFOC Architects
- Landscape Report - Ait
- Engineering Services Report – CS Consulting Ltd.
- Outline Construction and Demolition Waste Management Plan – CS Consulting Ltd.
- Outline Construction Management Plan – CS Consulting Ltd.
- Site-Specific Flood Risk Assessment – CS Consulting Ltd.
- Transportation Assessment Report - NRB Consulting Engineers
- Bike Locker Brochure Details – Bikelocker
- Lighting Design Report and Specifications – Redmond Analytical Management Services
- Inward Noise Assessment Report – AWN Consulting Engineers
- Operational Waste Management Report – AWN Consulting Engineers
- Landscape and Visual Impact Assessment – Ait
- Photomontage Views – Dunes Visuals
- Visual Impact Assessment - Dunes Visuals
- Daylight and Sunlight Analysis - BPC Engineers
- Building Life-Cycle Report – JFOC Architects
- Statement on Universal Design – JFOC Architects

- Statement on Housing Mix – JFOC Architects
- An Arboricultural Assessment on the Site Area for the ‘Edmondstown SHD Application’, Whitechurch Road, Rathfarnham, Dublin 16 – Arborist Associates Ltd.
- Arboricultural Assessment & Impact Report – CML Hort + Arb Ltd.
- Archaeological Impact Assessment – Archaeological consultancy Services Unit

4.0 Planning History

4.1. As already described, there are two separate areas to the overall site and the planning history indicates that applications were on these individual plots of land and not on the overall site.

Northern Portion:

4.2. **P.A. Ref. SD19A/0105** refers to a May 2019 decision to refuse permission for the construction of a residential development of 62 units: demolition of the existing house, Coill Avon, and the construction of 28 three bedroom, two storey terraced houses; 3 four bedroom, two storey with dormer end of terrace houses and 3 four bedroom, three storey end of terrace houses, with in curtilage car parking and 9 visitor car parking spaces; 16 two bed apartments over four floors (Block A), 7 one bed apartments, 5 two bed apartments over three floors and one community room (Block B) with 30 car parking spaces; bin store; secure bicycle parking; open space in two locations including woodland area of 1,795 sq m and a Green of 708 sq m; boundary treatment; landscaping and all associated services provision. Five reasons for refusal were issued and include in summary:

1. The development is contrary to the SLO H3 SLO1 zoning objective for the lands RES’ To protect and /or improve residential amenity/ zoning objective and subject to Specific Local Objective (SLO)H3 SLO1 that applies to the site, the proposed scheme does not adequately address the Specific Local Objective attached to the site in relation to issues of accessibility, density is in excess of the low density provisions that apply to the site, there is a lack of an integrated approach to housing for older people, the development lacks integration with sustainable residential neighbourhoods served by shared public open space, community and local facilities.

2. The layout and design would be contrary to the urban design principles as set out in the Urban Design Manual: A Best Practice Guide (2009) and the South Dublin County Development Plan and the proposed development fails to demonstrate the provision of suitable residential amenity.

3. The proposed development includes the removal of hedgerows, trees and woodland on site and fails to take account of existing Green Infrastructure.

4. Insufficient details are provided in terms of drainage and there is a lack of information in respect of surface water management and protection of the Whitechurch Stream and its ecological integrity.

5. The residential development does not comply with the 'Design Manual for Urban Roads and Streets Guidelines'.

Southern Portion:

P.A. Ref. SD06SA/0826 and ABP Ref. PL06S.221017 refers to a July 2007 decision to refuse permission for the demolition of a house and outbuildings, and to construct 42 no. houses, with proposed vehicular access to Whitechurch Road and associated site works. The reasons for refusal included:

1. The Board is not satisfied, on the basis of the submissions made in relation to the planning application and the appeal, that the use of an on-site wastewater treatment system or a rising sewer and pumping station would provide an adequate and reliable means of disposing of the foul effluent which would be generated by the development. The proposed development, would, therefore, be prejudicial to public health, would give rise to a risk of water pollution and be contrary to the proper planning and sustainable development of the area.

2. It is considered that the road network in the area is not capable of safely accommodating the pedestrian and vehicular traffic which would be generated by the development due to the restricted width of the footpath and carriageway and the substandard horizontal alignment of the Whitechurch Road. The development would, therefore, give rise to traffic hazard and the obstruction of road users and be contrary to the proper planning and sustainable development of the area.

3. Having regard to the inadequacy of the private open space serving several of the proposed dwellings and the absence of proposals to divert the high tension overhead electrical line which crosses the site, it is considered that the development would fail to provide a reasonable standard of residential amenity for its occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. It is considered that the proposed development, by reason of its repetitive layout and the excessive scale and bulk of the proposed houses relative to the size of the plots on which they would stand, would fail to achieve an adequate standard of visual amenity and would have a negative impact on the character area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5. Having regard to the infrastructural deficiencies described above and to the need to ensure that development on the site did not prejudice the standard of design and amenity which could be achieved in development on the adjoining lands which are zoned for residential use, it is considered that, in the absence of a comprehensive approach for all the zoned lands at this location, the proposed development would be premature and would, therefore, be contrary to the proper planning and sustainable development of the area.

6. Development of the kind proposed would be premature pending the determination by the planning authority of a road layout for the area.

Other sites in the Area:

PC/PKS/01/19 refers to a Part 8 application, granted in June 2019, by Dun Laoghaire-Rathdown County Council for a development at Saint Thomas, Tibbradden Road, Tibbradden, Kilmashogue, Dublin 16, for a regional multi-use sports facility to include new pedestrian entrance and vehicular entrance, bicycle parking, carparking and coach parking and providing for an international standard 8 lane athletics track with a field sports area (for Jumps and Throws); a large indoor hall with specific individual storage and facility space for a wide range of sports; a multipurpose gym

with access for all sports; a relaxation area offering facilities to all sports and other community groups, jogging and amenity walking routes and children's play area; an Office space which can be used by sporting and community organisations for meetings and a Car and Coach parking area. Work commenced on the site in Q3 2021 with the first phase due to be completed in Q3 of 2022.

P.A. Ref. D16A/ 0955 refers to a June 2018 decision to grant permission at Tibbradden Road, Kilmashogue, Dublin 16 for Stillorgan Rathfarnham RFC, for a new rugby club facility including changing rooms, meetings room, storage and ancillary facilities and an outdoor viewing terrace; 3 no. playing pitches; floodlights for pitches 1+2; 87 car park, coach and cycle parking; on site waste water treatment system and all associated site and development works. Work commenced in 2020 and this site is approximately 700 m to the south west of the subject site.

P.A. Ref. SD21A/0307 refers to an application for two no. two storey dwellings and associated works including on site waste water treatment system adjacent to Lynbrook, Whitechurch Road. This site adjoins the northern character area at Coill Avon with shared vehicular access. No decision has been made to date.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 Pre-Application Consultation took place, remotely via Microsoft Team due to Covid-19 restrictions in place, on the 3rd of February 2021; Reference ABP-308723-20 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for the development of 172 residential units, a creche, retail and all associated site works at Edmondstown (west of Kilmashogue Bridge and Coill Avon), Whitechurch Road, Rathfarnham, Dublin 16.

5.2. An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the request requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The following issues required to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates, and which could result in

them constituting a reasonable basis for an application for strategic housing development:

1. Principle of proposal: Further consideration/justification of the documents as they relate to the principle of the proposed development in the context of the requirements of H3 SLO 1 of South Dublin County Development Plan 2016. The documentation submitted at application stage should demonstrate that the proposal is not premature pending determination of a road layout/increased accessibility for the area. The applicant should address why the proposed development could not be considered to be ad hoc, piecemeal, premature development in the absence of a comprehensive approach to the development of these residentially zoned lands. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
2. Height, Density, Car Parking and Layout:
 - (i) Further consideration and/or justification of the documents as they relate to the height and density strategy for the site. In this regard, the prospective applicant should satisfy themselves that the design strategy for the site as it relates to height and density provides the optimal architectural solution for this site, in line with both local and national policy, and should submit a rationale/justification for the heights/setbacks and density proposed. CGIs, visualisations and cross sections, as necessary, including from strategic viewpoints along the M50, should be submitted which clearly show the relationship between the proposed development and existing/permitted development in the immediate and wider area and which illustrates the topography of the area.
 - (ii) Further consideration/justification of the documents as they relate to the proposed car parking strategy. The prospective applicant should also satisfy themselves that the proposed car parking strategy provides the optimal solution for the site, given its locational context and should provide justification for extent of car parking proposed. (iii) Further consideration/justification of the documents as they relate to the layout of

the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above-mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; the creation of a defined urban edge along the proposed link road; connectivity with adjoining lands; provision of well supervised, quality, usable open space and the creation of character areas within a high-quality scheme should be given further consideration.

This further consideration should be undertaken in an holistic manner, examining the entirety of the development site and should examine areas of the site where increased height and density may be appropriate, for example along the proposed link road and overlooking the areas of open space. The proposed development shall have regard to inter alia, national policy including the National Planning Framework; Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018) and Sustainable Urban Housing: Design Standards for New Apartments (December 2020), together with local planning policy, the site's context and locational attributes.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

3. Design and Materiality: Further consideration of the documents as they relate to the detailed design of the proposed development. The documentation submitted at application stage should demonstrate that the elevational treatments, external finishes, materials and detailing of the proposed buildings, together with the landscaping and surface/boundary treatments of the outdoor spaces would be of a sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. Details of the colour, tone and texture of materials and the modelling and profiling of the materials (including any cladding or framework system) on each block. Particular attention

is required in the context of the strategic location and visibility of the site and to the long-term management and maintenance of the proposed development. A Building Lifecycle Report, in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) should also be submitted in this regard. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information was requested to be submitted with any application for permission:

1. A site layout plan which clearly identifies which areas are being included for the purposes of calculation of net and gross areas.
2. A report which address existing and future residential amenity, and which includes matters such as daylight/sunlight analysis, micro-climate/wind impacts and noise impacts, together with proposals to address any such impacts, if necessary. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, should include details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties.
3. A housing quality assessment which provides specific information regarding the proposed apartments/duplex units, and which demonstrates compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit.

4. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority.
5. Construction and Demolition Waste Management Plan.
6. Waste management details.
7. Archaeological Impact Assessment.
8. Childcare Demand Assessment.
9. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division as indicated in Appendix 1 of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
10. Additional details in relation to transportation matters, having regard to the requirements of the Roads Department Planning Report as indicated in Appendix 1 of the Planning Authority's Opinion.
11. Additional details and justification for the proposed development, having regard to the report of the Parks and Landscape Services Division of the Planning Authority as detailed in Appendix 1 of their Opinion.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

1. Irish Water
2. Department of Culture, Heritage and the Gaeltacht
3. Transport Infrastructure Ireland
4. National Transport Authority
5. An Taisce-the National Trust for Ireland
6. Heritage Council
7. South Dublin County Childcare Committee
8. Inland Fisheries Ireland

5.4. Applicant's Statement

5.4.1. A document titled 'Statement of Response to ABP's Opinion' prepared by Simon Clear & Associates was submitted with the application as provided for under Section 8(1)(iv) of the Act of 2016.

The following information was provided in response to the opinion by Simon Clear & Associates:

Issue 1 – Principle of proposal:

Comment is made on SLO1 which seeks to develop lands at Edmonstown for '..low density residential development at a net density of not more than 12 dwellings per hectare, and to promote housing for older people (nursing home, independent and semi-independent) as a fully integrated part of such development with an increased density of not more than 20 dwellings per hectare to apply to independent and semi-independent housing for older people....'. The applicant considers that the proposed development is in accordance with the zoning objective of the site and has had full regard to national, regional and county planning requirements.

Consultation was held with South Dublin County Council in 2019 about the strategic development of these lands in Edmondstown. Capacity exists for development that could accommodate between 2,750 and 3,300 people on these lands. The applicant's planning team fully engaged in the development plan review process, ensuring the Edmondstown area was included in the list of areas capable of contributing to the compact city and neighbourhood concepts being promoted on foot of the NFP and EMRA RSES. The subject lands have been included in the Draft South Dublin County Development Plan and are identified as part of the 'Residential Capacity' lands in the Templeogue, Walkinstown, Rathfarnham and Firhouse neighbourhood. The subject lands are indicated as lands capable of development with infrastructural improvements within the lifetime of the South Dublin County Development Plan 2022 – 2028.

A number of significant pieces of infrastructure are required to ensure that the lands at Edmonstown can be developed in a comprehensive manner, as follows:

- A future road link from Whitechurch Road to the Edmondstown Road, part of which can be provided/ is included in the subject application;
- Extension of existing public transport services into the subject lands/ adjacent area;
- Improved permeability to access cycling and walking routes;
- Neighbourhood services for the residents and visitors to the area;
- Water supply and mains drainage services.

The applicant is proposing to provide a section of the link street (approximately 438 m) extending from the junction of Whitechurch Road and College Road and which runs parallel to the M50. This will provide for suitable access to the southern development lands. In addition, this will provide for a bus turning area/ bus terminus. Improvements to existing cycle and pedestrian routes will be provided by this development. Alternatively existing sustainable transport routes can be extended to provide connections to the subject application site. Public transport did serve the area but was withdrawn due to a lack of demand, this could be restored to serve the subject development lands. Demand may also exist for increased public transport through the development of sports centres at Marlay Park and at St Thomas's and also demand from the Wicklow Way and the Dublin Mountain uplands.

The development of a neighbourhood centre on the site would improve facilities for residents and visitors to the area. Improvements in terms of cycle lanes and pedestrian routes would be of benefit to the wider area. Irish Water have confirmed that water supply and suitable drainage can be provided to serve the site. The applicant has engaged with South Dublin County Council and Dun Laoghaire-Rathdown County Council and the feasibility assessment leading to the proposed development could not be considered to be an ad hoc, piecemeal, premature development in the absence of a comprehensive approach to the development of these residentially zoned lands.

Issue 2 – Height, Density, Car Parking and Layout

(i) Height and Density Strategy: Full regard has been had to the South Dublin County Development Plan Building Height Strategy as set out in the current plan and also

regard has been had to the strategy set out in the draft plan. There is no significant difference between the current general height limit of 5-storeys in undesignated areas/ 'added-height locations'. The proposed heights are in accordance with relevant local and national height requirements. The proposed design has fully considered the sloping nature of the subject site and the applicant has adopted a 'datum approach' on sloping ground, whereby the 5-storey general height limit is measured from the ground floor/ podium level under any proposed building and the emerging basement or lower podium level is discounted as a storey/ height. The proposed houses range in height from 2/ 2.5 storeys to 3-storey. The proposed apartments and duplex units are a mix between 3-storey and 5-storey units.

The proposed units are designed for their height to be appropriate to their location on the site. 3D images have been prepared by JFOC Architects and a Photomontage Booklet prepared by Dunes Visuals provides further imagery of the proposed scheme. A Landscape and Visual Impact Assessment has also been prepared by AIT Urbanism and Landscape Architects.

The subject lands can be defined as 'Outer Suburban/Greenfield Sites' in accordance with the guidelines for 'Sustainable Residential Development in Urban Areas (2009)'. The proposed development provides for a density of 41 units per hectare (net), provides for a variety of housing types, on a large site in excess of 0.5 hectares in accordance with these guidelines. The applicant considers that this density is appropriate as the subject site is within the urban area inside the M50 and is located adjacent to Marley Park with cycling permeability provided to the Slang River Greenway and the Greater Dublin cycling network in addition to the bus connectivity. The proposed density is fully compliant with the provisions of regional and national guidelines, including the National Planning Framework. Further details on density are provided in the Material Contravention Statement.

(ii) Car parking Strategy: In-curtilage carparking for the residential units is provided variously between the dwellings, behind the building line or in the form of traditional front garden arrangements. Continuous, unbroken lines of carparking have been avoided, with a maximum of 5 cars in any one car parking bank. The proposed streets and public open spaces are enclosed by buildings rather than by cars, therefore allowing streets to be enjoyed as public spaces.

Carparking for the duplex apartments is grouped in small courtyards and in the form of on-street parking. Carparking is broken up by tree planting and is located away from the main thoroughfares as much as possible and there is no carparking located on the Link Street. The apartments are provided with carparking in basements, and additional carparking for the creche and neighbourhood centre are provided at surface level of the neighbourhood centre courtyard. All car parking spaces provided on street are in easy reach of the units they serve and are passively surveyed. The Sustainable Urban Housing Design Standards for New Apartments 2020 provide car parking standards for apartment developments based on their location. The subject site may be defined as a 'Peripheral and/or Less Accessible Urban Location' with a parking standard '.. for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required'. Table 11.4 of the South Dublin County Development Plan provides for parking standards.

The proposed development provides for 289 no. car parking spaces, including 5 spaces for creche/ retail staff. 6 spaces are to be fully accessible, and 30 spaces are for electrical vehicles, providing for suitable charging facilities. The car parking areas can be ducted to allow for a charging point for every car space if required.

(iii) Assessment of the development in accordance with 12 design criteria: This assessment is provided in the separate 'Consistency Statement' and references national policy including the National Planning Framework; Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018) and Sustainable Urban Housing: Design Standards for New Apartments (December 2020), together with local planning policy.

Issue 3: Design and Materiality:

Details are provided in the Architectural Design Statement and the Building Lifecycle Report prepared by JFOC.

Other Issues:

1. Site Layout Plan: Included is Site Layout – Nett Site Area Plan (Dwg Ref. 18.132.PD4019) prepared by JFOC Architects. This provides net and gross site areas.

2. Residential Amenity: A number of reports have been prepared in response, including a Daylight, Sunlight and Overshadowing Assessment, a Microclimate Assessment and a Noise Impact Assessment.
3. Housing Quality Assessment: A Housing Quality Assessment has been prepared by JFOC Architects.
4. Site Layout Plan – Taking in Charge: A Site Layout – Taking in Charge Plan (Dwg Ref. 18.132.PD4018) indicates the proposed areas to be taken in charge by the Local Authority.
5. Construction and Demolition Waste Management Plan: A construction and Demolition Waste Management Plan has been prepared by CS Consulting Engineers.
6. Waste Management: An Operational Waste Management Report has been prepared by AWN Consulting.
7. Archaeological Impact Assessment: An Archaeological Impact Assessment Report has been prepared by ACS.
8. Childcare Demand Assessment: A Childcare Assessment has been included in the Social Infrastructure Audit and a creche facility is proposed as part of the development.
9. Surface Water Drainage: Details are provided by Simon Clear & Associates.
10. Roads Details: Response is provided by Simon Clear & Associates.
11. Parks and Landscaping details: Response is provided by Simon Clear & Associates.

Conclusion:

The applicant has submitted the above details to provide the additional documentation as raised by An Bord Pleanála.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.
- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.

- National Policy 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’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.1.2. Section 28 Ministerial Guidelines

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

- ‘Urban Development and Building Heights - Guidelines for Planning Authorities’ – (DoHPLG, 2018).
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ (DoHPLG, 2020).
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (DoEHLG, 2009).
- ‘Quality Housing for Sustainable Communities’ (DoEHLG, 2007).
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’ (DEHLG/ OPW, 2009).
- ‘Childcare Facilities Guidelines for Planning Authorities’ (2001).

Other Relevant Policy Documents include

- ‘Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020’.
- ‘Transport Strategy for the Greater Dublin Area 2016 – 2035’.
- ‘Design Manual for Urban Roads and Streets’ (2013).
- ‘Permeability Best Practice Guide – National Transport Authority’.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy (RSES) 2019 – 2031

The Eastern & Midland Regional Assembly 'Regional Spatial & Economic Strategy 2019-2031' provides for the development of nine counties including the South Dublin County Council area and supports the implementation of the National Development Plan (NDP).

6.3. Local/ County Policy

South Dublin County Development Plan 2016 - 2022

6.3.1. The South Dublin County Development Plan 2016 - 2022 is the current statutory plan for the South Dublin County area, including the subject site. Strategic Environmental Assessment (SEA) and Appropriate Assessment Screening were carried out as part of the plan review process. A draft plan is under preparation and is due to be adopted in August/ September 2022.

6.3.2. Figure 1.1. – 'South Dublin County Core Strategy Map' demonstrates that the site is located within 'Consolidation Areas within the Gateway'.

6.3.3. The subject site is indicated on Map 10 of the development plan and has a single zoning objective, 'RES – Residential', with a stated objective 'To protect, and/or improve residential amenities.' Residential development and Shop Local are permitted in principle and Childcare Facilities are listed within the 'Open for Consideration' category of this zoning objective.

6.3.4. Specific Local Objective H3 SLO1 refers to this site and states:

'To facilitate the development of lands at Edmondstown (former Kilmashogue House) for the purpose of low density residential development at a net density of not more than 12 dwellings per hectare, and to promote housing for older people (nursing home, independent and semi-independent) as a fully integrated part of such development with an increased density of not more than 20 dwellings per hectare to apply to independent and semi-independent housing for older people. All residential

development, including housing for older people, shall be integrated within a sustainable residential neighbourhood that is served by shared public open space, community and local facilities. Permissible densities may be increased in accordance with the relevant ministerial guidelines where issues of accessibility have been fully resolved in an appropriate manner. Any future development should have regard to the boundaries with and the protection of the existing amenity and function of Edmondstown Golf Course’.

6.3.5. Policies and objectives relevant to new housing developments are included within Chapter 2 of the Development Plan, and development management standards are provided within Chapter 11.

The following objectives of Housing Policy 8 – Residential Densities are relevant:

‘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 1:

To ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

H8 Objective 2:

To consider higher residential densities at appropriate locations that are close to Town, District and Local Centres and high capacity public transport corridors in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

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’.

The following objectives of Housing Policy 9 – Residential Building Heights are relevant:

‘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)’.

6.3.6. Other sections of the Development Plan of particular relevance to this application include:

- Section 3.10.0 - Early Childhood Care and Education
- Section 5.2.0 – Retailing
- Section 6.3.0 - Walking and Cycling
- Section 6.4.0 - Road and Street Network
- Section 7.2.0 - Surface Water and Groundwater
- Section 7.3.0 - Flood Risk Management
- Section 8.0 – Green Infrastructure
- Section 8.4.0 – Sustainable Urban Drainage Systems
- Section 9.1.0 – Built Heritage and Architectural Conservation.

Dun Laoghaire-Rathdown County Development Plan 2022 – 2028

6.3.7. The Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 is the current statutory plan for the Dun Laoghaire-Rathdown area which came into effect on the 21st of April 2022. Strategic Environmental Assessment (SEA) and Appropriate Assessment Screening were carried out as part of the plan review process.

6.3.8. The only parts of the site that are within the Dun Laoghaire-Rathdown are public roads, footpaths and associated lands such as verges along the roadside edge. The Planning Authority has reported that these are unzoned lands in the context of the county development plan.

7.0 Third Party Submissions

7.1. A total of 5 submissions were received.

A submission was prepared by Marston Planning Consultancy, with further details from Martin Peters Associates, Consulting Engineers, on behalf of the Ballyboden Tidy Towns Group, a separate submission was made by Whitechurch National School, a submission was made by Cunnane Stratton Reynolds on behalf of Edward Fox, the landowner of the area between the two sites, and other submissions were from individual members of the public, with the from Angela O'Donoghue including a petition with 50 signatures included.

The submissions from residents/ members of the public, grouped under appropriate headings, can be summarised as follows.

7.1.1. Nature of the Development:

- No issue about the development of residential units on this site considering the site zoning, however the site is not appropriate for the scale, height, density and height of development that is proposed.
- Recognised need for affordable housing in the area.

- The development would have a negative impact on the existing residential amenity of the area.
- The development at 41 units per hectare would materially contravene Objective H3 SLO1 of the South Dublin County Development Plan.
- 60% of the units are in the form of apartments and would be out of character with the established form of development in the area.
- There is no coherent plan/ masterplan for the development of the lands in Kilmashogue.
- There has been a lack of consultation with other landowners in the area.
- The development will require substantial earthworks/ earth removal.
- The site area is 5.72 hectares and not the stated 6.67 hectares.

7.1.2. Marston Planning Consultancy, on behalf of the Ballyboden Tidy Town Group, refer to the development as been part of a larger scheme for the Edmonstown Lands, however the submitted Framework Plan presents a piecemeal and fragmented development of these lands.

7.1.3. **Sustainable Transport Provision:**

- The site lacks direct access to high frequency public transport.
- No consultation appears to have been undertaken with public transport operators regarding the proposed development.
- Public transport improvements proposed by the applicant are vague.
- Pressure is put on the existing bus service by the number of SHDs in the area.
- There is a need for improved footpaths and crossing points along the Whitechurch Road.
- There is no room along the Whitechurch Road to provide for suitable cycle tracks to serve the development.

7.1.4. **Traffic/ Car Parking:**

- The local road network is not suitable for the proposed development of these lands.

- Sightlines are restricted at the entrances to the site.
- There is a need for the completion of the link road between the Edmonstown Road and the Whitechurch Road.
- The failure to provide this link road will result in two long cul-de-sacs off the Whitechurch Road.
- The link road is over lands not in the applicant's control.
- The cumulative impact of the subject development and the development of the Regional Sports Campus would negatively impact on traffic in the area.
- Concern that the proposed development would negatively impact on the national school.
- The submitted traffic and transport surveys are inadequate.
- The proposed development will be car dependent.

7.1.5. Marston Planning Consultancy, on behalf of the Ballyboden Tidy Town Group, refer to the development generating a significant amount of car traffic which is contrary to local and national planning policy, public transport provision is such that car use will be favoured over public transport. Insufficient car parking will be provided on site. Further supporting details are provided in the Martin Peters Associates Consulting Engineers report and which reports the following:

- Increase in traffic on the local road network associated with the proposed development.
- Uncertain if public transport has the capacity to accommodate the additional demand in the area.
- Public transport provision is such that private car use will be favoured over the bus.
- The site is not accessible to local centres by sustainable forms of transport.
- The local road network will not be able to accommodate the increase demand in traffic.

- Concern about the impact of traffic on existing road junctions in the area. Specific reference to the geometric parameters used in the ARCADY modelling of the Whitechurch Green/ Whitechurch Road roundabout.
- Concern about the use of TRICS in assessment of traffic demand etc.
- Failure to consider the cumulative impacts of recent and pending SHD developments in the vicinity of the subject site.
- It is unclear as to how bicycle parking will be accommodated for the proposed houses on site.

7.1.6. Overdevelopment/ Density:

- The density is too high considering the established character of the area.
- 41 units per hectare is contrary to Objective H3 SLO1 of the South Dublin County Development Plan. This objective, limits density to 12 units per hectare.
- The Material Contravention Statement acknowledges that the density is exceeded but the justification for this is not accepted.
- Reference is made to SPPR 1 in the applicant's planning report. High density development requires good services which this site lacks.

7.1.7. Drainage/ Flooding:

- The provision of a 225 mm diameter sewer would give rise to nuisance in the area.
- The design of this sewer has not been progressed, there is a lack of detail on this.
- The Engineering Services Report does not refer to a pumping station.
- Request that the Whitechurch National School be connected to the proposed foul water and surface water drainage systems that form part of the development. The school is served by a septic tank and as a result cannot provide for a ASD Special Needs Unit.
- Ringsend Waste Water Treatment Plant is operating over capacity.

7.1.8. Impact on the Character of the Area:

- The provision of apartments, up to five storeys in height, is out of character with the established form of development in the area.
- Marston Planning Consultancy, on behalf of the Ballyboden Tidy Town Group, refer to the proposed heights as out of character with the area and also insufficient justification is given for the development with respect to insufficient public transport, density and the need to consider the cumulative impacts of SHD development on the area.

7.1.9. Impact on Residential Amenity:

- The need to provide a new 225 mm public sewer for a distance of 1 km is likely to have a negative impact on the residential amenity of the area through disturbance etc.
- There is a shortfall in the provision of open space, and it is not clear if the minimum of 10% site area is provided in the form of public open space.
- The development will have a negative impact on air and noise quality.

7.1.10. Impact on Biodiversity

- Need to ensure that the nearby River Glynn be protected.
- The trees in the area also require protection.
- Insufficient information has been provided in order to undertake an Appropriate Assessment of the application.
- Insufficient information has been provided in relation to the EIA report and protected species.
- The site is an ecological corridor between two Natura 2000 sites and the Glin River is important for foraging, nesting and feeding.
- The bat surveys undertaken in 2019 and 2020 have not been included with the application.
- The development appears to be contrary to European Law in terms of the Habitats Directive, The EIA Directive, the Water Framework Directive and the Birds Directive.

7.1.11. **Other Comments:**

- The Construction Management Plan is generic and does not provide any detail on how works to the Whitechurch Road will be managed or mitigated.
- No details have been provided in relation to a Project Works Services Agreement.
- Precedents given for the refusal of this development.
- The applicant has failed to provide a complete/ accurate Statement of Consistency and Statement of Material Contravention.
- No Social Audit or Road Safety Audit have been provided with the application.
- Submitted information is lacking in necessary detail.
- Cross sections of the site have not been provided.
- Concern that the submitted information is overly complicated and does not allow the public to take part in public consultation.
- Reference to the relocation of electricity lines is vague and no consultation has been had with other landowners.
- Query over whether this is a SHD as there are two sites, one of 116 units and the other is only 62 units.
- The connection between the two sites is by the public footpath and road; this is not an integrated development.
- A number of the concerns raised by South Dublin County Council have not been addressed by the applicant.
- The Planning History of the area has been outlined in detail and how it is relevant to the proposed development is also outlined.
- The submitted noise assessment is not representative of normal traffic volumes. A correction of +3dB was applied to surveys undertaken in Autumn 2020. Uncertain if this is sufficient to give a true representation of noise levels in the area.
- No reference is made in the public notices to the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 which came into force in April 2022.

- Concern about the quality and detail of some drawings and supporting documentation.
- It is requested that permission be refused for the proposed development.

8.0 Planning Authority Submission

8.1. The subject site extends into the administrative area of Dun Laoghaire-Rathdown County Council and is primarily located in the South Dublin County Council area. Each Planning Authority has made a submission to An Bord Pleanála.

8.2. **South Dublin County Council:** The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 17th of May 2022. The report states the nature of the proposed development, the site location and description, submissions received, details the relevant Development Plan policies and objectives, and provides a planning assessment of the proposed development.

8.3. The Chief Executive's report also includes a summary of the views of the elected members of the Rathfarnham Area Committee Meeting held on the 12th of April 2022, and these are outlined as follows:

- The proposed density is excessive.
- There is a lack of public transport in the area/ to serve the development.
- Concern about the demolition of the two houses on site. These may be worthy of preservation.
- Development is premature pending the development of the new link road to the south of the site.
- Concerns about the creche and that it may not be opened for operation.
- Need for the creche and retail units to be provided early on.
- Quality of open space needs to be assessed, there is a need for seating and play areas within these open space areas.
- Communal open space should be better.
- Clarity needed on taking in charge of areas.
- Query over whether it is a build to rent scheme.

- Need additional details on EV charging.
- Big difference in the design quality between the houses and the apartments/ duplexes – which appear bleak.
- Query over whether there was engagement with Dun Laoghaire-Rathdown County Council over the development of the nearby Athletes Club.
- The development will give rise to additional traffic on an old country lane.
- The site is split in two with an area of agricultural lands between the two separate parts of the site.
- Query over whether the development would have an impact on the Whitechurch Stream.
- Part V provision should not be limited to apartments only.
- Needs to a proper plan for bins and refuse storage.
- Welcome for the proposed houses.
- Lack of play areas for children and need for adult exercise areas.
- Apartment blocks should include laundry areas.
- Need for adequate bicycle parking areas and concern that the road may not be suitable for cycling.
- Potential flooding from the stream. Stream should be left open.
- Need for suitable provision for older people and people with disabilities.
- Query over the need for community facility?
- Query over the four storey apartment blocks.
- Query over the need for the removal of trees on site.
- Query over whether the issues raised by An Bord Pleanála have been adequately addressed.
- Lack of detail on materials.
- Concern about the application coming to the members late.
- Potential for archaeology on the site.

8.4. The key items identified in the CE report are summarised under the following headings:

Principle of Development:

The Planning Authority are supportive of the development of a local retail, restaurant café units as they would benefit the local community. The site is subject to H3 SLO1 of the county development plan and any increase in density above 12 dwellings per hectare, or 20 dwelling per hectare in the case of independent and semi-independent housing for older people, can only comply with the County Development Plan where issues of accessibility have been fully resolved. The proposed development is for 41 units per hectare and the applicant has provided a Material Contravention Statement in support of the application. The provision of part of the link road to the south of the site is not sufficient and a bus service cannot operate to serve this site due to a weight limit on the Whitechurch Road. The proposed development would therefore be car dependent.

- **Land-Use and Transport:**

The proposed density is in excess of that described under H3 SLO1 and accessibility/ connectivity issues have not been adequately provided for on this site.

- **Material Contravention: Density, Connectivity and Accessibility:**

The proposed density is 41 units per hectare, which is 300% in excess of the proposed density of 12 dwellings per hectare. No provision is made for housing or nursing home services for older people as required. The applicant has outlined why they consider that a material contravention is justified, and the Planning Authority has considered each of the reasons given under appropriate headings:

- **Peripheral and/ or Less Accessible Urban Location:** The site is located in a in a 'peripheral and/or less accessible urban location' as defined by the Sustainable Urban Housing: Design Standards for New Apartments (2020), and therefore the County Development Plan objective does not comply with the Section 28 guidelines, which promote compact sustainable development. The Planning Authority report that the site is not located in an built-up urban area, services are limited, and the development site does not match any of the urban classifications of the 2018 and 2020 guidelines. The Planning Authority state 'The restriction of density at such a

site is not at variance with the guidelines, as 'peripheral and/or less accessible urban locations' are described as being suitable for development of less than 45 dwellings per hectare, and no minimum density is stated'. As the density guidelines in the 2020 guidelines do not form part of an SPPR, there is no reasonable basis for a direct material contravention of an objective set out in the county development plan.

- Recent National and Regional Strategies: 'Housing for All', the NPF and the RSES all provide for an increase in housing supply provided in a compact development form. The Planning Authority consider that the proposed development does not represent compact, sustainable development.
- Strategic Importance: The development is of national/ strategic importance as it is a SHD. The Planning Authority consider that the development does not comply with the Transport Strategy for the Greater Dublin Area, 2016 or the Draft Strategy.
- Housing Capacity Site: Conflict between Policy H3 SLO1 and the Core Strategy which identifies Rathfarnham as a consolidation area, and Map 1.3 which includes the site within the 'Housing Capacity Site' area. The Planning Authority refer to the SLO as specific to this site and which is intended to develop a particular form of development on this site having regard to its poor access and amenities.
- 2009 Guidelines: The Sustainable Residential Development in Urban Areas (2009) guidelines promote densities of 35 – 50 unit per hectare on greenfield sites on the urban periphery and which require services and facilities. The guidelines discourage densities below 30 units per hectare. The Planning Authority report that the SLO allows for appropriate densities once issues of accessibility and connectivity have been adequately resolved. The SLO is in accordance with the 2009 Guidelines.

- Recent Precedent: An Bord Pleanála recently granted permission under SHD3ABP-309836-21 for 241 apartments at Stocking Avenue, Woodstown, Dublin 16. The Planning Authority report that they recommended that that development be refused permission as they did not consider that the densities were sustainable. That site was also directly served by a bus route and the site had more direct connections to the existing urban area.
- Note on Draft County Development Plan: The subject lands are to remain zoned RES – residential development under the Draft County Development Plan, but the SLO applying to the site will not be carried over in its entirety, the new SLO proposes that the site should not be developed unless transport links to the site are made. A proposed material alteration would provide that development at the site is facilitated through a transport needs assessment. The applicant considers that the Board should have regard to the County Development Plan which has effect at the time of its decision.

The Planning Authority report that there is limited justification for a material contravention of the South Dublin County Development Plan 2016 – 2022 in terms of national, regional, and local policies. The SLO is appropriate for a site that is not well served by public transport and with limited services in the area. It is recommended that permission be refused on the basis of material contravention of the South Dublin County Development Plan 2016 – 2022, as it would undermine the RES zoning objective, undermine Policy H3 of the Plan, undermine the Greater Dublin Transport Strategy and the RSES.

- **Visual impact and Residential Amenity:**

Building Height: The proposed apartment buildings will have a maximum height of 5 storeys, though some blocks may be read as 6 storey units due to the topography of the site. The applicant has provided CGI details and a Visual Impact Assessment in

support of the proposed development. The visual impact of the proposed development is considered to be an improvement over previous proposals.

Internal Residential Layout: The submitted Schedule of Accommodation indicates that all units meet the minimum requirements under the 2007 Quality Housing Guidelines and the Apartment Guidelines, however a number of the units provide for storage areas in excess of 3.5 sq m.

Private Amenity Space: All units are provided with adequate/ appropriate private amenity space.

Communal Amenity Space: This is not provided in the schedule of accommodation. Whilst it appears that adequate space is provided for the units on the northern site, it is not clear that adequate space is allocated to the units above the proposed neighbourhood centre. The layout here could be revised to provide for more useful communal amenity space.

Noise: The submitted Acoustic Design Statement indicates roughly half of the southern site to be 'high risk' or in the upper reaches of 'medium risk' of adverse impacts from noise. The Zone A facades, which include the southern, western, and eastern facades of all buildings to the south of the southern site, where daytime noise will exceed 70 LAeq, and night-time noise will exceed 65 LAeq. All other facades are medium risk, where daytime noise will exceed 65 LAeq, and night-time noise will exceed 60 LAeq. A number of mitigation measures are proposed to combat the noise in outside areas affected by proximity to the M50. The Planning Authority consider that this is another aspect of the development that could be better overcome by way of consolidating the lands in this area for planning and development purposes. Recommended mitigation measures include requirements to keep windows closed on the southern, eastern, and western elevations of the 'T'

duplex blocks and the Noise Impact Assessment concludes that the development is satisfactory considering the mitigation measures proposed.

The Planning Authority consider that such measures could be avoided by placing more of the public open space to the south through the development of a larger consolidated site, and this feeds into a reason for refusal relating to overall layout and development approach.

Privacy and Overlooking: Windows and balconies are provided on the first and second level on the rear elevation of the T duplex blocks. The Planning Authority consider that from the site layout plans there would be overlooking of rear private amenity spaces and also habitable rooms in some cases. The direct overlooking of private amenity spaces is not acceptable, and adds to the reason for refusal relating to overall layout and development approach.

Unit Mix and Tenure: The unit mix is considered to be acceptable.

- **Urban Design, Layout and Character:**

The proposed house design is considered to be generally acceptable to the Planning Authority, final details can be agreed by way of condition. The proposed development is designed such that the houses and duplexes are dominant, provided in traditional back-to-back configurations, while maximising the density on the site. The Planning Authority report that individual units appear to be well provided for in quantitative terms of residential amenity, there are a number of failings in relation to streetscape enclosure, dominance of surface level parking, and the cramped nature of development on the southern site area.

The Planning Authority consider a number of specific elements of the proposed development/ subject site:

- Blocks A, B & C: The main public open space area is poorly overlooked and is poorly set out and suggested improvements are provided by the Planning

Authority. The commercial facilities appear to be designed to attract passing motorists and the buildings appears to turn its back on the rest of the development. These blocks do not address their service population and do not encourage pedestrians to use/ access the proposed services. There should also be a reduction in the number of surface car parking spaces provided to serve these blocks and Blocks A, B and C should be revised by way of condition.

- **Cramped development on Southern site:** The Planning Authority report that the layout of the southern section of the site provides for an inefficient layout and a somewhat piecemeal form of development. The layout of the site allows for future development on adjoining lands, but it may not be possible to provide for residential development on these lands. The southernmost block does not allow for adequate separation distances between units, however the design of this is addressed by providing no rear windows above ground floor level.
- **Streetscapes:** The layout demonstrates that the proposed development is car dominated. The car parking provision is in accordance with South Dublin County Council quantitative standards, but the streetscapes will not present a pedestrian/ cyclist dominated character area. The space given over to pedestrians will only be a small fraction of the overall public realm and the overall design does not focus on the needs of pedestrians.

- **Housing – Part V:**

The Housing Department have reported that it would be required that suitable units be provided on site to meet the Part V requirements. This issue can be addressed by way of condition.

- **Public Realm and Ecology:**

The South Dublin County Council Public Realm Department have raised a number of issues in relation to tree/ hedgerow loss, details of play equipment, need for a more

comprehensive SuDS strategy, detailed landscaping/ planting plan, taking in charge details, impact of the development on local biodiversity and ecological impact.

The lack of a detailed SuDS proposal is contrary to development plan policy and could be the basis for a reason for refusal.

An Ecological Impact Assessment and an Arboricultural Impact Assessment have been included with the application. The Planning Authority report that the inadequate retention of green infrastructure features on a greenfield site can contribute to a reason for refusal.

The Public Realm Department have listed a number of conditions in the event that permission is to be granted for the proposed development.

- **Ecology:**

On the northern section of the site, older field boundary hedging and trees remain in place and are considered to be of high local importance. The trees on the northern site have potential for roosting bats. On the southern section of the site, the lands are recently grazed, and boundary treatments are relatively new and considered to be of low importance. The site is not very attractive to bats due to the light spill from the adjacent M50.

A number of mitigation measures are outlined in the Ecological Impact Assessment and the supporting bat reports. These measures are considered to be acceptable to the Planning Authority and can be included by way of condition. Revised landscaping and public lighting plans would be required and these can be provided by way of condition.

- **Nature Conservation:**

A suitable riparian buffer is proposed for along the Whitechurch Stream. The Department of Housing's Nature Conservation unit has proposed conditions, and these can be attached to a grant of permission.

- **Access, Transport and Parking:**

The South Dublin County Council Roads Department have outlined a number of issues in their report, including lack of submitted details, the unsuitability of the area for public transport, unsuitable pedestrian/ cycle routes and potential for traffic congestion in the area. The above points demonstrate that the development is unacceptable, and a refusal of permission is therefore recommended.

Public Transport: Development is limited on this site having regard to a need for improved public transport to serve the area. The existing Whitechurch Road could not accommodate a regular bus service.

Permeability: Concern is raised about the quality of the links to and from adjoining lands and this may be addressed by way of condition.

Parking: Car parking is provided at the maximum standards and bicycle parking is at 90% of the apartment guidelines requirements. Additional bicycle parking should be provided by way of condition.

The comments of Transport Infrastructure Ireland (TII) are noted by the Planning Authority.

Refuse Storage: Details require clarification, and this can be addressed by way of condition.

Taking in Charge: Revised details are required and can be provided by way of condition.

- **Water:**

The Environmental Services Department have reported a number of issues of concern about the proposed development in relation to the provision of a suitable SuDS proposal and a general lack of detail in relation to surface water drainage. This may be a reason for recommending refusal of permission, however the issues may be addressed by way of condition.

- **Archaeology:**

It is recommended that the Department of Housing, Planning and Local Government recommended conditions be included in any grant of permission.

- **Screening for Appropriate Assessment:**

The applicant has provided an Appropriate Assessment Screening and An Bord Pleanála are the competent authority to assess this.

- **Screening for Environmental Impact Assessment:**

The applicant has provided an Environmental Impact Assessment Screening and An Bord Pleanála are the competent authority to assess this.

- **Conclusion:**

The Planning Authority, South Dublin County Council, have identified that the principal concern relating to the development of these lands is the appropriate density having regard to the access and connectivity problems at the site. It is reported that the proposed development conflicts with the South Dublin County Development Plan due to:

- The proposed density of residential units.
- That it would be a car-dependent development, located outside the urban area;
- The lack of natural SuDs.

The proposed layout suffers from the separation of the sites and the attempt to develop sites on the zoned lands in a piecemeal fashion. This has implications for noise impacts, as a larger/ consolidated development could allow for the concentration of public open space to the southern part of the lands and maintain residential development outside the areas identified in the Acoustic Design Statement to be 'high risk'.

The proposed development would also be in contravention of the National Planning Framework, the Regional Spatial and Economic Strategy, and the Transport Strategy for the Greater Dublin Area 2016 – 2035, which between them provide for sustainable residential development on serviced sites, which minimise the need for

travel and distances of travel required for future residents of such lands. The Planning Authority recommend that permission be refused for the proposed development and have provided reasons for refusal. A list of suitable conditions in the event that permission is recommended is also provided.

- **South Dublin County Council Internal Reports:**

Housing Department: Units required on site, and this can be agreed by way of condition.

Public Realm Department: Conditions recommended in the event that permission is granted.

Environmental Services: Concerns regarding surface water drainage and no objection subject to condition in relation to flood risk assessment.

Roads Department: A number of concerns are raised in relation to layout, road capacity/ safety, sustainable, and public transport.

8.5. **Dun Laoghaire-Rathdown County Council:** The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 16th of May 2022. The report states the nature of the proposed development, the list of supporting documentation submitted by the applicant, submissions received, reports from prescribed bodies, comments of elected members, planning history, site description, details the relevant Development Plan policies and objectives and provides a planning assessment of the development.

8.6. The Chief Executive's report also includes a summary of the views of the elected members of the Dundrum Area Committee Meeting held on the 25th of April 2022, and these are outlined as follows:

- Query over the independence of the Council as they have issued a letter of consent to the applicant.
- Concern that the developer and An Bord Pleanála are making a decision on the development of the public realm in the area.

- The Local Authority have helped the applicant by providing a transport connection.
- Marlay Park closes at 4 pm in the winter and as such this route will not be available for cyclists and pedestrians in the winter after this time.
- Insufficient time for the elected members to consult with the public.
- College road should be protected.
- Need for playgrounds in large developments.
- Sensitivity of the site is important such as trees, stream, and wildlife, as well as the proximity to the Dublin Mountains. No details have been provided on hedgerow removal.
- The development is isolated, surrounded by golf courses and the M50 to the south of the site.
- No information has been provided as to how users of the Wicklow Way will be facilitated during the construction phase of the development.
- Condition required for the upgrading of the roundabout at Kilmashogue Lane, College Road and Whitechurch Road.

8.7. The key items identified in the CE report are summarised under the following headings:

- **Principle of Development:**

The development within the Dun Laoghaire-Rathdown area comprises road works and connections to the existing road network. The Planning Authority have no objection to this element of the development. The removal of trees is an issue of concern as this is contrary to a condition in the letter of consent that refers to a design of the entrance to Marlay Park.

- **Road Design:**

The Transportation Department have raised concerns about the proposed design of the Marlay Park entrance. A revised design is recommended, and further details shall be provided by way of condition.

- **Arboricultural:**

Trees and a grass verge are proposed to be removed as part of this development. This is contrary to the letter of consent issued by Dun Laoghaire-Rathdown County Council. The need for these works would contravene the letter of consent and the development may not be able to take place as proposed. It is not possible to retain the trees and provide a cycle track along College Road.

The revised entrance into Marlay Park may be agreed by way of condition. As most of the development is in the South Dublin County Council area, the majority of the Parks Department conditions will not be required.

- **Archaeology:**

Full regard is had to the submission from the Department of Housing, Local Government and Heritage and the recommended condition should be included.

- **Development Contributions:**

Not required as no housing is proposed within the Dun Laoghaire-Rathdown area.

- **Appropriate Assessment/ Environmental Impact Assessment:**

An Bord Pleanála is the competent body to consider these.

- **Conclusion:**

The Planning Authority, Dun Laoghaire-Rathdown County Council, welcome the proposed development of the site however concern is raised that the applicant will be contravening a condition in a letter of consent and may not be able to carry out the proposed development. A refusal of permission is therefore recommended. Suitable conditions are provided in the event that permission is recommended for this development.

- **Dun Laoghaire-Rathdown County Council Internal Reports:**

Transport Planning: Conditions recommended in the event that permission is granted.

Environmental Health Officer: No objection subject to conditions.

Drainage Planning: No observations to make.

Parks Department: Conditions recommended.

9.0 Prescribed Bodies

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

- Transport Infrastructure Ireland (TII)
- An Taisce
- Inland Fisheries Ireland
- Department of Housing, Local Government and Heritage
- Irish Water – No response made.
- National Transport Authority (NTA) – No response made.
- Heritage Council – No response made.
- South Dublin County Childcare Committee – No response made.

9.2. The following is a brief summary of the issues raised by the prescribed bodies.

9.2.1. Transport Infrastructure Ireland (TII)

TII will rely on the Planning Authority to ensure that policy in relation to development on/ affecting national roads, in accordance with issued guidance, is abided with. The development to be carried out in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Recommendations to be included in the form of conditions if permission is to be granted and any additional works required should be funded by the developer. In addition, TII state that they will not entertain

any future claims in respect of impacts with particular reference to noise and visual impacts on the proposed development if approved due to existing and proposed road development.

9.2.2. An Taisce

Concern about the increase in traffic that the development will generate, and that existing infrastructure is unable to accommodate current levels of traffic. The existing road network would be unable to accommodate buses up to the site due to the narrowness of the existing road. A number of SHDs have been proposed in the area and these would significantly increase traffic if constructed.

The proposed density is in excess of the requirements of H3 SLO1 of the South Dublin County Development Plan 2016 – 2022.

The proposed building heights at four/ five storeys are out of character with the existing form of development in the area and do not demonstrate that they comply with SPPR 3 of the Building Height Guidelines.

9.2.3. Inland Fisheries Ireland (IFI)

The proposed development is within the River Dodder Catchment which is an important Salmonid system. There is a direct connection between the site and the Whitechurch Stream. The Whitechurch Stream is also referred to as the Kilmashogue. This stream flows from south to north along the eastern boundary of the site, with a culver under the existing site entrance and it flows eventually into the river Dodder. The proposed development provides for surface water to discharge to the Whitechurch Stream via new outfall pipes and these can pose a threat to aquatic life within the stream if not suitably designed/ managed. The Whitechurch stream functions as a nursery for the Dodder channel trout population and any future development in the area should not cause any degradation of these fishery habitats. The River Dodder is unusual for an urban river in that it contains a resident salmon and sea trout population, making it an important fishery.

Only clean water that is uncontaminated should be permitted to discharge to the surface water network. As setback outlined in the Outline Construction Management

Plan does not specify the distance of an exclusion zone and this should be a minimum of 5 m of undisturbed ground. Suitable silt control etc. measures should be employed. The IFI report outlines a list of additional measures to be employed such as the storing of fuels/ dangerous substances and the provision of a suitable Construction Environmental Management Plan.

It is reported that Ringsend WWTP is operating at or beyond its design capacity and upgrade works won't be complete before 2023. Local infrastructural capacity should be designed to cope with additional demand.

A number of recommendations are made in relation to the discharge of waters to the Whitechurch Stream and these are detailed in the IFI report. Full regard to be had to the 'European Communities (Surface Water) Regulations 2009' and the 'European Communities (Groundwater) Regulations 2010' and to other relevant guidance.

9.2.4. **Department of Housing, Local Government and Heritage**

Archaeology: An Archaeological Impact Assessment was undertaken by Deirdre Murphy and Magda Lyne, for the applicant, and the report is dated February 2022. The assessment recommends that further archaeological assessment is required, including geophysical survey and test trenching of the greenfield areas. It is also recommended that the groundworks associated with road improvements in proximity of recorded monument Cross (DU022-03) be subject to appropriate archaeological monitoring. The Department agrees with the findings/ recommendations of this report and suitable conditions should be attached to any grant of permission.

Nature Conservation: The Whitechurch Stream, a branch of the Owendoher and part of the Dodder River system, flows north through the eastern edge of both portions of the subject site and which are bounded by the Whitechurch Road running parallel to the river. The Whitechurch Stream is a salmonid water holding stocks of brown trout, and is also frequented by dipper, kingfisher included in Annex I of the Birds Directive and otter, included in Annex IV of the Habitats Directive. The proposed access to the new houses and apartments, on both sections of land, will be from the Whitechurch Road on bridges across the Whitechurch Stream.

Bat surveys have identified no roosts on site, but further assessment of the derelict houses should be undertaken. Foraging activity by four bat species over the development site, common and soprano pipistrelles, and Leisler's and Long-eared

bats were recorded in the activity surveys that were undertaken. The Department also expect that Daubenton's bat, which are known from this area, would at least occasionally forage over the Whitechurch Stream. Insufficient information is provided in relation to the lighting plan for this site to demonstrate that it is bat friendly.

The Department supports the preservation of a riparian strip as a wildlife corridor along the Whitechurch Stream and which is in line with the Green Infrastructure Network proposals for South Dublin County Council and as included in the County Development Plan. Various bird species which nest in trees and shrubs were recorded during the breeding season on the development site and therefore any vegetation clearance carried out at that period of the year could result in the destruction of nests, eggs, and nestlings. The proposed development includes the installation of swift bricks in the new apartment blocks as biodiversity enhancement measure.

The Department of Housing, Local Government and Heritage's principal concerns with regards to this proposed development, from a nature conservation perspective, would be that that the Whitechurch Stream be preserved from pollution, that a wildlife corridor be retained along this stream, and that usage of the development site by bats and birds is maintained as far as possible. Suitable conditions are provided in the event that permission is granted for the proposed development.

10.0 Oral Hearing Request

None requested.

11.0 Assessment

11.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executives' Reports from the two Planning Authorities, and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Density
- Design and Layout
- Development Height and Separation Distance
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic, Parking and Access
- Infrastructure and Flood Risk
- Ecological Impact Assessment (EclA)
- Childcare, Social Infrastructure and Part V Social Housing Provision
- Comment on Submission/ Observations
- Other Matters
- Material Contravention
- Appropriate Assessment (AA)
- Environmental Impact Assessment (EIA)

Note 1: As the development area is primarily in the planning area of South Dublin County Council, reference to the Planning Authority/ Chief Executive (CE) etc. will refer to that Local Authority. Any issues relevant to Dun Laoghaire-Rathdown County Council will specifically refer to them.

Note 2: The South Dublin County Development Plan 2016 – 2022 is the current operative plan for the South Dublin County Council area and this is due to be replaced with the South Dublin County Development Plan 2022 – 2028, which comes into effect in August 2022. The current plan for the Dun Laoghaire-Rathdown County area is the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 and which came into effect on the 21st of April 2022. A Ministerial Direction has been issued under Section 31 of the Planning and Development Act 2000 as amended, but does not impact on the proposed development.

11.2. Principle of Development

11.2.1. Having regard to the nature and scale of proposed development, which is in the form of 178 residential units, consisting of 72 houses, 38 apartments, and 68 duplexes, on lands zoned for Residential Development under the RES zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.2.2. The proposed development is spread over two sites that are separated by lands in third party ownership. The only connection between the two sites is by way of the public road and associated footpaths. There is only a footpath on the western side of the Churchtown Road. An additional connection between the two sites is the stream that flows along the roadside edge of both sites. A riparian corridor is proposed along the stream and this forms part of the area excluded in the net area calculations.

11.2.3. Comment was made in the submissions as to whether the development comprises a SHD as it is spread over two separate areas of land. I am satisfied that the proposed development is acceptable as the two areas of land rely on the public road for access and in turn this road provides a direct connection between these two parcels of land. There is no doubt either that the application refers to both parcels of land and allowance has been made for the integration of adjoining lands with the subject development site.

11.2.4. Two existing buildings, that appear to have been sheds/ stores, are to be retained and would be available for community use. These are located on the northern side of the southern parcel of lands. I note that reference is made on the site layout plans – Drawing no. 18.132.PD2002, that the ‘Stone walls from sheds to be incorporated into landscaping of public open space’. It would be preferable if they were retained and restored for their use by the local community/ occupants of the development. This issue may be agreed by way of suitable condition.

11.2.5. **CE Report comments:** The Planning Authority have no objection to residential development on these lands, but the proposed development provides for a density far in excess of a specific local objective that applies to these lands. It is

also noted that the development of two individual sites would give rise to piecemeal development. Further comment is made on this later in this report.

11.2.6. **Conclusion on Section 11.2:** The site is suitably zoned for residential development. I note the comments of the Planning Authority in relation to the specific local objective and the proposed density/ number of units proposed for this site. I also note the general concern raised by both Planning Authorities in relation to a number of aspects of this development and these issues will be detailed/ assessed further in the following sections of this report.

11.3. Density

11.3.1. The proposal of 178 residential units on a net site area of 4.32 hectares (gross site area is 6.77 hectares) provides for a density of 41 units per hectare. The site is located on lands designated as 'Consolidation Areas within the Gateway' and the Planning Authority considers that the development is limited by the specific local objective that applies to this site. The Planning Authority consider the site to be a 'Peripheral and/ or Less Accessible Urban Location'. Insufficient detail has been provided by the applicant to demonstrate that the site is suitable for an increased density/ number of units although the applicant has sought to justify this in their submitted Material Contravention Statement.

11.3.2. H3 SLO1 restricts development on this site 'for the purpose of low density residential development at a net density of not more than 12 dwellings per hectare, and to promote housing for older people...as a fully integrated part of such development with an increased density of not more than 20 dwellings per hectare to apply to independent and semi-independent housing for older people.. Permissible densities may be increased in accordance with the relevant ministerial guidelines where issues of accessibility have been fully resolved in an appropriate manner...'. I consider it to be clear that the intended development of this site was primarily as a low-density development having regard to its location. The density is clearly stated to be no more than 12 dwellings per hectare unless an element is provided for the needs of elderly people and the density may increase to 20 dwellings per hectare. The proposed net density at 41 dwellings per hectare is far in excess of this stated

density. From the details provided in the CE report, the restrictions of H3 SLO1 were raised in pre-planning with the applicant.

11.3.3. The South Dublin County Council Development Plan does not apply specific density limits/ targets to RES zoned lands, except in very specific circumstances such as the subject site. No specific proposal has been made for the development of housing for the elderly and which would allow for a modest increase in the net density of this site to 20 units per hectare. Although the site is listed as being within a consolidation area and is located inside the M50 (cityside of the motorway), the intended development of this site is as a low-density residential development having regard to the existing character of the area and the restricted nature of public transport and the local road network.

11.3.4. H3 SLO 1 does include an additional opportunity to consider increased density as it states that 'Permissible densities may be increased in accordance with the relevant ministerial guidelines where issues of accessibility have been fully resolved in an appropriate manner'. From the site visit it was apparent that the local road network was just about adequate for the current volume of traffic that uses the Whitechurch Road and includes the provision of limited pedestrian facilities. I would assume that parts of the road have been upgraded in connection with the development of the M50 that crosses to the south of the site, even though there is no connection to the Whitechurch Road to/ from the motorway. I again refer to the CE report and the comment that 'It was specifically noted that Whitechurch Road is substandard, narrow, and is not to be relied upon'.

11.3.5. The subject site is located in an area that can be described as a peripheral/ edge of urban area and where public transport is not provided to or adjacent to the site. The applicant has sought to promote the development by suggesting that existing bus routes in the area can be extended to serve the site and has proposed that a bus turning area be provided on the site. It appears that the applicant has put forward promotion of improved bus services as a way of complying with H3 SLO1 and the resolution of issues of accessibility.

11.3.6. The nearest bus routes to the subject site serve the Whitechurch Estate which is circa 1.25 km to the north/ north west of the site. The bus routes that serve Whitechurch Estate include the 15D, 61, 116, and 161. These are not

frequent services and 61 is the only route that provides a regular all-day service. The 15D and 116 are peak hour only services and the 161 provides an infrequent connection to Dundrum. Under the Bus Connects project, there are no proposals to extend any bus routes along the Whitechurch Road and which would serve this development.

11.3.7. The current 161 route on the Edmonstown Road will be replaced with route L35, with only five services a day indicated. The Whitechurch Estate routes will be replaced with routes 74, L35, and P16/ 18. The 74 will provide a half hourly service, which is an improvement on the current service provision, but as already reported, there are no proposals to extend routes along the Whitechurch Road that would serve the subject site. Figure 2.4 of the NRB 'Transportation Assessment Report' indicates that by walking from the site to Whitechurch Green, it is possible to access 'a high Frequency Commuter Service'. I am satisfied that the current and proposed service provision does not provide for a high frequency service.

11.3.8. Section 3.2 of the Urban Development and Building Heights Guidelines refers to the need for a proposed development to be 'well served by public transport with high capacity, frequent service and good links to other modes of public transport'. The seated capacity of a double decker bus, the only type of bus that is operated on Dublin Bus routes, varies from between 65 and 75 seats and the total capacity to include standees, mobility impaired and children in prams, also varies but may add between 15 and 20 people to the overall loading that a bus may legally carry. Go-Ahead Ireland operate a mix of single and double decker buses, but assuming that double decker buses are operated on the 161, the maximum capacity at peak times from Whitechurch Estate would be circa 340 passengers, off peak would be only 85 passengers for most hours of the day. This may be sufficient to serve the current route, but an extension of any of the routes to the subject site would likely result in a deterioration of service for existing bus users in the Whitechurch area. In the absence of an improved bus service/ or any service to this site, the proposed development is likely to be car dependent.

11.3.9. I note that third-party submissions referred to the lack of public transport in the area and the Planning Authority also referred to the limited public transport provision in the area. I would agree with these comments as the bus service, existing and proposed, does not serve the subject site and there is no

indication that this will improve into the future. The reports submitted by Marston Planning/ Martin Peters Associates – Consulting Engineers, on behalf of Ballyboden Tidy Towns, refers to the poor quality of existing public transport in the area and again I agree with this part of their report.

11.3.10. **CE Report comments:** The Planning Authority, through the CE report, recommend that permission be refused due to the proposed development conflicting with a specific density objective on this site and that the development would be car dependent. The Planning Authority refer to the Transport Strategy for the Greater Dublin Area 2016 – 2035 and the draft strategy 2022 – 2042 and consider that the development would be contrary to these strategies. The local road network is not suitable as a public transport route and the site is somewhat remote from employment, leisure, and retail centres that would serve the residents of the proposed development.

11.3.11. **Conclusion on Section 11.3:** The site is suitably zoned for residential development, however H3 SLO1 clearly restricts the density of development having regard to the location of the site, the existing character of the area and the restricted public transport/ local road network in the area that serves the site. I would disagree with the applicant that public transport can be improved, and that it is likely to improve with the development of the site for residential use at the density proposed. This is clearly not the case, as the residents of Whitechurch Estate would attest, living in a large established residential area but with a relatively limited bus service.

11.3.12. Although the site is located in a consolidation area of the city, there are unique circumstances that make it appropriate that the density be restricted. The site is separated from the established urban area to the north by the Edmondstown Golf Club, zoned OS – Open Space but which effectively forms a green belt between the urban area and the subject site. The local road network is limited and as already detailed public transport does not serve the site. It is clearly intended that the site be developed for low density housing and therefore is not suitable for development of large-scale housing under the SHD process.

11.3.13. Having full regard to these factors, I recommend to the Board that permission be refused due to contravention of H3 SLO1, due to lack of public

transport and consequently the development would be car dependent resulting in an unsustainable form of development.

11.4. Design and Layout:

11.4.1. As already reported, the site is located on lands that are zoned RES and are suitable for residential development. The quantum of development that is permissible is limited by the SLO that applies to the site. The proposed development is for 178 units on a net site area of 4.32 hectares giving a density of 41 units per hectare. Under the restrictions of the SLO, the maximum number of units that could be provided would be 52. The site is split in two with the northern section providing for 52 units and the southern section providing for 126 units. Both sites include a mix of houses, duplexes, and apartments. The mix of unit types is considered to be good.

11.4.2. I note a number of the comments made by the Planning Authority through the CE report on the design/ layout of the development. The design of the houses is considered to be acceptable, and the apartments are generally acceptable and final finishes can be agreed by way of condition. The layout of the development is not acceptable to the Planning Authority and in particular the southern section is of concern through its cramped and somewhat inefficient layout. Open space areas are poorly overlooked, the layout of Block A and C is such that they do not address their service population and the layout of the Type T Duplex units is such that they would give rise to overlooking of the neighbouring houses to their north. The overall layout and separated sites do not allow for the provision of amenity lands and a reduction in the impact of noise/ nuisance from the M50 to the units located on the southern side of the site.

11.4.3. I consider that the proposed units are generally acceptable and agree with the Planning Authority that the final design can be agreed by way of condition in the event that permission is granted for the development. I am somewhat unsure about the design of Block A/ B, and this will be further considered later in this report. It is not immediately clear if the front/ access to the retail/ commercial units is from the east or west elevation, though it appears to be from the east which is unusual for a block that is set back by 31.7 m from the roadside edge that it addresses.

11.4.4. I agree with the Planning Authority that the large area of open space to the eastern side of the southern parcel of land is poorly overlooked, with no sense of enclosure to the south and limited passive surveillance to the east. Similarly, the piece of open space to the west is only overlooked on two of its three sides. The open space areas serving the northern parcel of land is limited and I would question its useability and limited access to the majority of the residents living in this part of the development.

11.4.5. The overall development suffers from the division of the site into two separate parcels of land. The provision of a link road to the south clearly allows for the future development of the overall RES zoned lands to the north of the M50 and west of the Whitechurch Road and I accept that the nature of the applicant's landholding restricts the potential layout of these lands. I am concerned that this would result in the provision of a poor-quality layout and consequent poor quality residential amenity. The proximity of the site to the M50 would result in a development that is negatively impacted by noise and nuisance from the motorway which currently allows for traffic speeds of 100 kmh on the section adjacent to the site. This issue would be addressed by a lower quantum/ density of development, and which would allow for a greater buffer zone between housing units and the motorway.

11.4.6. The proposed development provides for a stated 0.69 hectares of open space and additional communal spaces is provided to serve the apartments on site. The Planning Authority have raised concern about the open space layout and location on site and I generally agree with them.

11.4.7. As two separate parcels of land are to be developed, the proposed development requires the provision of two separate accesses to/ from the Whitechurch Road. This results in a duplication of access points and provides for a greater impact on the Whitechurch Road than would be the case if only one vehicular access were provided. I do note that the accesses are in the general location of existing agricultural accesses, though obviously the impact on the area on the area would be far greater than is the case at present.

11.4.8. **CE Report comments:** The Planning Authority recommend that permission be refused for the proposed development due to the use of two separate

sites resulting in a 'cramped and restrictive configuration of those sites' and 'The proposed layout has a number of deficiencies which would be better addressed by way of a consolidation of the lands for planning and development purposes' and the development 'would be seriously injurious to the residential amenity of the prospective residents, and would be contrary to the proper planning and sustainable development of the county'.

11.4.9. I have already referenced specific concerns that the Planning Authority have with the proposed development. In general, they consider that the separated sites do not provide for an efficient and suitable site layout and that the residential amenity of future occupants are not sufficiently considered.

11.4.10. **Conclusion on Section 11.4:** The proposed design is restricted having regard to the available lands that the applicant owns, resulting in two separate parcels of land with limited connection other than by way of the public road and pedestrian footpath. I note the concerns of the Planning Authority and I agree that the layout is not acceptable and there is no certainty that the development of adjoining lands, also zoned RES, can be facilitated by the proposed and submitted site layout. Poor quality open space in terms of layout, the location/ layout of the services intended to serve the site at the eastern side of the site and internal overlooking, all indicate that the layout is not acceptable.

11.4.11. Having full regard to these factors, I recommend to the Board that permission be refused due to poor quality layout, potentially poor quality of services through location to serve the future residents and a layout that would be injurious to the residential amenity of future occupants of the proposed development.

11.5. **Development Height and Separation Distance**

11.5.1. The issue of height was one of the main issues of concern raised in the third-party observations and by the elected members of the Rathfarnham Area Committee. From the site visit, it was apparent that the surrounding area is characterised by low density development in a primarily agricultural/ woodland setting adjacent to the M50. There is a clear separation between the existing urban area to the northern end of the Whitechurch Road and the lands to the south in the vicinity of the subject site.

11.5.2. The proposed development consists of a mix of two-storey houses and apartments/ duplexes in the form of 3, 4 and 5 storey blocks. The 5 storey blocks also include a basement level and these blocks, A, B & C are located to the south eastern corner of the site adjacent to the M50 and Whitechurch Road. This location will result in a significant visual impression when viewed from the public road network; this is very evident from View 3 contained in the ‘Photomontage Views’ prepared by Dunes Visuals.

11.5.3. Section 3.2 – ‘Development Management Criteria’ of the ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, December 2018, sets out a number of considerations for developments with increased heights.

In the interest of convenience, I have set these out in the following table:

At the scale of the relevant city/ town	
Criteria	Response
<p>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</p>	<p>Public transport does not serve the site and the nearest bus stops are circa 1.2 km to the north of the site in the Whitechurch Estate. This is served by Dublin Bus routes 15D, 61 and 116 and Go-Ahead Route 161. The 15D and 116 are peak hour only services, route 161 is very low frequency and only the 61 provides a regular service of around one bus per hour during the day.</p> <p>There are no heavy rail or light rail lines in close proximity to the site, Balally on the Luas Green Line is circa 3.5 km from the site.</p> <p>The site is therefore not served by public transport with good capacity and frequency.</p>

<p>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<ul style="list-style-type: none"> • No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to this site. • Photomontages have been prepared by Dunes Visuals. • A Landscape + Visual Impact Assessment and a Landscape Report have been prepared by áit Urbanism + Landscape.
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<ul style="list-style-type: none"> • This is a greenfield site with no features of importance. The proposed development will provide for an abrupt transition from rural/ agricultural development to a five-storey apartment block on the southern portion of these lands. • The applicant has provided setbacks from the roadside edge and the provision of high-quality landscaping in an attempt to ensure that the overall development integrates with its existing surroundings. It is considered that it fails to achieve this.
<p>At the scale of district/ neighbourhood/ street</p>	

Criteria	Response
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.</p>	<ul style="list-style-type: none"> • The proposed development will provide for an abrupt transition from rural/ agricultural development to a five-storey apartment block on the southern portion of these lands.
<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<ul style="list-style-type: none"> • The design includes a variety of building types, heights and roof types, thereby ensuring that the design is not monolithic.
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<ul style="list-style-type: none"> • The design provides for a development that is far in excess of the specified density for these lands. • Open space is provided throughout the site, and which is proposed to be accessible to public use. • The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with, and a Site-Specific Flood Risk Assessment has been prepared by CS Consulting Group. This is assessed in full under Sections 11.10.6 to 11.10.12 of this report and it is considered that the development complies with the requirements of the guidelines and gives rise to no concern in relation to flooding of the site or adjoining areas.

<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<ul style="list-style-type: none"> • The development does not provide for comprehensive/ integrated residential development and is contrary to the density restrictions on this site.
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<ul style="list-style-type: none"> • The proposed development will provide for a mix of apartments, duplexes and houses. • The overall mix of unit types provides for a residential development catering for a variety of housing needs.
<p>At the scale of the site/ building</p>	
<p>Criteria</p>	<p>Response</p>
<p>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.</p>	<ul style="list-style-type: none"> • The overall layout is of a high quality and ensures that all units receive adequate daylight. • As outlined in the Assessment – Sections 11.7.16 – 11.7.30, and 11.8.2 – 11.8.4, the development demonstrates that compliance with BRE 209 and BS2008 is generally achieved, and the amenity of existing residents and future residents is satisfactorily addressed and maintained.
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight</p>	<ul style="list-style-type: none"> • As above.

<p>provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.</p>	
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its 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.</p>	<ul style="list-style-type: none"> • As above.
<p>Specific Assessment</p>	
<p>Criteria</p>	<p>Response</p>
<p>To support proposals at some or all of these scales, specific assessments may be required, and</p>	<ul style="list-style-type: none"> • The proposed development is not considered to be a 'taller building' such that micro-climate issues arise.

<p>these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<ul style="list-style-type: none"> • Daylight and Overshadowing analysis have been submitted and demonstrate compliance with standards, as applicable.
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<ul style="list-style-type: none"> • An Ecological Impact Assessment (EclA) and an Appropriate Assessment (AA) have been submitted in support of the application and which fully consider the impact of the development on bird and bats. • In summary, no bat roosts were found on site during the surveys. There is potential for bats to roosts in trees, with particular reference to the northern section of the development lands. Primary activity associated with bats on site would be for foraging and commuting. • Suitable measures will be incorporated into the public lighting proposal.
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<ul style="list-style-type: none"> • N/A - Due to the maximum height of five storeys.

An assessment that the proposal maintains safe air navigation.	<ul style="list-style-type: none"> • N/A - Due to the maximum height of five storeys.
An urban design statement including, as appropriate, impact on the historic built environment.	<ul style="list-style-type: none"> • A 'Architectural & Urban Design Statement' has been prepared by Matt JFOC Architects and which has been submitted in support of the development. This demonstrates how the proposed development will integrate into its surroundings.
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	<ul style="list-style-type: none"> • SEA and EIA not required/ applicable due to the scale of the development. I have carried out an EIA Screening of the proposed development and is included in this report under Section 13. • EcIA and an AA screening report are submitted with the application. The AA Screening has been assessed in this report under Section 12 and there was no need to progress to Stage 2 – Appropriate Assessment.

11.5.4. The above table demonstrates that the development does not comply with all aspects of Section 3.2 of the 'Urban Development and Building Height' guidelines. Many of the issues identified in the table are assessed in greater depth in the following sections of my report.

11.5.5. National and local policy is to provide for increased heights and density on sites that can be demonstrated to be suitable for such development. The above table includes appropriate considerations for such development. A number of the third-party submissions state that this development results in the introduction of development that is far in excess of the prevailing form of development in the area. I would generally agree with these comments.

11.5.6. The applicant is proposing to introduce a development that would be out of character with the established form of development in the area. Where taller buildings are introduced into an area that is deemed suitable for them, the first such building may be out of character with the area through its height, but over time it will integrate with on-going development. I do not foresee that this will be the case here. As already referenced, the M50 forms the southern boundary, and the Edmonstown Golf Course provides an effective greenbelt between the development site and the established urban area to the north, and part of Marlay Park is located to the east. The subject lands are not designated for high density/ taller buildings and as already detailed; the site is actually designated for a much lower density of development than that proposed. The proposed height of the apartment blocks is not acceptable in this location.

11.5.7. Section 11.2.7 - Building Height, of the South Dublin County Council Development Plan, states:

‘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’.

The immediate area is characterised by very low-density development surrounded by a mix of agricultural/ woodland uses and a number of golf courses. There is no precedent for 4/ 5 storey buildings in the area and although adequate separation distances are provided, there is no certainty that the proposed development would not negatively impact on the ability of adjoining landowners to develop their lands in an efficient and sustainable manner.

11.5.8. **CE Report comments:** The Planning Authority consider that the reduction in height to a maximum of 5 storeys is an improvement over previous proposals for this site.

11.5.9. **Conclusion on Section 11.6:** The proposed development contravenes the South Dublin County Development Plan in not complying with H3 SLO1 in terms of a density that is far in excess of the 12 units per hectare that is considered to be appropriate for this site. The higher density is partially achieved through the provision of 4 and 5 storey apartment blocks, and which would be out of character with the established form of development in the area. I do not foresee that the development would integrate with existing urban development in Whitechurch in the medium to long term.

11.5.10. Having full regard to these factors, I recommend to the Board that permission be refused due to the proposed height of the development been out of character with the existing form of development in the area and the apartment blocks would be injurious to the visual amenity of the area.

11.6. Visual Impact

11.6.1. The elevations of the proposed houses would be finished in a mix of brick and render; there will be a mix of brick/ render such that the elevations will provide for variety throughout the site. Similarly, the duplex and apartment units will be finished in a mix of brick and render. In the event that permission is granted the final elevational treatments can be agreed by way of condition.

11.6.2. In addition to the elevational treatment, the proposed development provides for a variety of house types (A to J, L to N and P, with sub-types) throughout the site. The mix provides for two and three storey units. I would be concerned about the design of some units such as Type B which present a very high side/ front elevation (front door is located to the site). House Type L also presents a very unusual elevational treatment. These issues can be addressed by condition if necessary.

11.6.3. I have already referred to the elevational treatment/ design of Apartment Blocks A to C and I would be concerned that the design provides for a somewhat more commercial than residential elevation and which lacks interest when viewed from the street. The solid to void ratio (wall to window) provides for a very

blank elevational treatment and one that would be more expected in an office block rather than an apartment block. The front elevation of Block A/ B would present a very stark elevation when viewed from the Whitechurch Road and one that is very much out of character with the established form of development in the area. The private amenity space/ balconies serving Block A/B are located onto the eastern elevation facing onto the Whitechurch Road. This may provide for greater activity when viewed from the public road, but sunlight/ daylight will be restricted and may in turn reduce the use of these spaces by the future occupants.

11.6.4. It may be possible to revise the elevation by way of condition. At a minimum, the size of windows for the upper floors should be increased and a mix of brick proposed to break up the blank elevations. I note the comments of the Planning Authority regarding site layout, and I consider that an opportunity has been missed by the applicant in providing a suitable local centre with residential use over, and that acts as focal point for the development. Whilst primarily addressing the Whitechurch Road (which I consider that the design fails to achieve in an acceptable manner), the rear of the block backs onto the rest of the development site and fails to provide for adequate animation, and passive surveillance of adjoining public open space areas.

11.6.5. The side, east/ west elevations of the T-Block Duplex is somewhat bland in comparison to the front/ south elevations that address the public street. Block S is considered to be acceptable though more brick should be provided on the elevations and the windows could be increased in size. Block E is considered to be acceptable

11.6.6. The applicant has submitted an 'Architectural & Urban Design Statement' and Photomontages in support of the application. The views are taken from a number of different points and indicate the existing and proposed views of the development site post construction. Post construction summer and winter views are provided.

11.6.7. **CE Report comments:** As already reported, the Planning Authority did not raise any particular issues in relation to the proposed height of the buildings. The elevational treatment can be agreed by way of condition.

11.6.8. **Conclusion on Section 11.7:** In general, the proposed buildings are acceptable subject to condition on their material treatment in terms of brick/ render type/ colour/ texture and in terms of the mix of brick/ render. I consider that at a minimum that Block A/B should be significantly revised as it does not provide for a suitable high quality of elevational treatment addressing the Whitechurch Road. This is located at the main entrance to the southern parcel of land and should present a suitable design at the entry point to the development as well as providing a suitable treatment to the Whitechurch Road.

11.7. Residential Amenity – Future Occupants

11.7.1. **Unit Mix:** A total of 178 residential units in the form of houses and apartments is proposed and as summarised in the table below:

Unit Type	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Total
Number of Apartments	28	60	18	0	106
Number of Houses	0	6	45	21	72
Total	28	66	63	21	178

11.7.2. As can be seen from the above table, there is a good mix of unit types, and a good mix within the apartment/ house types.

11.7.3. **Quality of Units – Floor Area of Apartments:** A 'Quality Housing Assessment' submitted with the application provides a detailed breakdown of each of the proposed apartment and duplex units. All units exceed the minimum required floor areas, with a stated 95.5% of the apartment/ duplex units providing for over 110% of the required minimum floor area. The proposed duplex/ apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

11.7.4. The Planning Authority have reported that a number of the apartment units provide for storage areas in excess of the maximum 3.5 sq m specified in the apartment guidelines. I note that this occurs in the Duplex S Block Units 41, 43,

apartment type E1, E3, E4 and E5. This issue may be addressed by subdividing the storage space or by a reallocation of the storage area throughout the relevant apartment unit.

11.7.5. **Quality of Units – Floor Area of Houses:** The proposed houses also exceed the required minimum standards as set out in the 'Quality Housing for Sustainable Communities, 2007' for room sizes and overall floor area provision. These units would provide for a high standard of residential amenity, providing for a good addition to the existing housing stock in the area.

11.7.6. **Conclusion on Sections 11.7.1 to 11.7.6:** The proposed development provides for a good mix of unit types. The internal layout of these units is generally acceptable and complies with recommended requirements. The storage areas may require some revision due to a number of the apartment/ duplex units been provided with storage areas in excess of the maximum specified floor area of 3.5 sq m.

11.7.7. **Quality of Units – Amenity Space:** All of the apartment units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units. The majority of units are provided with private amenity areas in excess of the minimum required and there are some units that will be provided with significantly more than the minimum required private amenity space.

11.7.8. I am concerned that the private amenity space serving Block A/ B will be located only on the eastern elevation, which addresses the Whitechurch Road. These units would not enjoy much sunlight from midday on and the amenity space would be underused for significant portions of the year. Block E will also be provided with private amenity space located to the north east elevation; again, this is not the optimum location for such amenity spaces.

11.7.9. I have already commented on the provision of public and communal open space throughout the site. A total of 508 sq m of communal open space is provided on the northern portion of the site and a total of 723 sq m is provided on the southern portion. This quantum of communal open space is considered to be acceptable to serve the proposed development. A total of 0.691 hectares is

allocated to open space throughout the site and this equates to 16% of the overall site area.

11.7.10. The proposed houses are provided with adequate private amenity space; the submitted plans and private amenity space details indicates that a significant number of these units are provided with a significant quantity in excess of the required private open space.

11.7.11. **CE Report comments:** The Planning Authority raised no issues with the proposed private amenity space. The communal open space is not adequately detailed in the schedule of accommodation and although it appears that there is adequate communal space on the northern portion of lands, it is not so clear that this has been achieved on the southern portion. It is suggested that that the car park dominated courtyard could be revised and reallocated for use as a communal open space area. This comment is noted, and it is considered that it may be possible to address this issue by way of condition.

11.7.12. **Conclusion on Sections 11.7.7 – 11.7.11:** The proposed development provides for adequate private, communal, and public open space areas and demonstrates compliance with the South Dublin County Development Plan 2016 – 2022 and all relevant national guidance. There is no reason to recommend a refusal of permission to the Board in terms of the quantity of the amenity spaces.

11.7.13. I am concerned about the quality of the open space serving in particular Blocks A/B and I have already reported that this block should be significantly revised. In the even that permission was granted for the development, it may be appropriate to omit Block A/B and perhaps C in order to allow for a comprehensive revision of this section of the site.

11.7.14. **Unit Aspect:** The applicant indicates that some 94% of apartment units are either dual or triple aspect and this is acceptable.

11.7.15. **Conclusion on Section 11.7.13:** The proposed development provides for an acceptable number of dual-aspect apartment units.

11.7.16. **Daylight and Sunlight:** The submitted 'Daylight, Sunlight and Overshadowing Assessment' report prepared by BPC Engineers, considers the potential daylight/ sunlight provision within the scheme and the potential for

overshadowing of adjacent amenity areas/ windows facing the proposed development. This assessment is undertaken based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting. This has been replaced with BS EN 17037:2018 'Daylight in Buildings'. While I note and acknowledge the publication of the updated British Standard, I consider that this 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, 2018.

11.7.17. The submitted assessment undertook different tests as follows:

- Assessment of Average Daylight Factor (ADF)
- Amenity Overshadowing within the Subject Site

11.7.18. From the information provided in the 'Average Daylight Factor (ADF)' assessment, I am satisfied that the target ADFs are appropriate and are compliant, and that the requirements of sunlight for open space areas are within the required standards. Compliance with these targets/ standards will ensure that all units and their future occupants are provided with suitable residential amenity. The assessment prepared by BPC Engineers included the development of 3D models and the use of advanced lighting simulation software. Full details of the 'Methodology & Assessment Criteria' are provided in Section 5 of the BPC report.

11.7.19. **Assessment of Average Daylight Factor (ADF):** Table 2 of BS8206 Part 2:2008, provides the following minimum Average Daylight Factor (ADF)

- Bedrooms 1%
- Living Rooms 1.5%
- Kitchens 2%

11.7.20. In the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated. The proposed apartments provide

for floor plans in which the kitchen/ living and dining areas are effectively the one room.

11.7.21. The assessment was undertaken for each of the apartment blocks within the development, fully detailed in Section 6.2 and Appendix A of the BPC report, and the following results are noted in summary:

Block	Floor	Meet Criteria
E	Ground	Yes
E	First	Yes
E	Second	Yes
E	Third	Yes
All Units compliant in Block E		
A/B	First	Yes
A/B	Second	Yes
A/B	Third	Yes
A/B	Fourth	Yes
All Units compliant in Block A/B		
C	First	Yes
C	Second	Yes
C	Third	Yes
C	Fourth	Yes
All Units compliant in Block C		
Duplex Type T		
West Block	Ground	Yes
West Block	First	Yes
West Block	Second	Yes
Duplex Type T		

Middle Block	Ground	Yes
Middle Block	First	Yes
Middle Block	Second	Yes
Duplex Type T		
East Block	First	Yes
East Block	Second	Yes
All units are compliant in the Duplex Type T units		

I note that no details are provided for Duplex Type S, However this is a small block of units, and I would expect that it would be fully compliant.

11.7.22. The submitted report notes that with a higher ADF, there is less need for artificial lighting throughout the day. Care has to be taken though that the unit does not suffer from overheating in summer and/ or excessive heat loss in winter.

11.7.23. The submitted report also includes a daylight assessment based on the recommendations of the UK national Annex to BS EN 17037:2018. This provides similar results to the above assessment and all units assessed were found to be compliant.

11.7.24. I am satisfied in respect of daylight, as measured by the % of rooms meeting ADF standards, that the proposed development adequately meets residential amenity levels for future residents.

11.7.25. **Amenity Overshadowing within the Subject Site:** The applicant has assessed how much of the proposed amenity spaces will be sunlit. The 'Site Layout Planning for Daylight and Sunlight', recommends that at least half of the amenity areas should receive at least two hours of sunlight on the 21st of March.

11.7.26. The assessment looked at the open space for the apartment blocks and duplex – Type T units and also the public open space associated with Block E. No impact was expected on the larger areas of open space as it was assessed that they would not be significantly overshadowed due to their location and the type of

buildings adjacent to them. I am satisfied that the larger areas of open space on both parcels of land would receive adequate sunlight/ daylight.

11.7.27. Full details of the assessment are provided in Section 6.2.2 – Sunlight to Proposed Amenity Spaces of the BPC report. The assessment found the following, in summary:

- Block E – Sunlight to Amenity Areas – Nearly 100% will receive at least 2 hours sunlight on the 21st of March. Variations can be expected due to landscaping features etc.
- Blocks A/B and C – Sunlight to Amenity Areas – Circa 99% will receive at least 2 hours sunlight on the 21st of March. Variations can be expected due to landscaping features etc.
- Block T – Sunlight to Amenity Areas – Block 2/ Middle Block (units 57 to 61) was assessed as representative of the three blocks. Number 57 front and 61 front gardens meet the criteria, as they are end of terrace units. The back gardens of 57 to 61 do not meet the criteria as they are north facing. The proposed units are provided with winter gardens to the south and these would be compliant/ provide for good, well lit, amenity space. It is expected that the other two blocks would receive similar results.

11.7.28. **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of the quantitative performance approaches to daylight provision, as outlined in the BRE ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) and BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure suitable development of this accessible and serviced site within the South Dublin County Council area, in accordance with national policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units.

11.7.29. I also note that the proposed development is provided with good residential amenity such as the provision of balconies which will enjoy good sunlight amenity, good quality landscaped areas, in addition to good internal floor space.

11.7.30. The submitted analysis includes an assessment of the public open space areas. The BRE requirement is that a minimum of 50% of the space shall receive two or more hours of sunlight on the 21st of March. The submitted analysis demonstrates that the BRE requirement is met, except for a number of the Type T duplex units, and compensatory provision is made in the form of winter gardens. The public and communal amenity spaces will be of a high quality, suitable for residential use.

11.7.31. **Noise:** AWN Consulting have been engaged by the applicant to provide an 'Acoustic Design Statement', the report is dated 4th February 2022. This has regard to the proximity of the site to the M50 and also has regard to the South Dublin Council Noise Action Plan 2018 – 2023, which considers a daytime noise level above 70 dB(A) as undesirably high. The assessment is in accordance with the 'Professional Practice Guidance on Planning & Noise' (ProPG) document which was published in May 2017.

11.7.32. Full details of the noise assessment methodology are provided in Section 4.0 of the AWN report. Surveys were undertaken in September 2020, and I note that the report states: 'It is noted that the noise survey was undertaken during Covid-19 lockdown conditions and that the primary noise source, i.e. traffic noise, was not at "normal" levels due to reduced traffic flows and activity in the immediate area surrounding the development site'. Four location points were surveyed and are indicated on Figure 4 of the AWN report.

The following table summarises the results:

Location:	Daytime High:	Night-time High:
UN1	70 d(B)	63 d(B)
AT1	65 d(B)	
AT2	59 d(B)	
AT3	58 d(B)	

The dominant source of noise was found to be from traffic using the M50 to the south. UN1 and AT1 are in close proximity to the motorway.

11.7.33. Further assessments include surveying traffic generated noise and separately looking at the impact on building facades. A number of mitigation measures have been recommended for the design of the proposed units and includes wall, glazing and other façade details.

11.7.34. In conclusion, the AWN report finds that the site is suitable for residential development. Recommended mitigation measures have been provided. The absolute noise levels across the external amenity spaces are less than 70 d(B) Lday at all locations, and many parts of the development site would experience noise levels well below this level. Therefore, the external noise environment is considered to be good and would provide a good level of amenity for the future residents. In conclusion, with the implementation of mitigation measures as outlined in the AWN report, the noise impact on the proposed residential development can be controlled such that the impact is not considered to be significant or of a level that would have a negative impact on the residential amenity of the proposed dwellings and the proposed amenity spaces.

11.7.35. **CE Report comment on noise:** The Planning Authority report concern in that roughly half of the southern area of the site are assessed to be at 'high risk' or at the upper levels of 'medium risk' of adverse impacts. The mitigation measures are noted, but it is considered that a revised layout would have addressed the issues and would include the location of open space to the south of the site, in close proximity to the M50 and the main source of noise. Refusal is recommended as the Planning Authority consider that the layout is unsuitable and the issues relating to noise further reinforce this view.

11.7.36. **Conclusion on noise assessment:** I note the submitted report from AWN and the comments of the Planning Authority. I also note comments made in the third-party submissions that the noise survey was not reflective of reality as it was undertaken during a lockdown associated with Covid 19, back in September 2020.

11.7.37. I would have concern that the noise assessment does not reflect a more 'normal' period when traffic is at a much more standard level than that in

September 2020 when volumes were much reduced. The M50 is the main source of noise in the area, and this was very evident on the day of the site visit (a Friday afternoon in May, during a period of good weather). I am not convinced that the residential amenity of future occupants would not be impacted by the volume of noise generated from the M50 and therefore providing for a poor quality of amenity for the future occupants of this development.

11.7.38. **Conclusion on Residential Amenity of Future Residents:** The proposed units will provide for a good standard of residential amenity, with good sized units, adequate private amenity space and the units will receive good daylight/sunlight throughout the day. Adequate public and communal open space is provided to serve the future residents.

11.7.39. Concern is expressed about the potential for negative impact on residential amenity arising from excessive noise generated by the adjacent M50 motorway. I am concerned about the accuracy of the submitted report in terms of when surveys were undertaken and some of the proposed mitigation measures are not realistic such as the closing of windows to reduce the impact of noise.

11.7.40. I note the comments raised by the Planning Authority in relation to the site layout and consequential impacts from this, including poor location of open space, lack of passive surveillance, impacts from noise and inefficiency of the site layout through for example the need for two access roads. I would agree with most of these concerns. Whilst a revised layout would address many of the issues of concern, the fact remains that the development contravenes the maximum density that this site is limited to and that has a significant impact on the site layout and all associated residential amenity considerations.

11.7.41. It is therefore recommended that the proposed development be refused permission due to concerns regarding the poor quality of residential amenity that would be afforded to future occupants of this development.

11.8. Residential Amenity – Existing/ Adjacent Residents

11.8.1. **Existing Site:** The development of a greenfield site for residential development, at the proposed scale, will give rise to a level of nuisance and

disturbance to existing residents who live adjacent to the site, especially during the construction phase of development. I note the comments made in the observations in this regard, however I am satisfied that any development of a site of this scale and located in such an area will give rise to some temporary nuisance and this has to be weighed up against the long-term impact of the development of this site. An Outline Construction Management Plan, and an Outline Construction and Demolition and Water Management Plan have been prepared by CS Consulting Group in support of the proposed development. Final details can be agreed by condition in the event that permission is granted for the proposed development.

11.8.2. **Sunlight/ daylight impacts to adjoining residential units:** The submitted 'Daylight, Sunlight and Overshadowing Assessment' report prepared by BPC Engineers has assessed the impact of the proposed development on adjoining properties and it was found that no sensitive receptors would be affected by the proposed scheme. This is due to the separation distance between the subject site and existing residential units and the layout of the proposed development.

11.8.3. I agree with the findings of the report by BPC. One of the advantages of the proposed development in this mostly rural area is the lack of neighbouring houses that would be directly impacted by a development of this nature and scale. The layout has been carefully considered in this regard, to ensure that overshadowing and a loss of daylight/ sunlight does not arise.

11.8.4. **Conclusion on sunlight/ daylight impacts to neighbouring properties:** Existing units and their private amenity spaces will receive adequate sunlight, in accordance with the BRE Guidance. I have no reason, therefore, to recommend to the Board that permission be refused due to impact on existing residential amenity.

11.8.5. **Potential overlooking:** The proposed development is located on two plots of land and there is a single house located between these two areas of land and which is not in the control of the applicant. The submitted site layout plans indicate that there is a separation distance of 42.5 m between the apartment block (Block A + B) located on the southern portion of lands and the house between the sites and circa 27 m between this house and House Type L which is located on the northern portion of the lands. It must be added that the windows in the proposed

units are not directly opposite windows in the existing house as this house and therefore the potential for overlooking is much reduced. I am satisfied that the proposed development would not impact on the house that is located between the two site areas.

11.8.6. Similarly, there are houses north of the northern portion of lands and again I am satisfied that there is an adequate separation distance between the proposed development and these units. Separation distances of between 46 m and 54 m between Block E and the house to the north east and again the units are at different angles to each other, so direct overlooking is not possible.

11.8.7. Considering the layout of the proposed development and its orientation having regard to existing residential development in the area; I am satisfied that the issue of overlooking has been adequately addressed by the applicant and that existing residential amenity will not be adversely impacted by the proposed development. Adequate separation distances between the proposed and existing residential units are provided and these will ensure that privacy is protected.

11.8.8. I therefore consider that the development will not negatively impact on the residential amenity of existing properties along the western side of the Whitechurch Road, the units adjacent to the subject site, in terms of overlooking leading to a loss of privacy and in terms of overshadowing leading to a loss of daylight/ sunlight.

11.8.9. **CE Report comment on residential amenity:** I note again the comments in the CE report and no issues of concern were raised in the submitted report about the potential impact on existing residential amenity.

11.8.10. **Conclusion:** Overall I am satisfied that the development will not have a unduly negative impact on the existing residential amenity of the area. I have no reason, therefore, to recommend to the Board that permission be refused due to impact on the existing residential amenity of the area.

11.9. Transportation, Traffic, Parking and Access

11.9.1. **Traffic:** A 'Transportation Assessment Report' – prepared by NRB Consulting Engineers, is submitted in support of the application. The report also includes:

- Preliminary Travel Plan
- DMURS Statement of Consistency
- Independent Stage 1 Road Safety Audit
- Bus Service/ Capacity Assessment

11.9.2. **Road layout:** It is proposed that a new link street be provided as a continuation of College Road/ R113, and which will extend along the southern side of the site, parallel to the M50. This new street/ road can be extended in time to provide a link to the Edmonstown Road to the west. Improved and new cycle and pedestrian links will be provided from/ to the site and to connect to existing cycle infrastructure in the area. There is an existing footpath on the west side of the Whitechurch Road.

11.9.3. No public transport currently serves this section of the Whitechurch Road and similarly there is no cycle specific infrastructure along this part of the public road or on adjoining lands. Full details of the existing road network and public transport provision are provided in the NRB report. Improvement works to the existing road network are also detailed in the NRB report.

11.9.4. The traffic surveys in support of this application/ NRB report were undertaken in September and November 2019, with full details provided in Appendix B of the report. TRICS data is provided in Appendix C. The additional traffic generated by the proposed development is calculated to be 21 car movements associated with the northern portion and 101 car movements on the southern portion giving a total of 122 movements. The AM peak movements at 88 car movements is less than the PM peak of 101. The northern portion is consistent at 21 movements for both AM and PM peaks.

11.9.5. The increase in traffic is not expected to have any noticeable impact on the existing road network. Similarly, no concerns have been raised in relation to the

impact of the additional traffic on existing road junctions in the immediate area/ affected area of the proposed development site.

11.9.6. Third party observations raised concern about the impact of the proposed development on the existing road network in the area. The Whitechurch Road is relatively narrow and twisty and additional traffic could give rise to road safety issues. There is an identified need for a comprehensive road layout/ accessibility improvement plan for the area. The Rathfarnham Area Committee raised concerns about the potential impact on the local road network, which was considered to be a rural road unsuitable for increased use on the scale likely from the proposed development.

11.9.7. Transport Infrastructure Ireland (TII) consider it appropriate that the relevant Local Authority assess the proposed development as submitted and make recommendations based on the submitted information and having regard to national guidance.

11.9.8. The South Dublin County Council Roads Department have reported concern about a number of aspects of this development, including a lack of detail for the masterplan, the Whitechurch Road is not suitable as a bus route, the unsuitability of the Whitechurch Road for increased traffic movements and the unsuitability of the pedestrian/ cycle infrastructure in the area (this is considered in greater depth later on in my report). The raised issues are considered by the Planning Authority to be justifiable reasons for refusal of permission of this proposed development.

11.9.9. Dun Laoghaire-Rathdown County Council have also assessed the proposed development as part of the road network and associated lands are within their administrative area. Upgrade works along College Road include the removal of trees and this contravenes a condition that was included in a consent for the inclusion of these lands with the application, therefore it is recommend that permission be refused as there is no prospect of the applicant been able to undertake these works without the removal of these trees.

11.9.10. **Pedestrian/ Traffic Safety:** The proposed development includes the provision of suitable pedestrian and cycle infrastructure that will integrate with existing infrastructure in the area. In particular the applicant references connecting to the Slang River Greenway, which extends to and through Marlay Park. A two-way

cycle track is proposed as part of the upgrade works to College Road, but as already reported, Dun Laoghaire-Rathdown County Council have recommended that permission be refused due to the removal of trees. They have also raised concern in relation to the proposed design of an entrance to Marlay Park, the proposed junction/ layout is not acceptable and may give rise to road safety issues. This issue may be addressed by way of condition and similarly issues in relation to Road Safety Audits can be addressed by condition.

11.9.11. South Dublin County Council Roads Department have concerns in relation to safety of those using the proposed greenway through Marlay Park as insufficient passive surveillance is available here. The proposed advisory cycle lanes along Whitechurch Road have been identified as a Problem a number of times in the submitted Road Safety Audit. South Dublin County Council Roads Department have noted these issues and consider them to a potential safety hazard. I note that the NRB report seems to contradict the comments made in the Road Safety Audit.

11.9.12. **Set Down and Deliveries:** It is to be hoped that a large number of those using the creche would walk/ cycle to the facility from within the development site and will not require use of their car. It is not clear where the set-down areas are located that will serve the retail/ commercial units in Blocks A/B and C. This may give rise to parking issues and congestion in the vicinity of these blocks. Such set down areas need to be clearly indicated so as they would be properly used and not give rise to associated problems in the immediate area.

11.9.13. **Public Transport Provision:** Appendix N of the NRB report includes a Bus Services and Capacity Assessment Report. I have already considered this issue already in my report, but I note the following raised points:

- For commuting, a distance/ walk of 1 km to a bus stop may be considered to be acceptable. The nearest bus stops are in Whitechurch Green and Taylors Lane, both over 1 km from the subject site. Figure 2.2 and Figure 2.3 demonstrate the distance from the development to the nearest bus stops.

Note: Figure 2.2 is misleading as the southern point of the indicated route is significantly north of the subject site and provides an incorrect distance.

- The 16-bus route is a further 600 m away on Taylors Lane and which provides a frequent service – every 12 mins off peak.
- Details of bus services, Real Time Passenger Information (rtpi) and future improvements are provided.
- Reference is made to a licence by a private bus operator for a service along the Whitechurch Road and continuing to Sandyford.
- A typical Dublin Bus has a capacity of 91, though new buses due to be introduced have a higher capacity.
- Details of bus capacity and demand are provided in Section 3.0 of Appendix N.

11.9.14. **CE Report comment on public transport:** South Dublin County Council Roads Department do not believe that the Whitechurch Road is suitable for use by buses and the site is not served by any form of public transport. Reference to access by the Luas is not realistic as the nearest Luas lines are distant from the site.

11.9.15. **Conclusion on public transport:** Third party observations note the lack of bus services in the area. I have already reported that the site is not suitable for the scale of development proposed as it is not served by public transport. The applicant is overstating the accessibility of public transport as distances from the site are measured from the site entrances and not the western most parts of the site. As reported, the existing bus service that serves Whitechurch, but not the subject site, is limited and existing capacity may match demand but may not be able to cater for the scale of development proposed.

11.9.16. The National Transport Authority have not commented on the proposed development; however, I note the extensive public consultation and iterations of the Bus Connects project with the finalised revised bus network currently undergoing implementation. There is no indication that a bus service will be provided to serve the southern section of the Whitechurch Road, whether development such as that proposed, and the regional sports centre are operational or not. Reference to a private bus service is vague, as such a service may operate only a couple of times a day. I see no reference to such a service forming part of the bus connects network.

11.9.17. I recommend that permission be refused for the proposed development as it is not served by public transport and would be a car dominated form of development.

11.9.18. **Car Parking:** Full details on Car Parking are provided in Section 2.35 to 2.45 of the 'Transportation Assessment Report'. The proposal is for a total of 271 parking spaces as follows:

Northern Site Section – 83 spaces:

- 48 spaces at surface level
- 35 spaces in basement level

Southern Site Section:

- 85 no. spaces for the houses
- 47 no. space for the Block T duplexes
- 6 no. spaces for Block S
- 50 no. spaces for Block A/ B and C. 39 are for residential use and 6 for visitors, 3 for creche use and 2 for retail use.

Car parking will be controlled by a management company and car parking will not be an entitlement. Car parking spaces will be allocated for use by a car sharing service. 10% of the car parking spaces will be for electric vehicle charging, however all spaces can be so fitted if required.

11.9.19. **CE Report comment on car parking:** The car parking layout especially in the area of Blocks A/B and C is of concern and should be revised. The Roads Department note that the car parking provision is as per the maximum standards in the South Dublin County Development Plan 2016 – 2022.

11.9.20. **Conclusion on car parking:** The proposed car parking provision is generally acceptable. I agree with the Planning Authority that it is unfortunate that the parking area to the rear/ west of Block A/B dominates this part of the site, and a better designed area would provide for increase amenity space.

11.9.21. **Bicycle Parking:** Bicycle parking is provided primarily to serve the apartment and duplex units on site. The applicant has proposed that the bicycle

parking provision to be in accordance with the requirements of the apartment guidelines. Parking areas include the provision of Sheffield stands and the use of covered areas to keep the bicycles dry.

11.9.22. **CE Report comment on bicycle parking:** The proposed bicycle parking is provided at about 90% of the requirements of the apartment guidelines and this is acceptable to the South Dublin County Council Roads Department. Additional bicycle parking can be provided throughout the site and this issue may be addressed by way of condition.

11.9.23. **Conclusion on Bicycle Parking:** The proposed development is adequately served by bicycle parking facilities. I agree with the Planning Authority that additional parking can be provided by way of condition if desired.

11.9.24. **Public Lighting:** The applicant has engaged Redmond Analytical Management Services to prepare a suitable public lighting plan for the proposed development. A number of lighting reports and layout plans have been provided in support of this element of the proposed development.

11.9.25. The submitted details are noted, and I also note the comments of the Planning Authority (South Dublin County Council) that the proposed lighting does not demonstrate that it is bat-friendly and does not provide for suitable dark corridors. Conditions are recommended in the event that permission is granted for the proposed development.

11.9.26. **Conclusion on public lighting:** I note the submitted details and the comments of the Planning Authority, and I agree that in the event that permission is granted, suitable conditions in relation to public lighting can be provided subject to their requirements. Any public lighting proposal shall have full regard to impacts on bats that may be in the area.

11.9.27. **Conclusion on Transportation, Traffic, Parking and Access:** The development is located in an area with poor public transport provision, and which does not serve the subject site. The local road network is not of a suitable quality to serve this development and the proposed upgrades may give rise to traffic and public safety issues. The applicant appears to be relying on public transport

upgrades with no evidence that they are even been considered in the medium to long term.

11.9.28. Proposed upgrade works to College Road would require the removal of existing trees and this would be contrary to the consent received from Dun Laoghaire-Rathdown County Council, who report that the applicant will be unable to carry out the proposed development.

11.9.29. I recommend that the permission be refused for the proposed development due to the lack of public transport in the immediate area and the proposed development as submitted may give rise to traffic safety issues.

11.10. Infrastructure and Flood Risk

11.10.1. **Water Supply and Foul Drainage:** Irish Water have not reported on this development and there is no comment from the South Dublin County Council Environmental Services Department on either the provision of foul drainage and/ or water supply serving this site. I can only assume that it would be possible to serve the site as the submitted Watermain Layout plan indicates that services are available in the area, and it should be possible to extend foul drainage services to the subject site. The diversion of watermains on site should meet the requirements of Irish Water.

11.10.2. **Surface Water Drainage:** South Dublin County Council Environmental Services Department have reported that the submitted SuDS details are not sufficient to serve the proposed development. Whilst the volume of attenuation is acceptable, the use of concrete tanks and arched type systems are not acceptable and should only be used in exceptional circumstances.

11.10.3. Other elements proposed for surface water drainage are not acceptable to South Dublin County Council and require revision. The Public Realm report identifies similar concerns.

11.10.4. The Planning Authority consider that the lack of a suitable natural SuDS strategy and the use of underground tanks, would impact on the provision of suitable open space, would be contrary to the South Dublin County Development Plan 2016 – 2022, would undermine water quality and the efficient provision of

surface water drainage services in the county and should therefore be refused permission.

11.10.5. **Conclusion:** I note the comments of the Planning Authority and whilst these issues may be resolved by way of condition, there is potential for significant impacts from such works, and which should be clearly identified. Therefore, it is considered that permission should be refused due to the lack of a suitable SuDS strategy to serve this development.

11.10.6. **Flood Risk:** A 'Site-Specific Flood Risk Assessment' – prepared by CS Consulting Group has been included with the application. The Whitechurch Stream runs parallel to the Whitechurch Road, flowing on a south to north axis. The subject site is primarily greenfield in nature, with two houses proposed for demolition located on the site. The lands to the north are in residential use, lands to the west are in agricultural use and the M50 is located to the southern side of the site. The site area is stated to be 6.77 hectares. The submitted report restates the nature of the proposed development.

11.10.7. The report identifies four sources of potential flooding:

- Fluvial: Flooding caused by overtopping of watercourses such as rivers and streams
- Tidal: Flooding caused by coastal sea level rises
- Pluvial: Flooding caused when the intensity of rainfall events is such that the ground cannot absorb the rainfall run-off effectively, or urban drainage systems cannot carry the runoff generated by such rain events
- Groundwater: Flooding caused by a rise in the level of the established water table.

A number of available sources of flood data are provided in the report including the OPW's National Flood Risk Website – floodmaps.ie, CFRAM data, GSI data, OSI data and other listed sources. Full regard is had to 'The Planning System and Flood Risk Management', Guidelines for Planning Authorities.

11.10.8. Table 2 of the report provides the predicted climate change variations and I have copied it here for convenience:

Design Category	Predicted Impact of Climate Change
Drainage	10% Increase in rainfall
Fluvial (River flows)	10% Increase in flood flow
Tidal / Coastal	Minimum Finished Floor Level 4.0 – 4.15m AOD

The flooding guidelines categorize the risks associated with flooding into three areas,

- Zone A: High Probability of Flooding
- Zone B: Moderate Probability of Flooding.
- Zone C: Low Probability of Flooding.

11.10.9. The report assesses the potential impact on the development from the four sources of potential flooding as identified:

Fluvial Flooding: There is no evidence/ history of flooding on either of the sites. The Whitechurch Stream has been assessed to be outside of the 0.1% AEP fluvial floodplain. Ground levels are above any area that would be potentially impacted by any flooding event associated with the stream. As fluvial flooding is not indicated on the subject site, there is no requirement to provide a detailed flood assessment.

Tidal Flooding: The subject site is not in close proximity to the coast and the subject site is deemed to be located outside the 0.5% AEP tidal floodplain. There is no indicated risk to the subject site from tidal flooding.

Pluvial Flooding: There is no record or indication of any risk from pluvial flooding. However, in accordance with best practice an overland flood route has been designed into the development sites in the rare event of a blockage occurring to the network. This is indicated on Drawing EDM-CSC-GF-XX-DR-C-0037 by CS Consulting.

Groundwater Flooding: There is no indication of groundwater flooding on this site.

11.10.10. In conclusion, the submitted report raises no issues of concern that flooding may negatively impact the subject site/ the proposed development.

11.10.11. The CE report raises concerns in relation to surface water drainage but does not raise any concerns about flood risk, subject to condition.

11.10.12. **Conclusion on Flood Risk:** There is no concern regarding the potential for flooding of this site or the cause of flooding on adjacent lands.

11.11. Ecological Impact Assessment (EclA)

11.11.1. The applicant has engaged the services of Openfield Ecological Services, to prepare an Ecological Impact Assessment (EclA) for the subject site; the report – Ecological Impact Statement, is dated March 2022. I have had regard to the contents of same.

11.11.2. The receiving environment is detailed in Section 3.1 of the EclA, a zone of influence with a radius of 2 km is set though it is accepted that additional features may be located outside of this area. The following designated areas were found to be located within the zone of influence of the development site:

- South Dublin Bay SAC (side code: 000210)
- South Dublin Bay and Tolka Estuary SPA (side code: 004024)

11.11.3. Table 1 of the EclA report outlines the features of interest of these two sites. Table 3 provides a list of known records for protected species within the 10 km square. Inland Fisheries Ireland responded to a request for observations and note the importance of the Owendoher River which the Whitechurch Stream flows into. Revisions to the development were made following this response.

11.11.4. In summary a habitat survey (undertaken in May 2020) found the following, in summary:

- Site 1 (southern lands) consists of a series of fields of improved agricultural grassland (GA1) which are grazed by cattle and sheep. These lands contain common grassland plants. The boundary with the M50 motorway is a recently-planted hedgerow, comprising of Maple, Birch, Beech, and Larch. Nearby buildings and artificial surfaces (BL3) are associated with stretches of the non-native New Zealand Broadleaf, Sycamore, and very large Cypress. Traditional

field boundaries elsewhere are native hedgerows composed of Elder, Hawthorn, Blackthorn, Grey Willow, and Ash.

- Site 2 (northern lands) consists primarily of a dry meadow (GS2) and has not been recently grazed by animals. Typical grassland plants are found here and within this field there is a disused building (BL3). Tall treelines (WL2) are located to the south and are dominated by the non-native Leyland Cypress and are therefore of low nature value. A hedgerow (WL1) to the north-west and north-east is of native origin with Hawthorn, Brambles, Ivy and also the non-native Snowberry.
- The Whitechurch Stream is an eroding river (FW1) with riparian vegetation including Cherry, Sycamore and Winter Heliotrope. It forms a corridor with a tall treeline and broadleaved woodland (WD2) with tall Ash, Sycamore, Horse Chestnut, and the non-native Snowberry. The stream forms the eastern boundary of both Site 1 and Site 2 but due to the culverting of it under the M50 and other locations, it is not fish passable.
- There are no ponds or bodies of open water on the development lands and no habitats which could be considered wetlands. There are no plant species which are listed as alien invasive under Schedule 3 of SI No 477 of 2011. The lands can be described as being of low biodiversity value although 'higher significance' treelines and hedgerows, along with the Whitechurch Stream and broadleaved woodland are all of high local value to biodiversity.
- No rare or protected fauna were found on site, and none are expected in this area. A fox was recorded during the survey.
- Invasive Plant Species: None found on site.
- Bats: A separate bat survey was undertaken.

11.11.5. The following 'Predicted Impacts of the Proposed Development' are provided, in summary:

Construction Phase Impacts:

- The removal of habitats including the buildings and individual trees Site 1 -south: Most hedgerows and treelines on site are to be retained. 55 m of higher significance hedgerow, 90 m of lower significance hedgerow and 80 m of lower significance treeline are to be removed. 18 Rowan trees and 2 Goat willows along College Road are to be removed to facilitate the construction of a new cycle path.
- The removal of habitats including the buildings and individual trees Site 2 - North: Most hedgerows and treelines on site are to be retained. 90 m of lower significance treeline are to be removed.
- Direct mortality of species during demolition: Birds nests/ breeding season between March and August are protected. The fox den is to be retained.
- Pollution of water courses through the ingress of silt, oils and other toxic substances: The proximity to the Whitechurch Stream to the site means that there is a moderate risk of water pollution which could affect downstream stretches of the Dodder river system. Suitable measures will be undertaken as part of the construction phase.

Operation Phase Impacts:

- Pollution of water from foul wastewater arising from the development: Wastewater will be disposed through the public foul drainage system and treated at the Ringsend Wastewater Treatment Plan (WWTP). A separate screening report for Appropriate Assessment (AA) specifically examines the impacts of this project on Natura 2000 sites in Dublin Bay however there is currently no evidence that non-compliance issues at the WWTP are having negative effects to features of high ecological value (e.g., to wading birds or intertidal habitats). Irish Water undertakes upgrading works on a phased basis and compliance issues will be comprehensively addressed in the coming years. The scale of development and consequent foul drainage is not significant in terms of having a discernible impact on the discharge from Ringsend.
- Pollution of water from surface water run-off: SuDS measures are proposed in accordance with the Greater Dublin Strategic Drainage Study (2005). Such measures will ensure that there is no negative impact to the quantity or the quality of surface water run-off from the site.

- Impacts to protected areas: No impacts to any designated sites are likely to occur.

Cumulative Impacts:

A number of the identified impacts, outlined in this report, can also act cumulatively with other impacts from similar developments in Dublin. These primarily arise through the additional loading on the Ringsend Wastewater Treatment Plant. It is considered that this effect is not significant due to the planned upgrading works that will bring it in line with the requirement of the Urban Wastewater Treatment Directive. The foul discharge from the subject development would equate to a small percentage of the overall licensed discharge at the Ringsend WWTP and thus, would not impact on the overall water quality within Dublin Bay. The incorporation of suitable SuDS attenuation measures is contributing to the cumulative positive effective of reducing rainwater run off to the municipal treatment plant.

Note: the report refers to this site as a city centre brown-field site, it is neither of these, however it is a greenfield site through its primary use as for agricultural/ woodlands with very few buildings present on this 6.77 hectare site.

Do Nothing Impact:

The existing site has a mostly low ecological value, and this status will not change in the absence of this development.

Mitigation Measures Proposed:

Two measures are outlined:

- Disturbance of birds' nests – Any works that impact on nests is limited to September to February unless a licence is received from the NPWS.
- Pollution during Construction – Suitable measures will be taken to ensure that any pollution does not enter the Whitechurch Stream.

With the full implementation of the listed mitigation measures, no negative effects to biodiversity are predicted to arise from the subject development which are assessed as moderate negative or greater in magnitude.

Other Issues:

- Monitoring: Not required.

- Biodiversity Management Plan: Measures will be taken to manage and enhance biodiversity during the operational phase of the development. These are listed in Section 10 of the EclA.

11.11.6. I note the information and details provided in the EclA and I am satisfied that the submitted information indicates that the proposed development will not impact on any designated or protected ecological sites or impact on any protected species. Suitable mitigation measures have been proposed and these are noted.

11.12. Bat Survey:

11.12.1. A bat survey has been undertaken by Faith Wilson – Ecological Consultant – report is dated 3rd March 2022. Field surveys were carried out in October 2021 and the results of previous surveys undertaken in May 2019 and June 2020 were also considered in the preparation of this report. The submitted details and results of these surveys are noted. I note also the details provided in relation to lighting etc.

11.12.2. No bat roosts were found in any of the buildings proposed for demolition within the site during any of the surveys undertaken and therefore a bat derogation licence is not required for the demolition of these buildings. There is potential for bats to roost in some of the trees, especially on the northern lands, where activity was recorded, and a mating roost is likely to be present.

11.12.3. The main activity at Whitechurch is for foraging and commuting bats. Four species of bats have been recorded foraging and commuting here to date (studies completed between 2019 – 2021). The undisturbed nature of the Whitechurch Stream with dense vegetation alongside it, provides rich foraging for bats and other wildlife, forming an important wildlife corridor and an important piece of green infrastructure within the environs of Whitechurch. A series of detailed mitigation measures have been set out in Section 6 of the Bat Survey Report, which if fully implemented would reduce impacts on bats in the immediate environs of the site. The development of these lands from agricultural use to that of housing will however reduce their overall value for local biodiversity including species of bats.

11.12.4. The submitted report is noted and gives rise to no issues of particular concern. The Department of Housing note the report and have recommended a suitable condition in the event that permission is granted for the proposed development and again this is noted.

11.13. Childcare, Social Infrastructure and Part V Social Housing Provision

11.13.1. The requirement under the 'Planning Guidelines for Childcare Facilities (2001)' was for one childcare facility for every 75 units, able to accommodate 20 children. Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' states 'One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms'.

11.13.2. The proposed development is for 178 units and a childcare facility is proposed within Block A/B ground floor level and which can accommodate 40 children. This is provided at ground floor and basement levels. This facility is provided adjacent to the retail units and provides a clearly defined local centre for the development. Open space is available adjacent to the childcare facility for play use by the children attending.

11.13.3. The Planning Authority have raised no specific issues of concern in relation to the proposed childcare facility.

11.13.4. I consider that the proposed facility is generally accessible, though it would be preferable if it were located more centrally on the site. I refer to the general concern raised by the Planning Authority about the proposed layout of the development, and this is another example where the layout is not acceptable. The proposed childcare facility provides a good service for residents; however, the split nature of the site may reduce its use from those living on the northern parcel of lands.

11.13.5. A letter has been submitted by the South Dublin County Council Housing Department, recommending that a condition be applied in the event that permission is granted in relation to the provision of Part V housing. This is considered to be acceptable.

11.13.6. I note the '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 upon when the land was purchased by the developer. In the event that the Board decides to grant planning permission, 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.

11.13.7. Conclusion: I am satisfied that the proposed childcare facility is acceptable, and that the applicant has adequately demonstrated that they will provide for adequate Part V housing in accordance with the requirements for such housing.

11.14. Comment on Submission/ Observations

As already reported, the site is primarily in the South Dublin County Council administrative area but also extends into the Dun Laoghaire-Rathdown County Area. The elected members of both local authorities made comments at their relevant area committee meetings and the comments were submitted alongside and included in the relevant CE report. They are generally similar to those raised by third parties and dealt with under the relevant headings above. However, having regard to their important role in plan and place making, I have considered the strategic points raised by them, as outlined below. I have also noted and considered all of the issues raised in the observations, most of these varied issues have been addressed already in this report.

- **Rathfarnham Area Committee (SDCC)**

11.14.1. Concern was expressed about the proposed density, height and number of units proposed. I have outlined earlier in this report that the site is suitably zoned for residential development but is restricted by the local objective that applies to this site. This issue has been extensively covered in this report and the primary issue relating to density impacts all aspects of the proposed development including number of units, layout, and height.

11.14.2. The split nature of the development site was raised as an issue and I agree that this has a negative impact on the overall development layout as an integrated scheme cannot be provided and duplication in the form of two accesses is required to serve both sites.

11.14.3. Concern was expressed about facilities to serve the proposed development such as open space, childcare, community facility and bin storage. Adequate open space has been provided and a suitable childcare facility has been provided. The operation of this is not something that can be guaranteed into the future, however provision for a facility has been provided.

11.14.4. The quality of the local road network/ Whitechurch Road is not suitable for the increase volume of traffic that the proposed development may generate. Concerns expressed about public transport in the area. These issues have been extensively covered in this report. The Planning Authority have expressed similar concerns throughout the CE report that they submitted.

11.14.5. The design of the proposed development was raised as an issue of concern. I would suggest that the layout is a greater concern, and the final design of the proposed units could be agreed by way of condition if permission were to be granted for the proposed development.

11.14.6. The preservation/ reuse of the two houses proposed for demolition was raised by elected members. No justification for their preservation has been provided and although they could be integrated into a comprehensive development of this site, there are no specific reasons to do so as they are not listed on the record of protected structures and they are not of any particular architectural merit worthy of their preservation.

11.14.7. Other issues raised include concerns about flooding – this has been addressed by the Flood Risk Assessment submitted by the applicant, potential for archaeology on site – addressed by the submitted report and report from the Department of Housing, Local Government and Heritage and also concerns about accessibility – the proposed development will have to meet the requirement of Part M and all relevant accessibility requirements.

- **Dundrum Area Committee (DLRCC)**

11.14.8. Concern was raised about the SHD process in that the final decision on public realm works are not in the control of the Planning Authority. In the event that permission was to be granted, a condition would be included that final details would have to comply with the requirements of the relevant local authority. I consider that the fears expressed are misplaced.

11.14.9. Other procedural issues were raised such as to do with a letter of consent and the lateness of the consultation with the elected members. These are not issues for the Board to address.

11.14.10. The use of Marlay Park as a cycle/ pedestrian route was raised as an issue of concern especially as the park is closed at 4 pm in the winter and would not be accessible for the intended use. I note this comment and I agree that it reduces the potential benefits of specified sustainable transport measures which have been included/ proposed as part of this development.

11.14.11. The impact on College Road and its associated trees, which are located on the grass verge, was raised as an issue and this has been commented on already in my report.

11.14.12. The sensitivity of the site and its proximity to the Dublin Mountains was raised by elected members and this is noted. I foresee no impact on the Dublin Mountains as the southern boundary of the site consists of the M50 which provides a clear buffer between the development, if constructed, and the more sensitive lands to the south including the Dublin Mountains. Impact on those who use the Wicklow Way would also be minor, some disruption could be expected at early stages of the development, but suitable measures would have to be employed to ensure that the footpath/ public road is accessible at all times.

11.14.13. Other issues to do with cycle tracks, upgrade of roads and loss of trees were raised by the elected members, and I am satisfied that these issues have been adequately considered in my report.

11.15. Other Issues

11.15.1. **Archaeology:** An Archaeological Impact Assessment has been prepared by ACSU. The report finds that there are no recorded monuments on the subject site and the site is not located within an Architectural Conservation Area. A Cross – DU022-031 is located within the environs of the proposed road improvements that are associated with the development. A number of other monuments are located along or adjacent to the proposed road.

11.15.2. A single feature of archaeological potential – a curving field boundary has been located on the site. The overall development site has the potential to contain subsurface archaeological remains including previously unrecorded and also recorded monuments. It is recommended that greenfield areas should be archaeologically assessed including geophysical surveying and test trenching prior to the commencement of development on site. In addition, groundworks in the vicinity of the cross should be archaeologically monitored during this phase of the development.

11.15.3. The Department of Housing, Local Government and Heritage note the submitted report and concur with the recommendations. Suitable conditions have been provided in the event that permission is granted for the proposed development.

11.15.4. I note the submitted report and the report of the Department of Housing, Local Government and Heritage and it is appropriate that suitable conditions be included in any grant of permission.

11.15.5. **Retail/ Commercial Units:** No details have been provided in relation to the proposed retail/ commercial units other than the identifying the location of these units in Block A/B and C. The location of signage, details on opening hours, deliveries and staff numbers have not been provided; however, these issues could be provided closer to the completion of the development/ occupation of these units. Details of the occupier and hours of operation can be conditioned to require notification to the Planning Authority.

11.15.6. **Phasing:** Drawing no. 18.132.PD4019 – Phasing Layout prepared by JFOC Architects indicates that the overall development will be undertaken in two phases. Phase 1 includes the road network, the southern link street and 88 out of

the 178 residential units. The childcare facility and two out of the three commercial/ units will also be provided and the basement area for Block C. The second phase completes the development and provides for the remaining 90 residential units. The submitted details are noted and are considered to be acceptable, though a suitable condition for agreement with both Planning Authorities would be appropriate.

11.15.7. **Social Infrastructure Audit:** The applicant has engaged the services of Simon Clear & Associates to prepare a 'Social Infrastructure Audit' and which has been submitted in support of the application. Details include existing community, social, sporting, education, childcare, and retail facilities in the vicinity of the site. Although a childcare facility is proposed as part of this development, details of childcare availability in the area are also included in this audit – 25 facilities have been identified within 2.5 km of the subject site.

11.15.8. The submitted details are noted and whilst I accept that the area is well served by a range of services, the vast majority of this would be accessed by car as there is no public transport serving the site. The audit demonstrates further that the subject site is remote from the existing urban area and to access the listed services would perhaps be most likely done by car.

11.15.9. **Microclimate Assessment:** The applicant has engaged the services of AWN Consulting to undertake a microclimate assessment of the application/ impact on the area, with a particular focus on impacts from wind-speed. Generally, such impacts arise when tall buildings are provided and as the proposed development includes buildings with a maximum height of five storeys, no tall buildings are proposed.

11.15.10. The assessment was undertaken as a precautionary measure. In conclusion it was found that the existing site experiences B3 conditions for much of the time and this corresponds to a gentle breeze. The analysis concluded that the proposed development would give rise to no significant effects in relation to microclimate.

11.15.11. I note the submitted report and its conclusions, and I agree that the proposed development would be unlikely to give to significant effects in relation to microclimate/ impacts to wind-speed experienced in the area.

11.15.12. **Financial Contributions:** I note the submitted CE report from Dun Laoghaire-Rathdown County Council refers to there been no requirement for the levying of a financial contribution to them, as the development does not include any residential or commercial development within their administrative area.

11.16. **Material Contravention**

11.16.1. The applicant has submitted a 'Material Contravention Statement' prepared by Simon Clear & Associates in support of the proposed development. Although not stated in the document title, the material contravention refers to the South Dublin County Development Plan 2016 – 2022 only. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b).

Only one issues has been raised in the applicant's Material Contravention statement:

- Density – Limited by Objective H3 SLO 1 – which limits density to 12 units per hectare, or 20 units depending on the provision of specific housing for the elderly, or an increased density depending on improved accessibility to the site. The proposed development provides for a net density of 41 units per hectare.

11.16.2. The applicant has set out to justify the material contravention and I note the following:

Local Planning Policy Context:

'The subject site is located in a 'Peripheral and/or less Accessible Urban Location' as defined in the Sustainable Urban Housing: Design Standards for New Apartments 2020'.

'The specific objective H3 SLO 1 restricting the density of development on the subject lands is not in accordance with the most recent Government Guidance, namely the Sustainable Urban Housing: Design Standards for New Apartments 2020, which promotes compact sustainable development'.

National and Regional Planning Framework:

'Housing for all' 'sets out that over 300,000 new homes will be built by 2030, which will include a projected 54,000 affordable homes for purchase or rent and over 90,000 social homes'.

The National Planning Framework under NPO 2a 'A target of half (50%) of future population and employment grown will be focused in the existing five cities and their suburbs'.

'The EMRA RSES supports the implementation of National Policy Objectives and targets contained in Project Ireland 2040 - National Planning Framework (NPF) and alignment with the investment priorities of the National Development Plan 2018-27 (NDP)'.

The development is considered having regard to the proper planning and sustainable development of the area, noting the following:

- Strategic or National Importance - 37(2)(b)(i): 'It is therefore considered that the proposed development is of strategic importance, providing 178 no. units and a neighbourhood centre on zoned lands for much needed residential development, in accordance with the broader policies and objectives of the NPF and RSES, specifically objectives 33 and 35 of the NPF which seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements'.
- Conflicting Objectives in Development Plan – 37(2)(b)(ii): 'The Core Strategy of the Development Plan identifies Rathfarnham as a Consolidation Area within the Gateway. Map 1.3 of the Core Strategy identifies the subject site as a 'Housing Capacity Site'. However, this conflicts with the SLO and there is clear conflict between objectives as far as the subject lands are concerned'.

In conclusion the applicant considers that the proposed development is acceptable at the density that is proposed,

11.16.3. I have considered the issue raised in the applicant's submitted Material Contravention Statement and whilst I agree that the proposed development would result in a Material Contravention of the South Dublin County Development Plan 2016 – 2022, I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended).

11.16.4. Whilst the site is zoned for residential development and is located within a consolidation area, I consider that the SLO that applies to the site is appropriately applied having regard to a number of limitations on the development

potential of the site. These include the separation between the site and the existing established urban areas to the north, the character of the area is predominantly rural with a number of golf courses and Marlay Park reinforcing this character even though they provide for a different land use, the lack of public transport in the area, the lack of proposals to extend public transport to the area having regard to the transport strategy for Dublin and Bus Connects, the capacity/ quality of the existing road/ pedestrian/ cycle network in the area and the proximity of the site to the M50 which effectively forms the southern boundary of the site.

11.16.5. Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant planning permission even if the proposed development contravenes materially the development plan. Section 37(2)(b) (i)-(iv) lists the circumstances when the Board may grant permission in accordance with section 37(2)(a).

11.16.6. I am not convinced that adequate justification is provided to permit a development of 178 units at a density of 41 units per hectare. There are justifiable restrictions on any development on this site for the reasons already outlined. I accept that the site is designated as within a consolidation area of the city, but in the context of this site, the consolidation is to be at a specified density.

11.16.7. The SLO allows for an increased density if housing for the elderly is provided, and the applicant had chosen to not provide such housing as part of the submitted development. A third option exists for increased density over the limited 12 units per hectare if accessibility to the site is improved and I am not satisfied that the applicant has provided sufficient detail to justify this. There is no guarantee that any public transport would be provided to the site post completion of the submitted development and similarly there is insufficient detail on the upgrading of the road network in the area that would allow for increased vehicular movements and the provision of a suitable public transport service for the area.

11.16.8. For the reasons outlined throughout this report, having regard to the CE reports of the two Planning Authorities, the comments of the elected members and the members of the public who chose to make a submission on this development, I am not satisfied that a grant of permission, would be justified in this instance.

12.0 **Appropriate Assessment (AA)**

Stage 1 – Appropriate Assessment Screening

12.1. The applicant has engaged the services of Openfield Ecological Services, to carry out an appropriate assessment screening; the submitted report is dated March 2022. In addition, an Ecological Impact Assessment, also prepared by Openfield Ecological Services, and dated March 2022 has been submitted. I have had regard to the contents of same.

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

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

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

12.3.1. 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.

12.3.2. The subject site with a stated area of 6.77 hectares is located to the west of the Whitechurch Road, Dublin 16 and the site is made up of two separate tracts of land, referred to as the northern and southern lands. The site includes the derelict Kilmashogue House (southern lands) and Coill Avon house (northern lands), adjacent roads in the control of South Dublin County and Dun Laoghaire Rathdown County Councils. The submitted proposal is for the demolition of the two listed

houses and all associated buildings and for the development of a residential scheme of 178 units in the form of houses, duplexes and apartments and a commercial centre consisting of a two level creche and three retail/ non-retail units at ground floor level only. The development also includes all associated open space, car parking and infrastructure works.

12.3.3. The site is not within or directly adjacent to any Natura 2000 sites – SAC or SPA. The Whitechurch Stream, also known as the Kilmashogue, flows along the eastern boundary of the site on a south to north axis. This stream is culverted under the entrances to the site and is a tributary of the River Dodder. Although the River Dodder is of significant value to wildlife in the Dublin City area, the section through the subject site does not have any nature conservation designation.

12.3.4. Further detail is provided on the two sites that comprise the development lands:

- Site 1 consists of a series of fields of improved agricultural grassland (GA1) which are grazed by cattle and sheep. These lands contain common grassland plants. The boundary with the M50 motorway is a recently-planted hedgerow, comprising of Maple, Birch, Beech and Larch. Nearby buildings and artificial surfaces (BL3) are associated with stretches of the non-native New Zealand Broadleaf, Sycamore and very large Cypress. Traditional field boundaries elsewhere are native hedgerows composed of Elder, Hawthorn, Blackthorn, Grey Willow, and Ash.
- Site 2 consists primarily of a dry meadow (GS2) and has not been recently grazed by animals. Typical grassland plants are found here and within this field there is a disused building (BL3). Tall treelines (WL2) are located to the south and are dominated by the non-native Leyland Cypress and are therefore of low nature value. A hedgerow (WL1) to the north-west and north-east is of native origin with Hawthorn, Brambles, Ivy and also the non-native Snowberry. There is a large Crack Willow on this site.

12.3.5. The Whitechurch Stream is an eroding river (FW1) with riparian vegetation including Cherry, Sycamore and Winter Heliotrope. It forms a corridor

with a tall treeline and broadleaved woodland (WD2) with tall Ash, Sycamore, Horse Chestnut and the non-native Snowberry. The stream forms the eastern boundary of both Site 1 and Site 2 but due to the culverting of it under the M50 and other locations, it is not fish passable. Surrounding sites consist of a mix of farmlands and also residential development.

12.3.6. The development phase will see site clearance and the demolition of buildings, and construction will include the use of standard building materials. The access over the stream will be widened and noise levels will increase during the construction phase of development. Stormwater is to be managed in accordance with the requirements of South Dublin Count Council. Storm water runoff will be restricted to greenfield runoff rates and suitable SuDS measures will be incorporated into the scheme. Storm water will ultimately discharge into the Whitechurch Stream. Wastewater will be treated in the Ringsend wastewater treatment plant. Upgrade works are underway in this plant, and these will be fully completed by 2026. Freshwater will come from the public water supply.

12.3.7. The following Natura 2000 sites are listed in the Openfield Appropriate Assessment Screening report:

Name	Site Code	Distance from Site
Glenasmole Valley SAC	(001209)	6.1 km to the south west
Wicklow Mountains SAC	(002122)	3.5 km to south
Wicklow Mountains SPA	(004044)	3.8 km to south
Poulaphouca Reservoir SPA	(004063)	17.2 km to south west
Rockabill to Dalkey SAC	(000300)	12.8 km to east
North Dublin Bay SAC	(000206)	12.3 km to north east
North Bull Island SPA	(004006)	12.3 km to north east
South Dublin Bay SAC	(000210)	7.5 km to the north east
South Dublin Bay and River Tolka SPA	(004024)	8.3 km to north east

Knocksink Wood SAC	(000725)	7.8 km to south east
Ballyman SAC	(000713)	10.3 km to south east

12.3.8. There are no Natura 2000 sites within the immediate vicinity of the subject lands. The Wicklow Mountains SAC is the nearest at circa 3.5 km to the south of the subject site. The Whitechurch Stream provides a direct natural hydrological connection from the development lands to Dublin Bay via the River Dodder. This is considered to be a weak connection as the route is circa 15 km through a number of water courses – Whitechurch Stream, River Dodder and Dublin Bay.

12.3.9. Indirect pathways are identified in the form of the foul drainage system which will connect into the Ringsend wastewater treatment plant. There is significant dilution along the route to this treatment plant. Sampling of water quality in Dublin Bay and details are presented in the Annual Environmental Report for the Ringsend WWTP, indicates that the discharge from the plant is having an observable effect in the ‘near field’ area of the discharge. This includes the inner Liffey Estuary and the Tolka Estuary but does not include the coastal waters of Dublin Bay. This therefore indicates that potential effects arising from the treatment plant are confined to these areas, and that the zone of influence does not extend to the coastal waters/ the Irish Sea.

12.3.10. As the water supply may come from the Poulaphouca Reservoir SPA, the subject site is therefore connected by a pathway to this SPA.

12.3.11. There are consequently hydrological pathways to a number of Natura 2000 sites as follows:

- The Poulaphouca Reservoir SPA, the South Dublin Bay and River Tolka Estuary SPA, the South Dublin Bay SAC, the North Bull Island SPA and the North Dublin Bay SAC.

There are no other direct or indirect, terrestrial or hydrological pathways to any other designated Natura 2000 sites.

12.3.12. The following are the qualifying interests and conservation objectives of these five sites:

South Dublin Bay SAC (000210) - c. 7.5 km to the north east of the proposed development. c. 540 m south of Ringsend WWTP outfall.

CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/ Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]

North Dublin Bay SAC (000206) – c. 12.3 km to the north east of the proposed development; c. 2.3 km north east of Ringsend WWTP outfall.

CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (*Glauco-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

South Dublin Bay and River Tolka Estuary SPA (004024) - c. 8.3 km to the north east of the site.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Oystercatcher (*Haematopus ostralegus*) [A130] / Ringed Plover (*Charadrius hiaticula*) [A137] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Redshank (*Tringa totanus*) [A162] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Roseate Tern (*Sterna dougallii*) [A192] / Common Tern (*Sterna hirundo*) [A193] / Arctic Tern (*Sterna paradisaea*) [A194] / Wetland and Waterbirds [A999].

North Bull Island SPA (004006) - c. 12.3 km to the north east of the site.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: 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].

12.4.

Poulaphouca Reservoir SPA (004063) - c. 17.2 km to the south west of the site.

CO - To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

Qualifying Interests/Species of Conservation Interest: Greylag Goose (*Anser anser*) [A043] / Lesser Black-Backed Gull (*Larus Fuscus*) [A183]

12.5. Screening Assessment

12.5.1. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site.

12.5.2. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during construction phase with minor localised noise and light impacts during this stage of development. Considering the distance between the development site and these five Natura sites, separated by between circa 7 km and 17 km, direct impacts such as habitat loss/ disturbance can be ruled out at this stage. Habitat disturbance can also be ruled out due to distance between the site and the designated sites.

12.5.3. An indirect linkage is provided between the site and Dublin Bay via the Whitechurch Stream, which is a tributary of the River Dodder, which in turn flows into Dublin Bay. This stream is located along the eastern boundary of the site and is generally open along the site length except at the points of access to the site where it is culverted. Potentially, contaminated water could enter the stream, travel downstream and enter Dublin Bay. The distance would be over 15 km and the route of the Whitechurch Stream, and the River Dodder are through established suburban and urban areas.

12.5.4. Available information indicates that the River Dodder is moderately polluted in the Dublin City area and the River Liffey Estuary has been assessed by the EPA and found to be of a 'good status'. A number of the Qualifying Interests of

the SPAs in Dublin Bay are listed as of high conservation concern, however there is no evidence that water quality issues have been a factor in their decline.

12.5.5. The submitted AA Screening provides details on the Environmental Impact Assessment Report (EIAR) that was submitted with the application for upgrade works to the Ringsend Wastewater Treatment Plant. In summary it was found that in the absence of upgrade works, the status quo would be maintained and the same level of effects on marine biodiversity would occur as is currently the case. Bird populations in these areas are unlikely to be affected by the discharge from the treatment plant as sources of food will not be impacted.

12.5.6. The proposed development includes the provision of a new drainage network that is to be installed in compliance with SUDS principles and this will ensure that run-off is maintained at a 'greenfield' rate. The provision of such a system is a standard measure included in all development projects and is not proposed here to avoid or reduce an effect to a Natura 2000 site. SUDS are not considered to be mitigation measures in an Appropriate Assessment context. In conclusion, no significant effects to Natura 2000 sites can arise from this aspect of the proposed development.

12.5.7. During the construction phase of the proposed development, there will be earth movement, demolition and works to widen the bridge, as well as the laying of a new surface water outfall pipe. As already identified, the Whitechurch Stream provides a direct pathway to the River Dodder. While it is recognised that sediment can be detrimental to the ecological quality of freshwater bodies, the same is not the case for estuaries/ tidally influenced habitats, as they rely on vast quantities of sediment for their functioning. The distance to the relevant Natura 2000 sites is nearly 15 km and this is too far for likely negative effects to occur. Considering the site layout, location, and distance from the designated sites, there is no realistic likelihood of pollutants reaching the identified Natura 2000 sites.

12.5.8. Potential in combination effects were identified based on projects which are permitted/ planned in the immediate vicinity of the subject development site as well as through the catchment of the Ringsend wastewater treatment plant. A mix of development types are proposed, and such proposals are based on the development plans and policies of the four local authorities in Co. Dublin. Each of these plans has

been subject to Screening for Appropriate Assessment and, where relevant, a full Appropriate Assessment has been carried out to ensure adverse effects to Natura 2000 sites do not occur. The potential impacts from built development in the area include loss of habitat, additional connections to existing drainage infrastructure, particularly wastewater and surface water, and the in-combination effects of pollution arising from multiple construction projects taking place at the same time.

12.5.9. The implementation of the Water Framework Directive (WFD) will ensure that the water quality in Dublin Bay and the River Liffey are maintained. The ongoing implementation of the Greater Dublin Drainage Strategic Drainage Study (GDSDS) will likely result in long-term improvement to the quality and quantity of storm water run-off in the Dublin City area. On-going capacity issues with the Ringsend wastewater treatment plant have been identified in this report and improvements/ upgrades will address these issues by 2026.

12.5.10. The above issues refer to the SACs and SPAs in the Dublin Bay area. The submitted AA Screening identified a pathway between the site and the Poulaphouca Reservoir SPA, which may be used as a source for water for the development. The proposed development of 178 units will not impact on the overall capacity of Poulaphouca and the qualifying interests will not be impacted by this development.

12.5.11. I note in full the submitted AA Screening Report and supporting documentation. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/ operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay, from surface water runoff, can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

12.5.12. Full regard/ consideration is had to the report by Inland Fisheries Ireland (IFI). I note in particular their comments regarding the Ringsend Wastewater Treatment Plant; however, I am not aware of there being any capacity or licencing issues that would prevent the connection of the subject development to public foul drainage network and in turn treatment of foul water at Ringsend. Improvement works are underway and will allow for the treatment of additional wastewater generated in the Greater Dublin Area. The scale and nature of the proposed development is unlikely to put any significant increased demand on wastewater treatment provision.

12.5.13. Consideration of Impacts on Poulaphouca Reservoir SPA, South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system.
- During the operational phase of development, foul water will drain to the public system. The discharge from the proposed development would drain, via the public network, to the Ringsend Wastewater Treatment Plant for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. However, the discharge from the site is negligible in the context of the overall licenced discharge at Ringsend Wastewater Treatment Plant, and thus its impact on the overall discharge would be negligible.

12.6. In-Combination or Cumulative Effects

12.6.1. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This

can act in a cumulative manner through increased volumes to the Ringsend Wastewater Treatment Plant (WWTP). I note the submission from Inland Fisheries Ireland (IFI) in relation to current and future capacity of the Ringsend WWTP.

12.6.2. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and specifically in the Whitechurch Road area in accordance with the requirements of the South Dublin County Development Plan 2016 - 2022. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 sites. I note also the development is for a mixed-use development including provision for 178 residential units and modest commercial development on serviced lands, with an appropriate RES zoning (for residential uses), in an established urban area. As such the proposal will not generate significant demands on the existing public drainage network for foul water and surface water.

12.6.3. Furthermore, I note that upgrade works have commenced on the Ringsend Wastewater Treatment works extension, permitted under ABP – PL.29N.YA0010, and the facility is subject to EPA licencing and associated Appropriate Assessment Screening.

12.6.4. While there are capacity issues associated with the Ringsend WWTP, the permitted major upgrade to the WWTP now underway will allow the Ringsend WWTP to treat the increasing volumes of wastewater arriving at the plant to the required standard, enabling future housing and commercial development in the Dublin area. The project will deliver, on a phased basis, the capacity to treat the wastewater for a population equivalent of 2.4 million while achieving the standards of the Urban Wastewater Treatment Directive. In February 2018, work commenced on the first element, the construction of a new 400,000 population equivalent extension at the plant and these were completed and commissioned in November 2021. Works on the upgrade of secondary treatment tanks at the plant with Aerobic Granular Sludge (AGS) Technology were completed in December 2021. The addition of AGS technology will allow more wastewater to be treated to a higher standard within the existing tanks. The second contract commenced in November 2021, following the completion of the capacity upgrade contract, and is expected to take two years to be complete. Construction works on foot of a third contract are due to commence in

early 2022. These contracts are phased to ensure that Ringsend WWTP can continue to treat wastewater from the homes, businesses, schools and hospitals of the Greater Dublin Area at current treatment levels throughout the upgrade works. The details of these upgrade works are available at www.water.ie/projects-plans/ringsend

12.6.5. Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Ringsend Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

12.6.6. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

12.7. AA Screening Conclusion:

12.7.1. It is reasonable to conclude that on the basis of the information provided on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Poulaphouca Reservoir SPA (004063), South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

12.7.2. There is no requirement therefore for a Stage 2 Appropriate Assessment (and submission of a NIS).

13.0 Environmental Impact Assessment Screening

13.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

13.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, as prepared by Simon Clear & Associates and dated March 2022, and I have had full regard to same. The screening report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5, Part 2 of the Planning and Development Regulations 2001, due to the size of the site area at 6.77 hectares and due to the number of residential units at 178, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development.

13.3. Item 10(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 EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- 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. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

13.4. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."

13.5. The proposed development is for a residential scheme of 178 units in the form of houses, apartment and duplex units, and which is not within a business district, on a stated site area of 6.77 hectares. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

13.6. Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

13.7. The applicant submitted an EIA Screening with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

13.8. 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. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Ecological Impact Statement – Openfield Ecological Services
- Appropriate Assessment Screening Report – Openfield Ecological Services
- Bat Survey Report – Faith Wilson & Brian Keeley
- Engineering Services Report – CS Consulting Engineers

- Site Specific Flood Risk Assessment – CS Consulting Engineers
- Landscape Report & Drawings – Ait Urbanism and Landscape Architect
- Landscape & Visual Impact Assessment - Ait Urbanism and Landscape Architect
- Arboricultural Assessments – Arborist Associates and CMK Horticulture & Arboriculture
- Archaeological Impact Assessment – ACS
- Acoustic Design Statement – AWN
- Operational Waste Management Plan – AWN
- Outline Construction Waste Management Plan – CS Consulting Engineers
- Outline Construction Management Plan – CS Consulting Engineers
- Photomontages – Dunes Visuals

13.9. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. A Site-Specific Flood Risk Assessment that addresses the potential for flooding was undertaken in response to the EU Floods Directive. An AA Screening Report in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) has been submitted with the application. An Outline Construction Waste Management Plan has been submitted which was undertaken having regard to the EC Waste Directive Regulations 2011, European Union (Household Food Waste and Bio-waste) Regulation 2015, European Communities (Trans frontier Shipment of Waste) Regulations 1994 (SI 121 of 1994) and to European Union (Properties of Waste which Render it Hazardous) Regulations 2015. I also note that the South Dublin County Development Plan 2016 – 2022 and the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 were subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) Screening and I note the contents of same.

13.10. The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these

assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

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

13.12. 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 EIA Screening Statement submitted with the application.

13.13. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

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

14.0 Recommendation

14.1. I consider the principle of development as proposed to be unacceptable on this site and that permission should be refused for the proposed development.

Whilst the site is suitably zoned for residential development under the RES zoning that applies under the South Dublin County Development Plan 2016 - 2022, the site is subject to Policy H3 SLO1 that limits the proposed density to 12 units per hectare and the proposed development is far in excess of that. The subject development site consists of two separate parcels of land, which creates a number of issues in relation to layout and efficiency of the development site as submitted.

14.2. A number of significant concerns have been identified as follows:

- The proposed development provides for 178 units giving a net density of 41 units per hectare. The subject site, zoned RES – allows for residential development, but is restricted by Policy H3 SLO1 of the South Dublin County Development Plan 2016 – 2022, which limits the development potential of this site to 12 units per hectare. The proposed development is contrary to this Policy.
- The subject site is not served by any public transport and the identified public transport in the area consists of low frequency and consequentially low-capacity bus services and which is over 1.2 km from the nearest point to the subject site and significantly more distant to residential units on the southern sections of the land.
- Insufficient evidence was provided to suggest that public transport would be improved in the future. The applicant has provided a number of assumptions and suggestions, but which do not demonstrate alignment with the proposals set out in the revised bus network in the National Transport Authority (NTA) Bus Connects project.
- The local road network is inadequate to accommodate the scale of development proposed, due to the width of the road and the topography of/ and adjoining the Whitechurch Road. Having regard to the lack of adequate cycle and pedestrian infrastructure, in addition to the lack of public transport, it is considered that the proposed development would be car dominated. The increase in car usage

would give rise to traffic congestion on the local road network which in turn would give rise to traffic hazards.

- The proposed development which includes the removal of trees on the College Road would be contrary to the requirements of Dun Laoghaire-Rathdown County Council and in the absence of consent from the Local Authority, the development cannot be undertaken.
- The proposed development site comprises of two separate parcels of land, resulting in a duplication of infrastructure and a lack of integration between the two areas of land.
- The separation of the site does not provide for an efficient layout and result in residential units been located in close proximity to the M50, which is located to the south of the site. A submitted noise report was undertaken in September 2020 during a time of lockdown associated with Covid 19; the submitted results are not reflective of normal traffic and its associated noise levels. It is not possible to be certain that receptive noise levels for adjacent units and their associated amenity/ open space would be of an acceptable level.

14.3. The proposed development would therefore be contrary to National Guidance and Local Policy and would not be in accordance with the proper planning and sustainable development of the area.

14.4. Having regard to the above assessment, I recommend that section 9(4)(d) of the Act of 2016 be applied, and that permission be **REFUSED** for the development, for the reasons and considerations set out below.

15.0 Recommended Draft Order

15.1. 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 21st of March 2022 by BCDK Ltd and Coill Avon Ltd.

15.2. Proposed Development:

- Demolition of Kilmashogue House and outbuildings and demolition of Coill Avon house and outbuildings;
- The refurbishment and re-use of 2 no. stone outbuildings for community use, to be incorporated into an area of public open space on the southern lands;
- The construction of a mixed-use development comprising neighbourhood centre and 178 no. residential units comprising 72 no. houses, 38 no. apartments and 68 no. duplex apartments;
- Block A/B and Block C are arranged around a landscaped podium. The neighbourhood centre is located below this podium and accommodates a 2-level creche (313 sq m) at lower ground and ground floor level, and 3 no. retail/non-retail service/cafe units (470 sq m) at ground level;
- The basement below Block A/B and Block C accommodates 50 no. car parking spaces, bicycle parking, bin stores, plant and staff service area;
- The basement below Block E accommodates 35 no. car parking spaces, bicycle parking, bin store and plant;
- A section of link street with footpath and cycle path (approx. 438 linear metres) extending from the junction of Whitechurch Road and College Road on an alignment parallel to the M50, to provide access to the southern development lands and incorporating a bus turning circle;
- Upgrade works to College Road including a new two-way cycle track and relocated footpath from the Whitechurch Road junction to provide connectivity to the Slang River pedestrian/cycle Greenway;
- A new signalised crossroads junction to connect the proposed link street with Whitechurch Road and College Road;
- Upgrade to the existing vehicular access at the entrance to Coill Avon house on Whitechurch Road;
- Foul sewer drainage works along Whitechurch Road from the Kilmashogue junction to the existing junction at Glinbury housing estate;

- All associated site works, infrastructure provision and the provision of suitable amenity lands.

The proposed development is primarily located on lands within the South Dublin County Council administrative area but the development site also extends to lands within the Dun Laoghaire-Rathdown administrative area.

The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Development Plan 2016 – 2022 and also the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022. A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes and storage areas. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.

One issue was raised in the material contravention statement:

- Excessive Density of Development

This issue was considered to be a material contravention of the South Dublin County Development Plan 2016 – 2022 with particular reference to Policy H3 SLO1 that applies to this site.

15.3. **Decision:**

Refuse permission for the above proposed development based on the reasons and considerations 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.

16.0 **Reasons and Considerations**

The Board Considers that:

1. The "Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in May, 2009, recommends a sequential and co-ordinated approach to residential development, whereby zoned lands should be developed so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure and where undeveloped lands closest to the core and public transport routes be given preference. Notwithstanding the 'RES' - residential zoning objective that applies to this site, as set out in the South Dublin County Development Plan 2016 - 2022, it is considered that the site is located in an area which is remote and isolated from other areas of consolidated residential development and not in line with the orderly expansion of the settlement. Having regard to the scale and density proposed, the lack of suitable pedestrian linkage, the excessive walking distance to services such as retail, schools, social/ community services, and the complete absence of public transport serving the site, it is considered that the proposed development would be excessively car dependent and would, therefore, be contrary to the Guidelines and to the proper planning and sustainable development of the area.

2. The site is located in an area zoned objective RES – zoned for residential use in the current South Dublin County Development Plan 2016 - 2022. The proposed development provides for a density of 41 units per hectare which is contrary to Policy H3 SLO 1 which limits density to 12 units per hectare. Considering the location of the subject site, the limited availability of services and the established character of the area, it is considered that this policy objective as applied to these lands is reasonable at this time. The Board considers that the proposed development would materially contravene the above-mentioned policy objective. The Board pursuant to the provisions of section 37 (2)(b) of the Planning and Development Act, 2000, is precluded from the granting of planning permission for the proposed development as none of the provisions of section 37 (2)(b) (i), (ii), (iii) or (iv) of the said Act apply in this case. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The local road network cannot currently provide for suitable pedestrian and cyclist facilities to serve the increased demand generated by this development. There is no

public transport serving the site and the nearest bus routes, which are low frequency, are over 1.2 km away, to the north of the site. Future residents would be forced to walk/ cycle along the substandard road network, which would lead to conflict between road users, that is, vehicular traffic, pedestrians, and cyclists. The proposed development would, therefore, endanger public safety by reason of traffic hazard.

4. Having regard to the following;

- The location of the proposed development on the southern side of Whitechurch, but remote from the established urban area,
- The proposed development area consists of two separate sites that are only connected by the public road and a relatively narrow footpath located on the western side of the Whitechurch Road,
- The separated nature of the site layout results in a need for duplication through the proposed internal road layout and the need for two separate access points to the Whitechurch Road,
- All services are provided to the southern section of the site, and this is likely to result in increased car traffic as the northern section is lacking in retail provision and childcare,
- The poor disposition and quantity of public and private/ communal open space through location and lack of passive surveillance,
- The proximity of units within the southern portion of lands to the M50, is likely to result in poor residential amenity due to excessive noise and nuisance associated with the adjacent motorway,
- The proposed development is located to the south of the Whitechurch Road in an area that is rural in character and the piecemeal nature of the development would have a negative impact on the established character of the area,
- The proposed Block A/B which addresses the Whitechurch Road is considered to be unacceptable in terms of façade treatment and design and would provide for a poor entrance/ streetscape to the southern portion of the development,

It is therefore considered that the proposed development would constitute a substandard form of development which would seriously injure the amenities of the

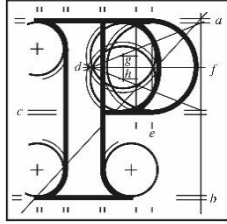
area, would provide for poor residential amenity, and would be contrary to the proper planning and sustainable development of the area.

5. The proposed development includes upgrade works along College Road which is located within the Dun Laoghaire-Rathdown County Council administrative area. The submitted development indicates that a number of trees along College Road will require removal in order to provide for necessary improvements to road/ cycle infrastructure. The Planning Authority have reported that consent for the road works along this stretch of public road was dependent on there being no removal of trees. The contravention of this consent results in the applicant having no prospect of carrying out the development and not having a sufficient legal basis for making the application.

Paul O'Brien

Planning Inspector

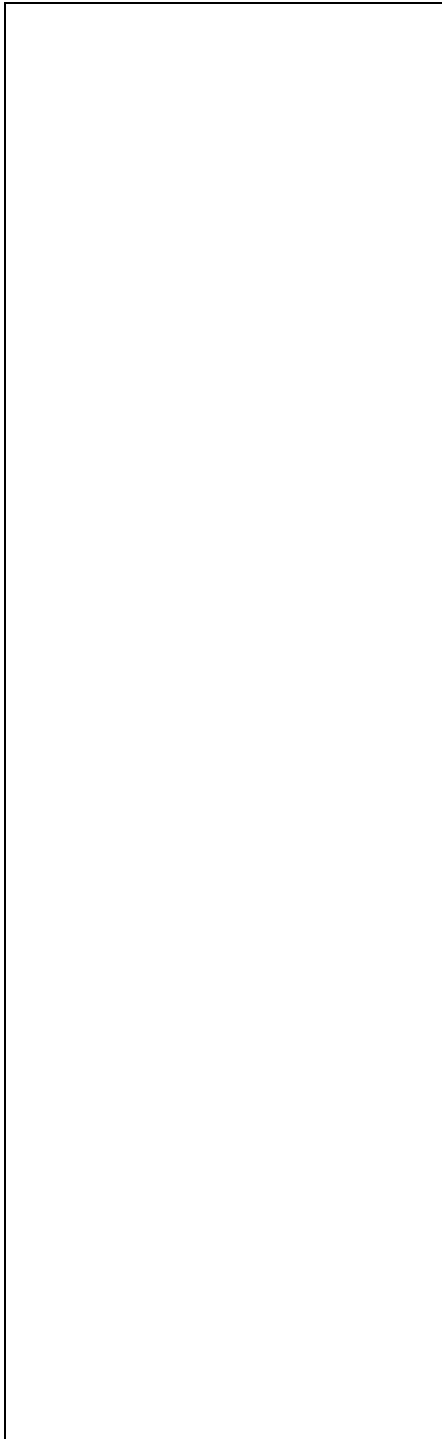
22nd June 2022



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-313059
Development Summary		The provision of two houses, the provision of 178 residential units in the form of houses, duplexes and apartments, the provision of three retail/commercial units and also a creche on two separate greenfield sites to the west of Whitechurch Road, Rathfarnham, Dublin 16.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report were 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	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	A Site-Specific Flood Risk Assessment that addresses the potential for flooding was undertaken in response to the EU Floods Directive. An AA Screening Report in support of the Habitats Directive (92/43/EEC) and the Birds



Directive (2009/147/EC) has been submitted with the application. An Outline Construction Management and Waste Management Plan has been submitted which was undertaken having regard to the EC Waste Directive Regulations 2011, European Union (Household Food Waste and Bio-waste) Regulation 2015, European Communities (Trans frontier Shipment of Waste) Regulations 1994 (SI 121 of 1994) and to European Union (Properties of Waste which Render it Hazardous) Regulations 2015. The South Dublin County Development Plan 2016 – 2022 and The Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 were subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) Screening.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures – Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment ? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The development comprises the construction of residential units on suitably zoned lands. Five storey	No

		apartment blocks are proposes as part of the development in an area predominantly characterised by agricultural/ woodland and amenity development.	
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	Yes	The proposed development is located on a greenfield site, zoned for residential development.	No.
<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>	Yes	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are	No.

		not regarded as significant in nature.	
<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, hydraulic oils 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 Management Plan will satisfactorily mitigate potential impacts. No operational</p>	<p>No.</p>

		impacts in this regard are anticipated.	
<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 implementatio</p>	<p>No.</p>

		<p>n of a Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</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>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational</p>	<p>No.</p>

		<p>development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</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</p>	<p>No.</p>

		<p>Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</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.</p>

		No significant operational impacts are anticipated.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.	No.
1.10 Will the project affect the social environment (population, employment)	Yes	The development of this site as proposed will result in a change of use and an	No.

		<p>increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, primarily characterised by residential development.</p>	
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No.</p>	<p>Similar developments have been constructed in this area over the last twenty years. The development changes have been considered in their entirety and will not give rise to any significant additional effects.</p>	<p>No.</p>
<p>2. Location of proposed development</p>			

<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 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 development plan/ LAP/ draft plan or variation of a plan 	No	No European sites located on the site. A submitted AA Screening demonstrated that the development would not impact on any designated sites and that Stage 2 AA was not required,	No.
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	No such species use the site and no impacts on such species are anticipated.	No.
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	Yes	The site is adjacent to a monument Cross (DU022-03) and suitable mitigation measures have been provided for its protection.	No.
<p>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?</p>	No.	There are no such features arising in this location.	No.

<p>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?</p>	<p>No.</p>	<p>The Whitechurch Stream is located to the east of the site, parallel to the Whitechurch Road and which flows into the River Dodder. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.</p>	<p>No.</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No.</p>	<p>Site is located in a location where such impacts are not foreseen.</p>	<p>No.</p>
<p>2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No.</p>	<p>The site is served by a local urban road network. There are no sustainable transport options</p>	<p>No.</p>

		available to future residents. Although increased traffic would be expected, no significant contribution to traffic congestion to key routes would be anticipated.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are no such sites adjacent to this site.	No.

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

		construction. This would be subject to a construction traffic management plan.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.	No trans-boundary effects arise.	No.
3.3 Are there any other relevant considerations?	No.	No.	No.
C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required.
Real likelihood of significant effects on the environment.			
D. MAIN REASONS AND CONSIDERATIONS			
<p>Having regard to: -</p> <p>a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>c) the location of the site on lands governed by zoning objective RES 'To protect, and improve residential amenity' in the South Dublin County Council Development Plan 2016 - 2022,</p> <p>d) The existing use on the site and pattern of development in surrounding area,</p> <p>e) The planning history relating to the site,</p> <p>f) The availability of mains water and wastewater services in the area to serve the proposed development,</p>			

g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),

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

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

j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction Management & Waste Management Plan and a Construction Management Plan (CMP) to be agreed with the Planning Authority , It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____

Date: 22nd June 2022

Paul O'Brien