



An
Bord
Pleanála

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

Inspector's Report

ABP-313145-22

Strategic Housing Development

Permission for 655 no. residential units (257 no. houses, 398 no. apartments), childcare facility and associated site works

Location

In the townland of Boherboy, Saggart Road, Co. Dublin

Planning Authority

South Dublin County Council

Applicant(s)

Kelland Homes Ltd and Durkan Estates Ireland Limited

Prescribed Bodies

Irish Aviation Authority

Uisce Eireann

Inland Fisheries Ireland

Transport Infrastructure Ireland

Department of Authority

Department of Housing

Observer(s)

Trudy Duffy

Aideen Lernihan

Audrey Lydon
Baby Pereppadan
Bernadette Cormican
Brendan and Samantha O'Sullivan
Denice and Keith Mellon
Dmitry Karpenko
Donna O Connor
Elaine Weafer
Emily Burke & David Treacy
Emma and Warren Mc Dermott
Hannah Hayes
John & Karen Hendrick
John Conway and the Louth
Environmental Group
Leanne & Kevin Lyons
Michael and Maria McArdle
Nicola & David Fitzpatrick
Saggart East Residents Association,
c/o Patrick Dowling
Saggart Village Residents
Association, C/O Lynn Tierney
Sarah Moran
Sean Graham,
Shane Murray and Marie Louise
Murray
Shirley Fogarty
Sinead and Vinny O'Discoll
Sinéad Madill
Sinead Murphy

The Russell Family
Tracy and Derek Duff
Trudy Duffy
Valerie Reid
Carrigmore Crescent Management
Company

Date of Site Inspection

29th May 2025

Inspector

Emma Nevin

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Appendix A – Appropriate Assessment Screening Determination

Appendix B – WFD Impact Assessment Stage 1: Screening

1.0 Introduction

- 1.1. 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 is situated on the Boherboy Road, a local road (L2008), approximately 1.3km east of Saggart Village and comprises a greenfield site with an area of approximately 18.3 ha. The site topography slopes downwards from the south of the site adjacent to the Boherboy Road to the north of the site. Site levels range from 155mOD in the southwest corner to 117.5mOD in the northwest corner, a difference of c 37 metres in elevation between the southern and northern site boundaries.
- 2.2. The site is bordered on all sides (north south, east, and west) by mature hedgerow and trees. There is a field boundary hedgerow and dry ditch traversing the centre of the site in a north to south axis. All boundary hedgerows along with the central hedgerow are identified on the first edition Ordnance Survey map (1843). The Corbally Stream traverses along the eastern boundary of the site in a north to south axis, turning in a westerly direction at the northeast boundary before exiting the site at the northwest corner. The southern site boundary has a c.360 metre frontage on to the Boherboy Road.
- 2.3. Residential developments are present to the north (Carrigmore residential areas) and east (Corbally and Verschoyle residential areas) of the site. A public park adjoins the site to the northeast while Citywest Shopping Centre is located beyond the park further to the northeast. Lands to the west of the site comprise golf lands and are zoned Open Space ('OS'). Lands to the south of the site, on the southern side of the Boherboy Road comprise rural zoned lands. Despite its proximity to Citywest and Tallaght, the Boherboy Road retains a very rural character, with mature trees and hedgerows along each side of the roadside. There are detached dwellings located along the Boherboy Road. There is a small bridge over the Corbally Stream as the Boherboy Road traverses the stream (southeast of the site).

- 2.4. The Boherboy Road continues west from the site towards Saggart Village. The eastern site boundary is located 300 metres from the junction of the N81 Blessington Road and the L2008 Boherboy Road. There is a continuous white line in the centre of the road. A 60km/h speed restriction applies in this area. There are no footpaths or public lighting utilities along the Boherboy Road. There are various utilities traversing the site which includes water network pipes, and underground and over-ground electricity transmission lines.

3.0 Proposed Strategic Housing Development

- 3.1. This is an application for a permission comprising 655 no residential units comprised of:

- 257 no. 2, 3 & 4 bed, 2 & 3 storey detached, semi-detached & terraced houses,
- 152 no. 1, 2 & 3 bed duplex units in 17 no. 2-3, 3-4 & 4 storey blocks, and
- 246 no. 1, 2 & 3 bed apartments in 9 no. buildings ranging in height from 2, 2-5, 4-5 & 5 storeys,
- 2 storey crèche (693m²).
- Access to the development will be via one no. vehicular access point from the Boherboy Road, along with proposed upgrade works to Boherboy Road to include the provision of a roadside footpath along the front of the site at the Boherboy Road, continuing eastwards to the junction with the N81 Blessington Road (for an overall distance of c.370m).
- The proposed development also provides for pedestrian and cyclist connectivity to the adjoining Carrigmore Park to the north-east, and vehicular, pedestrian and cyclist connections to adjoining developments at Corbally Heath to the east and Carrigmore Green to the north.

- 3.2. The proposed development provides for (i) all associated site development works above and below ground, including surface water attenuation & an underground foul sewerage pumping station at the northern end of the site, (ii) public open spaces (c. 3Ha), including alongside the Corbally Stream, which will accommodate the provision of pedestrian / cyclist links to Carrigmore Park to the north east, (iii)

communal open spaces (c. 6,392m²), (iv) hard and soft landscaping and boundary treatments, (v) undercroft, basement & surface car parking (914 no. car parking spaces, including EV parking), (vi) bicycle parking (797 no. bicycle parking spaces), (vii) bin & bicycle storage, (viii) public lighting, and (ix), plant (M&E), utility services & 5 no. ESB sub-stations, all on an overall application site area of 18.3ha. In accordance with the Fortunestown Local Area Plan (2012), an area of c. 1.4Ha within the site is reserved as a future school site.

3.3.Key Development Statistics are outlined below:

Site Area (Gross)	18.3Ha (i.e. total area within red line of application)
Site Area (Net) i.e. area of two fields	17.6Ha
Net Developable Area	15.28Ha
No. of Dwellings	655
Density (Net)	43 units / Ha
No. of Houses	257
No. of Duplex Units	152
No. of Apartments	246
Building Height	2, 3, 4 & 5 storeys
No. of Car Parking Spaces	914
Site Coverage	17%
Plot Ratio (total site area)	0.38
Active Open Space Provision	25,241m ² (2.5ha / 16%)
Creche	693m ²

3.4.The applicant included the following:

- Statement of Response to An Bord Pleanála Opinion
- Statement of Consistency & Planning Report
- Statement of Material Contravention
- Arboricultural Assessment
- Tree Constraints Plan Overall
- Tree Protection Plan - Overall Plan
- Tree Protection Plan - Part 1
- Tree Protection Plan - Part 2

- Architectural Design Statement
- Irish Water CoF and SDA Letters
- RMA 1324B Boherboy - Drainage and Water Infrastructure Engineering Report
- RMA Boherboy Issue Sheet 07-03-22
- Site Specific Flood Risk Assessment
- BOHERBOY SHD Traffic Transport Assessment (Full)_Rev9
- BOHERBOY SHD, Construction Traffic Management Plan_Rev2
- BOHERBOY SHD, Residential Travel Plan_Rev4
- BOHERBOY SHD, Statement of Compliance With DMURS_Rev7
- Road Safety Audit 1 Boherboy Final
- Environmental Impact Assessment (EIAR) Volume I Non-Technical Summary
- EIAR Volume II
- EIAR Volume III Appendices
- Appropriate Assessment Screening Report
- Hydrological Risk Assessment
- Boherboy Landscape Rationale – RMDA
- Building Lifecycle Report
- CGIs Photomontages
- Daylight Sunlight Analysis
- Energy Statement
- Outline Construction Management Plan
- Telecommunications Impact Assessment
- Universal Design Statement
- Utility Report
- Boherboy Part V Proposal

- Part V - compliance letter 01.10.21
- High Level Planning Report
- Housing Quality Assessment
- Letter of Consent Kerasoun Ltd
- Letter of Consent SDCC
- Material Contravention Statement
- Newspaper Notice
- Planning Statement
- SHD Planning Application Form
- Site Notice
- Social & Community Infrastructure Assessment
- Statement of Compliance with Draft South Dublin Development Plan 2022-2028
- Statement of Consistency
- Statement of Response to An Bord Pleanála Opinion
- Electrical calculations Proposed Residential Development at Boherboy REV D
- Energy consumption calculation proposed Residential Development at Boherboy REV D
- Lighting class selection Proposed Residential Development at Boherboy ~ Spine Road
- Lighting class selection Proposed Residential Development at Boherboy
- Lighting design report Proposed Residential Development at Boherboy REV D1
- Lighting layout Proposed Residential Development at Boherboy REV D
- Lighting level calculation DO Proposed Residential Development at Boherboy REV D

- Lighting level calculation FO Proposed Residential Development at Boherboy REV D
- Product selection calculation report Proposed Residential Development at Boherboy

4.0 Planning History

The following planning history relates to the appeal site:

4.1. ABP-304828-20

- 4.1.1. The Board refused permission on the 30th of September 2019 for a development of 609 no. residential units (267 no. houses, 158 no. duplex units, 184 no. apartments), creche and associated site works. Access to that development was proposed from the Boherboy Road. There were three reasons for refusal. The first stated that that the development as proposed results in a poor design concept that is substandard in its form and layout and lacks variety and distinctiveness. Also, the proposed development would not be in accordance with the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport, and the Department of the Environment, Community and Local Government in 2013. The second stated that having regard to the proximity of the Luas stops at Saggart and Fortunestown the Board considered that the proposed development with a net density of 30 number units per hectare to the south of the site would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage and, therefore, the density proposed would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, as they relate to cities and towns and in particular to sites serviced by existing and planned public transport. Finally, the third reason for refusal considered that Environmental Impact Assessment Report, together with the documentation submitted with the application, does not identify or describe adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is not satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of European Union Directive 2014/52/EU amending Directive 2011/92/EU, particularly with regard to biodiversity, water, traffic and landscape and visual impact.

4.2. Reg. Ref SD15A/0388/PL06S.247074

- 4.2.1. The Board refused permission on the 7th of December 2016 for a development of 216 houses on a site of 8.16ha that formed part of the current site. Access to that development was proposed from the Boherboy Road. There were two reasons for refusal. The first stated that the Board was not satisfied that the site would be suitable for development having regard to the absence of a site-specific flood risk assessment. The second reason stated that the proposed development would not comply with policies in favour of high-quality design set out in the Sustainable Urban Residential Guidelines, DMURS, the Development Plan and the Local Area Plan. The reason for refusal made specific reference to the removal of hedgerows and the lack of an integrated biodiversity network, the peripheral location of the main active public open space areas, the unsatisfactory quantum of rear amenity space and that the development was contrary to guidance regarding street design, road widths, home zones and a clear hierarchy of spaces.

The Board's Direction also stated concerns about the lack of connectivity to the Luas stop and local centre at Fortunestown, the low density of the development, the generic and repetitive design of the houses coupled with a poor housing mix and overreliance on 3 and 4 bed semi-detached units and a distinct lack of an adequate range of alternate house types, but stated that these would be new issues in the context of the appeal. The Direction also stated that the Board shared the concerns of the Inspector with respect to non-compliance with DMURS as expressed in the Inspector's Report and considered that these concerns should be taken into account in any future application for development on the site.

5.0 Section 5 Pre-Application Consultation

- 5.1. A Section 5 pre-application virtual consultation took place on the 20th of November 2020 in respect in respect of a development for the construction of 628 no. units (268 no. houses and 360 no. apartments), creche and associated site works. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Design Strategy - legibility and linkages, site topography, density and unit mix, character areas including architectural design, having regard to reason no. 1 and reason no. 2 of the previous refusal ABP 304828-19.
- Landscape/Public Realm strategy – biodiversity, tree and hedgerow loss, public/communal/defensible amenity areas.
- Residential Standards, including compliance with the 2018 Guidelines on the Design Standards for New Apartments, Dual aspect design and calculations, Sunlight/Daylight Assessment.
- Access, Transport and Parking - Car parking and cycle parking strategy, north/south cycle route, Up-grade works to Boherboy Road and relevant third-party consent.
- Drainage Issues – PA and Irish Water submissions and response to Food Risk Assessment note attached to previous refusal ABP 304828-19.
- Any Other Matters

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion dated 27th January 2022 (ABP-308352-20) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment in order to constitute a reasonable basis for an application for strategic housing development with regard to the following:

- Notwithstanding that the proposal constitutes a reasonable basis for an application demonstrate / justify the suitability of the proposed site to accommodate the residential density with regard to inter alia refusal reason no. 2 of previous planning application ABP 304828-19 and the provisions of relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).

- A report that addresses and provides a clear design rationale for the proposed design, scale and character of key buildings / street frontages, materials and finishes of the proposed development including details of all materials proposed for open spaces, paved areas, boundary and retaining walls, specific detailing of finishes and frontages for the proposed apartment blocks, and the maintenance of same. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. Additional CGIs and visual assessment, having regard to the local objectives pertaining this site, and recognising the visual sensitivity of this area/site.
- The inclusion of all works to be carried out, and the necessary consents to carry out works on lands, within the red line boundary.
- The submitted documentation should clarify the extent of works to the Boherboy Road that would be part of the proposed development and specify whether any other works would be required to provide enhanced connectivity from the site and who would be responsible for their completion.
- Additional cross-sections demonstrating the extent of cut and fill required to accommodate the development of the site.
- A layout plan and report that address and provides a clear rationale for connectivity and permeability within and through the site.
- A Site-Specific Flood Risk Assessment Report. The prospective applicant is advised to consult with the relevant technical section of the planning authority prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.
- A statement of compliance with the applicable standards set out in DMURS, and a mobility management plan which justified the proposed provision of parking for cars and bicycles.
- A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the

various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements.

- A building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
- A phasing scheme for the development which would indicate how open space and access to serve the proposed houses would be provided in a timely and orderly manner.
- Proposals for compliance with Part V of the planning act.
- A draft construction management plan.
- A draft waste management plan.
- A material contravention statement, in respect to any and all elements of the development that may materially contravene the Development Plan objectives or policies applicable to the site, whether, core strategy, density, housing typology, car parking, open space, visual sensitivity or other.

5.3. Applicant's Response to Opinion

- 5.3.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation would require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is required.
- 5.3.2. I note a Statement of Response to ABP's Opinion has been submitted. I note the items raised in the Opinion have been addressed.

6.0 Policy Context

6.1. Local Planning Policy

- 6.1.1. The Board will note that the site is within the boundary of the Fortunestown LAP 2012 – 2022 (as extended), however, this LAP which has expired. I also draw the Boards attention to the fact that since the application was lodged on 29th March

2022, the South Dublin County Development Plan 2022-2028 was made on 22nd June 2022 and came into effect on 3rd August 2022.

- 6.1.2. As such I will assess the application having regard to the most recent Development Plan, and where conflict arises with the LAP the Development Plan 2022-2028 will take precedence.

6.2. South Dublin County Development Plan 2022 – 2028

- 6.2.1. The site is subject to zoning objective 'RES-N' – 'New Residential', which seeks – *"To provide for new residential communities in accordance with approved plan areas"*.

- 6.2.2. Section 12.2.1 Land-Use Zoning Table sets out that Residential uses are identified as 'permitted in principle' on lands zoned RES-N (Table 12.3).

6.2.3. Relevant Development Plan Sections and Objectives

- Chapter 2 relates to Core Strategy and Settlement Strategy

Section 2.5.4 Planning and Construction Activity states "In terms of deliverability, between commencement of the SHD process in 2017 and Q3 2021, 23% of the permitted SHD units have either commenced construction or have been built. Delivery of these 100 plus unit developments in South Dublin County has generally occurred along the periphery of the County (Citywest / Fortunestown) and established areas (Rathfarnham) but not in the regeneration lands which account for 30% of all SHDs permitted in the County. The deliverability of SHDs / LRDs, especially within key growth areas, will form part of the Core Strategy monitoring process".

Section 2.6.4 states "To achieve this objective a prioritised level of growth of undeveloped land (excluding units / land under construction) for each Neighbourhood Area based on past construction and deliverability was applied with a focus on the SDAs identified under the MASP; amounting to 9,613 units representing a total of 61.7% of units being within the SDZs and Regeneration Lands (47.7% at 7,500) and within Fortunestown (14% at 2,113). In addition, a further allocation of 4,914 (31.5%) has been provided for within the Dublin City and Suburbs settlement of undeveloped land, excluding land under construction. This facilitates the delivery of a total of 14,527 units, or 93% of the County's growth which exceeds

the requirements of NPO 3b and RPO 3.2. The remaining balance has been allocated to the three settlements: Saggart, Newcastle and Rathcoole totalling 1,050 units (7%), providing for an overall total allocation of 15,576 units”.

Section 2.6.7 relates to Housing Strategy and includes a number of objectives which include: -

Policy CS3 Objective 6: To ensure the phased development of new housing areas in tandem with the delivery of physical and social infrastructure provision as identified within Local Area Plans or as informed by assessments carried out by the Planning Authority.

Policy CS4: Active Land Management - CS4 Objective 2: To promote the delivery of residential development through active land management measures and a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas.

Policy CS7: Consolidation Areas within the Dublin City and Suburbs Settlement.

CS7 Objective 2: To promote and support the regeneration of underutilised industrial areas designated with the regeneration Zoning Objective ‘REGEN’ (‘to facilitate enterprise and / or residential led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery).

Section 2.7.1 Dublin City and Suburbs - Wider Dublin City and Suburbs area – states “The relatively new district area, in Fortunestown / Citywest has been developing over the last number of years at a significant pace and is subject to a Local Area Plan. Its proximity to the Citywest Business Park has facilitated the delivery of housing and jobs beside each other which is supported by the Red Luas Line. The level 3 District Centre of Citywest shopping centre forms the centre of the new district area within and contiguous to the Dublin City and suburbs boundary. It has been one of the most active areas in terms of the delivery of housing for the County during the 2016-2022 Development Plan period. The delivery of commensurate levels of social and physical infrastructure to match recent and continued growth will be promoted in this area”.

- Chapter 4 relates to Green Infrastructure

Policy GI1: Overarching - Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.

GI1 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County.

Policy GI2 relates to Biodiversity - strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity.

GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments

Policy GI3 relates to Sustainable Water Management

Policy GI4 relates to Sustainable Drainage Management

Section 4.2.3 relates to Climate Resilience. The Plan promotes a GI approach which frontloads South Dublin County's response to ensure a county which is resilient to current and future climate change impacts.

- Chapter 5 relates to Quality Design and Healthy Placemaking

Policy QDP1: Successful and Sustainable Neighbourhoods Support the development of successful and sustainable neighbourhoods that are connected to and provide for a range of local services and facilities.

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods Promote the creation of successful and sustainable neighbourhoods through the application of the eight key design principles to ensure the delivery of attractive, connected, and well-functioning places to live, work, visit, socialise and invest in throughout the County.

Policy QDP3: Neighbourhood Context Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.

Policy QDP4: Healthy Placemaking

Policy QDP5: Connected Neighbourhoods

Section 5.2.5 refers to policies relating to Public Realm - “Key to the achievement of successful and sustainable neighbourhoods is the provision of a high-quality public realm....”

Section 5.2.6 relates to High Quality and Inclusive Development

Section 5.2.7 relates to Density and Building Heights. Section 5.2.7 states the following in relation to building height and density: ...In response to such policy provisions and guidelines, in particular SPPR1, this plan is accompanied by South Dublin County’s Building Height and Density Guide (Appendix 10).

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG) Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County’s Building Heights and Density Guide 2021.

Policy QDP9: High Quality Design - Building Height and Density Apply a context driven approach to building heights in South Dublin, as supported by South Dublin’s Building Heights and Density Guide.

Policy QDP10: Mix of Dwelling Types - Ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028.

Policy QDP11: Materials, Colours and Textures

Section 5.4.1 Local Area Plans - states that Local Area Plans will be prepared for areas where new development requires a coordinated approach and in particular for areas that are likely to experience large scale development or that are in need of regeneration. Local Area Plans must be consistent with the policies and objectives of the County Development Plan and ministerial guidelines. Policy changes will help inform the decision to review existing Local Area Plans.

QDP14 SLO 1: To ensure the sustainable long-term growth of Citywest that continues to promote and facilitate the development of the Citywest / Fortunestown area in accordance with the phasing set out in the Fortunestown Local Area Plan 2012-2022 (as extended) or any superseding LAP, and that appropriate levels of

services, social and sports infrastructure, facilities and economic activity is met to meet the needs of the current and future population growth.

- Chapter 6 relates to Housing.

Policy H1: Housing Strategy and Interim Housing Need and Demand Assessment - Implement South Dublin County Council Housing Strategy and Interim Housing Needs and Demand Assessment 2022-2028 (and any superseding Housing Strategy agreed by the Council) and to carry out a review of the Housing Strategy as part of the mandatory Two-Year Development Plan review.

H1 Objective 12: Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:

- there are unique site constraints that would prevent such provision; or
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or
- the scheme is a social and / or affordable housing scheme.

Section 6.7.1 includes policies relating to Residential Design and Layout.

Section 6.7.2 includes policies relating to Private and Communal / Semi-Private and Public Open Space.

Section 6.7.3 includes policies relating to Private and Semi-Private Open Space

Section 6.7.4 includes policies relating to Internal Residential Accommodation

Section 6.7.5 includes policies relating to Privacy and Security

Section 6.8 includes policies relating to Residential Consolidation in Urban Area

- Chapter 7 relates to Sustainable Movement; the following policies are of relevance:

Policy SM2 relates to Walking and Cycling

Policy SM2 relates to Public Transport

Policy SM5 relates to Street and Road Design

Policy SM6 relates to Traffic and Transport Management

Policy SM7 relates to Car Parking and EV Charging

Policy SM3: Public Transport – Rail, Transport Interchange and Park and Ride: SM3
Objective 20: To support additional capacity on the Luas Red Line, to service the intensification of development in Tallaght and Fortunestown and the future development of the City Edge lands.

- Chapter 8 relates to Community Infrastructure and Open Space

Table 8.2: Public Open Space Standards

Land Use	Public Open Space Standards (minimum)
Overall Standard	2.4 Ha per 1,000 population
New Residential Development on Lands Zone RES-N	Minimum 15% of site area
New Residential Development on Lands in Other Zones including mixed use	Minimum 10% of site area
Institutional Lands / 'Windfall' Sites	Minimum 20% of site area

Section 8.7.4 Delivery of Public Open Space and Contributions in Lieu includes -The Council may, in certain circumstances and at its sole discretion, allow for an element of open space to be located off-site where it exceeds the minimum on-site requirements. Alternatively, the Council may in certain circumstances and at its sole discretion, determine a financial contribution in lieu of all, or part of, the public open space requirement for a particular development.

COS2 SLO 1: That Citywest / Fortunestown areas are provided (from within their own community) public, purpose built and suitable amenities including: Library; Community centre and a community café; Accessible playgrounds / playspaces, teenspaces and youth amenities (such as a skate park); Designed green spaces including a managed public park with adequate, accessible public seating and that can host festivals and community events; Greater biodiversity in the area and more tree coverage; Adequate numbers of pitches and clubhouses / pavilions for sports; Adequate public childcare and afterschool facilities; School sites.

COS3 SLO 2: To deliver a community centre / community facility within Citywest as part of the delivery of infrastructure identified in the Fortunestown Local Area Plan.

In relation to Boherboy - COS5 SLO 2 states it is an objective of the Plan “To require the provision of public open space and to ensure that the location, layout and design of the public open space facilitates the delivery of a sports pitch to facilitate multiuse within the Boherboy lands in the south part of the Fortunestown LAP lands, alongside the residential development that is permitted on these lands”.

- Chapter 9 relates to Infrastructure and Environmental Service, including policies relating to Water Supply and Wastewater, Flood Risk, Waste Management, Environmental Quality and Casement Aerodrome.
- Chapter 12 relates to Implementation and Monitoring.

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.2 Green Infrastructure and Development Management

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.5.3 Density and Building Heights 12.5.4 Public Realm: (At the Site Level)

12.6.1 Mix of Dwelling Types

12.6.7 Residential Standards

Table 12.20: Minimum Standards for Housing

Type of Unit	House Size	Private Open Space
One bedroom	50 sq m	48 sq m
Two bedrooms	80 sq m	55 sq m
Three bedrooms	92 sq m	60 sq m
Four bedroom or more	110 sq m	70 sq m

Table 12.21: Minimum Standards for Apartments

Type of Unit	Apartment	Private Open Space	Communal Open Space	Storage
Studio	37 sq m	4 sq m	4 sq m	3 sq m
One bedroom	45 sq m	5 sq m	5 sq m	3 sq m

Two bedrooms (3 person)	63 sq m	6 sq m	6 sq m	5 sq m
Two bedrooms (4 person)	73 sq m	7 sq m	7 sq m	6 sq m
Three bedrooms (5 person)	90 sq m	9 sq m	9 sq m	9 sq m

Apartment Size Safeguards – “The majority of apartments in any proposed scheme of 100 units or more shall exceed the minimum floor area standard for any combination of 1, 2 or 3 bed units, by a minimum of 10%. Any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%”.

12.6.8 Residential Consolidation

12.6.10 Public Open Space

12.7.1 Bicycle Parking / Storage Standards

12.7.2 Traffic and Transport Assessments

12.7.4 Car Parking Standards:

Table 12.26: Maximum Parking Rates (Residential Development)

Dwelling Type	No. of Bedrooms	Zone 1	Zone 2
Apartment Duplex	1 Bed	1 space	0.75 space
	2 Bed	1.25 spaces	1 space
	3 Bed+	1.5 spaces	1.25 spaces
House	1 Bed	1 space	1 space
	2 Bed	1.5 spaces	1.25 spaces
	3 Bed+	2 spaces	1.5 spaces

The number of spaces provided for any particular development should not exceed the maximum provision. The maximum provision should not be viewed as a target and a lower rate of parking may be acceptable.

Section 12.7.4 as states – ‘The maximum parking standards may also be varied in particular areas by the Planning Authority through planning mechanisms such as SDZ Planning Schemes, Local Area Plans or Movement Framework Plans and Area Access Studies’.

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

12.7.6 Car Parking Design and Layout

12.10.1 Energy Performance in New Buildings

12.11.1 Water Management

12.11.3 Waste Management

12.11.4 Environmental Hazard Management

12.11.5 Aviation, Airports and Aerodrome

6.3. Fortunestown Local Area Plan 2012 – 2018

- 6.3.1. The site was within the boundary of the Fortunestown LAP. The LAP was extended until the 13th of May 2022, and as noted above has since expired. The vision for the plan was to ensure that any future development integrates with existing development and public transport facilities, while addressing local needs including parks, schools and community facilities and the opportunities created by the Luas Line A1 extension, the emerging community, the Citywest Shopping/District Centre and surrounding business parks. This was a specific goal to ensure physically integrated residential communities where existing and new neighbourhoods are knitted together.
- 6.3.2. Section 5.4.3 of the plan addressed community and civic facilities and states that throughout the plan lands these will take the form of community centres, community rooms, a library, youth cafes and park facilities including children’s playgrounds and sports facilities. It was detailed that the majority of such facilities would be located at the District Centre and nodal points where streets and pathways intersected. The plan set out specific locations where such facilities should be provided and were further detailed on the overall framework map – Fig. 6.1. Lands at Boherboy were identified as an appropriate location for a school site.

6.3.3. Guidance regarding dwelling mix was set out in section 5.4.6 of the plan. This noted that apartments/duplexes should be restricted only to areas that are within a 5-minute walking distance of the Luas. It was further detailed in section 5.5.4 of the plan that there was to be a maximum height limit of three storeys, with exceptions justifiable only in limited exceptional circumstances.

6.3.4. Section 6.4 referred to Framework 4: Boherboy Neighbourhood and provided that:

“In order to incorporate the valuable heritage features that occupy Boherboy and respond to the rural character of the surrounding area, development of the Boherboy Neighbourhood will largely take the form of low-density housing set amongst green corridors and parkland.”

The site comprised all of this neighbourhood.

6.3.5. Section 6.4.1 dealt with accessibility and movement. It stated that vehicular, pedestrian and cyclist access through the Boherboy Neighbourhood should be provided to and from the Fortunestown Centre, the Saggart Abbey Estate, the Carrigmore Estate and Boherboy Road.

6.3.6. There was an objective BN1 that the first phase of development in the Boherboy Neighbourhood should include for through routes to the Carrigmore and Saggart Abbey estates in a manner that provided indirect access from the Boherboy Neighbourhood onto Fortunestown Lane to the Fortunestown and Saggart Luas stops and onto Citywest Avenue. Under objective BN2, it was stated that pedestrian and cyclist links should be provided between the first phase of development in the Boherboy Neighbourhood and the District Park to the rear (south – west) of the Citywest Shopping Centre. The Plan also detailed under Objective BN3 that development of the neighbourhood should include cyclist and pedestrian circuit routes that link the District Park with Boherboy Road via a choice of routes. It stated that development should commence at the southern end of the neighbourhood with access from Boherboy Road, provided that prior to the occupation of any dwelling the provision of a footpath along the Boherboy Road was included.

6.3.7. Section 6.4.3 referred to density and land use. It stated that the lands be developed at densities between 30 dph and 50 dph, and that 85% of units shall be own-door houses and the overall average floor area of units shall be at least 110 m². The Plan detailed that densities at the upper end of the scale should only be located in the

northern areas of the neighbourhood, subject to the achievement of vehicular access through the Carrigmore Estate and pedestrian access through the District Park and District Centre. Lower densities should be implemented in the southern parts of the neighbourhood.

- 6.3.8. Section 6.4.4 referred to green infrastructure and stated that the Corbally Stream and hedgerows on the eastern edge of the lands should be incorporated into a biodiversity strip at least 10m wide on each side that should cater for a pedestrian/cycle path. A central neighbourhood park should be provided for. Under objective BN7, it is stated that the slope of the neighbourhood's topography should be utilised as part of any development and the level of cut and fill should be kept to an absolute minimum, with the excessive use of retaining walls to be avoided.
- 6.3.9. Section 6.4.5 stated that housing should be no more than 2 storeys high. It is also detailed that the layout of streets in the southern section of the Boherboy Neighbourhood should be orientated to create vistas of the Church Tower in Saggart Village to the northwest and the Dublin Mountains to the south.
- 6.3.10. The phasing scheme at section 8.1 of the LAP indicated that the Boherboy neighbourhood could accommodated 566 dwellings. It stated that the phasing tables set out in the LAP were in a manner that ensured that infrastructure and amenities were delivered in conjunction with residential and commercial development. It outlined that the purpose of phasing was to avoid a shortage of community facilities and amenities for residential communities and to ensure that such facilities and amenities were provided in a timely manner rather than at the latter stages of residential development or after such development had taken place. The management of development of the plan lands should only allow for the permissible quantum of development under each phase to commence construction after key outcomes under the previous phases were generally achieved.

6.4. National Planning Policy

National Planning Framework (2025)

- 6.4.1. The National Planning Framework 2025 sets out that the 'major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages.'

6.4.2. Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 10: Deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.
- National Policy Objective 11 – Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.
- National Policy Objective 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- National Policy Objective 22 – In urban areas, planning and related standards, including in particular building height and car parking will be based on

performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

- National Policy Objective 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

Climate Action Plan, 2024 and 2025

- 6.4.3. Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.
- 6.4.4. 2025 update -Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. The residential sector is on track to meet its 2021-2025 sectoral emissions ceiling and is ahead of its 2025 indicative reduction target of - 20%.

National Biodiversity Action Plan (NBPA) 2023-2030

- 6.4.5. The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also

understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

6.4.6. This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

Water Framework Directive

6.4.7. The Water Framework Directive (WFD) Directive 2000/60/EC focuses on ensuring good qualitative and quantitative health, i.e., on reducing and removing pollution and on ensuring that there is enough water to support wildlife at the same time as human needs.

6.4.8. The key objectives of the WFD are set out in Article 4 of the Directive. It requires Member States to use their River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs) to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. It establishes a framework for the protection of all inland surface waters, transitional waters, coastal waters and groundwaters.

6.5. Regional Planning Policy

Regional Spatial and Economic Strategy (RSES) - Eastern and Midland Regional Assembly (EMRA)

6.5.1. The ‘Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031’ supports the implementation of Project Ireland 2040

and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. The following regional policy objective (RPO) of the RSES is considered relevant to this application:

- 6.5.2. RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas.
- 6.5.3. According to the RSES, the site lies within the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth and accelerated housing delivery, integrated transport and land use, and the alignment of growth with enabling infrastructure. The MASP identifies residential and mixed-use development through the regeneration of brownfield lands in Tallaght and the re-intensification of older industrial estates at Naas Road / Ballymount. The new district at Fortunestown is identified for residential growth.

6.6. Section 28 Ministerial Guidelines

- 6.6.1. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines comprise:
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter the ‘Sustainable Settlements Guidelines’);
 - Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (hereinafter the ‘New Apartment Guidelines’);
 - Design Manual for Urban Roads and Streets (DMURS) (2019);
 - Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the ‘Building Heights Guidelines’);

- Water Services Guidelines for Planning Authorities – Draft (2018) and Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government on the 17th day of January 2018;
- Architectural Heritage Protection Guidelines for Planning Authorities (2011);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001) (hereinafter the ‘Childcare Guidelines’).

6.6.2. Although not an exhaustive list, the following planning guidance and strategy documents are also considered relevant:

- Cycle Design Manual (2023);
- Transport Strategy for the Greater Dublin Area 2022-2042;
- Housing for All – A New Housing Plan for Ireland (2021);
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- Road Safety Audits (TII, 2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (TII, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (2nd Edition 2011, 3rd Edition 2022);
- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

7.0 Applicants Statement of Consistency

The applicant has submitted a Statement of Consistency as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which demonstrates the compliance of the proposed with the relevant regional, and local planning policy context. The applicant highlights where the proposed development does not fully comply with the requirements of the Development Plan and/or Local Area Plan, these instances are highlighted and have been addressed in the submitted Material Contravention Statement and as such this demonstrates the compliance of the previous South Dublin County Development Plan 2016-2022 and the Fortunestown Local Area Plan, 2012 (extended 2017 and 2022) and other regional and national planning policies. This has been examined and noted.

As noted in 6.3 above, the Fortunestown Local Area Plan, 2012 (extended 2017 and 2022) has expired, which was the applicable Plan for the development site.

However, where conflict arises with the LAP the South Dublin County Development Plan 2022 – 2028 will take precedence.

7.1. Material Contravention Statement

7.1.1. The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the South Dublin County Development Plan 2016-2022 and the Fortunestown Local Area Plan 2012, as extended to 2022. At the time of lodgement (29th March 2022) the 2016-2022 Development Plan was in place, the current 2022-2028 Development Plan had been recently adopted and came into effect on the 21st of April 2022.

7.1.2. The Fortunestown Local Area Plan 2012 was also in force. The Fortunestown Local Area Plan 2012 has since expired in 2022. The statement is summarised below:

The following contraventions to the LAP have been identified:

- Density - LAP: Table 5.3 “Recommended Densities & Uses”, Table 6.1 “Neighbourhood Functions” & section 6.4 “Framework 4: Boherboy Neighbourhood” of the LAP.
- Building Height - LAP: Sections 5.5.4 “Building Height” and 6.4.5 “Built Form”.
- Average Floor Area - LAP: Sections 5.4.6 “Dwelling Mix” & 6.4.3 “Density &

Land Use”.

- Unit Mix - LAP: Section 5.4.6 “Dwelling Mix” & Objective BN4a.
- Community Building - LAP: Sections 7.2.5 “Community Facilities” & 8.0 “Phasing”.
- Phasing/Quantum of Development - LAP: Section 8.0 “Phasing”.

7.1.3. And the South Dublin County Development Plan 2016 – 2022* in relation to:

- Car Parking.

* As regards the South Dublin County Development Plan 2016-2022, I advise the Board that this Development Plan has been revoked and is no longer the operational Plan for the County. The relevant Plan is the South Dublin County Development Plan 2022-2028 and will be referenced as part of my assessment.

7.1.4. Should the Board consider material contraventions to arise, within this statement the applicant sets out their rationale to justify granting permission, including national policy objectives, the Building Heights Guidelines and the Apartment Guidelines.

7.1.5. In conclusion, the applicant asserts that the Board should grant permission for this strategic housing development having regard to the provisions under subsections 37(2)(b)(i), (iii) and (iv) of the Planning and Development Act 2000, as amended (hereinafter ‘the Act of 2000’).

8.0 Third Party Submissions

8.1. Thirty two (32 no.) third party submissions were received. The issues raised overlap and can be summarised as follows:

Procedural

The application is invalid due to inadequate and inaccurate details submitted in the site layout map and proposed building heights.

The units should be prevented from being sold in bulk and should be available for sale to individuals.

Principle of Development

Object that development materially contravenes the Local Area Plan.

The proposed apartment blocks are not in keeping in a suburban area and will block the view.

Density is considered excessive. Note public transport is at capacity.

Height of development is excessive. Buildings of 4/5 storeys are inappropriate.

The proposed site was previously rejected planning and previous reasons for the same site still stand.

The LAP cites Boherboy 'strong rural character', and "the capitalisation of views of the Dublin Mountains...", the proposal will destroy the character and aesthetic local area.

Section 6.4 of the Development Plan, Framework 4: Boherboy Neighbourhood specifically sets out an objective for Boherboy where it states, "will function as the green lungs of the Plan Lands", this land provides an important function.

The application documentation has not demonstrated that there is sufficient infrastructure capacity to support the proposed development, including by reference to public transport, drainage, water services and flood risk.

Failure to comply with the Fortunestown LAP in respect of phasing requirements, heights, density, green infrastructure and unit mix.

If the Board purports to justify the non-compliance of the LAP, Development Plan, Masterplan and/or Urban Design Framework – it will amount to an unlawful break of the requirements of the SEA Directive.

Material Contravention

Contravention of the Development Plan and Local Area Plan

The proposal materially contravenes the requirements in the Development Plan/Local Area Plan in relation to building height and visual impact, the proposal cannot be justified by reference to the Building Height Guidelines including the SPPRs therein.

The proposal materially contravenes the requirements in the Development Plan/Local Area Plan in respect to car parking.

The proposal materially contravenes the requirements in the Development Plan/Local Area Plan in respect of childcare.

The proposal materially contravenes the requirements in the Development Plan/Local Area Plan in respect of Architectural Conservation Area.

The proposal materially contravenes the requirements in the Development Plan/Local Area Plan due to non-compliance with the Local Area Plan/Masterplan/Urban Design Framework (Policy Objectives SS02a and PM17).

Design and Layout

Consider that development has insufficient public open space.

Apartment development incongruous with existing character of the area.

Apartments overlook public park and will have adverse impacts to the amenities of the area.

Consider that there are opportunities to improve passive surveillance along the south and western boundary of the park.

Consider that development is contrary to Objectives BN6 and BN7 regarding the incorporation of existing topography and hedgerows in future development.

Development fails to achieve the vistas of the Church Tower.

Due to the incline, some open spaces will be unusable. Ground levels necessitate crib walls causing potential overlooking and light blockage.

Development lacks cul de sacs and street design not conducive to children's play.

Consider that the main open space is in a peripheral location and not overlooked by many houses.

Social Infrastructure

Welcome the addition of a bike and pedestrian track over the Corbally stream, which will facilitate access to the LUAS and Citywest Shopping Centre.

No information regarding the proposed new school – specifically what size and proposed number of students.

Lack of amenities and social infrastructure in the area will result in people using their cars to access most services.

Citywest is already at saturation point for high density development.

The development should not be considered in isolation – lack of amenities in Citywest area.

If approved, development should be phased with specific amenities provided e.g., community centre in the first phase, additional parking for the additional houses.

Lack of expansion of emergency services.

Object due to lack of community facilities such as a community centre, sports facilities and secondary school in an area where substantial development is taking place. Citywest has no civic buildings, youth facilities, community building, Garda Station, library, or secondary school.

Extensive development is under construction and proposed for the area and there has been no commensurate increase in facilities or amenities.

State that amenities in the area, including Saggart Village are at capacity.

The presence of a LUAS is not a sufficient reason for increasing densities in Citywest.

Traffic, Traffic Safety and Infrastructural Constraints

Concern regarding future vehicular access to the development from Carrigmore Green and Corbally Heath, particularly from a safety perspective and traffic congestion.

Traffic in the area is already a major concern.

The increase in traffic levels will hinder the natural flow of residential traffic.

Safety of children and pedestrians on the road.

Note that Carrigmore Green is a narrow cul de sac and unsuitable to become a vehicular thoroughfare.

Emergency vehicle access may be impeded.

The Carrigmore junction will be, by far, the most impacted by the proposed development over the base traffic levels.

The development will result in increased traffic volumes impacting on the Carrigmore Elms exit to Fortunestown Lane.

Consider that access from Boherboy Road is inappropriate and has insufficient capacity to cater for the development.

The contractors are only proposing to fully realign and upgrade the existing Boherboy Road between the site and the junction of the N81 Blessington Road. The remainder of the Boherboy requires upgrading before the any such development is considered.

Consider that public transport links in the area are poor.

Bus service is infrequent.

There is no proposal to increase public transport capacity in line with the additional development.

Biodiversity

Concern regarding loss of green spaces, hedgerows and impacts to biodiversity.

Ensure that local biodiversity is respected and the Corbally Stream.

Hedgerows along park boundary should be retained.

All green spaces for wildlife and play areas will be covered in cement.

Development will result in unacceptable loss of flora and fauna.

The government have declared a climate crisis and we continue to have no regard for nature, the landscape and the ECO system.

The impact on biodiversity and human health arising from the proposed development during both construction and operational phases is inadequate and lacking in terms of detail.

Flood Risk

Flood risk is still an issue for the area - the risk of potential future flooding is great and this may have a negative impact on adjoining residents.

Flood risk and drainage issues on Carrigmore Avenue.

Building homes on marsh land adds to flood risks.

River flows at the bottom of the proposed site, Carrigmore, which has previously flooded.

State that development may exacerbate flooding in the area, particularly to adjoining estates including Carrigmore and Saggart Lakes.

Consider flood risk assessment inaccurate.

Extensive flooding previously occurred in Carrigmore Green due a blocked culvert.

Existing stream does not have capacity to cater for additional run off.

State use of water butts as a mitigation measure is inappropriate.

Residential Amenity

Concern regarding impact of development on existing residential development to the in Corbally.

The proposed access route from the Boherboy development to Fortunestown Lane through Carrigmore will adversely impact on the residential amenity of residents of Carrigmore Crescent vis the increased level of traffic.

Note that adjoining lands are used for sheep farming and in this regard, appropriate boundary treatment is of paramount importance.

Location of sewage pumping station is considered inappropriate and will have a negative impact on the residential amenities of the residents of Carrigmore Green.

The development will have an unacceptable visual impact and negatively impact on the amenities of adjoining dwellings.

EIAR/AA

The EIAR is inadequate and deficient and does not permit an assessment of the potential environmental impacts of the proposed development.

The screening for EIA is inadequate and deficient and does not permit an assessment of the potential environmental impacts of the proposed development.

The applicant and documentation do not comply with the requirements of the Planning and Development Regulations, 2001 in relation to EIA screening.

Having regard to the potential cumulative impacts arising from the proposed development and other similar SHD Developments and noting the size of the proposed development, the EIAR has failed to provide a comprehensive cumulative assessment of the project in the EIAR.

The population and human health chapter is inadequate in that it fails to assess the impact of an increased population in the area on serviced including schools, childcare and medical care.

The EIA screening is deficient and flawed in so far as it is based on an incomplete description of the proposed development – including aspects pertaining to the construction phase.

The Board does not have sufficient and/or adequate information before it to carry out a complete AA Screening in relation to the proposed development.

The AA Screening assessment does not provide sufficient reasons or findings.

The AA Screening is flawed in that it does not consider all aspects of the proposed development including aspects arising during construction phase – such as construction compounds and haul roads, Corbally Stream and adjoining estates.

The AA Screening fails to identify and consider all potential impacts on protected Bird Species.

No regard and/or inadequate regard has been given to the cumulative effects of the proposed development, in combination with other development in the vicinity.

The AA Screening Report impermissibly has regard to 'mitigation measures for the purpose of carrying out an AA Screening.

Insufficient site-specific surveys were out for the purposes of the AA Screening.

Appropriate Assessment is insufficient, contains lacunae and is not based on appropriate scientific expertise and as such cannot comply with the requirements of the Habitats Directive and relevant provisions.

Insufficient information in relation to the impact of the proposed development on the impacts on bird and bat flight lines/collision risks for the purposes of EIA.

It is impermissible for the purposes of EIA Screening for matters relevant to the impact on human health (noise, dust, etc.) to be left to be determined by the contractor, by way of planning conditions, which is contrary to the requirements and the Board would be abdicating its responsibilities under the EIA Directive.

Other Matters

The proposed development is not in compliance with BRE Guidelines.

Impact on health due to additional emissions from increased vehicular traffic.

High density building such as this development have proven to be problematic in respect to crime, etc. There is no Garda station in Citywest, and one is needed as crime rates in the area have increased.

The proposal will affect Carrigmore Park which is a very unfunded and poor laid out park that is insufficient for the community as it currently stands. It has no CCTV, antisocial behaviour at night.

Increased antisocial behaviour as a result of the proposed development.

Carrigmore Park is a popular and safe local amenity, any interference with its boundaries or landscaping would be of enormous detriment to the local community.

Park Infrastructure – the park is not adequately maintained or kept to a standard proportional to large populations around it.

New development should attempt to ‘passive surveillance’ into the park to help address reoccurring issues of anti-social behaviour in that area of the park.

Pest control is an issue.

Rubbish regularly being dumped in Carrigmore.

There are two neolithic stones in the proposed development which are assumed will be destroyed resulting in the destruction of historical items.

9.0 Planning Authority Submission

9.1. Overview

- 9.1.1. The Planning Authority, South Dublin County Council, has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 which was received by the Board on the 27th of May 2022. It summarises the observer comments as per section 8(5)(a)(i) and the views of the Elected Members of the Council as per section 8(5)(a)(iii).
- 9.1.2. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows:

Principle of Development:

- 9.1.3. In terms of zoning the Planning Authority consider that the principle of development at this site is supported by the zoning objective and Local Area Plan land-use designations.
- 9.1.4. Due to the potential integration of efficient land-use and sustainable transport at this site, access to nearby amenities and use of likely desire lines, development should be supported at this site. It is considered that the delivery of the links proposed, both vehicular and cycle/pedestrian, are key issues for the planning application.
- 9.1.5. The proposed development would represent a material contravention of the Local Area Plan in relation to density and variances in height from the LAP. The following material contraventions have been noted by the Planning Authority:
- Average unit size of 101.6 sq. m. is below the average of 110 sought in sections 5.4.6 and 6.4.3 of the Local Area Plan.
 - Sections 5.4.6, objective LUD7 and Objective BN4a seek to restrict apartments/duplexes to particular locations and to ensure that 85% of units are own-door units. 413 (63%) of the proposed units are own-door units (all houses and some
 - apartments and duplexes included).
 - No community centre/buildings are proposed, though LAP seeks a community facility as per the phasing proposal.
 - No. of units granted already exceeds the total capacity of the lands identified in the LAP.
 - Car parking provision for apartments and duplexes is below the maximum standard in the County Development Plan
- 9.1.6. It is the opinion of the Planning Authority that the proposed mix of uses is acceptable and the proposed car parking is acceptable, as the standards in the Plan are maximum standards.
- 9.1.7. The Planning Authority note that the development is lacking in lacking in local shops. A condition is recommended that the ground floor of apartment Block B be designed to allow the future conversion of these units to retail/café in the future.

- 9.1.8. The phasing plan is acceptable, subject to the connection to Corbally Heath being provided in the first phase, which can be a condition of the permission.
- 9.1.9. The Taking in Charge Plan can be agreed by way of condition, subject to the Local Authority also taking in charge the open space to the east of the central boulevard, opposite the school site.

Visual Impact, Design, Character, and Layout:

- 9.1.10. The Planning Authority is broadly acceptable subject to:
- The safe layout of the central spine street,
 - The acceptable provision of the biodiversity strip along the eastern boundary, and,
 - The provision of acceptable proposals for dealing with the topography of the site.
- 9.1.11. The building height is deemed acceptable.
- 9.1.12. The Planning Authority are concerned that the layout of the central spine vehicular route through the site is not safe, and that pedestrians and cyclists are not adequately provided for. Pedestrian and cycle movement through this central vehicular route should be improved by way of condition.
- 9.1.13. The Public Realm Department considers the riparian buffer and riverside park to the east of the development to be acceptable.
- 9.1.14. Views of Dublin Mountains and Church Spire have not been considered as part of the proposed scheme. The Planning Authority note that the exploitation of views of the church and Dublin Mountains is a requirement of section 6.4.4 of the LAP.
- 9.1.15. The Planning Authority note the development utilises cut-and-fill solutions, split-level units, retaining garden walls and in one instance, a stepped street however, in order to cater for mobility impaired users, the final layout and arrangements for the above should be agreed by condition.
- 9.1.16. It is considered that the intrusive solutions proposed in the south-west corner of the site can be included as a reason for refusal due to the contravention of Policy H16 of the County Development Plan, and the impact the development would have on the natural contours and therefore landscape character of the site. However, in the event

of a grant of permission, a condition of permission should seek either (a) omission of the south-west block of the development and its replacement with enhanced landscaping, or (b) agreement with the Planning Authority to a revised layout at this location, with gentler solutions to address the topography of the site (this may necessitate the omission of some units).

9.1.17. The proposed character areas within the scheme are considered acceptable.

Residential Amenity

9.1.18. In respect to internal residential layout, the Planning Authority notes the HQA provided with the application does not give a breakdown with regard to compliance with section 3.8 'Safeguarding Higher Standards' of the 2020 Apartment Guidelines. It appears on inspection that the majority of duplexes/apartments exceed the minimum floor area requirements by 10% and therefore section 3.8 is satisfied.

9.1.19. The Planning Authority note however, that that Blocks A and C, to the north of the site and forming a self-contained character area, do not of themselves meet the requirements of section 3.8 of the guidelines. A condition of permission to improve the overall mix in Blocks A and C could be considered.

9.1.20. In respect to sunlight and daylight, the Planning Authority notes that the communal open space and 2-storey dwellings around Block B would not meet appropriate standards due to the orientation and height of Block B, the applicants' argument in this case is not considered robust. Therefore, it is the opinion of the Planning Authority that the third storey of the eastern wing of Block B should be omitted from the scheme by condition. This would require the reconfiguration of 5 no. units (23, 24, 25, 26 and 28 as per drawing AB-05).

9.1.21. In respect of overlooking and privacy no undue overlooking of private amenity spaces from second floor or perpendicular units occurs. Regarding private amenity space the schedule of accommodation appears to show that all units are provided with adequate private amenity space.

Housing (Part V)

9.1.22. The Housing Department specifies that the Planning Authority would seek to acquire units on site in the event of a grant of permission.

Public Realm, Heritage, and Ecology

9.1.23. The Public Realm Department note the significance of the tree loss on site, the ecological impact of the development on bat foraging routes, the location of attenuation tanks under areas identified as open space, location of below ground foul pumping station with public open space, more detail in respect to play provision, tree pits and SUDS features. There are concerns over some of the open space areas proposed to be taken in charge due to steep gradients, in particular to the south corner of the site. The Public Realm Department recommend conditions relating to the following:

- Agreement of final landscape plan
- Landscape management and maintenance
- Taking in charge
- Play provision
- SUDs
- Environmental Impact Assessment Report
- Tree Protection
- Tree protection and method statement
- Tree bond and arboricultural assessment.

9.1.24. Ecological Impact on Boherboy Road – the Planning Authority welcome the proposed new footpath along the southern edge of the site up to the junction with the N81. The Environmental Impact Assessment Report which includes a chapter on biodiversity. The applicant has also lodged an Arboricultural Impact Assessment. In each case, it is noted that the applicant has provided baseline surveys which do not encompass the lands east and west of the site on Boherboy Road. The Site Layout Plan provided in the EIAR also does not include the Boherboy Road works.

9.1.25. This information is needed to fully assess the impact of the proposed new footpath along this road and should be provided. The Planning Authority considers that the most appropriate solution to this issue is that the works to the Boherboy Road be the

subject of future ecological surveys (aboricultural, biodiversity, bats, etc.), and that the final layout of the Boherboy Road, and decision on whether to carry out such works, should be subject to final agreement with the planning authority, by way of condition.

- 9.1.26. The EIAR provided with the application includes a chapter on Biodiversity. The mitigation and enhancement measures on pages 146 – 151 of Volume II of the Environmental Impact Assessment Report should be implemented during construction and operational stage as appropriate, and this should be a condition of permission.
- 9.1.27. In respect to Nature Conservation, the location of the Corbally Stream is noted, the provision of a riparian buffer is welcomed. Several conditions in respect to land clearance, lighting design to be signed off by a bat specialist and the incorporation of ponds into the landscape scheme are recommended.
- 9.1.28. In respect to archaeology, the Planning Authority note that The Department of Housing has assessed the archaeological aspect of the development and has no objection.

Access, Transport and Parking

- 9.1.29. In respect to access and movement within the site, the Roads Department recommend the following to be agreed by way of condition:
- Provision of dedicated cycle infrastructure along the central roadway north-south and to provide connections east to west through the central green space.
 - Details showing continuous footpath links along the Boherboy road to link with the existing footpaths on the N81. The proposed footpath ends at chainage 1120m this must be extended to meet the existing footpath.
 - SDCC traffic section recommends that the access to Carrigmore Estate will be both vehicular/cycle and pedestrian.
 - SDCC traffic section recommends that the access to Corbally Estate will be both vehicular/cycle and pedestrian.

- Prior to commencement SDCC recommend that the details of the dimensions/widths/cycle lanes/reversing spaces of all road types (Homezones/side streets etc.) be submitted to ensure adequate space for vehicles/cyclists and pedestrians.

9.1.30. The Planning Authority note that the majority of third-party objections relate to the proposed connections through adjoining residential estates. It is a long standing policy to provide for permeability for pedestrians and cyclists and, where appropriate, vehicular traffic.

9.1.31. In respect to DMURS, The Roads Department is not satisfied that the development complies with DMURS as cross sections and carriageway dimensions have not been adequately provided, and cycling infrastructure in particular is lacking in the development. This is a potential reason for refusal, or in the event of a grant of permission, a condition should be included for the final site layout to be agreed.

9.1.32. In respect to parking, it is noted that car parking is as per the maximum of the Development Plan (2016-2022), however bicycle parking is at a lower rate than the apartment guidelines, though higher than the Development Plan. The ratio of car parking spaces to different unit types has not been clear and some surface car parking appears to be superfluous when basement car parking is also proposed.

The Planning Authority express issues in respect to the provision of surface car parking, namely:

- Pedestrian comfort and safety in particular along the central boulevard;
- Cycling provision along the central boulevard;
- Provision of an east-west cycling route.

9.1.33. Transport Infrastructure Ireland (TII) recommended that the development be carried out in accordance with the recommendations of the Traffic Impact Assessment.

Water

9.1.34. The Environmental Services Department in their report indicate no objection in respect of surface water and flood risk, subject to conditions.

In respect to SuDs, it is noted that both Water Services report and the Public Realm report have raised the issues in this regard. A revised SUDs Management Scheme is required and should be the subject of a condition of permission.

The report further notes that the Department of Housing has sought the provision of ponds to continue to provide for biodiversity / pond life on the site. Such features could serve a SUDs and a public amenity purpose and should be considered in improving the SUDs scheme for the development.

Screening for Appropriate Assessment

9.1.35. The Planning Authority note that the Board is the competent authority for screening the AA.

Screening for Environmental Impact Assessment

9.1.36. The Planning Authority note that the Board is the competent authority for screening the EIA. However, the Planning Authority has some concerns regarding the scope of some ecological surveys in relation to the Boherboy Road.

9.2. Views of Elected Members

9.2.1. The views of the elected members presented at the Tallaght Area Committee meeting, on 25th April 2022, and the Clondalkin Area Committee Meeting, on 18th May 2022, are summarised as follows:

- Traffic management study required in relation to impact on N81 and Saggart.
- Traffic concerns - new vehicular access points to adjoining estates a concern
- Contravention of LAP.
- No reference or inclusion of community centre or wider amenities.
- SLO in New Development Plan.
- Car parking levels.
- Community infrastructure deficit.
- Luas at capacity.
- School and creche: Not always delivered. No details in respect to school site.
- Design and height of scheme not appropriate, in particular the apartments.
- Distance to public transport.
- Permeability.

- Welcome some aspects of development i.e., solar panels, green roofs, to south of estate.
- Vehicular access should be only from N81 and pedestrian access from other neighbouring areas.
- Works outside the owned lands: Is on land zoned open space. Will this be replaced on the site over and above the open space requirements.
- Loss of green space not justified.
- Plot ratio.
- Is it a flood plain?
- How much is going to be social?
- Density is a concern - Exceeds density of Fortunestown LAP.
- Infrastructure and community amenities in the area.

9.3. Recommendation and Conditions

9.3.1. Recommends that permission be **Refused** for the development.

9.3.2. The principal concerns relate to:

The proposed development would materially contravene objectives of the Fortunestown Local Area Plan 2012 (extended to 2022) and the South Dublin County Development Plan 2016 - 2022, relating to the following matters:

- Residential Density.
- Building Height.
- Average unit size.
- Siting of apartments and duplexes.
- Under-provision of own-door units.
- Use of intrusive engineering solutions on a site of steep and varying topography.

9.3.3. Insufficient information has been provided at this stage within the submitted EIAR and AIA to allow a full assessment of the proposed new footpath on Boherboy Road up to the junction of the N81.

9.3.4. The cut and fill design solutions proposed in the south-west corner are intrusive and an enhanced design solution that accords with the natural topography of the site would better achieve policies and objectives in the County Development Plan. The plots in this area should be omitted or a conditioned seeking design changes.

9.3.5. The proposed development does not provide adequately designed cycle routes through the site in particular along the central spine and this should be amended.

9.3.6. The Planning Authority recommend that if the Board should be minded to grant permission this should be subject to 34 no. conditions. Of note are the following conditions:

- Condition 2: Detailed phasing condition regarding works to Boherboy Road, delivery of cycling and pedestrian links to the park to the northeast, connection to the Carrigmore Green and Corbally estates, footpath to Saggart Village, delivery of crèche, biodiversity strip along the Corbally Stream etc.
- Condition 2: Detailed condition regarding revisions to the design including:
 - increase floor to ceiling height and layout of the ground floor units, in Block B to allow for future conversion to retail/café.
 - The omission of the third story of Block B and the associated units reconfigured.
 - Amendments to the north-south pedestrian route.
 - Amendments to the pedestrian footpath to the central boulevard.
 - Amendments to the north-south and east-west cycle infrastructure.
 - Details of the unnumbered stepped streets 11 and 12.
 - Revised layout for Housing Cell 01, in respect to cut-and-fill works.
 - Alter the mix and design of units in Blocks A and B to ensure that this portion of the site meets the requirements of section 3.8 of the Apartment Guidelines 2020.
 - General arrangements and layout for street 04, duplex blocks B, C, X1 and X2, and house unit nos. 31, 32, 33, 34, 52, 53, 54, 55, 66, 67, 68 and 69, shall be altered in order to provide for a better enclosed communal amenity space to serve Duplex Blocks B and C.

- Condition 3: Works to Boherboy Road including a revised arboricultural and ecological surveys and impact assessments showing the impact of the proposed works on Boherboy Road and works to the road to be carried out in agreement of the planning authority.
- Condition 4: Detailed phasing condition with the connection to Corbally Heath provided in Phase 1.
- Condition 5: Removal of exempted development rights.
- Condition 6: Landscape design proposals and rationale including revised street tree proposals, retention of hedgerows, details of stream, level details of open space, lighting, planting, details of green roofs, boundary treatment etc.
- Condition 9: Aviation safety.
- Condition 13: Ecology.
- Condition 14: Childrens Play.
- Condition 17: Tree Bond.
- Condition 19: Facilities for charging electric vehicles.
- Condition 24: SuDS.
- Condition 33: First Occupancy of units.
- Condition 34: Financial Contributions.

10.0 Prescribed Bodies

10.1. Submissions were received from the following prescribed bodies with a summary of the response outlined under each:

10.1.1. **Uisce Eireann** – Reflects submission received with application and includes:

- In relation to water supply applicant has engaged with Irish Waters Diversion Section (DIV21103) where it has been determined that no diversion will be required and based on the information provided which included the documents outlined in Appendix A of the Statement of Design Acceptance, Irish Water has no objection to the applicants' proposals.

- In relation to wastewater drainage this is feasible subject to the following: In order to facilitate this connection, the network must be extended for approx.130m via private land/s. Any required consents will be agreed by the applicant. Also, approximately 510m of the 225 mm receiving sewer must be upsized/twinning to accommodate the additional load as the sewer has no sufficient capacity to cater for the Development. Irish Water currently does not have any plans to commence extension or upgrade works to its network in this area, should the applicant wish to progress they will be required to fund these works. A wayleave in favour of Irish Water will be required over the infrastructure that is not located within the Public Domain.
- In relation to design the applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of the Development to Irish Water's network(s) (the "Self-Lay Works"), as reflected in the applicants Design Submission. A Statement of Design Acceptance was issued by Irish Water on 17th November 2021.

Conditions are recommended for inclusion as follows:

1. The applicant shall sign a connection agreement with Irish Water prior to any works commencing and connecting to the Irish Water network.
2. Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices shall be achieved. (a) Any proposals by the applicant to build over/near or divert existing water or wastewater services subsequently occurs, the applicant shall submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement.
3. All development shall be carried out in compliance with Irish Water Standards codes and practices.

10.1.2. **Transport Infrastructure Ireland** – The authority will rely on your planning authority to abide by official policy in relation to develop on/ affecting national roads as

outlined in DOE CLG special planning and national vote guidance for planning authorities (2012), subject to the following;

- The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audits submitted. Any recommendations arising should be incorporated as conditions into permission, if granted. The developer should be advised that any additional works required as a result of the transport assessment and road safety audits should be funded by the developer.
- The proposed development is located in a study area for a future national road scheme. The authority recommends that the planning authority consult with the local road design office in considering this application.
- The authority will entertain no future claims in respect of impacts for example noise and visual on the proposed development, if approved, due to the presence of the existing road or on a new road scheme which is currently in planning.

10.1.3. Inland Fisheries Ireland— report makes several observations as follows:

- The development is adjacent to the Corbally Stream which merges into the Camac River. This is a recognised salmonid system, under significant ecological pressure as a result of its largely urban situation. Although considerable sections of main channel are culverted, lengths of this river that remain on the surface invariably support self-sustaining populations of brown trout (*Salmo trutta*). The river also supports populations of the Freshwater Crayfish (*Austropotamobius pallipes*) and Lamprey (*Lampetra* sp.) species, listed under Annex II of the EU Habitats Directive.
- Various reports supporting this application describe onsite streams as semi-dry ditches. One example describes the Cooldown Stream as: “The Cooldown Stream is usually a dry ditch which divides the site and it is believed that is a man-made stream. It is an inactive stream which activates only when a heavy rainfall occurs.” IFI carried out a site inspection of the Cooldown stream which flows through the middle of the site and two species of fish were noted; Three spined stickleback and Minnow. Thus, it is vital to protect all these onsite streams during construction and operational phase.

- If permission is granted, all works will be completed in line with the Construction Management Plan (CMP) which ensures that good construction practices are adopted throughout the works period and contains mitigation measures to deal with potential adverse impacts identified in advance of the scheme.
- Before works commence, it is advised to ensure that all construction personnel and contractors are made familiar with and adhere to the mitigation measures in any construction phase surface water management plan, construction management and environmental plans.
- Surface water management (SUDS approach) should not in any way result in a deterioration of water quality or habitat in natural river / stream channels or any receiving waterbody.
- There can be no direct pumping of contaminated water from the works to a watercourse at any time; any dewatering must be treated by either infiltration over land or to a suitably sized and sited settlement pond. A discharge licence may be required from South Dublin County Council.
- Any top soil or demolition material which is to be stored on site must have mitigations in place to prevent any deleterious material entering the river. Drainage from the topsoil storage area may need to be directed to a settlement area for treatment.
- Concrete / cement and other construction materials are highly toxic to aquatic life. Use of these elements should be strictly controlled and monitored. Implementation of comprehensive and strict site housekeeping measures to isolate concrete from local surface waters is essential.
- Precautions must be taken to ensure there is no entry of solids, during the connection or stripping of old pipework to the surface water system.
- Mitigation measures such as silt traps, silt fences and oil interceptors should be regularly maintained during the construction and operational phase. If permission is granted, we suggest a condition to require the owner to enter into an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor.

- It's IFI policy is to maintain watercourses in their open natural state in order to prevent habitat loss, preserve biological diversity and aid in pollution detection. The planned stream crossings and surface water outfalls onsite should be subject to an agreed method statement with IFI.
- Online monitoring and telemetry must provide failsafe and alarm-enabled mechanisms on the new planned foul pumping station discharges in order to protect receiving waters with regular inspection and maintenance schedules.
- It is noted that Ringsend WWTP is currently working at or beyond its design capacity and won't be fully upgraded until 2023. It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.
- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

10.1.4. **Irish Aviation Authority (IAA)** – Report stated that the applicant should be required to engage with the property management branch of the Department of Defense to undertake a preliminary screening assessment to confirm that the proposed development and unassociated cranes that would be utilised during its construction would have no impact on the safety of flight operations at casement aerodrome.

10.1.5. **Development Applications Unit – Department of Housing, Local Government and Heritage** – A detailed report has been provided which notes in respect to both Nature Conservation and Archaeology.

In respect of Nature Conservation it is recommended that “the Board should consider, in order to preserve biodiversity as far as possible making it a condition of any planning permission granted in response to the present SHD application that the proposed landscaping of the Saggart Road boundary of the development site is modified to retain the hedgerow currently existing on this boundary of the site by constructing the footpath proposed to be built along the road to the rear of the hedgerow”.

The following conditions are recommended for inclusion:

1. That clearance of vegetation from the development site shall only be carried out between September and February i.e., outside the main bird breeding season

Reason: to avoid the destruction of bird nests, eggs and nestlings.

2. That a finalised external and internal lighting design scheme for the proposed development signed off on by a bat specialist shall be submitted to the planning authority for their written agreement before the commencement of development on site and shall be implemented in full. Reason: To conserve bat species which are afforded a regime of strict protection under the Habitats Directive (92/43/EEC).

3. That pond or ponds shall be incorporated into the landscaping of the proposed development and constructed before the commencement of the main development works, to which any frogs, smooth newts, their spawn or tadpoles located on the development site shall be transferred to under licence from the National Parks and Wildlife Service, these water features to maintained indefinitely.

In respect of Archaeology, the report states that “The archaeological assessment was carried out by John Purcell, dated March 2018, and included the result of a desk-based assessment and the results of archaeological test excavations carried out under licence 18E0246. Nothing of archaeological significance was found on the site of the proposed development. The assessment recommends that no further archaeological investigation is warranted. The Department concurs with the recommendations in the report and does not have any further archaeological requirements in respect of the proposed development”.

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. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and has full regard to the chief executive’s report, third party observations and submission by prescribed bodies.

The following are the principal issues to be considered in this case:

- Planning History

- Principle of Development
- Density and Unit Mix
- Building Height
- Design Strategy
- Residential Standards
- Traffic, Access, and Parking
- Drainage
- Flood Risk
- Social Infrastructure
- Other Matters
- Material Contravention

11.2. Planning History

- 11.2.1. At the outset I draw the Boards attention to the planning history on this site, in particular ABP-304828-19, under which permission was refused for an SHD housing scheme for three reasons including density, layout and insufficient information in respect to the EIAR. A number of third-party observations also consider that the current application has not adequately addressed the previous concerns raised in the planning history.
- 11.2.2. Whilst this report represents my de novo assessment of the current application, I will reference the previous applications on site throughout my assessment in respect to specifically how to the current application has addressed the concerns previously raised under ABP-304828-19, in particular.

11.3. Principle of Development

11.3.1. Zoning and Development Plan Policies

The subject site is zoned in the South Dublin County Development Plan 2022 – 2028 for “new residential communities in accordance with approved action plans”. The subject site is well located within walking distance of the Luas red line located to the

north of the site. The nearest stop is Fortunestown which is located c.500 metres to the north as the crow flies. The site is also located in close proximity to Citywest Shopping Centre which accommodates a range of retail and service facilities. To the northwest of the site, is a large District Park which accommodates play facilities. Saggart Village is located c.1.3km to the east, accessible from the Boherboy Road.

In respect to compact growth, the Development Plan highlights that consideration must be given to the delivery of housing to meet the needs of current and future population in line with national trends during the course of the 2022-2028 Plan period. To this end, the Plan notes *a prioritised level of growth of undeveloped land (excluding units / land under construction) for each Neighbourhood Area based on past construction and deliverability was applied with a focus on the SDAs identified under the MASP; amounting to 9,613 units including land within Fortunestown (14% at 2,113). This facilitates the delivery of a total of 14,527 units, or 93% of the County's growth which exceeds the requirements of NPO 3b and RPO 3.2 (since updated and referenced below). The remaining balance has been allocated to the three settlements: Saggart, Newcastle and Rathcoole totalling 1,050 units (7%), providing for an overall total allocation of 15,576 units.*

Section 6.2 of the Plan states that *"Planned growth for the Development Plan period comprises 93% of new homes within the Dublin City and Suburbs settlement through the re-use, infill and consolidation of existing urban areas with sustainable intensification along public transport networks at the 'REGEN' zoned lands, Adamstown and Clonburris SDZs and the new district at Fortunestown".*

Therefore, having regard to the zoning objective pertaining to the lands and the guidance referenced in the South Dublin County Development Plan 2022 – 2028 in respect to the development of residential growth with particular reference to the Fortunestown area, the principle of residential development on the subject lands is acceptable.

11.3.2. Fortunestown Local Area Plan (LAP)

The application site is within the functional area of the Fortunestown Local Area Plan, which is dated from 2012. This plan was extended for a period of 5 years to 2017 and further extended to 2022 and has now expired. Notwithstanding the status of the Local Area Plan, the current County Development Plan 2022 – 2028 contains

Policy QDP14: Local Area Plans (LAP), specifically QDP14 SLO 1: *“To ensure the sustainable long-term growth of Citywest that continues to promote and facilitate the development of the Citywest / Fortunestown area in accordance with the phasing set out in the Fortunestown Local Area Plan 2012-2022 (as extended) or any superseding LAP, and that appropriate levels of services, social and sports infrastructure, facilities and economic activity is met to meet the needs of the current and future population growth”*.

The third-party observations raise concerns regarding compliance with the objectives of the Local Area Plan in particular those relating to Density, Building Height, etc. and that the proposed development materially contravenes the LAP.

As detailed above in section 6, there are a wide range of objectives under the Fortunestown LAP. The LAP also sets out specific guidance regarding the future development of the Boherboy Neighbourhood. However, as noted in the forgoing, the LAP has expired, and is no longer the functional plan for the area. I consider it pertinent, therefore, to assess the proposed development in line with the County Development Plan policy and National and Regional Guidance. The issue of material contravention is discussed in Section 11.4 below.

11.3.3. National Policy and Regional Guidelines

I reference the NPF (First Revision), within which compact growth is identified as a National Strategic Outcome of the NPF.

The Regional Spatial and Economic Strategy - Dublin Metropolitan Area Strategic Plan (MASP), references the NPF in respect to the targets to achieve compact growth, and identifies strategic residential and employment corridors along key public transport corridors existing and planned, that contain development opportunities, including Fortunestown near the emerging town of Saggart/Citywest, which is supported by the LUAS line, some 500m to the north of the application site.

I reference Policy CS1: Strategic Development Areas of the Plan to *“Prioritise housing and employment growth within the identified residential and employment growth areas set out under the Metropolitan Area Strategic Plan”*, and CS1 Objective 1, *“To ensure a sustainable and plan led allocation of housing and employment growth within the strategic development areas of South Dublin County in line with the provisions of the MASP”*.

In terms of regional guidance, I reference the Compact Settlement Guidelines (2024), which have a specific focus on the renewal of existing settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements. The Guidelines notes to achieve compact growth it will be necessary to increase the scale and density of development of sites, particularly in locations served by existing facilities and public transport.

I also reference the Apartment Guidelines (2023), which states that *“The National Planning Framework (NPF) signals a shift in Government policy towards securing more compact and sustainable urban development, to enable people to live closer to where jobs and services are located, and also requires at least half of new homes within Ireland’s cities to be provided within the current built-up area of each, i.e. on sites within the existing urban ‘envelope’”*.

The relevant guidance noted above, and other relevant Section 28 Guidance will be referred to in the following assessment.

11.3.4. School Site:

The application site includes an area of 1.42Ha reserved for a school site, and the applicant notes that this in accordance with the requirements of the Fortunestown LAP. I note that the area of the school site has been increased from that proposed under the previous application on site (ABP-304828-19).

Concerns are raised in the observations in relation to the lack of information/details in respect of the school site.

I reference Objective COS2 SLO 1, of the Development Plan, which states that Citywest / Fortunestown areas are provided (from within their own community) public, purpose built and suitable amenities including: school sites.

A number of significant service wayleaves traverse the site, one being located to the southern portion of the school site. I also note the steeply sloping topography of the site at this location, i.e., some 5 metres fall across the site. The submitted plans indicate an indicative layout of a proposed school, and the applicant has confirmed that the reserved site can accommodate a standard 16 classroom primary school and an initial feasibility on same has been carried out. The applicant also intends to

seed and grass the reserved school site upon completion of the proposed development, and the school site will remain reserved for use by the department of Education and Skills upon their confirmation of need for same. I would recommend the inclusion of a condition to any grant of permission in this regard.

11.3.5. Considerations from Chief Executive (CE) Report:

The CE report considered that that the principle of development at this site is supported by the zoning objective and Local Area Plan land-use designations. It is noted that there is a problem with regard to community facilities and amenities in Fortunestown, which are not provided at an adequate level to cope with the number of residential units proposed. South Dublin County Council does not intend to recommend refusal on this basis on zoned lands and is actively pursuing options to provide community infrastructure.

11.3.6. Overall Conclusion:

I am satisfied that the proposal would be acceptable in the context of current Development Plan 2022-2028 policy and objectives, and National and Regional Planning Guidance, with specific reference to residential development in Fortunestown.

11.4. **Density and Unit Mix**

Density:

- 11.4.1. The issue of density formed part of the reason for refusal under ABP-304828-19, where the Board considered that the net density as proposed of 30 dwelling units per hectare in particular to the south of the site would not be developed at a high enough density to provide for an acceptable efficiency in serviceable land use, in particular sites serviced by existing and planned public transport.
- 11.4.2. Several third-party observations expressed concerns in respect to the proposed density at the site and that the density as proposed contravenes the Fortunestown LAP. Concerns are also expressed in respect to the proposed apartments.
- 11.4.3. I also note that the planning authorities concerns in respect to the proposed density at this site, were also expressed as part of their previous opinion on the history case ABP-304828-19. It is the opinion of the Planning Authority that *“if any increase in density above the LAP is to be approved, full provision of the integration and links in*

the LAP are required to achieve a sustainable travel pattern. It is the opinion of the Planning Authority that the proposed density exceeds Local Area Plan which is a material contravention to the adopted Local Area Plan. As this represents a materially contravention of the adopted Local Area Plan the Planning Authority must recommend refusal on this basis”.

- 11.4.4. However, the planning inspector expressed concerns under ABP-304828-19 regarding the low density of development proposed on the large southern section of the site at just 30 units per ha. The net density proposed on the site was 37.3 units per hectare, with the lands to the northern section at a density of 52.4 units.
- 11.4.5. In relation to the southern portion of the site, it was considered that “this part of the site represents almost half of the development area (c. 7.3ha) and its development for such low density suburban housing, does not represent a sustainable or efficient use of this zoned land”, and would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and this subsequently formed part of the reason for refusal under ABP-304828-19. However, I note that the previous development was assessed under a previous County Development Plan (i.e., South Dublin County Development Plan 2016-2022), and a different policy context.
- 11.4.6. As accepted in the previous application, the overall site area was measured to exclude the portion of land reserved for the school (equating to 1.42ha), the applicant has also excluded and the green corridor / significant landscape buffer along the eastern boundary of the site equating to 1Ha. The aforementioned areas, i.e.: (i) school site, and (ii) green corridor / significant landscape buffer, as well as (iii) the upgrade works outside of the site to the Boherboy Road (0.6Ha) are being discounted from the overall area within the red line of application which in total equates to 3.02Ha. Thus, leaving a net developable site area of 15.28Ha, of the overall 18.3 ha site, which I consider acceptable. This provides a net density of 43 units per hectare.
- 11.4.7. It is further detailed that the site was measured in terms of the walking distance to the Luas and that it is proposed to develop the lands north of the site (which represents a 1km radius walking distance) at a density of 51 units on a 7.4 ha developable site area. The southern part of the site outside the 1km walking distance

radius of the Luas, is to be developed at a density of 35.5 units per hectare on a site of 7.9 ha.

- 11.4.8. I acknowledge that the planning authority and An Bord Pleanála are at odds in respect to the proposed density at this site. Having regard to the location of the site, and its zoning objective, I consider that the site should be developed to a sufficiently high density in order to provide for an acceptable efficiency in serviceable land usage. I note the references to the density and policy objectives of the Fortunestown LAP, and the Sustainable Residential Development in Urban Areas Guidelines (2009), and the alleged material contravention of same, however, this LAP has expired, and the 2009 Guidelines have been replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- 11.4.9. Notwithstanding, Section 6.4.3 of the LAP states that the lands shall be developed at densities between 30 dph and 50 dph. It is detailed that densities at the upper end of the scale shall only be located in the northern areas of the neighbourhood, subject to the achievement of vehicular access through the Carrigmore Estate and pedestrian access through the District Park and District Centre. Lower densities will be implemented in the southern parts of the neighbourhood. I note that the current proposal includes for pedestrian and cyclist connectivity to the adjoining Carrigmore Park to the north-east, and vehicular, pedestrian and cyclist connections to adjoining developments at Corbally Heath to the east and Carrigmore Green to the north.
- 11.4.10. Appendix 10 of the County Development Plan, 2022-2028, Building Height and Density guide, provides a toolkit for assessing the suitability of density levels throughout the County, and notes that Fortunestown, given the LUAS, its main transport service, that the predominant forms of development expected in these locations, the Guide is focused on mid to higher density developments.
- 11.4.11. QDP8 Objective 2 of the Plan states “In accordance with NPO35, SPPR1 and SPPR3, to proactively consider increased building heights on lands zoned Regeneration (Regen), Major Retail Centre (MRC), District Centre (DC), Local Centre (LC), Town Centre (TC) and New Residential (Res-N) and on sites demonstrated as having the capacity to accommodate increased densities in line with the locational criteria of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and the Urban Design

Manual – Best Practice Guidelines (2009), where it is clearly demonstrated by means of an urban design analysis carried out in accordance with the provisions of South Dublin County’s Building Height and Density Guide that it is contextually appropriate to do so”.

11.4.12. I reference the Compact Settlement Guidelines, which replaced the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009. There are a number of references in the current South Dublin County Development Plan 2022-2028 to the 2009 Guidelines, however these references generally add ‘or any superseding document’, ‘or any superseding guidelines’, or ‘as may be updated’ e.g., Policy QDP1 Objective 1, Policy QDP 7 Objective 5, and Policy H7 Objective 1, as such the Compact Settlement Guidelines are the superseding document in this regard.

11.4.13. The site is located between Citywest and Saggart and as such I consider Table 3.3 - Areas and Density Ranges – Metropolitan Towns and Villages to be of relevance, which states that in metropolitan towns (>1,500 population) – suburban/urban extension areas that “Suburban areas are the low density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations of Metropolitan Towns, and that densities of up to 100 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations”.

11.4.14. I note that the density figures set out in Table 11 (Core Strategy Table 2022-2028) of the South Dublin County Development Plan 2022-2028 provides for a density of 30-35uph in Saggart. In this regard, the proposed development provides for an overall net density of 43 units per hectare, with the northern part of the site delivering a density of 51 units and the southern part of the site delivering a density of 35.5 units per hectare. In my view, the density as currently proposed on this site addresses the previous reason for refusal in respect to density, accords with the Compact Settlement Guidelines which require a range of 35 – 50 (net), is consistent with the density upon which the core strategy of the Development Plan is based, and provides for an efficient use of this residential zoned land.

11.4.15. In respect to higher densities for consideration in 'accessible' locations, while the site is served by the LUAS, the majority of the site is outside 500m of existing high frequency public transport, and therefore would in my opinion not be considered an accessible location for the purposes of density.

11.4.16. I also reference SPPR 1 of the Guidelines for Planning Authorities on Building Heights and Urban Development 2018 sets out that it is a specific planning policy requirement that, "In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height".

11.4.17. A key objective of the NPF is to increased levels of residential development in our compact cities, towns and villages, and activating strategic areas and achieving effective densities and consolidation is a top priority.

National Policy Objective 45 states *"Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development"*.

Conclusion:

Accordingly, I am satisfied that the current proposal provides for an acceptable density of the overall site, in particular to the southern portion of the site, and provides an appropriate density of residential development at this site and accords with the Development Plan, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, and National Policy in this regard.

Unit Mix and Tenure:

With regard to housing mix, under the previous planning application ABP-304828-19, the planning inspector expressed concerns in respect to the over concentration of suburban 3 and 4 bedroom houses located to the south of the site, which would result in a substandard layout in terms of appropriate density and an inefficient use of the

lands and provides for an unsustainable and generic suburban layout lacking in variety and distinctiveness.

11.4.18. The current proposal provides for a variation in house types and character areas, to the northern portion of the site sits the proposed apartment Blocks A & C. To the south of the school site, there is a mix of housing and own door duplex and smaller apartment typologies in an overall mix of 39% houses, 23% duplex units and 38% apartments within the overall scheme.

11.4.19. The applicant highlights the following across the scheme:

- 10 no. main house types, 9 different 3 and 4 bed house types and 1 no. 2 bed house type.
- The houses vary in form and are detached, terraced and semi-detached.
- 246 no. apartments are proposed in a number of different locations in blocks containing a mix of 1, 2 and 3 bed units.
- 152 no. own door duplex units, and there are over 20 different 1, 2 and 3 bed unit types.

The unit typology is identified below:

Dwelling Type	1 bed	2 bed	3 bed	4 bed	Total	Percentage %
House	0	8	168	81	257	39
Duplex	4	72	76	0	152	23
Apartment	62	177	7	0	246	38
Total	66	257	251	81	655	-
Percentage %	10%	39%	39%	12%	100%	100%

11.4.20. I consider that the overall housing mix within the development has been improved from the previous application on site, in that there has been a reduction in the number of houses and duplex units, with the apartments increased by 8% from that previously proposed. I also highlight the total of 1 and 2 bed units across the scheme. In addition, within each housing cell smaller apartment blocks and duplex units are proposed to the southern portion of the site, which in my view breaks up the

generic hosing layout as previously presented (under ABP-304828-19) and removes the dominance of three and four bedroom semi-detached dwellings previously proposed to the southern portion of the site.

11.4.21. The County Development Plan, 2022 – 2028 states that the approach to addressing the changing demographic is to include a mix of house types and tenures; adaptable, universal designed homes; and delivery of projects that are required to serve the needs of the County's current and projected population and age profile. QDP7 Objective 11 is of relevance *"To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive county"*, and QDP10 Objective 1: *"To ensure that all new residential developments provide for a wide variety of housing types, sizes and tenures in line with the South Dublin County Housing Strategy 2022-2028"*.

H1 Objective 13 further states "To support the provision of a mix of tenure types across the County in creating suitable accommodation for all in promoting sustainable and mixed income communities and discourage an over proliferation of a single tenure (whether private owner occupier, private rental, social rental or affordable purchase and rental) within any local area (within a 10-minute walking distance) or Local Electoral Area, in line with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December 2020) and the provisions of the Housing Strategy and Interim HNDAs or any subsequent future Regional based HNDAs"

The SDCC Housing Strategy and Interim HNDAs (Appendix 11), states that residential use will be required to provide a minimum of 30% 3-bedroom units as part of the proposed scheme, there is 39% provided in the current proposal. The Strategy acknowledged that smaller housing units are increasingly important to meet housing needs, however an appropriate level of family type units must be achieved to deliver sustainable communities with a diverse, multi-generational mix.

The Compact Settlement Guidelines, also acknowledge to create sustainable communities a diverse mix of housing and variety in residential densities across the

scheme is required. I consider that an appropriate variety in mix and density to be presented as part of the current scheme.

Considerations from CE Report:

- 11.4.22. The proposed unit mix is considered acceptable having regard to the provisions of the South Dublin County Development Plan 2016-2022.

Conclusion:

- 11.4.23. I am satisfied that the unit mix and tenure proposed is acceptable at this site in accordance with the current South Dublin County Development Plan 2022-2028, and that the previous concerns raised in respect to variety of housing units has been addressed. I also consider that the proposal provides for a holistic approach towards sustainable neighbourhoods containing a variety of housing types and tenure as outlined in the Development Plan and Housing Strategy, and Section 28 Guidelines noted above. Issues in relation to the overall design strategy proposed from the houses, duplex and apartment units, and residential amenity of the scheme for future occupants will be addressed in Section 11.7 below.

11.5. Building Height

- 11.5.1. Issues were raised in the third-party observations in respect to the height of the proposed development and that the proposal does not comply with Building Height Guidelines.
- 11.5.2. The proposed development is predominantly two and three storeys in height, with the duplex units and apartment blocks extending to 4 and 5 storeys in height, which allows the site to achieve an acceptable overall density. I also note that permission was not previously refused in respect of the proposed height.
- 11.5.3. The planning authority references Section 5.5.4 of the Fortunestown LAP whereby there is a maximum height limit of 3 storeys, with exceptions granted only in limited exceptional circumstances. Therefore, the planning authority considers that the proposed development would materially contravene objectives of the Fortunestown Local Area Plan 2012 (extended to 2022) and the South Dublin County Development Plan 2016 – 2022 in respect to building height.
- 11.5.4. However, as the LAP has expired the provisions of same are no longer applicable. I reference the Development Plan 2022 - 2028 in particular Policy QDP8: High Quality

Design – Building Height and Density Guide (BHDG), which forms part of Appendix 10 of the Plan and the requirements to adhere to the Urban Development and Building Height Guidelines (2018), QDP8 Objective 2 relates.

- 11.5.5. The Building Height Guidelines (2018) state ‘the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as ... town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels’ (paragraph 1.9) and ‘consideration of development proposals must move away from a 2-storey, cul-de-sac dominated approach’ in suburban, greenfield developments (paragraph 3.7). Specific Planning Policy Requirement (SPPR) 4 states ‘It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure’, inter alia, ‘a greater mix of building heights and typologies in planning for the future development of suburban locations’ and ‘avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more’. These Guidelines reinforce the national policy objectives of the NPF relating to compact growth in particular and set a framework for a performance-based approach to the consideration of building height appropriate to general location, e.g., city/ town/ village centre, urban neighbourhood, public transport interchange, suburban or edge location etc.
- 11.5.6. Section 5.2.7 of the Development Plan references the National Planning Framework in respect to compact growth, with specific reference to supporting increased building height to achieve greater densities in various but principally urban city-centre locations and suburban and wider town locations. I reference National Policy Objective 22 *“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth”*, and National Policy Objective 45 *“Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development”*, in this regard.

11.5.7. The South Dublin BHDG assists in the assessment of building height and recognises that there should not be a blanket numerical limitation on building height and that height is considered in relation to context, with a context driven approach to height. Policy QDP9: High Quality Design - Building Height and Density requires the Council to *“Apply a context driven approach to building heights in South Dublin, as supported by South Dublin’s Building Heights and Density Guide”*.

11.5.8. In respect to the receiving environment, the proposed apartments are located to the north of the site, where the topography is lower, and the separation distances from the adjoining residential dwellings are in excess of 60 metres of the proposed apartments. The Development Plan also notes that *“Securing compact and sustainable urban growth in South Dublin County will mean focusing on reusing previously developed ‘brownfield’ land in the County as well as undeveloped infill sites, particularly those served by good public transport. The BHDG sets out the key considerations in scenarios such as this and other relevant varying site contexts across the County”*, I note that the proposed apartment blocks at 5 storeys in height are in closest proximity to the existing public transport connections to the north of the site, and in this context, I consider that a higher density and thus greater height is appropriate at this location.

Considerations from CE Report:

11.5.9. It is the also opinion of the Planning Authority that the applicant should liaise directly with the Department of Defence prior to any works taking place on the site. This can be a requirement of a condition of permission in the event of a grant.

Conclusions:

11.5.10. Having regard to the foregoing, the proposed development would provide two-storey houses, three-storey duplex apartment blocks, and four to five-storey apartment buildings with an acceptable density, in the context of the Compact Settlement Guidelines (2024) and the Core Strategy as noted above. I have no objection in principle to the heights proposed having regard to the site’s location and context relative to its surroundings and I consider that the proposed development does not contravene the Development Plan in respect of building height, in particular the BHDG and the specific provisions of the Building Height Guidelines and the NPF in respect to compact growth.

11.6. Development Strategy

- 11.6.1. The submissions from third parties raise concerns regarding the design of the scheme, the proposed apartments, impact on Carrigmore Park, and amenities.
- 11.6.2. Concerns were raised in the previous application (ABP-304828-19) in respect to the architectural design of the scheme, in particular the dominance of three and four bed suburban housing, and the generic house designs and typologies, particularly to the south, it was considered therefore that the development lacked clear, identifiable and distinguishable character areas and had a monotonous and repetitious appearance compounded by a lack of an appropriate street hierarchy and an absence of pocket parks or open space that was usable or functional.

Architectural and Urban Design:

- 11.6.3. The proposed development comprises 655 no residential units, comprising 257 no. houses, 152 no. duplex units and 246 no. apartments. The Architectural Design Statement outlines the main design characteristics stating that the impact of the site constraints on the actual developable site area is significant, including difficult topography, hedgerow retention, maintaining open watercourses, road/footpath improvements and wayleave provision. The proposed development is bisected by the proposed north-south link avenue that separates the site into two distinct Architectural zones i.e., northern portion and southern portion of the lands. These two zones are then broken down into their respective individual character areas with access to the other character areas provided off the main avenue. In terms of distinctiveness the site is separated into nine-character areas, all of which have been designed to their own identity with visually different building topography, unit types, materials, and finishes as follows:

- Character Area 01 – this area is composed of 33 no. residential units, comprised of 26 apartment units within Duplex blocks A, & F, Apartment Block B and 7 no. detached and semi-detached houses and fronts Boherboy Road.
- Character Area 02 – this area is composed of 50 no. residential units, comprised of 12 apartment units within 3 apartment blocks Y1, Y2 & Y3 and 38 no. houses comprised of two storey semi-detached and terraced units, and is located to the southwest corner of the site, with some units also fronting Boherboy Road.

- Character Area 03 – this area is composed of 42 no. residential units, comprising 30 no. two storey semi-detached and terraced 3 Bed houses and 12 no. apartment units varying from 1 bed and 2 beds within 3 no. apartment blocks Y4, Y5 & Y6. This character area is located in the middle of Character Area 02 to the south and character area 04 to the north. This area is also located behind duplex block X1 and X2 and faces the western boundary creating a build edge to this boundary.
- Character Area 04 – this area is composed of 87 no. residential units, comprised of 62 duplex units within Duplex blocks B, C, D, E, X1 & X2 and 25 no. terraced houses. Character Area 04 is concentrated to the west side of the main north-south Avenue running through the proposed scheme.
- Character Area 05 – this area is composed of 100 no. residential units, 27 houses, 52 duplexes and 21 apartments and also the creche for the development. Character Area 05 is located in the centre of the scheme and seeks to provide an animated built edge to the central spine avenue and frontage and enclosure to the central open space which is enclosed with buildings between 3 and 5 stories in height.

The proposed two-storey creche is located to the northern portion of Character Area 05.

- Character Area 06 – this area is comprised of 38 no. 2 storey terraced and semi-detached two-storey houses. This character area is located to the eastern portion of the southern site, behind the larger scale more urban typologies that face onto the main link avenue.
- Character Area 07 – this area is comprised of 35 no. houses and 8 no. duplex units. The houses are predominantly 3 storeys 4-bedroom houses. The L shaped units serve to close the corners of cells. The defining characteristic of Character Area 07 is the riverside park, all houses and duplex in this character area flank this riverside park and is located to the eastern boundary of the southern site.
- Character Area 08 – this area is comprised of a mix of housing and duplexes. It is made up of 61 units in total, consisting of 4 duplex and 57 houses and is

located to the northeastern portion of the southern site. The house type proposed is a 4 bed, 3 storey split level house.

- Character Area 09 – this area is composed of 201 no. apartment units within apartment blocks A & C. These two apartment blocks are located to the north of the site separated by the main access link road. These apartment blocks range in height from 4 to 5 storeys high and area located in the lowest part of the site.

11.6.4. As noted in Section 11.4 above (unit mix and tenure) the mix of units has been revised from that previously refused (ABP-304828-19) to include a greater unit mix and tenure within the scheme. In respect to the design strategy, I welcome the use of the character areas, each with a unique design and unit mix which provides variety and distinctiveness within the scheme. I acknowledge the site constraints and I consider that the current proposal responds to the constraints with an appropriate design approach.

11.6.5. In terms of materials and finishes, each character area comprises a different architectural design. The proposed apartment block to the north of the site will comprise of a grey brick finish with light coloured raked mortar joints. The recessed balconies are to be finished in selected black/grey render finish. Penthouse level will be recessed slightly and is to be finished in dark coloured zinc or other dark powder coated metal cladding. Balustrades are to be of laminated safety glass. Window frames and capping's are to be a light grey. The proposed houses and duplex units, and smaller apartment units, will be finished in a brick and render finish with different brick tones to the higher density multi-unit accommodation (duplex and apartments) in a mix of brown brick, red brick and buff brick. Where render is used on the front elevations of the units it will sit over a knee-high brick plinth. Windows are distinguished by a projected render surround. Gable fronted treatment is used on both house and duplex typologies on the eastern portion of the site.

11.6.6. I am satisfied with the proposed materials and finishes to the scheme and consider that the variety in finish will add to the uniqueness of each character area.

Topography:

- 11.6.7. Of note on the application site is the significant topographical variation across the site, with site level differences 155mOD in the southwest corner to 117.5mOD in the northwest corner, a difference of c. 37 metres.
- 11.6.8. I acknowledge the concerns raised by the planning inspector as part of the assessment of the previous application on site (ABP-304828-19), in particular the use of cut and fill and the use of retaining walls, and the lack of detail provided of how the development responds to the topography of the site, however, this did not form part of the reason for refusal. I also note the concerns raised by the planning authority in respect to the design solutions on site specifically the cut-and-fill solutions to the south-west of the site, as illustrated in the site section drawings (EL01, EL02 and EL03), and Drawing no. EL15, which shows a severe cut-and-fill proposal to create a stepped street. Objective BN7 of the Fortunestown LAP and Policy H16 of the 2016 Development Plan is referenced.
- 11.6.9. I note that the LAP has expired, and Policy H16 related to the 2016 South Dublin Development Plan. As such I reference Section 6.7.6 Steep or Varying Topography Sites of the South Dublin Development Plan 2022 – 2028, and note Policy H12: Steep or Varying Topography Sites to ensure that development on lands with a steep and / or varying topography is designed and sited to minimise impacts on the natural slope of the site, and H12 Objective 2: To avoid the use of intrusive engineered solutions, such as cut and filled platforms, embankments or retaining walls on sites with steep or varying topography.
- 11.6.10. I acknowledge the challenges on site in respect to the natural topography and consider that some form of engineering solution is required on this site to allow for the development of an acceptable density for this location, in particular to the eastern section and southwest corner of the site.
- 11.6.11. The application includes cross section drawings through the site (landscape drawing no.s 08- 08j), which indicate the existing site levels, and the proposed new site levels and how the site levels are being used and incorporated into the design approach. This is evident in character area 08, with the use of split level 3 storey dwellings dwellings, to address the 3 metre site level difference, allowing for the rear gardens of opposing dwellings to back into each other. The site levels are also being used to create pedestrian permeability through the housing cells with stepped streets.

The applicant has included landscaping drawings, which detail sections through rear gardens. In character area 2, two-storey terraced dwellings are proposed, and apartment block – Y3. Duplex Block A will address Boherboy Road to the south. In this section of the site, I note that the removal of land to create a new ground level within the site will be required. Gabion walls are proposed to the southwestern portions of the site adjacent to the landscaped open space area.

11.6.12. Drawing No. 12 ‘Retaining Wall Location Plan’, identifies where some form of retaining wall will occur within the scheme which will be in the form of (i) gabion wall, (ii) crib wall, (iii) rear gardens RSJs with timber sleepers in between and (iv) retaining concrete wall, samples of these interventions have been included. Across the entire site comprising of 655 units, there are 8 instances of a retaining concrete wall being used, c. 25 examples of the rear gardens RSJs with timber sleepers in between being used, and c. 14 examples of a crib wall being applied.

11.6.13. The retaining walls are positioned to the side elevations of the terrace and small apartment units and will be visible from the rear of 4 no. of the duplex units and small apartment units. One retaining wall will be visible from the side elevation to the front of unit 142 B1, street 11, however a landscaped area adjoins this wall. There are 2 no instances where the proposed retaining wall will abut the rear amenity space of dwelling H17 and H16 (Housing Cell 1) to separate these rear gardens, and H131 to adjoin street 4. These dwellings have rear amenity spaces of 60 – 80 sq. m. I do not consider that the use of retaining walls in these locations would adversely affect the rear amenity space of these dwellings.

Consideration from CE Report:

11.6.14. It is recommended that permission be refused for the intrusive solutions proposed in the south-west corner of the site due to the contravention of Policy H16 of the County Development Plan, and the impact the development would have on the natural contours and therefore landscape character of the site in this instance, or in the event of a grant of permission the following should be considered by the Bord, *“(a) omission of the south-west block of the development and its replacement with enhanced landscaping, or (b) agreement with the Planning Authority to a revised layout at this location, with gentler solutions to address the topography of the site (this may necessitate the omission of some units)”*.

Conclusion:

11.6.15. I acknowledge that some form of intervention is required on this site to achieve an appropriate density of residential development. I am satisfied that the proposed development strategy provides an adequate assessment of how the development appropriately responds to the topography of the site. I also consider that the use of and variety of retaining walls comprising (i) gabion wall, (ii) crib wall, (iii) rear gardens RSJs with timber sleepers in between and (iv) retaining concrete walls is not excessive or intrusive and allows for a high density development of this residential zoned land. I am also satisfied that the design of the units responds to the contours in various areas of the site allowing for the development to blend in with the existing site and contours and that the required cut and fill will be kept to a minimum. The most elevated portion of the site located to the sites southwestern boundary remains free of any building and is an open space area.

Creche:

11.6.16. The proposed creche is located in the northern portion of the site, adjacent to the school site. It comprises a two-storey building with associated open space and parking, 16 no. spaces. The creche has a floor area of 693 sq. m and will cater for 163 no. children. I am generally satisfied with the proposed principal layout, location, scale, and design of the proposed houses and apartment blocks within the scheme.

Disposition of Houses and Apartments:

11.6.17. The proposed layout of the various housing cells are clearly defined by a legible street hierarchy, with a variety of house types creating a sense of place. the orientation and layout of the proposed dwellings is acceptable. The house facades overlook, supervise and define the edges of streets and public landscaped blocks. Rear gardens back onto rear gardens of adjoining properties providing legible blocks. Corner sites feature specially designed 'end treatment' houses which provide an active frontage and passive surveillance on outward looking facades. I am generally satisfied with the proposed layout of the dwelling within the scheme.

11.6.18. The development includes 2 no. apartment blocks to the north of the site comprising of 201 no. units. I am satisfied with the location of the apartment blocks (i.e., the higher density) in the northern section of the site, with the closest proximity to the LUAS network, a short walk further north as the crow flies. This portion of the

site is also at a lower site level which requires less site intervention and provides an urban edge to the development at this location. Block A comprises 2 no. blocks and Block C comprises 2 no. blocks with central communal space within the blocks, with Block A and Block C separated by the main access road, undercroft and basement parking is proposed. The apartments range in height from 4 to 5 storey.

11.6.19. In terms of separation distances between the blocks, within Block A the proposed 2 no. apartment blocks are at a distance of 16 – 22 metres. Whereas the blocks within Block C are set at a distance of 27 – 34 metres apart. There is a separation distance of 27 – 31 metres across the main access road between Blocks A and C. The proposed separation distances between the apartment blocks to the north are acceptable.

11.6.20. Centrally within the site lies Apartment Block B, comprising 21 no. units. This block addresses the open space and is L-shaped with communal open space addressing street 11, with undercroft parking. Semi-detached dwellings, terraced dwellings, and duplex units all face towards the proposed Apartment Block B, as such the location of apartment Block B is acceptable and will not detract from adjoining residential amenity. I have concerns, however, in respect to the daylight/sunlight of Apartment Block B which will be discussed in Section 11.7.17 below.

11.6.21. I am generally satisfied with the proposed principal layout, location, scale, and design of the proposed houses and apartment blocks within the scheme.

Open Space, Landscaping and Green Infrastructure:

11.6.22. With respect to open space, the scheme provides for both communal and public amenity spaces. In terms of public open space, the scheme provides four areas of dedicated public open space as follows:

- A centrally located, formal Neighbourhood Park that will serve the overall Boherboy Neighbourhood (total area = 4,169m²).
- A Green Corridor / “Riverside Park” along the Corbally Stream along the entire eastern side of the site that will form part of a green link to Carrigmore Park and further on to Fortunestown Centre to the north (total area = 9,898m²).

- Pocket Park in the south-west corner of the site (total area = 3,163m²)
- The northern open space which will provide for informal play and passive recreation (7,389m²).

11.6.23. In addition, ancillary public open space is provided in the form of the linear park that retains the central hedgerow (5,835m²), and a small woodland park at the western boundary of the site (622m²). Accordingly, the overall total public open space, provided equates to 31,076m² and 17.5% of the site.

11.6.24. I note that the applicant has referenced the open space standards from the 2016 Development Plan. Section 8.7.3 Quantity of Public Open Space Table 8.2 of the 2022-2028 Development Plan states that for New Residential Development on Lands Zone RES-N that public open space shall be a minimum 15% of site area.

11.6.25. Similarly, Policy and Objective 5.1 - Public Open Space of the Compact Settlement Guidelines, states “the requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas”.

11.6.26. Therefore, the proposed public open space of 17.5% exceeds the 15% requirement of the Development Plan and complies with the Compact Guidelines.

11.6.27. In respect to southwestern landscaped open space area, I note the steep gradient with varying levels at this section of the site and I consider that the location of some form of open space/landscaping to this section to be a good use of this portion of the lands. The south-western section will be landscaped and tiered with a pedestrian path. In terms of useability, I note that this section may not provide as much usable space as the other areas of open space within the scheme, however this area appears to provide two level areas of usable space adjoining the proposed footpaths. Moreover, having regard to the overall open space proposed within in the scheme, I am satisfied that the scheme provides several public open spaces which are acceptable in terms of quality and quantity.

11.6.28. With respect to communal open space, the proposed development provides for a total of 246 apartments and 152 duplex units, in a mix of 1, 2, and 3 bed units.

Based upon the proposed quantum of apartments and duplex units, the total required communal open space to be provided as per the Apartment Guidelines as per Table 21 as:

Unit Type	No. of Units	Required Communal OS / unit (m ²)	Total Required Communal OS (m ²)
1 bed	66	5	330
2 bed (4p)	249	7	1743
3 bed	83	9	747
Total	398		2,820m²

Table 21: Required Communal Open Space for Proposed Apartments and Duplex Units

Accordingly, the proposed development provides for of 6,391.6m² of communal open space i.e., 4,245.2m² for the apartments and 2,146.4m² for the duplex units. There are 27 areas of communal open space dispersed throughout the site. I am generally satisfied with the layout and location of the proposed communal space to serve the units. I note the concerns of the planning authority in respect of the proposed communal space to serve proposed Blocks B and C, which are located to the north and south of these blocks, and duplex blocks X1 and X2.

Given the layout of the overall scheme and in order to achieve a sustainable density on this residential zoned site, I consider that the layout of the proposed Blocks B and C relative to the communal open space serving these blocks is acceptable and accessible from the units. I also note the close proximity of the central park to the aforementioned blocks.

I would, however, concur with the planning authority that these spaces appear in design more like public spaces and appear to be accessible with through routes. In this regard, I would recommend the inclusion of a condition that the layout of the communal open spaces serving Blocks B and C, be revised to ensure that these spaces serve as communal spaces to Blocks B and C be screened from full public view and public access and should be restricted through design and / or formal barriers.

Apartment Block X1 and X2 are served by rear communal open space, which adjoins the rear gardens of the adjoining dwellings, in Housing Cell – 3 and Housing Cell – 4, with areas of 104 sq. m (Block X2 – 4 units) and 84.6 sq. m. (Block X1 – 4 units). I consider the communal open space serving these blocks to be acceptable.

11.6.29. In terms of landscaping and green infrastructure, the central hedgerow, which is the ownership boundary between the two applicant's landholding, is to be retained for a linear length of 364m (approximately 60.5% of the existing central hedgerow), this is welcomed in the current proposal. In addition, the existing hedgerows that are around the perimeter of the site are to be retained for a linear length of 1,481m (83%), with only 295m to be removed. The entire southern hedgerow will be removed.

11.6.30. Section 3.3.6 of the Plan relates to the Protection of Trees and Hedgerows with Objectives 3, and 4 relating to the retention and protection of hedgerows specifically *"NCBH11 Objective 3: To protect and retain existing trees, hedgerows, and woodlands which are of amenity and / or biodiversity and / or carbon sequestration value and / or contribute to landscape character and ensure that proper provision is made for their protection and management taking into account Living with Trees: South Dublin County Council's Tree Management Policy (2015-2020) or any superseding document and to ensure that where retention is not possible that a high value biodiversity provision is secured as part of the phasing of any development to protect the amenity of the area"*, and *"NCBH11 Objective 4: To protect the hedgerows of the County, acknowledging their role as wildlife habitats, biodiversity corridors, links within the County's green infrastructure network, their visual amenity and landscape character value and their significance as demarcations of historic field patterns and townland boundaries. (Refer also to Chapter 4: Green Infrastructure)"*.

11.6.31. While I note there is some hedgerow removal as part of the proposed development, specifically to the south to facilitate the proposed site entrance and public footpath, and therefore, I acknowledge that some loss of hedgerow is required to develop this residentially zoned site and on balance this is acceptable. The proposal includes the retention of approx. 77% of the existing boundary hedgerows, including the central hedgerow. In this regard, I do not consider that the proposed

development could be deemed to material contravene the objective. The impact of the hedgerow removal will be further considered in Section 14 below.

11.6.32. The Arboricultural Assessment submitted with the application details states that 70 (47.6%) of the 147No. individually tagged trees included within this assessment area along with 1No. full hedge (c.300m) plus c.281 linear meters of 13No. other hedge sections of varying sizes will need to be removed to facilitate the proposed development works on this site area or as part of management. However, this loss of the above tree and hedge vegetation is to be mitigated against within the landscaping of the proposed development with new tree, shrub and hedge planting that will complement the development and help provide a good quality and suitable long-term tree cover. Additionally, within the scheme, street tree planting is proposed to break up the parking and to add screening and interest to the stepped streets in particular in character area 8. While this is welcome, I consider that insufficient street trees are planted within the public realm, the applicant should be requested to provide additional tree planting within the public realm. This issue could be addressed by way of condition.

11.6.33. A high level of landscaping is also proposed to the public open spaces. A green link along the eastern boundary of the site is provided for with a minimum 10m setback, allowing a biodiversity strip maintained and the protection of the stream. This link will incorporate a pedestrian/cyclist linkage along the eastern boundary from the Boherboy Road to the District Park to the north of the site.

Permeability:

11.6.34. It is noted that consent has been given from adjoining landowners/relevant stakeholders in order to deliver the proposed connections to adjoining lands which will provide for the necessary integration and permeability between the site and adjoining estates, this is a welcome addition to the scheme and provides links with the existing residential developments (to the north and east) and into Carrigmore Park to the north-east. I consider that the site layout encourages permeability within the scheme where a looped pedestrian system provides access to streets, and cul-de-sacs have been kept to a minimum to encourage connectivity.

11.6.35. This site will also be served by a north-south and east-west cycle and pedestrian axis, with segregated footpaths and cycleways providing access to the

links with surrounding lands, primarily to the east and north. To the eastern boundary will run a north-south green corridor, which will also provide pedestrian and cycle permeability and encourage active transit within the scheme. Pedestrian and cyclist permeability have been designed to follow desire lines and to link the proposed development to local amenities in particular to the north of the site with the public transport links.

11.6.36. While this is welcome, however, I consider that the layout of the main vehicular access road does not appear to adequately accommodate pedestrians and cyclists. This issue was also raised by the planning authority. A 6 metre carriage way is proposed however, I also have concerns regarding the relationship between the pedestrian access route and car parking spaces on the western side of the road. While the drawings indicate “direct access parking to act as a speed control measure”, I do not consider this to be an appropriate speed deterrent, the pedestrian footpath should be on the inside of the parking bays, away from the carriageway. I also consider that the width of the pedestrian route to be insufficient and should be widened in order to provide a strong pedestrian route through the scheme. I also consider that the central spine should also accommodate a cycle route. I recommend that these issues be addressed by way of condition, I also recommend that these works should not infringe or impact on the retention of the hedgerow on the eastern side of the road. I note that these modifications may result in the loss of some surface car parking from the scheme, and any loss in parking shall be justified by the applicant.

11.6.37. A new pedestrian footpath is proposed along the roadside site boundary with Boherboy Road, with new street lighting. Additionally, it is proposed to extend the footpath eastwards along the Boherboy Road towards the junction with the N81, i.e., some 370 metres. It is also proposed to widen the existing road. The applicant has obtained the necessary consent to carry out these works.

11.6.38. Following site inspection, I note that the Boherboy Road is substandard in terms of pedestrian footpaths, lighting, etc. These works would greatly improve pedestrian access and safety and would connect the site to the N81 and beyond as there is an existing footpath on the N81. While I welcome these works and consider that it would be of great benefit to the site and wider community, I note however, that these works have not been included as part of the EIAR. The boundary of the lands

pertaining to these works have not been within the EIAR baseline studies. I consider this a major oversight on behalf of the applicant. This is further considered under Section 14 below.

Compliance with DMURS:

- 11.6.39. The reason for refusal under the previous planning application on site (ABP-304828-19) considered that the proposed development would not be in accordance with the Design Manual for Urban Roads and Streets (DMURS). It was considered that the use of long continuous streets throughout the scheme will promote the dominance of vehicle movements at the expense of pedestrians and cyclists and that the development failed to incorporate a sufficient street hierarchy within the scheme. Additionally, shared surfaces with a total width of 5.5 metres are proposed, contrary to DMURS. Several third-party observations have also raised concerns in respect to compliance with DMURS.
- 11.6.40. The applicant has submitted a DMURS Statement of Compliance and considers that the development has been designed with a hierarchy of roads including link streets, side streets and homezones. All internal estate roads have been designed with short straight elements, gentle horizontal curves from junction to junction, varying road widths (6.0m, 5.5m, 5.0m & 4.8m), smooth and gentle vertical alignments and numerous interconnections, route options and looped sections keeping speeds low to create a pleasant living environment. Fast moving traffic is discouraged by the horizontal alignment arrangement.
- 11.6.41. It is stated that numerous T-Junctions will assist in frequently stopping the flow of traffic when travelling through the development and a number of measures are introduced to reduce driver speed including roads with close proximity to buildings, tighter corner radii provided where appropriate, shared surfacing in home-zones, reduced visibility splays, on street parking where appropriate, horizontal deflections; and pedestrian activity with numerous interlinking footpaths and crossing points.
- 11.6.42. The report details that all roads are provided with adjacent footpaths allowing pedestrian interconnectivity throughout this development and connection with local estates estate, the adjacent zoned lands and further connection with the wider network of paths. In compliance with DMURS guidelines, link streets are provided

with on-street parking spaces located in a series of bays that are parallel to the vehicular carriageway. Otherwise, within the low-speed access roads, perpendicular spaces are provided.

11.6.43. I consider that the layout of the scheme has improved from that previously presented (under ABP-304828-19). The main vehicular access route is from one single entrance on the Boherboy Road, which runs northwards to a proposed connection into Carrigmore Estate. The central spine acts as the primary vehicular route through the lands, running parallel to the existing central hedgerow. There are two additional entrances to the development via Corbally Estate to the east and Carrigmore Estate to the north. The layout allows for a clearly defined hierarchy of streets to the east and west of the main avenue, which allows the development to provide a strong, urban building frontage onto the main avenue with link streets, side streets and homezones all served by a road network.

11.6.44. Whilst I acknowledge that a significant portion of the scheme are compliant with DMURS, it is evident that the scheme is deficient in a few regards. The report from South Dublin County Council raises a number of issues and in particular notes that cross sections and carriageway dimensions have not been adequately provided, and it is apparent that cycling infrastructure in particular is lacking in the development, which has been noted above in Section 11.6.34-11.6.36. I recommend the inclusion of a condition, that the final site layout be agreed with respect to compliance with DMURS.

Considerations from CE Report:

In addition to the above references to the CE report through the assessment, the planning authority also expressed concern in respect to the communal open space to serve the development and considered that the arrangements for street 4, duplex blocks B and C, X1 and X2, and house unit nos. 31, 32, 33, 34, 52, 53, 54, 55, 66, 67, 68 and 69 are agreed with the Planning Authority prior to commencement, with better enclosed communal amenity space provided for duplex blocks B and C (and potentially duplex blocks X1 and X2), with the reduction in the number of dwellings at this location within the scheme, and recommended a condition in this regard.

I note the conditions of the Department of Housing's Nature Conservation unit, the Roads Department, and the Public Realm Planning Report and recommend for inclusion in any grant of permission.

Conclusion:

- 11.6.45. Overall, I am satisfied development strategy put forward for the proposed development in terms of design, responding to the site topography, public and communal open space provision, permeability and compliance with DUMRS is acceptable and will provide for an attractive residential scheme at this location and is an appropriate use for these residential zoned lands.

11.7. Residential Standards

Overlooking and Privacy:

- 11.7.1. Having regard to the layout of the residential units, I am satisfied that no undue overlooking of private amenity spaces from second floor or perpendicular units occurs within the scheme. I note that some landing and WC/bathroom windows overlook rear gardens, however, this is acceptable, and I note that a condition can be included in respect to the use of obscure glazing.

Private Amenity Space:

- 11.7.2. I reference the schedule of accommodation accompanying the planning application, which clearly indicates that all units are provided with adequate private amenity space.

Compliance with Quality Housing Guidelines (2007) and the 'Sustainable Urban Housing: Design Standards for New Apartments' (2022):

- 11.7.3. As per the schedule of accommodation provided for in the submitted Housing Quality Assessment, all proposed dwellings (including apartment) exceed the minimum standards of the Development Plan (i.e., Tables 12.20 and 12.21) as well as the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and the standards set out in the Guidelines for Quality Housing for Sustainable Communities (2007).
- 11.7.4. The planning report considers that Blocks A and C do not meet the requirements of Section 3.8 of the Apartment Guidelines with respect to Safeguarding Higher Standards.

- 11.7.5. The Apartment Guidelines require that that the majority of all apartments in any proposed scheme of 10 or more apartments exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%.
- 11.7.6. This has been echoed in Section 12.6.7 Residential Standards of the Development Plan. I also reference Policy H7: Residential Design and Layout of the Development Plan, which promotes high quality design and layout in new residential schemes, having particular regard to the standard of individual dwelling units. To this end, I reference H7 Objective 1: *“To promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020), or as may be updated and Chapter 12: Implementation and Monitoring”*.
- 11.7.7. Following a review of the Quality Housing Assessment submitted with the application, I note that Block A has more than half of the residential units not meeting the requirements of Section 3.8 of the Guidelines, with 68 no. units of 110 no. units’ total not exceeding the 10% minimum floor area.
- 11.7.8. I note that the Guidelines state that the 10% requirement may be *“be applied differently to schemes of 10 up to 99 units. In such schemes, it is acceptable to redistribute the minimum 10% additional floorspace requirement throughout the scheme, i.e., to all proposed units, to allow for greater flexibility”*. However, within Apartment Block C, more than half the units also do not meet the requirements of Section 3.8 with 53 no. units of 91 no. units total not exceeding the 10% minimum floor area.
- 11.7.9. This equates to 62% of apartments in Block A and 58% of apartments in Block C not meeting the required standards, which is in my opinion far from the majority of apartments in both Blocks A and C. In few instances, however, I note that the floor areas are well in excess of the required minimum floor area standards. The

proposed apartment units in Block B, which comprises 29 no. apartment units, exceeds the 10% requirement of the Guidelines.

11.7.10. The planning authority have requested that the floor areas of apartment Blocks A and C be revised by way of condition. However, I consider that any modification to the aforementioned apartment blocks to improve the internal floor areas to be a substantive design change and thereby cannot be addressed by way of a condition.

11.7.11. This is a large residential scheme providing a mix of units including apartments, and I consider that a good mix of apartment sizes exceeding the minimum floor area is required in the interests of sustainable and good quality design and in order to provide a high quality of residential amenity for the intended occupiers. As such, the proposed floor areas of Apartment Blocks A and C do not accord with Section 3.8 of the Design Standards for New Apartments and H7 Objective 1 of the South Dublin County Development Plan. I therefore consider that the shortfall in the majority of apartments in the scheme exceeding the 10% minimum floor area should be given as a reason for refusal of this development. This is also reference in Section 11.14 below, Material Contravention.

Sunlight and Daylight:

11.7.12. Section 3.2 of the Urban Development and Building Height Guidelines (2018), refers to the criteria to be considered in assessing applications at the scale of the site/building and states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light and that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like BRE 2009 (2nd edition 2011) or BS 8206-2: 2008. The Development Plan 2022-2028, the Apartment Guidelines (2023) and the Compact Settlements Guidelines (2024) refer to a more up-to-date version of the BRE 209 Guide from 2022.

11.7.13. I consider that this updated guidance provides a degree of flexibility and does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and

Building Heights Guidelines and the Development Plan. A sunlight and daylight assessment is included with the application.

- Impact on existing buildings:

11.7.14. In designing new development, it is important to safeguard the daylight to nearby buildings. While the development will be visible from the adjoining residential dwellings, having regard to the layout of the proposed development and the separation distances to the nearest residential estate, I am satisfied that the development will not negatively impact the existing daylight/sunlight to the nearest residential dwelling. I note the submitted Daylight / Sunlight Analysis states (section 3.4) that *“None of the adjacent properties have the potential to experience a reduction in sunlight or daylight due to the proposed development. The proposed development meets the recommendations of the BRE guidelines”*.

- Within the scheme:

11.7.15. With respect to the proposed units, I note that the submitted Daylight / Sunlight Analysis indicates that 100% of the rooms assessed exceed the minimum recommendation for the Average Daylight Factor and will be well daylit. All Living spaces with kitchens (Living, Kitchen, Dining) exceed the target ADF of 2% and all the bedrooms exceed the target ADF value of 1%. All the living rooms without a kitchen exceed the target ADF value of 1.5%. 100% of the units in the proposed development meet the target ADF values. The daylight provision to the proposed development also achieves good natural daylighting levels throughout. The design and layout of the apartment blocks were optimised for sunlight and to maximise the number of units with a window wall within 90° of due South at 64%. Of these apartments 86% of these exceed the target values set out for sunlight, which includes many windows with overhanging balconies. As such the proposed development meets the recommendations of the BRE Guidelines in this regard.

11.7.16. In respect to gardens and open spaces the BRE document indicates that for an amenity area to have good quality sunlight throughout the year, 50% should receive in excess of 2 hours sunlight on the 21st of March.

11.7.17. As noted in Section 11.6.22 above the scheme has a variety of public and communal amenity spaces. The submitted Daylight / Sunlight Analysis indicates that 98% of the public and communal amenity space exceeds the BRE recommendation,

however the communal open space service Block – B (comprising 21 no. apartments) has dedicated sun on the ground over 38% of its area. I note that several dwellings also front this area of communal open space. The applicant states that this is a small area representing 1.9% of the total amenity area. I am not satisfied, however, with available sunlight to the communal space serving apartment Block B and consider that this space should meet appropriate standards to ensure the appropriate use of the space in terms of the residential amenity of the residents of Block B and the scheme overall.

Considerations from CE Report:

11.7.18. The planning authority expressed concerns regarding the communal open space and 2-storey dwellings around Block B might not meet appropriate standards due to the orientation and height of Block B. The Sunlight and Daylight Assessment provided with the application shows that the communal open space to the north-east of Block B would not meet standard criteria (>50% receiving 2 hours of sunlight at equinox) for sunlight penetration to ground.

11.7.19. It is the opinion of the Planning Authority that the third storey of the eastern wing of Block B should be omitted from the scheme by condition. This would require the reconfiguration of 5 no. units (23, 24, 25, 26 and 28 as per drawing AB-05).

Conclusion:

11.7.20. I am satisfied that the BRE guidelines allow for flexibility in terms of their application and note the Board has discretion in applying the guidelines taking into account site constraints and the need to secure wider planning objectives, such as higher density along key transport corridors. While noting the concerns expressed by the Planning Authority, I am not satisfied that the availability of sunlight and daylight to the communal open space serving apartment Block B would fall within acceptable ranges and would be unacceptable to the future residents of this Block. I would concur with the opinion of the planning authority that Block B should be amended to improve the daylight/sunlight serving the communal open space referenced S11 in the Sunlight/Daylight analysis. This may result in the reconfiguration of the proposed apartment units in Block B. I consider that this issue can be addressed by way of condition in the event of a grant of planning permission.

11.8. Traffic, Access, and Parking

The majority of the party issues relate to traffic, traffic and pedestrian safety and have particular concerns regarding the new entrances from the proposed development to the adjoining residential estates at Corbally and Carrigmore and the impact of same.

Traffic and Access:

- 11.8.1. The proposed development will be accessed via three new vehicular access points. The main vehicular access, which acts as the primary vehicular route through the lands will be from the Boherboy Road to the south (access 1). The proposed development also provides for pedestrian and cyclist connectivity to the adjoining Carrigmore Park to the north-east, and vehicular, pedestrian and cyclist connections to adjoining developments at Corbally Heath to the east (access 2) and Carrigmore Green to the north (access 3). The applicants have obtained the necessary third-party consents to include the proposed accesses as part of this application for permission and within the associated red line of application.
- 11.8.2. In addition, proposed upgrade works to Boherboy Road to include the provision of a roadside footpath along the front of the site at the Boherboy Road, continuing eastwards to the junction with the N81 Blessington Road (for an overall distance of c.370m).
- 11.8.3. The proposed vehicular connections to Carrigmore and Corbally will provide for bridges over the Corbally Stream that runs in a north-south direction along the entire eastern boundary of the site and moves westwards along the northern boundary of the site. Detailed designs of the proposed connections including bridging details are enclosed and the impacts of same in terms of ecology/biodiversity and flooding are all addressed as part of this application, including the EIAR and are noted in Sections 11.9.4 and 11.10 below.
- 11.8.4. The applicant has submitted a Traffic Impact Statement in support of the development. Traffic counts were undertaken in 2020 at 8 different locations. The traffic generation potential of the proposed development has been estimated using TRICS software modelling database. It is estimated that the total vehicle movements generated by the proposed development will be 77 arrivals and 251 departures in the AM peak (two-way total of 327). The total number of vehicle movements in the PM peak hour will be 196 arrivals and 86 departures (two-way total of 282). I am

satisfied with the accuracy and traffic generation figures presented for the scale of the proposed development. I also note that Section 5.4 of the Traffic Impact Assessment includes an assessment of the future school site and considers the increased trip generation, in particular the AM peak period, when the school is constructed.

- 11.8.5. As part of the junction analysis the following scenarios were modelled – 2020 Survey Year, 2027 Opening Year, 2032 Opening Year + 5 Years and 2042 Opening Year + 15 Years. Each year was modelled with and without development. Junction analysis is set out for 8 junctions, namely Site Access (site 1), Boherboy Road/N81 (site 2), N81/N82 Signal Controlled Junction (site 3), N82/Corbally Heath Roundabout (site 4), N82/ Fortunestown Lane Signal Controlled Junction (site 5), Carrigmore Estate/Fortunestown Lane Priority Controlled Junction (site 6), Church Road/Fortunestown Signal Controlled Junction (site 7), and Boherboy Road/Saggart Signal Controlled Junction (site 8).
- 11.8.6. The assessment notes that A RFC/Dos value of 85% or below indicates that the junctions are operating within capacity. A RFC/DoS value of between 85% and 100% indicates that the junction remains within capacity but is beginning to show signs of queuing and delay. A DoS value of less than 100% is desirable in urban areas during peak period traffic. However, values of greater than 100% are typical at many urban junctions during peak times.
- 11.8.7. The Traffic Impact Assessment has confirmed that the proposed access arrangements would adequately accommodate anticipated levels of traffic visitation and that as such the traffic generated by the development would have no material adverse impact on the operation of all junctions modelled. I am satisfied that the proposed access arrangements could safety and adequately accommodate traffic levels as a result of the proposed development.
- 11.8.8. The assessment considered that there is a marginal uplift in traffic levels arising from the development and the distribution of resultant flows around the adjacent road network. The results in flows and movements can be accommodated by the neighbouring junctions with marginal uplift in congestion and delays expected at these junctions as a result of development traffic.

11.8.9. Having regard to the assessment submitted with the application, I am satisfied that the proposed vehicular access points i.e., Boherboy Road, Carrigmore and Corbally Heath, would alleviate any impact on the Boherboy Road in particular to accommodate the scale of the proposed development and that the planning application has provided appropriate access to the subject site to cater for the proposed development.

11.8.10. The majority of third-party objections relate to the provision of the proposed vehicular connection to the adjoining development at Corbally Heath to the east and Carrigmore Green to the north in respect to traffic and pedestrian safety and increase traffic movements and congestion resulting from the proposed development.

11.8.11. While expired, I note that the Fortunestown LAP stated that “Vehicular, pedestrian and cyclist access through the Boherboy Neighbourhood shall be provided to and from the Fortunestown Centre, the Saggart Abbey Estate, the Carrigmore Estate and Boherboy Road”, Objective BN4 relates to the provision of vehicular and pedestrian access through the adjoining estates to facilitate the development of lands in Boherboy.

11.8.12. The development of these lands is imperative on the vehicular and pedestrian accesses via the adjoining lands (i.e., Carrigmore and Corbally Estates), as the Boherboy Road does not have capacity to cater for a development of this scale and intensity. While I acknowledge that there will be a greater volume of traffic as a result of the development, I am satisfied that the proposed access arrangements are acceptable with respect to traffic and pedestrian safety.

Parking:

11.8.13. In terms of car parking provision 898 no. spaces are proposed for the residential element of the proposal. Basement/undercroft parking arrangements for apartment Blocks A, B and C, with surface level parking to serve the duplex/dwelling units as follows:

- 500 spaces for 257 no. houses (1.9 spaces per unit);
- 190 spaces for 152 duplex units (i.e., 1.25 spaces per unit);
- 208 spaces for 264 apartments (i.e., 0.8 spaces per unit);

The proposal also includes EV parking spaces.

11.8.14. There are 16 no. car parking spaces provided for the creche facility. The proposal also includes EV parking spaces and results in an over provision of 914 spaces.

11.8.15. The proposal also includes a total of 797 no. bicycle parking spaces for the apartments, duplex units and creche. Bicycle parking for houses can be catered for within the curtilages of the properties, as all proposed houses have direct street access. The applicant assumes bicycle parking is expected to take place privately within each individual dwelling.

Considerations from CE Report:

11.8.16. It is the opinion of the Planning Authority that the car parking proposal does not represent a material contravention of the Plan and is acceptable. The standards in the plan are maximum standards. The plans and schedules note that bicycle parking is provided at a lower rate than required by the apartment guidelines, though higher than provided for in the SDCC County Development Plan 2016 – 2022.

Conclusions:

11.8.17. Notwithstanding the issues referenced in Section 11.6.34 above in respect to the permeability, i.e., car parking layout relevant to the cycling and pedestrian routes. I am satisfied that the proposed car parking provision to be acceptable and suitable to accommodate the proposed development noting its location close to public transport in particular to the north of the site.

11.9. Drainage and Site Services

Water Supply and Foul Drainage

11.9.1. There is no foul water sewer located on the subject lands, therefore it is proposed to service the subject lands by providing a new gravity foul sewer across Carrigmore Park (in the charge of the Local Authority, SDCC) to the north-east of the site connecting into the existing Irish Water foul infrastructure in Verschoyle Green.

11.9.2. There are three existing watermain (4inch uPVC/400mmDI/600mmDI) in Boherboy Road along the site frontage, and it is proposed to make a new water connection to

the Boherboy watermain in the Boherboy Road. There are a number of trunk watermain crossing the subject lands.

- 11.9.3. A Pre-Connection Enquiry Form application (PCEA) was submitted to Irish Water and a Confirmation of Feasibility (CoF) of available service was received from IW (Ref. CDS20004359) noting that the water connection was “feasible without infrastructure upgrade”. I recommend the inclusion of a condition in respect to agreements for water supply and waste water prior to the commencement of development on site.

Surface water

- 11.9.4. The existing topography of the site falls downhill from the Boherboy Road towards the Corbally stream along the northern boundary. Surface water outfall will be into the existing Corbally Stream bounding the site and to the existing field drains/ditches on the site that interconnect along the northern boundary of the lands. The surface water infrastructure has been separated into 8 no. drainage catchments to allow efficient management of the surface water flows. Storm water flows will be stored in a combination of underground systems and an over ground grassed/landscape detention basin.
- 11.9.5. The surface water drainage infrastructure for the development will collect the rainfall on the site and convey the storm water run-off via roadside swales, tree pits, bio-retention area, rear garden filter drains, gullies, underground pipes, manholes, catchpit manholes and direct the flows via void arched attenuation systems towards vortex flow restricting devices (Hydrobrake or similar) and petrol interceptors before out falling to the existing on site open watercourses. It is detailed that the development also includes a number of SuDS measures including filter drains to the rear of housing, permeable paving to all private parking areas, house rainwater butts, tree pits, roadside filter swales, green roofs, attenuation storage, greenfield run off, etc.

Considerations from CE Report:

- 11.9.6. The report from the Environmental Services Department is noted.
- 11.9.7. Policy GI4: Sustainable Urban Drainage Systems (and its related objectives 1-6) of the Development Plan, require the provision of Sustainable Urban Drainage Systems

(SUDS) in the County and maximise the amenity and biodiversity value of these systems. In particular “GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council’s Sustainable Drainage Explanatory Design and Evaluation Guide, 2022”.

- 11.9.8. I also note Section 12.11 Infrastructure and Environmental Services of the Development Plan, which states that *“at the discretion of the Planning Authority, where it is demonstrated that SuDS devices are not feasible, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality”*.

I note that concerns have been raised by the Parks and Landscape Services/Public Realm Department of South Dublin County Council regarding the proposed SuDS measures. Concerns in particular are raised regarding the extensive use of attenuation tanks and their location under the open space of the development, thus reducing the potential for tree planting.

Conclusion:

- 11.9.9. The use of SuDS is promoted throughout the South Dublin County Development Plan, 2022-2028 e.g., Policy GI4 and its associated objectives as referenced above. Although the Public Realm Report outlines a number of issues, I note that the Environmental Services Department, in relation to surface water, has no objection subject to conditions. I am satisfied that SuDS has been appropriately taken into consideration in the layout and design of the proposed development and would not materially contravene the Development Plan.

11.10. Flood Risk

- 11.10.1. A number of third-party submissions have expressed concern in respect to flooding at the site resulting from the proposed development. I also note that under a previous permission on site (Ref: PL06S.247074), permission was refused for two reasons, one being that the Board was not satisfied that the site would be suitable for development having regard to the absence of a site specific flood risk assessment. Concerns were also raised in the inspectors’ report (Ref: ABP-304828-

19), in respect to the proposed compensatory storage mitigation measure and “the potential impact of this measure on the proposed pedestrian and cycle path along the eastern boundary of the site, which is proposed to run immediately adjacent to the Corbally Stream”, however permission was not refused for this reason.

11.10.2. The planning application is accompanied by a Site Specific Flood Risk Assessment (SSFRA). The site is located in the catchment of a tributary stream of the Camac River. It is this stream which flows along the eastern and northern boundary of the site. The stream enters the site at the southern boundary (i.e., from a culvert under the Boherboy Road), flows in a northerly direction along the eastern boundary, turns in a westerly direction upon meeting the northern boundary and discharges to a culvert at the north-western corner of the site. The site is affected by flood risk Zones A and B at its northern boundary. In the absence of mitigation measures, parts of the development not compatible with water would be in a flood risk area.

11.10.3. I am satisfied that the layout of the development is broadly cognisant of fluvial flood risk, however, elements of the proposed development at the northern boundary encroach on the flood risk zones, which creates the potential for the proposed development to displace floodplain storage and thereby increase flood risk elsewhere. In order to prevent this, the development includes compensatory storage within the site, which is in accordance with the Flood Risk Management Guidelines (FRMG). The SFRA considers that the compensatory storage exceeds the potential floodplain storage being displaced and so the proposed development will lead to a slight reduction in flood risk elsewhere.

11.10.4. The SFRA also states in respect to the pedestrian/cycle path and access to the east of the site, that *“the finished levels of the proposed development that are considered to be water-vulnerable, i.e. buildings, roads, parking areas, footways cycleways and other paved areas were found to lie outside flood risk zones in the post-development scenario and so the proposed development is not considered to be at risk of flooding. The freeboard between the potential top water level of the 1% AEP flood event and the lowest proposed site road or floor level far exceeds the minimum recommended dimensions as set out in the Guidelines. Furthermore, the freeboard above the highest potential top water level and the vehicle/pedestrian access points into Carrigmore/Carrigmore Park is significantly greater than those*

recommended in the Guidelines and therefore there will be no impact on the ability to enter/leave the site during the extreme 1% AEP event (i.e., 1 in 100 year event)”.

Considerations from CE Report:

11.10.5. The report from the Environmental Services Department is noted.

Conclusion:

11.10.6. The report from the Environmental Services Department has no objection in respect of Flood Risk subject to conditions. I am generally satisfied that the with the details of the SFRA, and subject to condition the development will not result in a flood risk. I also reference Section 14 of this report in this regard.

11.11. Community Facilities and Social Infrastructure

11.11.1. Several third-party objections highlight the lack of community facilities and social infrastructure in the Fortunestown/Citywest/Saggart area, and the need for such facilities given the development over recent years. Specific references are given to the lack of a GAA pitch, community centre, GP practice, schools, etc. and that there is a lack of both Garda Station and emergency facilities in the area. It is argued that these facilities should be in place prior to any development of this site.

11.11.2. As noted in Section 11.3.4 above the proposed development provides a site for a school in the northern portion of the site. A creche facility of 693 sq. m. is also proposed which includes an external play facility, with accessible public open spaces within the scheme. There is also a direct pedestrian/cycle link to the adjoining Corbally Park to the north/northeast of the site.

11.11.3. Guidance regarding community and civic uses is set out in Section 5.4.3 of the LAP. It is stated that such facilities throughout the plan lands will take the form of community centre, community rooms, a library, youth cafes and park facilities. It is stated that the majority of such facilities will be located at the District Centre and nodal points where streets and pathways intersect. Under objective LUD1, it is states: “Provide community facilities, which shall include youth specific facilities across the Plan lands at a rate of 300 sq. metres per 1,000 dwellings”. Figure 5.7 sets out the Land Use and Density Framework and identifies suitable locations for key social infrastructure including schools, a Garda station, library etc. Boherboy is identified for a school site. However, as noted the LAP for the area has expired.

As such I reference the current Development Plan, which includes Policy COS2: Social / Community Infrastructure to *“Support the planned provision of a range of universally accessible and well-connected social, community, cultural and recreational facilities, close to the communities they serve, consistent with RPO 9.14 of the RSES”,* and COS2 SLO 1: *“That Citywest / Fortunestown areas are provided (from within their own community) public, purpose built and suitable amenities including:*

- *Library;*
- *Community centre and a community café;*
- *Accessible playgrounds / playspaces, teenspaces and youth amenities (such as a skate park);*
- *Designed green spaces including a managed public park with adequate, accessible public seating and that can host festivals and community events;*
- *Greater biodiversity in the area and more tree coverage;*
- *Adequate numbers of pitches and clubhouses / pavilions for sports;*
- *Adequate public childcare and afterschool facilities;*
- *School sites”.*

I also reference COS3 SLO 2 of the Plan *“To deliver a community centre / community facility within Citywest as part of the delivery of infrastructure identified in the Fortunestown Local Area Plan”.*

11.11.4. I acknowledge both the requirements of the LAP and the Development Plan, in respect to community facilities in relation to the lands in Fortunestown and the recognition that applications for large scale residential development should include proposals for social and community infrastructure.

11.11.5. The Development Plan also includes several objectives to expand the LUAS and BusConnect in accordance with RPO 5.2 of the RSES/MASP, *“SM1 Objective 3: To support the delivery of key sustainable transport projects including DART and Luas expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network in accordance with RPO 5.2 of the RSES / MASP”.*

The applicant states that that permissions have been granted for development on the Plan lands, with conditions attached requiring community floorspace, and that discussions have taken place with the Planning Authority who are currently considering how best to deliver one overall facility in conjunction with all of the relevant stakeholders / landowners in the Plan lands.

- 11.11.6. I concur with the planning authority that there is a lack of community facilities and amenities in the Fortunestown area. The nearest shop to the site is the Citywest Shopping Centre. However, improving community facilities should be at the forefront of any subsequent LAP prepared for the area with sites identified for such uses therein.

Considerations from CE Report:

- 11.11.7. The CE report considered that the mix of uses provided for is acceptable. South Dublin County Council does not intend to recommend refusal on this basis on zoned lands and is actively pursuing options to provide community infrastructure.
- 11.11.8. Apartment Block B is located centrally within the scheme. It is recommended that a condition be included that ground floor units in this apartment block should be built with sufficient floor-to-ceiling height (approx. 4.2m) so as to allow those south-facing units to be converted to retail/café use in the future (subject to planning permission).

Conclusion:

- 11.12. While the applicant has provided a creche on site, public open space and has reserved a school site, which is acceptable in accordance with Development Plan requirements. I acknowledge that the area would benefit from some form of community use i.e., retail/café in the future (subject to planning permission) and I would concur that the location of Apartment Block B to be centrally located within the scheme and easily accessible to accommodate such a unit. However, I do not consider that a condition in respect to the floor-to-ceiling height of approx. 4.2m is necessary or warranted and could increase the overall height of Block B. The ground floor units in Block B have a floor-to-ceiling height of 2.85 metres. I note Section 12.6.7 of the Development Plan which states that “In line with SPGR 5 of the Apartment Guidelines, ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where

necessary to facilitate a future change of use to a commercial use". Therefore, the proposed floor to ceiling heights within this Block are sufficient to accommodate any potential change of use in the future.

11.12.1. I note the specific references in respect to the lack of a GAA pitch, community centre, GP practice, schools, Garda Station, and emergency facilities in the area, however, I consider that this is outside the remit of the applicant as part of this planning application and is the matter of the Local Authority in the preparation of any future LAP for these lands.

11.13. Other Matters

11.13.1. Impact on adjoining residential amenity:

While I note that the proposed development site is located adjacent to three existing residential developments, to the east, north-east and north of the site, the proposed development is well set back from the nearest adjoining site boundaries to the north, east and west and therefore will not detract from adjoining residential amenity. There is farmland adjoining the site to west.

11.13.2. Corbally Park/Anti-social behaviour:

I note the concerns expressed regarding Corbally Park and anti-social behaviour associated with the users of the facility. However, I note that the park is outside of the ownership of the applicant and therefore outside of their remit. I am also satisfied that adequate consideration has been given to designing the proposed scheme, with limited cul-de-sacs and passive surveillance to the communal and public open spaces which will deter anti-social behaviour. Notwithstanding, issues in relation to antisocial behaviour are not a matter for An Bord Pleanála.

11.13.3. Phasing:

The applicant has provided a Phasing Plan by which the site would be developed generally in 3 phases:

- Phase 1 includes:
 - southern portion of residential development
 - associated services
 - Boherboy Road upgrades
 - Central boulevard
 - Connection to Carrigmore estate

- Riverside Park
- Phase 2 includes:
 - Central portion of residential development
 - Connection to Corbally Heath
- Phase 3 includes:
 - Northern portion of residential development plus remainder/landscaping to
 - open space east of the school site.

I am generally satisfied with the proposed phasing of the scheme, however, I concur with the view of the planning authority that the connection to Corbally Heath should be provided in phase 1, to will enhance pedestrian safety within the site and will avoid pedestrian use of Boherboy Road during works. I recommend that this be addressed by way of a condition.

11.13.4. Part V:

The CE report notes that the Housing Department has submitted a report (appended to this report) which specifies that the Planning Authority would seek to acquire units on site in the event of a grant of permission, in order to resolve the requirements of s.96 of the Planning and Development Act 2000 as amended.

11.13.5. Views of the Dublin Mountains and the church spire:

The issue of views of the Dublin Mountains from the Carrigmore estate (to the north) will be impacted due to the provision of apartment blocks at that end of the site has been raised by third party observations and the planning authority. I note that the exploration of views of the church and the Dulin mountains is a requirement of Section 6.4.4 of the LAP, however the LAP has expired, and the Development Plan contains no such objective. I also note as per Map 8 of the Development Plan that there is no objective to preserve views on this site. Notwithstanding, I am satisfied that the proposed development will not impact on the visual amenity of the wider area, and this is further considered in Section 14 below.

Archaeology:

11.13.6. A concern has been expressed in relation to two neolithic stones in the proposed development which are assumed will be destroyed resulting in the destruction of historical items. Following site inspection and a review of the

information submitted as part of the planning application there are no archaeological features of interest on the development site. This is further considered in Section 14 below.

11.14. Material Contravention

11.14.1. The applicant's Material Contravention Statement states that the proposed development could be considered to materially contravene the South Dublin County Development Plan 2016-2022 (CDP), and the Fortunestown Local Area Plan 2012-2022, with respect to:

- Density - Table 5.3 "Recommended Densities & Uses", Table 6.1 "Neighbourhood Functions" & section 6.4 "Framework 4: Boherboy Neighbourhood" of the Fortunestown LAP.
- Building Height - Sections 5.5.4 "Building Height" and 6.4.5 "Built Form of the Fortunestown LAP.
- Average Floor Area - Sections 5.4.6 "Dwelling Mix" & 6.4.3 "Density & Land Use" of the Fortunestown LAP.
- Unit Mix - Section 5.4.6 "Dwelling Mix" & Objective BN4a of the Fortunestown LAP.
- Community Building - Sections 7.2.5 "Community Facilities" & 8.0 "Phasing", of the Fortunestown LAP.
- Phasing / Quantum of Development - Section 8.0 "Phasing", of the Fortunestown LAP, and,
- In the context of Section 9(6) of the Act of 2016, the proposed development may be deemed by the Board to represent a material contravention of the CDP in relation to: Car Parking.

11.14.2. As noted in Section 6 of this report subsequent to the lodgement of this application the South Dublin County Development Plan 2022 - 2028 was adopted and is now the operational plan for the County. With respect to the Fortunestown Local Area Plan 2012-2022, this LAP expired on in 2022.

11.14.3. The Board will note that the Draft South Dublin County Development Plan 2022 - 2028 was on public display from 7th July 2021 to 15th September 2021 inclusive, prior to the lodgement of this application. The applicant submitted

Statement of Compliance with the Draft Plan, which states that the proposed residential development at Boherboy, Saggart, Co. Dublin is consistent with the relevant planning policies, objectives etc. that are contained Draft South Dublin County Development Plan 2022-2028. In relation to car parking for the proposed apartments and duplex units – the applicant references the submitted Material Contravention Statement. The objectives are all contained in the adopted Plan, and they retain the same objective reference numbers as per the Draft Plan.

Notwithstanding, in the interest of completeness, I will address the matters referred to in the MC statement submitted below.

Density - Table 5.3 “Recommended Densities & Uses”, Table 6.1 “Neighbourhood Functions” & section 6.4 “Framework 4: Boherboy Neighbourhood” of the Fortunestown LAP:

- 11.14.4. The Material Contravention Statement refers to the estimated density outlined for Boherboy set out in Table 5.3, Table 6.1 and Section 6.4 of the Fortunestown LAP which was identified at 30uph. As the Fortunestown LAP has expired the applicable plan for the area is now the South Dublin County Development Plan 2022 - 2028.
- 11.14.5. I refer the Board to Figure 10: South Dublin Core Strategy Map of Chapter 2 Core Strategy and Settlement Strategy of the CDP 2022 - 2028 as set out in Section 11.4 above which identifies Fortunestown as a MASP residential growth area. The CDP also states in Section 2.6.4 off Chapter 2 that “to achieve this objective a prioritised level of growth of undeveloped land (excluding units / land under construction) for each Neighbourhood Area based on past construction and deliverability was applied with a focus on the SDAs identified under the MASP; amounting to 9,613 units representing a total of 61.7% of units being within the SDZs and Regeneration Lands (47.7% at 7,500) and within Fortunestown (14% at 2,113)”. I reference Appendix 10 Building Height and Density Guide 2022 of the CDP, which also promotes higher densities in suitable locations in the County.
- 11.14.6. I also note the key objective of the National Planning Framework in respect to compact growth targets in particular in Dublin City and Suburbs and the Compact Settlement Guidelines Table 3.3 - Areas and Density Ranges – Metropolitan Towns and Villages in respect to density. While a density requirement for Fortunestown has not been explicitly stated in the CDP, having regard to the Core Strategy and the aims to achieve

compact growth in line with national policy, I consider that the proposed density is within a suitable density range for this site location, and therefore does not represent a material contravention of the South Dublin County Development Plan 2022 – 2028.

Building Height - Sections 5.5.4 “Building Height” and 6.4.5 “Built Form of the Fortunestown LAP:

11.14.7. The Material Contravention Statement refers to the maximum height limit of three stories, with exceptions justifiable only in limited exceptional circumstances as per Section 5.5.4 of the Fortunestown LAP. Additionally, Section 6.4.5 of the Fortunestown LAP states that “development across the Boherboy District will take the form of low density and low rise housing in a manner that incorporates elements of heritage value and views of elements of heritage value. Housing should be no more than two storeys in height”. As the Fortunestown LAP has expired the applicable plan for the area is now the South Dublin County Development Plan 2022 - 2028.

11.14.8. I refer the Board to Appendix 10 Building Height and Density Guide 2022 of the CDP, which address the requirement under SPPR1 of the Urban Development and Building Height Guidelines (2018) and the need for planning authorities to explicitly identify, through their statutory plan, areas where building height will be actively pursued for redevelopment, regeneration and infill development; and provides a toolkit for the assessment of proposed increased building heights in development application and development management scenarios. The framework allows for the proactive consideration of increased heights within areas with specific land zoning designations as well as on sites demonstrated as having the capacity to accommodate increased densities in line with national guidance.

11.14.9. In this regard I consider that the proposed development including building heights ranging from 4, 4-5 and 5 storeys to be suitable at this location having regard to the Core Strategy and therefore does not represent a material contravention of the South Dublin County Development Plan 2022 – 2028.

Average Floor Area - Sections 5.4.6 “Dwelling Mix” & 6.4.3 “Density & Land Use” of the Fortunestown LAP:

11.14.10. The Material Contravention Statement refers to the minimum average floor area of all developments throughout the Plan Lands shall be 110 sq. m. as per Section 5.4.6 of the Fortunestown LAP. As the Fortunestown LAP has expired the applicable plan

for the area is now the South Dublin County Development Plan 2022 - 2028.

11.14.11. I refer the Board to Section 12.6.7 Residential Standards, Chapter 12 Implementation and Monitoring of the CDP, which states that for Housing that “All houses must comply with or exceed the minimum floor area standards contained in the Quality Housing for Sustainable Communities Guidelines, DEHLG (2007), or as may be superseded, as shown in the table 12.20”. In respect to apartments “All apartments shall comply with the Specific Planning Policy Requirements (SPRRs), the standards set out under Appendix 1, and general contents of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DECLG (2020) (Apartment Guidelines)”, as referenced in Table 12.21.

11.14.12. As per Section 11.7.3 of this report all proposed dwellings (including apartment) exceed the minimum standards. In this regard I consider that the proposed floor areas of the residential units within the proposed development are acceptable and does not represent a material contravention of the South Dublin County Development Plan 2022 – 2028.

Unit Mix - Section 5.4.6 “Dwelling Mix” & Objective BN4a of the Fortunestown LAP:

11.14.13. The Material Contravention Statement refers to unit mix and notes Section 5.4.6 of the Fortunestown LAP which states that “In the context of its outer suburban location, the provision of further apartments/duplexes on the Plan Lands will be restricted in order to improve the range and choice of residential units”, and that it is an objective of the Local Area Plan to: Restrict apartments/duplexes only to areas of the Plan Lands that are generally located within 5 minutes walking distance of a Luas station or landmark junction”. Section 5.4.6 of the Fortunestown LAP also includes Objective LUD 10 and Objective BN4a, which relates to the minimum requirement of 85% of dwellings to be provided as own door houses”. As the Fortunestown LAP has expired the applicable plan for the area is now the South Dublin County Development Plan 2022 - 2028.

11.14.14. I refer the Board to Section 12.6.3 Unit Tenure, Chapter 12 Implementation and Monitoring of the CDP, which states that “The Council will support the provision of a mix of tenure types across the County in creating suitable accommodation for all and will discourage undue segregation and over proliferation of a single tenure within any local area (10-minute walk of the proposed development) in line with the provisions of

the Housing Strategy and Interim HNDA or any subsequent future Regional based HNDA”.

11.14.15. The Plan also states that “*proposals for residential development shall provide a minimum of 30% 3-bedroom units*”. The current proposal is providing for 39% three bed units within the scheme, which accords with the requirement to provide a minimum of 30% 3-bedroom units. The application also includes a quantum of proposed unit types including the split between 1-bed, 2-bed, and 3-bed plus, with 10% 1 bed, 39% 2-bed, 39% 3-bed and 12% 4-bed proposed across the dwelling types. The applicant also references the Architectural Design Rationale which identifies that the proposed housing has been designed in a manner that affords alteration and extension thus catering for future adaptability. This also demonstrates how the scheme has been designed for and could be adapted in the future to provide for lifetime adaptability and/or multi-generational use.

11.14.16. In this regard I consider that the proposed unit mix and tenure within the proposed development is acceptable and does not represent a material contravention of the South Dublin County Development Plan 2022 – 2028.

11.14.17. Notwithstanding, in respect of the proposed apartment sizes, the proposed floor areas of Apartment Blocks A and C do not accord with Section 3.8 of the Design Standards for New Apartments, 2022. No commentary has been provided by the application in respect to unit size in the material contravention statement. I refer the Board to Policy H7: Residential Design and Layout of the South Dublin County Development Plan 2022 - 2028, which promotes high quality design and layout in new residential schemes, having particular regard to the standard of individual dwelling units, specifically H7 Objective 1: which states “*To promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020), or as may be updated and Chapter 12: Implementation and Monitoring*”. Therefore, the proposed floor areas of Apartment Blocks A and C do not accord with Section 3.8 of

the Design Standards for New Apartments and are contrary to H7 Objective 1 of the South Dublin County Development Plan.

Community Building - Sections 7.2.5 “Community Facilities” & 8.0 “Phasing”, of the Fortunestown LAP:

11.14.18. The Material Contravention Statement refers to the provision of community floor space and notes Section 7.2.5 of the Fortunestown LAP which states that “Community facilities shall be distributed across the Plan Lands at a rate of 300 sq.m per 1,000 dwellings. Such facilities shall be located close to parks and schools and should encourage complementary day and night time parking”. Section 8 and 8.2 of the Fortunestown LAP is also referenced in respect to the phasing of developments to avoid a shortage of community facilities and the requirement for community floorspace to be provided. As the Fortunestown LAP has expired the applicable plan for the area is now the South Dublin County Development Plan 2022 - 2028.

11.14.19. I refer the Board to Objective QDP14 SLO 1, Chapter 5 Quality Design and Healthy Placemaking of the CDP which states *“To ensure the sustainable long-term growth of Citywest that continues to promote and facilitate the development of the Citywest / Fortunestown area in accordance with the phasing set out in the Fortunestown Local Area Plan 2012-2022 (as extended) or any superseding LAP, and that appropriate levels of services, social and sports infrastructure, facilities and economic activity is met to meet the needs of the current and future population growth”*. COS2 SLO 1, Chapter 8 Community Infrastructure and Open Space the CDP also states *“That Citywest / Fortunestown areas are provided (from within their own community) public, purpose built and suitable amenities including: Library; Community centre and a community café; Accessible playgrounds / playspaces, teenspaces and youth amenities (such as a skate park); Designed green spaces including a managed public park with adequate, accessible public seating and that can host festivals and community events; Greater biodiversity in the area and more tree coverage; Adequate numbers of pitches and clubhouses / pavilions for sports; Adequate public childcare and afterschool facilities; School sites”*.

11.14.20. I note that the proposed development provides several community facilities including a reserved school site to the north of the lands, a creche facility, accessible open spaces and playgrounds, enhances biodiversity and therefore the proposed

development is acceptable and does not represent a material contravention of the South Dublin County Development Plan 2022 – 2028.

Phasing / Quantum of Development - Section 8.0 “Phasing”, of the Fortunestown LAP:

11.14.21. The Material Contravention Statement refers to the phasing of development and notes Section 8 of the Fortunestown LAP which provides details of the phasing and timing for development within the Plan lands and sets out in detail how the proposed development is considered to comply with the phasing strategy of the LAP. As the Fortunestown LAP has expired the applicable plan for the area is now the South Dublin County Development Plan 2022 - 2028.

11.14.22. The applicants Statement of Consistency sets out the development’s compliance with the requirements of the LAP including the phasing strategy.

11.14.23. I refer the Board to the following:

“CS3 Objective 6: To ensure the phased development of new housing areas in tandem with the delivery of physical and social infrastructure provision as identified within Local Area Plans or as informed by assessments carried out by the Planning Authority”.

I consider that this is a general statement and in the absence of more specific detail I do not consider that the proposed development could be deemed to material contravene the objective. There is no relevant LAP in place.

“CS8 Objective 1: To facilitate the commencement and completion of development on zoned residential lands within and contiguous to the settlement boundary facilitating connections to the village core and other areas to provide for active travel and the provision of necessary open space and community amenities in close proximity”.

Objective QDP14 SLO 1, Chapter 5 Quality Design and Healthy Placemaking *“To ensure the sustainable long-term growth of Citywest that continues to promote and facilitate the development of the Citywest / Fortunestown area in accordance with the phasing set out in the Fortunestown Local Area Plan 2012-2022 (as extended) or any superseding LAP, and that appropriate levels of services, social and sports infrastructure, facilities and economic activity is met to meet the needs of the current and future population growth”.*

The LAP has expired. The proposed development includes provision for open spaces,

a childcare facility, and new connections both vehicular and pedestrian through Corbally and Carrigmore estates to the east and north of the site. Some infrastructure has been provided in accordance with phasing requirements of the South Dublin County Development Plan 2022 - 2028. I do not consider that the proposed development could be deemed to be explicitly materially contravening the aforementioned objectives.

11.14.24. Therefore, I consider that the proposed development does not represent a material contravention of the South Dublin County Development Plan 2022 – 2028.

Car parking standards set out in the CDP:

11.14.25. The South Dublin County Development Plan 2016 - 2022 has been replaced with the South Dublin County Development Plan 2022 - 2028. Section 12.7.4 of the South Dublin County Development Plan, 2022 – 2028 relates to car parking, car parking standards are set out in Table 12.26. As set out in section 11.8.13 above the proposed car parking is acceptable, and while the maximum car parking standards set for the residential units are not fully met, the Development Plan states that these standards are maximum and should not be viewed as a target and a lower rate of parking may be acceptable subject to criteria, such as the proximity of the site to public transport and the quality of the transport service it provides. The location of the subject site relative to the LUAS stop is noted in this regard. Therefore, within the Development Plan there is scope for modification to the standards set. Hence, I do not consider the provision of car parking to be a material contravention of the South Dublin County Development Plan 2022 – 2028.

Conclusion:

11.14.26. In relation to unit size within proposed Apartment Block A and Block C, for the reasons outlined, I am not satisfied that the proposed development has been justified for material contravention of the of the South Dublin County Development Plan, 2022 – 2028.

The proposal is not consistent with Section 28 Guidelines, most notably Sustainable Urban Housing: Design Standards for New Apartments (2022) which set out detailed requirements in respect of apartment design standards, specifically internal space standards for apartment developments with residential schemes.

12.0 Water Framework Directive (WFD)

12.1. Introduction:

- 12.1.1. The Corbally Stream/Camac River is located to the east of the site and runs along the eastern boundary of the site.
- 12.1.2. The proposed development comprises of the construction 655 no. residential units (257 no. houses, 398 no. apartments), childcare facility and associated site works on lands at Boherboy, Saggart, Co. Dublin.
- 12.1.3. I have assessed the residential development on Boherboy Road, Dublin and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 12.1.4. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix C after my report. This assessment considered the impact of the development on the:
- Camac River/Liffey
 - Groundwater
- 12.1.5. The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice and implement of a CEMP at the construction phase and through the use of SuDS during the operation phase, all potential impacts can be screened out.

12.2. Conclusion:

- 12.2.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

13.0 **Appropriate Assessment**

I refer the Board to Appendix B - AA Screening Determination of this report.

13.1. **Screening Determination Conclusion**

- 13.1.1. I am satisfied the potential for significant effects, as a result of the proposed development the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.
- 13.1.2. There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.
- 13.1.3. I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded.
- 13.1.4. No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.
- 13.1.5. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

13.1.6. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically in relation to any potential impact to a Natura 2000 site.

14.0 EIA Screening

Statutory Provisions

- 14.1.1. This section sets out the EIA of the proposed project and should be read in conjunction with both the planning assessment and appropriate assessment sections of this report. The proposed development provides for 655 no. residential units (257 no. houses, 398 no. apartments), childcare facility and associated site works on a site with a gross area of 18.3 hectares located at Boherboy, Saggart, Co. Dublin.
- 14.1.2. An Environmental Impact Assessment Report (EIAR) has been prepared because the cumulative size of the proposed development would breach the Schedule 5 Part 2 Paragraph 10 (b)(iv) threshold of the Planning & Development Regulations, 2001 (as amended), which is urban development involving an area greater than 10 hectares in a built-up area.

EIA Structure

- 14.1.3. Section 14 of this report comprises my EIA of the proposed development in accordance with the Planning & Development Act, 2000 (as amended) and the associated Planning & Development Regulations, 2001 (as amended), which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning & Development Act, 2000 (as amended) defines EIA as:
- (a) consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information

by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and,

(b) includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

Article 94 of the Planning & Development Regulations, 2001 (as amended) and associated Schedule 6 set out requirements on the contents of an EIAR.

14.1.4. This EIA section of the report is therefore divided into two sections. The first section (Part A) assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations, 2001 (as amended). The second section (Part B) provides an examination, analysis, and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- Population and human health,
- Biodiversity, (with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive),
- Land, Soil, and Geology,
- Water,
- Air quality and climate,
- Noise,
- Material Assets: Built Services,
- Material Assets: Transportation,
- Material Assets: Resource and Waste Management
- Archaeology and Cultural Heritage,
- The Landscape

- 14.1.5. The second EIA section also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Board's decision, should it agree with the recommendation made. It should be noted that reasoned conclusion refers to significant effects which remain after mitigation. Therefore, while I outline the main significant direct, indirect, and cumulative effects at the conclusion of my assessment of each environmental factor, only those effects that are not or cannot be appropriately mitigated are incorporated into my reasoned conclusion in subsection 14.32.
- 14.1.6. However, at the outset I note that the EIAR is deficient in respect to the proposed works to the Boherhoy Road towards the junction with the N81, in particular with regard to the proposed removal of hedgerow to facilitate the proposed footpath and associated road improvements along Boherboy Road. I note these works have been referenced in the EIAR in particular the characteristics of the development, however the study area does not explicitly state that the proposed works to the Boherhoy Road towards the junction with the N81, have been included in both the study area and baseline studies. Therefore, I consider the EIAR to be deficient as the impact of the proposed works to the Boherhoy Road towards the junction with the N81 have not been assessed.

Issues Raised in Respect of EIA

- 14.1.7. South Dublin County Council (SDCC) expressed concerns in their submission in respect to the content of the submitted EIAR. Issues related to the lack of information on the site plan in relation to the Boherhoy Road works in particular the proposed new footpath up to the junction of the N81. SDCC also noted the mitigation and enhancement measures included in the EIAR and that these should be implemented during construction and operational phase and should be a condition of permission.
- 14.1.8. Thirty two (32 no.) third-party observations have been received by the Board on foot of the SHD. Any issues raised in third-party submissions, planning authority reports, and prescribed body submissions are considered later in this report under each relevant environmental parameter.
- 14.1.9. I note the planning history pertaining to the site (ABP-304828-19), under which permission was refused for an SHD development for reasons including the information provided within the EIAR did not identify or describe adequately the

direct, indirect, secondary and cumulative effects of the proposed development on the environment, in particular with regard to biodiversity, water, traffic, the landscape and visual impact.

Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations

14.1.10. In the table below, I assess the compliance of the submitted EIAR with the requirements of article 94 and schedule 6 of the Planning and Development Regulations, 2001 (as amended).

Table 9.1 – Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations

Article 94(a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size, and other relevant features of the proposed development, including the additional information referred to under section 94(b).
A description of the proposed development is contained in Chapter 2 (Description of the Project and Alternatives) of the EIAR. Chapter subsections include Description of the Location of the Project, Description Proposed Development [sic], Non-Residential Development, Access, and Description of the Main Characteristics of the Construction Phase. No demolition works are proposed. I am satisfied that the development description provided is adequate to enable a decision.
A description of the likely significant effects on the environment of the proposed development, including the additional information referred to under section 94(b).
An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and sufficiently robust to enable a decision on the project.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent, or reduce and, if possible, offset likely significant adverse effects on the environment of the development, including the additional information referred to under section 94(b).
Mitigation is addressed in each of the EIAR technical chapters. Chapter 15 (Summary of EIA Mitigation and Monitoring Measures) sets out a summary of the range of methods described within

the individual chapters which are proposed as mitigation and for monitoring. Relevant supporting appendices include a Biodiversity, Land Soil & Geology, Water, Air Quality & Climate, a RWMP, a CEMP and an OWMP.

I am satisfied that proposed mitigation measures comprise standard good practices and site-specific measures that are capable of offsetting significant adverse effects identified in the EIAR.

A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment, including the additional information referred to under section 94(b).

Subsections 2.20 (Alternatives Examined) and 2.24 (Conclusion on Assessment of Alternatives) provides an overview of the alternatives considered.

An alternative location was not examined because the site is zoned to accommodate the uses proposed. A do-nothing alternative was not considered attractive with the site possibly remaining occupied by a tenant in the large industrial type building and associated yard on site would be an inefficient use of zoned lands. In terms of alternative uses, though other uses are permitted on site, the proposed development is an appropriate land use. Given the residential nature of the project, alternative processes were limited to construction methods. Alternative layouts are outlined that were considered before the current layout was progressed and reasons for choosing this option are set out.

I am satisfied that reasonable alternatives were considered, the main reasons have been set out for opting for the layout proposed, and potential impacts on the environment have been taken into account.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2)

A description of the baseline environment and likely evolution in the absence of the development.

Each of the environmental aspects as listed in the EIAR are examined in terms of the existing or baseline environment, identification of potential construction and operational stage impacts and where necessary proposed mitigation measures are identified and the likely evolution of the environment in the absence of the proposed development is described, with particular reference to 'do nothing' scenarios. I am satisfied with the descriptions of same.

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.

The relevant methodology employed in preparing the EIAR, including desk-based assessment, ecological field studies, consultations, impact assessment etc. is set out in Section 1.12 and the relevant individual chapters.

Each relevant chapter of the EIAR references difficulties encountered when compiling that chapter. It is noted that no significant difficulties, such as technical deficiencies or lack of knowledge, were encountered in compiling any of the specified information contained and any specific difficulties encountered are outlined in the relevant technical chapter.

Having reviewed the EIAR, no specific difficulties were identified except in the mitigation measure – construction stage chapter. This noted encountering any heavily contaminated land during construction, which will be removed off-site and be disposed of at a licenced waste facility. In addition, the potential for encountering contaminated ground water could result in contaminated waters being discharged from the construction site. Any such contaminated waters will be treated using best practice, appropriate measures/controls.

I am satisfied that the forecasting methods overall are adequate in respect of likely effects.

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.

Chapter 14 (Identification of Significant Impacts / Interactions) identifies and assesses the likelihood and potential significant adverse impacts on the environment arising from the vulnerability of the proposed development to risks of major accidents and/or natural disasters. It considers whether the proposed development is likely to cause accidents and/or disasters and its vulnerability to them. I am satisfied this issue has been adequately addressed in the EIAR.

Article 94 (c) A summary of the information in non-technical language.

The EIAR submitted with the application comprises Volume I (Non-Technical Summary), Volume II (Main Report (in two parts i.e., Part A - Introduction and Background and Part B – Effects on the Environment)), and Volume III (Appendices (in eight parts)). I am satisfied that the Non-Technical

Summary is concise, suitably comprehensive, and would be easily understood by members of the public.
Article 94 (d) Sources used for the description and the assessments used in the report
Each chapter provides a list of documents and information used to inform the chapter assessment. I consider the sources relied upon are generally appropriate and sufficient in this regard.
Article 94 (e) A list of the experts who contributed to the preparation of the report
A list of the various experts who contributed to the EIAR, their specialist topic(s)/input, and their qualifications are set out in table 1.2 (EIAR Project Team) of the EIAR. I am satisfied that the EIAR demonstrates the competence of the individuals who prepared each chapter of the EIAR.

Consultations

14.1.11. The application has been submitted in accordance with the requirements of the Planning and Development Act, 2000 (as amended), and the Planning and Development Regulations, 2001 (as amended), in respect of public notices. Submissions have been received from statutory bodies and third parties and are considered in this report, in advance of decision making.

14.1.12. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

Compliance

14.1.13. While I note the time lapse since the survey works were undertaken, I would note the site has remained largely untouched in the intervening period and no significant development has taken place in or around the site. Therefore, I am satisfied that the survey work carried out as part of the EIAR is acceptable. I am satisfied there is sufficient information on file to allow the application to be determined and that documentation submitted by the applicant, provided information which is reasonable and sufficient to allow a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.

14.1.14. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to

comply with article 94 of the Planning & Development Regulations, 2001 (as amended).

Assessment of the likely significant direct and indirect effects

14.1.15. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in Section 171A of the Planning and Development Act 2000. It includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions of these effects.

14.2. Population and Human Health

14.2.1. Issues Raised

14.2.2. The submissions from the third parties raise concerns about traffic congestion and safety and fire safety concerns a regards access to fire hydrants for the local population.

Examination, analysis and evaluation of the EIAR

14.2.3. Chapter 3 of the EIAR deals with Population and Human Health and outlines a detailed description of the existing environment and context. Section 3.4 outlines the existing environment is considered under the following headings:

- Land-Use Planning / Settlement Patterns;
- Population Growth;
- Socioeconomic Profile;
- Community and Outdoor Facilities;
- Movement and Transport;
- Human Health.

14.2.4. Section 3.4 outlines the predicative impacts of the proposed development. It includes numerous references to other EIAR topics, and these effects will be addressed in more detail in the relevant sections of this report. The main construction effects are predicted to be related to element of noise, mobility of heavy vehicles, dust and the

arrival and departure of construction workers into the area. The operational phase is predicted to be slight, positive or neutral in the long-term, positive impacts relating to housing supply, services and amenities and employment.

14.2.5. Section 3.4 sets out that the operational stage will result in a further increase in the population of the wider area and a change in the demographic profile in the area. This impact is considered to be permanent but slight, and appropriate to the land-use zoning designation for the site and the Core Strategy of the Development Plan. Cumulative impact on childcare demand is assessed in the Social & Community Infrastructure Audit / Assessment and to avoid significant impacts in relation local amenities the provision of a new childcare facility within the design proposal. demonstrates that the development does not result in a demand for childcare provision which could not be reasonably catered for in existing / planned childcare facilities within the area, in addition to the creche provided in the subject development (which has capacity to cater for the entire development proposed, with additional capacity in addition). With regard to human health, the cumulative impact of the proposed development in conjunction with other nearby developments and the ongoing development on the subject site will provide for the introduction of high-quality new housing stock in the area with a high level of accessibility and amenity.

14.2.6. Section 3.5 outlines construction impacts, mitigation and monitoring measures. The construction stage measures are based on the CMP provisions including a dust minimisation, noise/vibration control, water protection, traffic management, and a monitoring regime. The operational stage measures relate to the proposed replacement landscaping and the improvement of walking, cycling, and public transport options. The EIAR predicts that there will be positive residual impacts in the creation of a new community with improved services and sustainable transport options, as well as the consolidation of the existing townscape. The EIAR also considers the potential cumulative impacts of other projects in the area. Subject to liaison between construction sites and implementation of the appropriate best practice measures, no significant cumulative impacts are predicted. The operational phase is not predicted to generate cumulative human health impacts and positive impacts are predicted in relation to townscape character and the delivery of much needed residential development and other services/amenities such as, connections, open space, creche etc.

Assessment: Direct, Indirect, and Cumulative Effects

14.2.7. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors as discussed in sections 5.15.1 to 5.15.6 of this EIA. I also acknowledge the potential impacts identified in Chapters 7 (Air Quality and Climate) and Chapter 7 (Noise) and the potential interaction with population and human health. I consider that the predicted impacts and the associated mitigation measures are adequate to prevent any unacceptable impacts. The concerns raised in submissions about traffic congestion and safety have/will be addressed in section 11.8 of this report, and I am satisfied that there will be no unacceptable impacts. Similarly, I am satisfied that any fire safety requirements will be adequately addressed under the Building Regulations as a separate legal code to the planning process.

Conclusion: Direct, Indirect, and Cumulative Effects

While the net impact of the proposed development is expected to be positive (in that its completion will create a high volume of high quality housing in the context of an ongoing housing crisis), it is likely that negative impacts will also arise as a result of the proposal. I consider that the main significant direct, indirect, and cumulative effects on Population and Human Health are negative predicted impacts are commensurate with the nature and scale of the proposed development and are predominantly short-term impacts associated with the proposed construction works (such as noise, dust), and traffic, and will be mitigated as follows:

- Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan and a traffic management plan.
- Positive socioeconomic effects at operational stage through the availability of additional housing, employment, services and amenities, open space and recreational improvements.

14.3. **Biodiversity**

Issues Raised

14.3.1. The third parties set out that the development will impact result in loss of habitat (flora and fauna) and will have a negative impact on local biodiversity. Concerns has been

raised about foxes, otter, bats, birds of prey, herons and a badger set on site. Concerns were also raised in respect to the Corbally Stream and flood mitigation, which could have negative implications for the biodiversity of the Corbally Stream. I note that flooding is addressed in Section 11.10 of this report.

Examination, analysis and evaluation of the EIAR

- 14.3.2. Chapter 4 of the EIAR deals with Biodiversity. It highlights that the potential impact on European sites is set out in the accompanying AA Screening Report and I have addressed this in section 13 of my report and Appendix B. Desk studies were carried out to obtain relevant existing biodiversity information within the Zone of Influences (ZOI). The assessment also extended beyond the immediate development area to include those species and habitats that are likely to be impacted upon by the proposed residential development. A desk study was undertaken in June 2021 to collate available information on the local ecological environment. Ecological field surveys were carried out following the best practice professional guidelines in February, March, June and July 2020, and in February, March, May and June 2021. Field surveys were carried out as outlined in Table 4.1, 4.2 and 4.3 of Chapter 4 as set out below. All surveys were carried out in the appropriate seasons.

Date (Sunrise)	Survey Time	Weather Conditions
15/06/2020 (04:58)	05:28 – 08:18	No rain, little cloud with very good visibility. Temperatures between 11 - 16 °C.
26/06/2020 (05:00)	05:40 – 08:21	Mild with temperatures of 18°C, no rain, overcast and excellent visibility. Gentle breeze.
27/05/2021 (05:10)	05:40 – 08:30	Dry, mild with no clouds, temperatures of 12-16°C.
18/06/2021 (04:57)	05:30 – 08:10	Dry, partly cloudy, temperatures of 9-14°C. Slight breeze.

Table 4.1 - Breeding bird survey details

Date (Sunset/Sunrise)	Survey Time	Survey Type	Weather Conditions
25/06/2020 (21:57)	21:30 – 23:52	Dusk activity survey	Warm, humid weather (18-21°C), little wind. Very light showers.
23/07/2020 (21:35)	21:20 – 23:38	Dusk Activity Survey	Dry and overcast, with temperatures around 19°C. Light breeze

Table 4.3 - Details of bat surveys undertaken within the proposed development site.

I note the timeline of surveys carried out ranges from 2020-2021 and based on the documentation submitted and the pattern of development immediate to the site in the intervening period. I note however, that the studies carried out do include the proposed works to the N81 comprising a new footpath and road improvement works are proposed to the Boherboy Road, towards the junction with the N81 as noted above. Therefore, I am not satisfied that the surveys submitted include the full extent of the proposed development works in respect to biodiversity and this is a serious omission on behalf of the EIAR.

The EIAR noted that one of the farm sheds could not be accessed fully internally due to the presence of cattle within the shed. This is not considered to be a limitation, however, as activity surveys were carried out at dusk and dawn at the peak activity season (following BCT guidelines, Collins (2016)) to determine bat usage of the sheds and if any roosting bats were present. While I note the third-party concerns as regards in-depth wildlife surveys, I am satisfied that the surveys carried out are comprehensive and in line with best practice.

14.3.3. The EIAR establishes the potential zone of influence (ZOI) at a radius of 2km from the proposed Project. Where there was a potential for the ZOI to be influenced by drainage connections, natural biodiversity corridors e.g., rivers or woodland these were also take into account and the assessment was extended. It is considered that the potential ZOI extends beyond the site outline via the watercourse on site and the proposed foul and surface water drainage strategy.

Designated Sites - The closest European site, Glenasmole Valley SAC is located 4.1km southeast of the proposed development. I refer the Board to Section 13.0 and Appendix A of this report.

Overview: The lands comprise of two agricultural grassland fields separated by hedgerows and a drainage ditch, with hedgerows and treelines surrounding the lands. Cattle regularly graze on these fields, with open cow sheds in the south of the site, adjacent to the entrance. The land is bounded by the Boherboy Road (L2008) to the south, agricultural fields to the west, and residential areas to the east. The Corbally stream runs along the eastern and southern boundary, the Coldwater flows along the western boundary, and the Cooldown is noted along the middle boundary in the site, however, both are partially dry drainage ditches in actuality.

Habitats and Flora: No protected plant species contained within the Flora (Protection) Order, 2015, rare plant species contained within Ireland Red List No. 10 Vascular Plants (Wyse Jackson et al., 2016), or species listed on Irelands Red List No. 8: Bryophytes (Lockhart et al., 2012) were identified within the proposed development site during habitat surveys. No non-native, invasive plant species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 were recorded within the proposed development site.

Trees & Hedgerows: An Arboricultural Assessment accompanied this application. Hedgerows were present in the north of the site along the boundary, and in a mosaic with treelines along the central and eastern boundary. The hedgerows along the northern and central boundaries were relatively young and not well established. The hedgerow along the eastern most boundary was well established and was beginning to transition into a treeline. The hedgerows here provide cover and shelter for the local wildlife, and due to their good condition, close association with the treeline habitat, and connection they provide to the wider landscape, this habitat is valued as being local importance (higher value).

Mature treelines border the proposed development site, including; in the west, along the southern boundary, and in a mosaic with hedgerows along the central border of the two fields, and the eastern boundary. This habitat is present as a well-established, mature treeline, with native and non-natives both occurring. Due to the mature and good condition of the treelines present within the lands, and the corridors this habitat

provides to the surrounding areas, this habitat is valued as being of a local importance (higher value).

The Arboricultural Assessment submitted with the application details states that 70 (47.6%) of the 147No. individually tagged trees included within this assessment area along with 1No. full hedge (c.300m) plus c.281 linear meters of 13No. other hedge sections of varying sizes will need to be removed to facilitate the proposed development works on this site area or as part of management. Whilst I note the loss of trees and hedgerow, in the context of the comprehensive development on the site, I do not consider the proposed losses to be significant and combined the landscaping measures proposed a part of the development. I also note the retention of the existing hedgerow to the centre of the site, I am satisfied that the development is acceptable.

Terrestrial Fauna (excluding bats):

Badger - No evidence of badger, such as setts, snuffle holes, latrines or hair, was identified within the proposed development site during field surveys carried out. Three mammal holes were identified along the central boundary that separates the two fields, in the southern end of the site within the bank of a drainage ditch. These holes were checked for evidence of badger, however, were deemed too small and narrow (20-30cm width) to be suitable for badger. Three fox *Vulpes* cubs were identified during surveys adjacent to these holes, and the camera trap deployed in this location confirmed fox usage of these holes. The habitats within the proposed development site (grassland, scrub, hedgerows) provide suitable foraging and commuting habitat for badger. Due to their stable Irish populations, badger are considered to be of "Least concern" in terms of conservation (Nelson et al., 2019). The local badger populations are valued to be of local importance (higher value), as there is suitable habitat within the proposed development site and its vicinity, and from the NBDC desk study search records within c. 2km of the proposed development site.

Otter - The Corbally Stream which flows along the eastern and northern boundary of the site, the Coldwater Stream which begins and flows along the western site boundary, and the Cooldown Stream which begins and flows along the central border, flowing into the Corbally in the north of the site, were all checked for otter usage and habitat suitability. The Cooldown and Coldwater Streams are drainage ditches in reality and were partly dry during field surveys. No holts, couches or spraints were

identified along any of these streams or in any areas of the proposed development. The Cooldown and Coldwater Streams are unsuitable for holt/couch creation due to being mostly dry drainage ditches. The Corbally Stream has potential to be suitable for usage by otter, however this stream is very shallow with no bank in some sections (southern section) and would only be suitable for commuting otters in these areas. Where the bank is higher above the stream (central section), tree roots are present which could be utilised as holt/couch sites by local otters. Fish were not identified within any of the streams.

Other Mammals - All of the mammal species returned in the NBDC search, or identified within the proposed development site are of “Least” conservation concern (Nelson et al., 2019). They are widely distributed throughout Ireland.

Non-native Invasive Mammals – Non identified on the proposed site.

Breeding Birds:

Breeding bird surveys were undertaken using a methodology adapted from the Bird Monitoring Methods - A Manual of Techniques for Key UK Species 5. The study area covered the lands within the proposed development site, of which were slowly walked in a manner allowing the surveyor to come within 50m of all habitat features. Birds were identified by sight and song, and general location and activity were recorded using the British Trust for Ornithology (BTO) species and activity codes. Any buildings/structures within the lands were assessed for nesting bird species

Wintering Birds:

Wintering bird surveys were undertaken using a methodology based on the Bird Monitoring Methods – A Manual of Techniques for Key UK Species. The study area covered the lands within the proposed development site. Surveys consisted of vantage point surveys, each of 3-hour duration. Vantage point surveys were carried out on the 25th of February and 19th and 23rd March 2020 respectively. For health and safety reasons, owing to livestock being present in one of the fields on the 19th of March, only one vantage point survey was carried out on the morning of the 19th of March, with the other vantage point survey being carried out on the afternoon of the 23rd of March. Update wintering bird surveys were carried out on the 17th of February and 18th March 2021 and followed the same format.

Amphibians and reptiles: A survey for suitable habitat for amphibians and reptiles was undertaken on the 29th of June 2020. Suitable habitat for amphibians, such as ponds and wet ditches, and reptiles, such as habitats with stone walls, rocks or logs suitable for basking, were noted and mapped. Any direct observations of individuals were noted.

Mitigation measures are outlined in section 5.8. Impacts at operation stage: Neutral/Not significant/long term/likely in the absence of mitigation: negative; slight; short term, not significant.

Bats: A ground-level assessment of trees and structures within the subject lands, to examine their suitability to support roosting bats and potential to act as important landscape features for commuting/foraging bats, was based on guidelines (see Table 4.1 in EIAR) in Bat Surveys for Professional Ecologists: Good Practice Guidance (Collins ed., 2016) and included inspections of trees and structures for potential roost features (PRFs), and for signs of bats (staining at roost entrances, droppings, carcasses, insect remains). This was undertaken on the 29th of June 2020 and 18th June 2021. Three separate bat activity surveys were undertaken within the lands by surveyors who are experienced in bat transect surveys. The surveys were designed with reference to methodologies in Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.) (Collins, 2016), and survey details are provided in Table 5.2. Surveys involved completion of a walked transect within the proposed development site. Observations of bat activity were recorded, and where necessary, data collected in the field was analysed using specialist software (Elekon BatExplorer) to aid in the identification of bat species by their calls. Data generated from the transect surveys was analysed using Elekon BatExplorer software, whereby calls were identified to species level (where this was possible), through professional judgement and with reference British Bat Calls: A Guide to Species Identification (Russ, 2012).

The mitigation measures are outlined in Section 5.8. With the implementation of appropriate mitigation measures no significant impacts on are likely.

Aquatic Ecology: Given that there is a watercourse within the proposed development site and works are proposed in the vicinity of the watercourses, including crossings, there is potential for localised and downstream impacts on aquatic biodiversity. The section of the Camac River where this record was located, flows downstream and joins

with the Corbally Stream c. 2.5km downstream of the proposed development site. The site is therefore connected to white-clawed crayfish habitat. The water quality within the proposed development site was not measured, however with heavy cattle poaching and dumping evident within the stream, and as the streams are culverted in the northwest of the site, it is unlikely that the Corbally, Coldwater and Cooldown Streams within the proposed development would support white-clawed crayfish populations.

- 14.3.4. Construction stage impacts on habitat and flora will result in the loss of habitat area; totalling approximately 17ha. However, none of the habitats directly affected by the proposed development are considered to be any greater than of local biodiversity importance. Their loss or modification will not result in a likely significant effect on biodiversity. All of the ditches drain to the Corbally Stream on the northern boundary of the site. A riparian margin of at least 10m will be in place to ensure minimal impact on the stream outside of the stream crossing areas.
- 14.3.5. Construction stage impacts on habitats include direct loss/damage. During the construction stage of the development, badgers could be impacted by the removal of foraging areas and feeding resource available. However, the overall loss of habitat is small and not significant at any scale, considering the typical badger territory size of more than 60ha in Ireland (Hayden and Harrington, 2000), and the abundance of available suitable habitat surrounding the proposed development site. No evidence of otter was noted on site; therefore, the proposed development will not result in the loss of any breeding or resting places and construction works will not disturb any such sites. The construction stage of the development will reduce the amount of semi-natural habitat available for foraging in this area for small mammals, however, the overall loss of habitat is small and not significant at any scale. In the absence of mitigation to protect birds and their nests, there is potential for direct impacts on breeding birds due to loss of suitable breeding bird habitat and/or the risk of direct mortality and injury to birds, which may arise from the clearance of vegetation within the proposed development site. This potential impact would be most likely to arise if clearance works are undertaken during the time of year when birds are likely to be nesting (i.e., 1 st March to 31st August, inclusive). Appropriate mitigation measures have been provided to ensure adherence to the Wildlife Acts. The proposed development will include the removal of bat foraging habitat, i.e., the treelines, trees and hedgerows along the

southern boundary and sections of the central hedgerow. With regards to the loss of foraging habitat, majority of the treelines along the boundaries are to be retained within the design of the scheme and will therefore continue to provide foraging opportunities for bats. The effects of loss of foraging habitats on bats are considered to be temporary until planted vegetation can be developed, and significant at a local geographic scale, due to the level of activity identified on site. With the implementation of appropriate mitigation measures no significant impacts on are likely.

- 14.3.6. Significant operational impacts on habitats, flora, badgers, bats, birds, and other mammals will not result in a significant negative effect on habitats within the proposed development site at any local or geographical scale. I note the mitigation measures described in Section 4.9.1.1 to protect water quality within the local receiving environment, will also mitigate for habitat degradation impacts on other species. I also note the mitigation measures to protect bats during the removal of roosts and during the clearance of vegetation. While I note that the risk of a major accident and/or disaster on site is considered extremely low but suitable mitigation measures have been included to address any such events.
- 14.3.7. I refer the Board to Table 4.7 Summary of the significant residual ecological effects of the proposed development of Chapter 4 of the EIAR and Appendix 4 Volume III of the EIAR.
- 14.3.8. With regard to potential cumulative effects, the EIAR states that any other projects acting in combination with the proposed development would be unlikely to undermine the conservation objectives of any of the qualifying interests or special conservation interests of Natural Heritage Areas or European sites in, or associated with, Dublin Bay as a result of water quality effects. There are general overarching policies in the South Dublin County Development Plan 2022 - 2028 to ensure that proposals for development integrate the protection and enhancement of biodiversity – Policy GI2: Biodiversity and the associated objectives are noted.
- 14.3.9. Developments permitted in the area have also been outlined and I have considered the planning register in light of the significant passage of time since the making of the application. The EIAR does not identify the potential for any significant cumulative impacts on biodiversity.

Assessment: Direct, Indirect, and Cumulative Effects

14.3.10. Based on the information submitted, in particular the lack of information provided within the EIAR, with respect to the proposed works comprising a new footpath and road improvement works are proposed to the Boherboy Road, towards the junction with the N81, a full assessment of the significant direct, indirect and cumulative impacts has not been provided.

Conclusion: Direct, Indirect, and Cumulative Effects

14.3.11. I have considered all of the written submissions made in relation to Biodiversity, including the report from the Chief Executive. I am not satisfied that the EIAR has included all of the proposed development works as part of the screening for environmental impacts and as such there is an inadequate assessment of proposed development on biodiversity. I am, therefore, not satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

14.4. Land, Soils and Geology

Issues Raised

14.4.1. None.

Examination, analysis and evaluation of the EIAR

14.4.2. Chapter 5 of the EIAR deals with land, soils, and geology and comprises of an assessment of the potential impact the proposed development will have on the land, soils and geology during both the construction and operational phases. This section also intends to identify the nature of any impacts and provide the necessary mitigation measures arising from the proposed development. The area of the two subject fields is c.17.6Ha and is currently in greenfield condition with some remaining farm sheds/outbuildings.

14.4.3. The construction phase will require the removal of top soil and storing on site in mounds for reuse. It is estimated that approximately 41,000m³ of top soil will be disturbed during the construction phase with c.30,000m³ to be reused and the remainder to be removed to a licenced facility.

14.4.4. Sub-soil excavation will be required to allow the construction of the roads, building foundations, drainage, and ancillary services. It is estimated that the sub-soil volume to be excavated and removed is approximately 60,000m³.

Topsoil & Soil - The results of site investigation work for the site indicate existing soil conditions as generally comprising a 0.3m thick topsoil layer overlying firm brown, grey brown or occasionally as black slightly sandy slightly gravelly CLAY, slightly gravelly sandy CLAY/SILT, Laminated sandy SILT and sandy gravelly slightly organic CLAY. The granular deposits were encountered in the trial pits in the south of the site either as lenses within the cohesive deposits or as strata underlying upper cohesive deposits to the base of the trial pits. These deposits were typically described as brown or dark grey gravelly fine to coarse SAND and clayey sandy sub angular to sub rounded fine to coarse GRAVEL.

Bedrock Geology - The bedrock is determined from the Geological Survey of Ireland website dataset (www.gsi.ie) and is noted as being underlain by coarse greywacke and shale of the Pollaphuca Formation. The Calp or Lucan formation is present to the north of the site.

Groundwater - GSI mapping indicates that the bedrock underlying the site (Pollaphuca Formation) is classified as a Poor Aquifer (P) - bedrock which is generally unproductive except only in local zones. The aquifer vulnerability for the area ranges from Low to Extreme. At the site location, the area is classified as having a Low Vulnerability. An area of Moderate and High Vulnerability is present surrounding the area of the site area. the High/Extreme Vulnerability areas are close to areas where bedrock is shallow or where sand and gravel deposits are expected and/or there is a thin cover of cohesive material above the bedrock. The Moderate/Low Vulnerability areas are likely to coincide with areas where sufficient thicknesses of cohesive glacial deposits are present above the bedrock or where deeper bedrock is expected. No ground water was noted as encountered during the trial holes investigations but it is noted that ground water levels can vary depending on the time of year (Ground Investigations summary report in Appendix 5).

Contaminated Land – There is no contaminated land present on site. If any heavily contaminated land is encountered during construction, it will be removed off-site and be disposed of at a licenced waste facility.

- 14.4.5. The predicted impact at construction phase is the removal of top soil and storing on site in mounds and sub soil excavation to allow the building of foundations, roads and services, and it is envisaged the attenuation tanks will require significant excavation

of sub-soil and temporary storing of the removed top soil. The road levels have been designed to follow as closely as possible the existing contours of the site with the design principle of a balanced cut and fill earthworks landscaping of the development will restore the removed topsoil layer where not covered by development hard covering. The impacts of the removal of the soil are deemed to be short termed and moderate in the construction phase. Foundations for the buildings will be shallow depth (c.< 1.0m below ground) strip footings, generally 3 times the width of the supported wall. The closest any house/apartment foundation will be is c.7m from the site boundary.

Typical foundation details for the proposed housing are shown on the Davey Smith Architects application drawing "No.OT-03 Foundation Details " and on the RMA Dwg.No.1324B/336. It is estimated that approximately 5,100m³ of sub-soil will be excavated and removed from the site for construction of the attenuation tanks. There will be a minimal impact on the groundwater as there is relatively little removal hedgerows proposed in this development, due to the retention of the boundary conditions and most of the internal spine of hedgerow. There will be an increase in traffic of construction machinery across the site which will impact the sub-soil layers and discourage infiltration of rainfall to the water table. There is also an increased risk of mud and debris getting transferred to the surrounding local road network.

- 14.4.6. An Outline Construction Environmental Management Plan (OCMP) is included with the planning application. This plan will be developed further by the contractor into a Construction and Environment Management Plan for the construction phase. The OCMP includes a range of site-specific measures including the following mitigation measures in relation to soils, and these should be reflected in the CEMP at construction stage. The impacts on the underlying bedrock geology arising from the construction phase will be imperceptible. The greatest impact will be to the soils from the construction activity as soil levels will be altered throughout. However, final landscaping should reduce and address these impacts. The implementation of the construction phase mitigation measures highlighted in section 5.11.1 will ensure that the soils geology and hydrogeological environment is not adversely impacted during normal and/ or emergency conditions during the operational phase.
- 14.4.7. The construction stage mitigation measures include protected storage of stockpiled material; management of ground water during excavation; measures employed to

prevent spillages from concrete delivery trucks and associated works; and provision of a designated fuel transfer area.

- 14.4.8. No significant effects are predicted during the operational phase as once the construction stage is complete and the development is in-situ and operational, the geology beneath the proposed site will remain unchanged. Subsoil will either be covered by surface hardstanding, building footprint or landscaped areas. With the implementation of the proposed mitigation measures, no significant construction effects are anticipated.

Assessment: Direct, Indirect, and Cumulative Effects

- 14.4.9. In relation to land as a resource, I have considered the principle and density of the proposed development in Section 11.3 and 11.4 of this report, and I am satisfied that the proposal would make efficient use of the land resource.

I would also accept that the loss of soil and geology is an inevitable aspect of such planned urban development, and I am satisfied that appropriate mitigation measures have been incorporated to prevent any unacceptable impacts. Suitable measures will protect against the potential for dust/dirt pollution and nuisance; groundwater flooding and/or contamination; and soil contamination associated with construction fuels and other pollutants.

Conclusion: Direct, Indirect, and Cumulative Effects

- 14.4.10. I consider that the main significant direct, indirect, and cumulative effects on Land, Soil, and Geology are, and will be mitigated as follows:

- The loss of land, soil, and geology which would be acceptable given the proposed delivery of appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.
- Construction stage impacts relating to dust/dirt pollution, groundwater interference, and soil contamination, which would be mitigated by the Outline Construction Management Plan and will be developed further by the contractor into a Construction and Environment Management Plan and other measures proposed in the EIAR.

I am satisfied that the impacts identified would be avoided, managed or mitigated by measures forming part of the proposed scheme, proposed mitigation measures and

measures within suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of land, soil and geology.

14.5. Water

Issues Raised

- 14.5.1. Flooding was raised as a concern by several third parties in addition to water capacity, water services and increased flood risk. I note that flooding is addressed in Section 11.10 of this report.

Examination, analysis and evaluation of the EIAR

- 14.5.2. Chapter 6 of the EIAR assesses the likely impact of the proposed development on the freshwater streams and ground water during both the construction and operational phases. Interaction between surface water, foul water and water supply have also been addressed.

The methodology for assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Engineering Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems and the Site-Specific Flood Risk Assessment was also submitted. This should be read in conjunction with Section 11.10 of this report.

The Corbally Stream bounds the subject site along the east and northern boundaries. This stream is a tributary of the Camac River. There are local field ditches on the subject site that drain into this stream along the northern boundary.

- 14.5.3. The potential construction stage impacts are identified as including, surface water runoff during construction can cause silt from the exposed sub-soil be washed into the Corbally Stream causing excess siltation downstream; site contaminants from cement/concrete generated during wash down of concrete delivery trucks could enter the Corbally Stream causing pollution; accidental fuel leaks/spills could be washed into the Corbally Stream or leak into the exposed sub-soil which could result in an increased risk of contamination to the receiving watercourses and groundwater; over pumping of rainwater from foundation excavations could contain excess silt levels and could have a potential impact on the on the existing hydrology cause increased silt

levels in the surrounding watercourse; improper discharge of foul drainage from the contractors site compound could have an impact on the existing hydrology. In the absence of mitigation, it is likely that this activity would have a slight, adverse, temporary, residual impact on the watercourses.

- 14.5.4. The vast majority of the subject site's local aquifer is classified as PI - Poor Aquifer Bedrock which is generally Unproductive except for local zones. Also, the northern section of the lands has the groundwater classification of LI - Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zone as part of the site investigation undertaken by Ground Investigations Ireland.
- 14.5.5. The proposed development includes 4 no. crossings of the Corbally Stream connecting the proposed development with the adjoining Corbally and Carrigmore housing estates and the public Carrigmore Park. The OPW requires that there be a minimum of 300mm freeboard between the estimated top water level during the 1%AEP event and the soffit of the inlet to the culvert conveying the flow. The SSFRA has calculated the top water level at all crossings for the 1%AEP event and determined that the soffit levels of the proposed crossings are a more that 500mm above the 1%AEP top water level. The OPW requires design solution to convey the 1% AEP flood event with a minimum freeboard of 300mm between the top water level at the inlet and the soffit of the culvert and therefore the proposals comfortably comply with the OPW recommendations. The proposed development will not be at risk of flooding and will not increase flood risk elsewhere and that the development is therefore appropriate from a flood risk perspective.
- 14.5.6. I refer the Board to section commencing 11.10 as regards Flood Risk analysis. In summary, following the Site Specific Flood Risk Assessment, it has been determined that the application was subject to and passed the Development Management Justification Test as required under the OPW's The Planning System and Flood Risk Management 2009 (the Guidelines).
- 14.5.7. The potential operational stage impacts are identified as including, if the surface water outflow is restricted to the current greenfield rates there will be an increase in the surface water run-off due to the increase of the impermeable surfacing and a reduction of the ground water recharge, accidental leak of hydrocarbon and subsequent discharge into piped surface water drainage network and downstream into the Corbally

Stream.

- 14.5.8. A wide range of mitigation measures have been specified for the construction and operational phases of the project. These mitigation methods seek to ensure that construction and operational discharges are controlled to minimise the impact on the Hydrology and Water Services in the area of the proposed development. Consequently, the mitigation measures detailed in section 6.6.1 are also intended to prevent potential impacts to the ecosystem of the Corbally streams. The watercourses will be protected during the operational phase through the implementation of sustainable drainage systems (SuDS) on site.
- 14.5.9. The stormwater from the site will be treated and attenuated via the SuDS measures outlined in the Drainage and Water Infrastructure Engineering Planning Report and drainage drawings, ensuring adequate water quality at the discharge point to both watercourses. Given the adherence to SuDS principles, there is no anticipated cumulative effect. Similarly, interaction between hydrology and the proposed foul or potable water supply is not applicable or controlled. As such, there is no anticipated cumulative effect.
- 14.5.10. The surface water drainage system has been designed to capture, store and discharge surface water run-off from rainfall events for all return periods up to and including 100 years (with an allowance for climate change). above the 1.0% AEP flood level with an appropriate allowance for freeboard, typically 0.5m. The maximum post-development 1% AEP water level in the basin at the north boundary is 118.02m. The minimum proposed floor level is 120.50m, 2.48m above the 1% AEP level and 1.98m above the recommended minimum. For storms in excess of 100 years, the development has been designed to provide overland flood routes along the various development roads towards the surface water drainage outfalls and existing roads. Proposed buildings adjacent to the Compensatory Storage Area have a minimum floor level of 120.50m, 2.48m above the 1% AEP level, the proposed road connecting to lands north has a minimum level of 120.00m, 1.98m above the 1% AEP level and 1.73m above the recommended minimum, and the finished level of the open space adjacent to the Corbally stream has been raised where required to provide a minimum 750mm freeboard above the 1% AEP water level in the stream.
- 14.5.11. The construction stage mitigation measures refer to the Outline Construction

Management Plan (OCMP) and best practices to avoid water pollution, and water quality will be monitored throughout. The operational measures relate to the monitoring of the drainage system. After the implementation of mitigation measures, no significant water impacts are predicted.

Assessment: Direct, Indirect, and Cumulative Effects

- 14.5.12. I have considered the construction stage mitigation measures, and I am satisfied that they are suitably designed to address the potential risk of pollutant releases to the groundwater and surface water network. At operational stage, I am satisfied that there will be no significant discharge to groundwater and that the surface water discharge to the existing network will be designed in accordance with best practice requirements to satisfactorily address potential impacts. Wastewater will be connected to the Uisce Eireann (UE) network and will discharge to the existing network at Ringsend Waste Water treatment Plant (WWTP) for treatment prior to discharge; the Ringsend WWTP is required to operate under EPA licence and meet environmental standards. Treatment Plant (WWTP) treatment Plant for treatment prior to discharge; the Ringsend WWTP is required to operate under EPA licence and meet environmental standards. As per Uisce Eireann website (reviewed 09/06/2025) there is spare capacity available with a WWTP Project Planned/underway, this upgrade will ensure water in the Lower Liffey Valley meets EPA standards. I note that UE has confirmed a pre-connection to the system is feasible. I refer the Board to section 11.19.3 of this report.

Conclusion: Direct, Indirect, and Cumulative Effects

- 14.5.13. I consider that the main significant direct, indirect, and cumulative effects on Water are, and will be mitigated as follows:
- Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures included in the Outline Construction Management Plan and will be developed further by the contractor into a Construction and Environment Management Plan.
 - Operational stage surface water discharges, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.

14.6. Air Quality and Climate

Issues Raised

- 14.6.1. Air quality as a result of the increased vehicles and traffic congestion, and that the Government have declared climate crises were raised as a concern by several third parties.

Examination, analysis and evaluation of the EIAR

- 14.6.2. Chapter 7 of the EIAR assesses air quality and climate impacts. The methodology is set out in section 9.2. The air quality assessment has been carried out following procedures described in the publications by the EPA (2015; 2022) and using the methodology outlined in the guidance documents published by the UK Highways Agency (2019a) and UK Department of Environment Food and Rural Affairs (DEFRA) (2016; 2018), UK Institute of Air Quality Management (IAQM), Transport Infrastructure Ireland (TII) reference the use of the UK Highways Agency and DEFRA guidance and methodology in their document Guidelines for the Treatment of Air Quality During the Planning and Construction of National Road Schemes (2011). This approach is considered best practice in the absence of Irish guidance and can be applied to any development that causes a change in traffic.
- 14.6.3. In terms of air monitoring and assessment, the proposed development site in Boherboy, Saggart is within Zone A (EPA, 2020). The long-term monitoring data has been used to determine background concentrations for the key pollutants in the region of the proposed development. The proposed development can be considered large in scale and therefore there is the potential for significant dust soiling 100 m from the source (TII, 2011) (Table 7.5). There are a number of high sensitivity residential receptors in high density housing estates to the direct north and east of the site. There are also residential properties to the direct east and south of the site boundary. In the absence of mitigation there is the potential for significant, negative, short-term impacts to nearby sensitive receptors as a result of dust emissions from the proposed development. There is also the potential for traffic emissions to impact air quality in the short-term over the construction phase. The construction stage traffic has been reviewed and a detailed air quality assessment has been scoped out as none of the road links impacted by the proposed development satisfy the DMRB assessment criteria in Section 7.2.2.1. It can therefore be determined that the construction stage

traffic will have an imperceptible, neutral and short-term impact on air quality.

- 14.6.4. In addition to sensitivity to dust soiling, the IAQM guidelines also outline the assessment criteria for determining the sensitivity of the area to human health impacts. Concentrations of PM₁₀ were modelled for the baseline year of 2020. The modelling showed that concentrations were in compliance with the annual limit value of 40 µg/m³ at all receptors assessed, therefore, further modelling for the opening and design years was not required. Concentrations reached at most 0.77 µg/m³. When a background concentration of 14 µg/m³ is included, the overall impact is 33% of the annual limit value at the worst case receptor. The potential impact of the proposed development on ambient air quality in the operational stage is considered long-term, localised, negative and imperceptible and therefore, no mitigation is required.

Air Quality

- 14.6.5. During the construction stage the greatest potential impact on air quality is from construction dust emissions and the potential for nuisance dust. While construction dust tends to be deposited within 350m of a construction site, the majority of the deposition occurs within the first 50m. A review of Casement Aerodrome meteorological data (I refer the Board to Section 9.3.1 of the EIAR) indicates that the prevailing wind direction is westerly to south-westerly and wind speeds are generally moderate in nature. In addition, dust generation is considered negligible on days where rainfall is greater than 0.2 mm. A review of historical 30-year average data for Casement Aerodrome indicates that on average 183 days per year have rainfall over 0.2 mm (Met Eireann, 2022) and therefore it can be determined that 50% of the time dust generation will be reduced. It is important to note that the potential impacts associated with the construction phase of the proposed development are short-term in nature.

Demolition - There is no demolition required for the proposed development and therefore no impact is predicted.

Construction - The main interactions are predicted to arise during construction stage as there will be dust emissions associated with the construction of the proposed development. Therefore, there is an overall medium risk of dust soiling impacts and a low risk of human health impacts as a result of the proposed construction activities

prior to mitigation.

The construction stage traffic has been reviewed and a detailed air quality assessment has been scoped out as none of the road links impacted by the proposed development satisfy the DMRB assessment criteria in Section 7.2.2.1. It can therefore be determined that the construction stage traffic will have an imperceptible, neutral and short-term impact on air quality.

- 14.6.6. The dust emission magnitude is described below for each of the four major dust generating activities: Demolition, Earthworks, Construction and Trackout, table 9.9 of the EIAR as follows:

Potential Impact	Dust Emission Risk			
	Demolition	Earthworks	Construction	Trackout
Magnitude	n/a	Large	Medium	Medium
Dust Soiling	n/a	High Risk	Medium Risk	Medium Risk
Human Health	n/a	Low Risk	Low Risk	Low Risk

Overall, in order to ensure that no dust nuisance occurs during the earthworks, construction and trackout activities, a range of dust mitigation measures associated with a high risk of dust impacts will be implemented. In the absence of mitigation dust soiling impacts from demolition and construction works are predicted to be short-term, localised, negative and light.

There is also the potential for traffic emissions to impact air quality in the short-term over the construction phase. Particularly due to the increase in HGVs accessing the site. The construction stage traffic has been reviewed and a detailed air quality assessment has been scoped out as none of the road links impacted by the proposed development satisfy the DMRB assessment criteria. It can therefore be determined that the construction stage traffic will have an imperceptible, neutral and short-term impact on air quality.

Climate

There is the potential for a number of greenhouse gas emissions to atmosphere during the construction of the development. Construction vehicles, generators etc., may give rise to CO₂ and N₂O emissions. The Institute of Air Quality Management Document Guidance on the Assessment of Dust from Demolition and Construction (IAQM, 2014)

states that site traffic and plant is unlikely to make a significant impact on climate. Therefore, the potential impact on climate is considered to be imperceptible, neutral and short-term. The Board will note that although the applicant is seeking a 7-year permission the phasing plan indicates a five year construction time frame.

14.6.7. Combining the large dust emission magnitude with the sensitivity of the area results in an overall high risk of dust soiling impacts and a low risk of human health impacts as a result of earthworks activities prior to mitigation.

14.6.8. The operational phase of the proposed development there is potential for emissions in particular, the traffic-related air emissions may generate quantities of air pollutants such as NO₂, PM₁₀ and PM_{2.5}. However, impacts from these emissions have been screened out using the UK DMRB guidance (UK Highways Agency, 2019), on which the TII guidance (2011) was based. Therefore, the development does not require an individual DMRB screening Model as part of this application. A flood risk assessment has included mitigation measures for minimum floor/site levels and adequate attenuation/drainage means the impact on climate will be imperceptible. Energy efficient building design measures have also been included to minimise climate impacts. Emissions of air pollutants are predicted to be significantly below the ambient air quality standards which are based on the protection of human health, impacts to human health are long-term, negative and imperceptible.

14.6.9. In terms of cumulative impacts, the EIAR outlines that according to the IAQM guidance (2014) should the construction phase of the proposed development coincide with the construction of any other permitted developments within 350m of the site then there is the potential for cumulative dust impacts to the nearby sensitive receptors. A review of recent planning permissions for the area was conducted and it was found that there were no relevant sites for which cumulative impacts may occur should their construction phase and that of the proposed development overlap. Therefore, cumulative impacts are not predicted.

14.6.10. At construction stage once mitigation measures including dust mitigation measures outlined in Section 7.6.1 and Appendix 7.3 are implemented, construction dust emissions are predicted to be short-term, negative, localised and imperceptible and will not cause a nuisance at nearby sensitive receptors. The proposed development has been designed to reduce the impact on climate where possible during operation.

The proposed development will also comply with the NZEB standards. Following the implementation of these measures, any residual impacts are predicted to be imperceptible.

Assessment: Direct, Indirect, and Cumulative Effects

- 14.6.11. I would accept that the main air impacts will be restricted to construction-related dust and that this is unlikely to be significant when the proposed Waste Management measures and other mitigation measures are implemented. I would also accept that traffic-related emissions at the construction and operational stages are unlikely to be significant; that the building design strategy will avoid any significant effects on air or climate; and that there would be no unacceptable climate-related flood risk to the site or adjoining lands.

Conclusion: Direct, Indirect, and Cumulative Effects

- 14.6.12. I consider that the main significant direct, indirect, and cumulative effects on Air and Climate are, and will be mitigated as follows:

- Construction stage dust emissions, which will be mitigated by a Dust Management Plan and standard good practice construction stage measures outlined in the Outline Construction Management Plan and will be developed further by the contractor into a Construction and Environment Management Plan.

14.7. Noise (and Vibration)

Issues Raised

- 14.7.1. Concerns were raised by third parties in relation to matters relevant to the impact on human health to be determined by the contractor by way of planning condition.

Examination, analysis and evaluation of the EIAR

- 14.7.2. Chapter 8 of the EIAR deals with noise. At the outset I note that the studies carried out do include the proposed works to the N81 comprising a new footpath and road improvement works are proposed to the Boherboy Road, towards the junction with the N81 as noted above. Therefore, I am not satisfied that the surveys submitted include the full extent of the proposed development works in respect to noise and this is a serious omission on behalf of the EIAR. The methodology for assessment is described. There is no published statutory Irish guidance relating to the maximum

permissible noise level that may be generated during the construction phase of a project. Local authorities normally control construction activities by imposing limits on the hours of operation and may consider noise limits at their discretion. In the absence of specific statutory Irish guidelines, the assessment has made reference to non-statutory national guidelines, where available, in addition to international standards and guidelines relating to noise and / or vibration impact for environmental sources, reference is made to the British Standard BS 5228-1:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1: Noise in the EIAR.

- 14.7.3. An environmental noise survey has been conducted at the site in order to quantify the existing noise environment. The survey was conducted in general accordance with ISO 1996: 2017: Acoustics – Description, measurement and assessment of environmental noise. I refer the Board to section 8.5.4 of the EIAR.
- 14.7.4. The construction programme will create typical construction activity related noise on site. During the construction phase of the proposed development, a variety of items of plant will be in use, such as excavators, rock breakers, lifting equipment, dumper trucks, compressors, and generators.

Construction Noise - The nearest existing residential NSLs facades to the proposed development construction works are those located in the Carrigmore Avenue estate and Corbally estate some 10m beyond the northern and eastern site boundaries, respectively. The next nearest NSLs are located some 25m to the north-western boundary and some 35m to the southern boundary. The remainder of construction works will take place across the site at varying distances.

It is set out that for site clearance, building construction works and landscaping works (excavators, loaders, dozers, concreting works, mobile cranes, generators), noise source levels are quoted in the range of 68 to 93dB LAeq at distances of 10m within BS 5228-1 (Table 8.14). For the purposes of the assessment, it is assumed that standard good practice measures for the control of noise from construction sites will be implemented. The calculations also assume that the equipment will operate for 50% of the working time. Table 8.15 of the EIAR summarises the result of this assessment as follows:

Activity	Predicted Construction Noise Level $L_{Aeq(1hour)}$ (dB) at the nearest permitted or existing facades			
	10m	25m	35m	50m
Site Preparation	72	62	59	55
Rock Breaking & Excavation	83	73	70	66
Foundations	73	63	59	56
General Construction	73	63	60	56
Road Construction	71	61	58	54
Landscaping	71	61	58	54

Table 8.15 - Predicted Potential Construction Noise Levels

The results show that a significant impact may temporarily occur when works are on-going at the boundaries to the dwellings bounding the site, this is when works will be at 10m distance to the noise sensitive receptors. However, the vast majority of the construction works will take place at distances from the receptors where no significant impacts are predicted, for instance at distances of 25m and greater there are no significant impacts predicted with the exception of the rock breaking phase which will be limited to a temporary period. I note that the proposed footpath and road works to the N81 have not been considered in the above table.

Construction Vibration: The only significant source of vibration is expected to be due to rock breaking activities. Empirical data for this activity is not provided in the BS 5228-2:2009+A1:2014 standard, however the likely levels of vibration from this activity is expected to be significantly below the vibration criteria for building damage on experience from other sites. Vibration levels at the closest neighbouring buildings are expected to be orders of magnitude below the limits set out in Table 8.7 to avoid any cosmetic damage to buildings. Vibration levels are also expected to be below a level that would cause disturbance to building occupants. The impacts are predicted to be short-term, negative and not significant.

Construction Traffic: An increase of 25% in traffic is required to increase overall traffic noise levels by 1dB, which is insignificant in the overall context of the noise environment along the N81 and local roads in the vicinity of the site. Therefore, the medium-term noise environment assumed for this project is expected to be within at least 1dB of the baseline scenario, which would give a magnitude of increase in traffic noise that is negligible and is not significant.

- 14.7.5. During the operational phase of the development, the key sources of noise will relate to vehicular traffic, building and mechanical services plant and creche playground noise.

Traffic - A Traffic Impact Assessment relating to the proposed development has been prepared. This section should be read in conjunction with section 11.8 of this report. For the purposes of assessing potential noise impact, it is the relative increase in noise level associated with traffic movements on existing roads and junctions with and without the development was considered. Traffic flow data in terms of the AADT traffic flow figures has been assessed for the opening year and the opening year +15. The calculated change in noise levels during these two periods. The change in noise level was deemed 'not significant' on all routes (Tables 8.16 and 8.17 of the EIAR). The impact for all other routes is considered to be neutral, negligible and long term.

An assessment of the internal road network was undertaken (Tables 8.18, 8.19 and 8.20 of the EIAR). The predicted increase in noise levels associated with vehicles at the internal road junctions in the vicinity of the proposed development is of long-term, not significant impact.

Building Services Plant - Once operational, there will be building services plant items required to serve the development. These will typically be limited to heating and cooling plant and extract units, depending on the building design and user requirements. While it is stated that the location or type of building services plant has not yet been established; therefore, it is not possible to calculate noise levels to the surrounding environment.

In this instance, is it best practice to set appropriate noise limits that will inform the detailed design during the selection and layout of building services for the development. The cumulative operational noise level from building services plant at the nearest noise sensitive location within the development (e.g., houses/apartments, etc.) will be designed/attenuated to meet the relevant BS 4142 noise criteria for day and night-time periods as set out in this assessment. Based on the baseline noise data collected for this assessment it is considered an appropriate design criterion is the order of 45 dB LAeq,15min daytime periods and 40 dB LAeq,15min at night at the nearest sensitive receptors. This limit is set in order to achieve acceptable internal noise levels within residential spaces based on prevailing noise levels in the area.

Creche Facility:

The nearest off-site NSLs to the east are some 130m distance from the Crèche play area. Considering the distance and screening from proposed operational activities from the crèche are calculated to be below 30 dB LAeq,1hr at the nearest NSLs. The predicted values are also below the range of baseline noise levels recorded to the east of the site (Location AN2). The resultant noise impact is therefore not significant. Within the development, Housing Cell 9 and Cell 10 are at a 20m distance from the creche play area. Considering a minimum 10m distance between residential facades and creche play area and screening from the perimeter walls, the proposed operational activities from the crèche are calculated to be below 50 dB LAeq,1hr at the nearest onsite residential development and hence, is within the recommended daytime criterion of 50 dB LAeq,1hr.

The predicted increase in noise levels associated with creche playground noise breakout in the vicinity of the proposed development is of long-term, not significant impact.

- 14.7.6. Assuming the above developed mitigation measures are properly incorporated into the development design, the magnitude of noise impact would be considered both minimal and minimised as far as practicable.

Assessment: Direct, Indirect, and Cumulative Effects

- 14.7.7. The cumulative impact has been considered in the context of other strategic housing developments in the Boherboy area (Section 14.4 of EIAR) at the time this application was made. In this scenario elevated construction noise emissions due to cumulative noise are potentially likely to occur at receptor locations as well as a potential increase in the length of time that the receptor will be exposed to construction noise. Hence, cumulative construction impacts will need to be considered and managed during the construction phase. It is recommended that liaison between construction sites is ongoing throughout the duration of the construction phase. Contractors should schedule work in a co-operative effort to limit the duration and magnitude of potential cumulative impacts on nearby sensitive receptors.
- 14.7.8. However, based on the information submitted, in particular the lack of information provided within the EIAR, with respect to the proposed works comprising a new footpath and road improvement works are proposed to the Boherboy Road, towards

the junction with the N81, and the impacts of noise on the adjoining residential properties, a full assessment of the significant direct, indirect and cumulative impacts has not been provided.

Conclusion: Direct, Indirect, and Cumulative Effects

- 14.7.9. I have considered all of the written submissions made in relation to Biodiversity, including the report from the Chief Executive. I am not satisfied that the EIAR has included all of the proposed development works as part of the screening for environmental impacts and as such there is an inadequate assessment of proposed development on noise. I am, therefore, not satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

14.8. Material Assets: Built Services

Issues Raised

- 14.8.1. Issues raised in third party observations stating that the application documentation has not demonstrated that there is sufficient infrastructure capacity to support the proposed development, including by reference to drainage and water services. A submission from Irish Water outlines that the proposed water/wastewater connections require upgrades and are acceptable subject to conditions.

Examination, analysis and evaluation of the EIAR

- 14.8.2. Chapter 9 of the EIAR deals with Material Assets – Built Services. The methodology for assessment and assesses and evaluates the likely impact of the proposed development on existing surface water and foul drainage, and utility services in the vicinity of the site during both the construction and operational phases, as well as identifying the nature of any impacts and provide the necessary mitigation measures arising from the proposed development.
- 14.8.3. A Drainage and Water Infrastructure Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems.

Surface Water:

- 14.8.4. I have addressed this in section 11.9.4 above. In order to construct the development, significant amounts of the top-soil will be removed and stored on the site for future use. When the topsoil has been removed the sub soil layers will be exposed to weathering and there is a potential for erosion of this layer from the inevitable rainfall and runoff. It has been estimated that c.40,700m³ of topsoil will be disturbed during the construction phase.
- 14.8.5. There is an indirect pathway through the stormwater drainage which directly discharges into the Corbally Stream. Should any silt-laden stormwater from construction or hydrocarbon-contaminated water from a construction vehicle leak or manage to enter the watercourse, the suspended solids will naturally settle within the stream. However, in the event of a worst case hydrocarbon leak of 1000 litres this would be diluted to background levels (water quality objectives as outlined in S.I. No.272 of 2009, S.I. No.386 of 2015 and S.I. No.77 of 2019) by the time the stormwater reaches the nearest Natura 2000 site (18km downstream). The potential for impact on the aquifer is low based on the absence of any bulk storage of chemicals on the site. The overburden thickness, low permeability nature of the till sub-soil and lack of fracture connectivity within the limestone will minimise the rate of off-site migration for any indirect discharges to ground at the site. As such there is no potential for a change in the ground water body status or significant source pathway linkage through the aquifer to any Natura 2000 site. In the absence of the proposed mitigation measures, construction activity could have a slight, adverse, temporary, residual impact on receiving watercourses.
- 14.8.6. In the absence of the specified mitigation measures identified in Chapter 6 of the EIAR, during operation, the potential for a release is low as there is no bulk fuel/chemical storage and no silt laden run-off. Stormwater will be collected by the SuDS intercepting systems which includes interception measures to capture initial run-off. Furthermore, there are petrol interceptors located upstream of all discharge locations to the Corbally Stream. The potential for hydrocarbon discharge is minimal based on an individual vehicle (70l) leak being the only source for hydrocarbon release. The volume of contaminant release is low and combined with the significant attenuation within the Corbally Stream, hydrocarbons will dilute to background levels with no likely impact above water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019 at any Natura 2000 sites. It is

not anticipated that there will be any long-term impacts on the hydrology or water services during the operational phase of the development.

Foul Water:

- 14.8.7. I have addressed this in section 11.9.1 above. In brief, the construction of the foul drainage system on the site will be carried out at the same time as the other drainage/services for the development. This will mainly involve construction of pipes and manholes using trench excavation. An underground foul pumping station is to be constructed at the lowest elevation point on the site in the north-east corner of the subject lands and is proposed to have only 2 no. above ground kiosks visible as per the Irish Water standard. The wastewater discharge from the site during construction stage is to be managed by a licenced waste disposal contractor in accordance with the agreement of Irish Water.
- 14.8.8. As construction sites have managed toilet blocks there is a minimal risk of contamination by direct pathway to the Corbally Stream. The overburden thickness, low permeability nature of the till sub-soil and lack of fracture connectivity within the limestone will minimise the rate of off-site migration for any indirect discharges of leaking toilet blocks to ground at the site. As such there is no potential for a change in the ground water body status or significant source pathway linkage through the aquifer to any Natura 2000 site. As there is no interface with the existing local foul drainage infrastructure, the potential impact of the proposed development on the local foul sewerage network during the construction phase of the development would be negligible.
- 14.8.9. During the operational phase there will be an increase in the foul discharge from the proposed development therefore reducing the capacity of the public foul sewer. The public foul sewer, however, does have sufficient spare capacity to cater for the proposed development as per the confirmation of feasibility received from Irish Water, subject to the planned upgrade works included in Irish Water's Capital Investment Plan.
- 14.8.10. In a worst case scenario of an unmitigated leak and not considering the operation of the designed SuDS elements and petrol interceptors upstream of all outfall points, there will be no perceptible risk to any Natura 2000 sites given the distance from source to Dublin Bay (c.18km). Potential contaminant loading will be

attenuated, diluted and dispersed near the source area. The potential impact from the operational phase of the development is therefore likely to be long term and negligible.

Water Supply:

14.8.11. Provision of a new water main distribution network will involve construction activities within the subject lands mainly involving trench excavations conducted in parallel with the other services. Water will be required during construction activities and servicing of the temporary site compound.

14.8.12. The development site will be connected to the local mains water supply. The impact of the operational phase of the proposed development on the water supply network will be the increased demand on the local system. The potential impact on the local public water supply network would be short term and imperceptible. This work is subject to agreement/connection to the Uisce Eireann network subject to condition.

Telecoms:

14.8.13. Telecommunications requirements during the construction phase will be primarily provided by means of mobile phones and or fixed line broadband. The site compound will require a power and telecommunications connection, which comprise of connecting to the existing network. These connections shall be temporary and negligible in nature. The construction phase is unlikely to give rise to the requirement to divert fixed telecom lines but extend the existing infrastructure to suit site temporary construction requirements. The local telecom ducted service may require to be extended into the site to facilitate telecoms on very focused and limited manner. These works are temporary, regionally short term, with minimal impact to existing users.

Natural Gas Supply:

14.8.14. The supply of gas to the proposed development site will not be operational during the construction phase. The proposed works will involve a live tap into the existing infrastructure carried out in accordance with standard rules relating to these works as outlined under Bord Gais requirements for same. It is expected that there will be no potential loss of supply from the Gas Networks Ireland infrastructure while

carrying out works to provide service connections. These works are temporary, regionally short term, with minimal impact to existing users.

Electricity Supply:

- 14.8.15. The site is served by existing ESB infrastructure. The Energy Statement submitted with the application confirms that there is extensive ESB Networks infrastructure in the vicinity of the site, and it is expected that there will be sufficient capacity to cater for this new development.

Assessment: Direct, Indirect, and Cumulative Effects

- 14.8.16. In the absence of mitigation, potential impacts associated with the construction phase of the proposed development would be expected to include potential disruption to local natural and human material assets resulting in both short-term and long-term impacts. The implementation of the mitigation measures set out in this Chapter and other Chapters of the EIAR document will ensure that there will not be any significant residual impact during the construction phase. Therefore, impacts are likely to be temporary and neutral.
- 14.8.17. At operational stage the proposed development will have a positive impact on the existing urban environment by creating high quality residential units to cater for the needs of a growing population and responding to a significant housing need and demand in the locality and the region, while occupying a presently underutilised site at an appropriate location for sustainable development. The proposed development is unlikely to have any significant impact on the local water or wastewater capacity subject to upgrades, traffic or electricity supply and the overall impact with respect to these utilities can be described as long-term and neutral.
- 14.8.18. The final connection details are subject to agreement with the relevant provider. The connections would be conducted in parallel with other services. The implementation of mitigation measures within each chapter will ensure that the residual impacts on the material assets during the operational phase will be neutral, not significant and long term. The overall impact associated with land use and property for the operational phase will be a localised, positive, imperceptible and long term.

- 14.8.19. No cumulative impacts will arise that would result in significant effects on the environment.

Conclusion: Direct, Indirect, and Cumulative Effects

- 14.8.20. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Material Assets Built Services.

14.9. Material Assets: Transportation

Issues

- 14.9.1. The submissions from third parties raise concerns about traffic congestion and safety on the road network in particular the proposed new access roads from the development via Carrigmore Green and Corbally Heath and the public transport in the vicinity of the site. I note that traffic is addressed in Section 11.8 of this report.

Examination, analysis and evaluation of the EIAR

- 14.9.2. Chapter 10 of the EIAR considers the impact in terms of vehicular, pedestrian and cycle access during the construction and operational phases of the proposed development. This should be read in conjunction with the applicant's Traffic Impact Assessment (as previously discussed in sections 11.8.4 - 11.8.12 of this report). At the outset I note that the studies carried out do include the proposed works to the N81 comprising a new footpath and road improvement works are proposed to the Boherboy Road, towards the junction with the N81 as noted above. Therefore, I am not satisfied that the surveys submitted include the full extent of the proposed development works in respect to transportation and this is a serious omission on behalf of the EIAR.

- 14.9.3. All construction activities will be governed by a Construction Traffic Management Plan (CTMP) which will implement the mitigation measures identified in this Section 12.8 of this EIAR Chapter and as summarised within the OCMP which accompanies this planning application.

Construction Access and Phasing: The main construction access will be agreed with SDCC in advance of construction, but it could be located at the existing access on the

Boherboy Road.

Construction Activity:

- 14.9.4. The period (time of day and day of week) during which construction activities will be permitted on-site, and during which construction traffic will be travelling across the local road network are set out in the Construction Traffic Management Plan. This includes works between the hours of 07:00 to 18:00 Monday to Friday (excluding bank holidays) and 08:00-15:00 on Saturdays with no construction activities on Sundays and Bank Holidays.

Construction Traffic Generation:

- 14.9.5. The majority of such vehicle movements would be undertaken outside of the traditional peak hours between 08:00-09:00 and 17:00-18:00, and it is not considered this level of traffic would result in any operational problems on the local road network. During the general excavation of the foundations there will be additional HGV movements to and from the site. Utilising typical construction rates, it is predicted that the number of construction related heavy goods vehicle movements to and from the application site will be approximately 10 arrivals and departures during the first 2-3 months of works and decreasing to 3 to 5 thereafter. Therefore, over the lifetime of the development there will be c. 25 trips related to the removal of demolition waste.
- 14.9.6. In addition to the traffic generated by the disposal of surplus subsoil from the site, there will be traffic generated from construction staff and deliveries of construction materials and equipment. On-site construction staff (approximately 100-200 construction workers), could generate up to 60-80 no. arrivals and departures. The likely impact of the construction works will be short-term in nature and less the operational phase impact and will be subject to a Construction Traffic Management Plan.
- 14.9.7. The development will be served by crange, given the construction method and site confines. Lifting capacities will be predicated on the maximum loading requirements. A material and plant loading schedule will be undertaken to evaluate these needs. inbound and outbound car trips daily plus 21 staff travelling by minibus, public transport or dropped off locally.

Construction Traffic Routing:

- 14.9.8. The proposed construction 'haul' route will be via the primary road network between the subject lands and the M50. Accordingly, any potential impact as a result construction traffic on Celbridge Town Centre will be minimised.

Arrivals and departures to the site compound are to be carried out in as few vehicle movements as possible in order to minimise potential impacts on the road network.

Construction Traffic Vehicle Types:

- 14.9.9. Construction traffic will consist of the following two principal categories. (i) Private vehicles and (ii) Excavation plant and dumper trucks involved in site development works and material delivery vehicles.

Construction Traffic Impact:

- 14.9.10. Construction activities will be managed in accordance with the final CTMP. The Outline CTMP will shape the final plan and is subject to change/revision.

In terms of the impact of construction traffic, however, I note that the construction traffic impacts of the proposed works comprising a new footpath and road improvement works are proposed to the Boherboy Road, towards the junction with the N81, have not been provided within the EIAR. This is considered a serious omission on behalf of the EIAR.

- 14.9.11. At operational stage, Boherboy Road (access 1), Corbally Estate (access 2) and Carrickmore Estate (access 3) will be the primary access points into the proposed development. These routes provide for pedestrians, cyclists and motorists.

- 14.9.12. The proposed development will generate a number of trips by various modes of travel including vehicular, pedestrian, cycle and public transport. These trips may have an impact on the surrounding road network.

- 14.9.13. In respect to the school site, it is estimated that 198 children from the development will be of primary school going age.

primary school going age:

Anticipated Number of Local Students			
Number of Units	Persons per dwelling	Total Population	Primary School Children Age
628	2.75	1,727	194

Table 3.1 - Student Population

- 14.9.14. Based on a 16-classroom primary school, up to 384 students could be accommodated, which includes both children from within the development and local children from outside the development. These trips will be included in the overall trip rate generated by the development.

Peak Hour Trip Rates					
Trip Generation from TRICS		Weekday AM 08:00-09:00		Weekday PM 17:00-18:00	
Usage	Units	Arrivals	Departures	Arrivals	Departures
Primary School	Per Pupil	0.176	0.094	0.022	0.019

Table 3.2 - School Trip Rates

- 14.9.15. The resultant total trips generated by the proposed development, has been illustrated in Table 3.3 below.

Peak Hour Trips					
Trip Generation from TRICS		Weekday AM 08:00-09:00		Weekday PM 17:00-18:00	
Usage	Units	Arrivals	Departures	Arrivals	Departures
House ¹	257	52	152	122	64
Apartments/Duplex ¹	398	24	66	44	22
Peak Total		77	251	196	86
Two Way Total		327		282	
School ²	190	34	18	4	4

Table 3.3 – Peak Hour Trips

¹ To be used in development flows.

² To be used in baseline flows only.

- 14.9.16. The total vehicle movements generated by the proposed development will be 77 arrivals and 251 departures in the AM peak (two-way total of 327). The total number of vehicle movements in the PM peak hour will be 196 arrivals and 86 departures (two-way total of 282). It is expected that the origins and destinations of traffic to/from the proposed development will be similar to the distribution of the current traffic patterns on the local roads.

14.9.17. All sites were tested with the 2020 Survey Year, 2027 Opening Year, 2032 Opening Year + 5 Years and 2042 Opening Year + 15 Years. Each year was modelled with and without development. An RFC/Dos value of 85% or below indicates that the junctions are operating within capacity. An RFC/DoS value of between 85% and 100% indicates that the junction remains within capacity but is beginning to show signs of queuing and delay. A DoS value of less than 100% is desirable in urban areas during peak period traffic. However, values of greater than 100% are typical at many junctions' urban junction during peak times. There is a marginal uplift in traffic levels arising from the development and the distribution of resultant flows around the adjacent road network. The results in flows and movements can be accommodated by the neighbouring junctions with marginal uplift in congestion and delays expected at these junctions as a result of development traffic.

14.9.18. Junction capacity analyses have been undertaken at the site access junction and at the key junctions at which existing flow data had been obtained. These tests have been carried out using industry standard and approved software for the existing junctions with no development and the assumed year of opening of the development, namely 2027, and for a 5-year design horizon, namely 2032 and for a 15-year design horizon, namely 2042 with development flows added.

Public Transport:

14.9.19. Fortunestown Lane Luas stop is located c. 10 minutes walking distance from the development through Carrigmore Estate, and it is proposed improve pedestrian and cyclist permeability to local public transport services and amenities. with future pedestrian links to bus routes. Based on the estimated number of trips undertaken by sustainable modes of travel that the proposed development could generate in the peak travel periods i.e. (0600-1000 in the AM and 1600-2000 in the PM). I do not consider the scale of impact generated on the public transport network to be significant.

Walking and Cycling Infrastructure:

14.9.20. Connections between the internal layout and the external pedestrian and cycle networks form part of the overall access strategy for the site, by footpath connections within and adjacent to the development up to the relevant boundaries

i.e., through Carrigmore Estate, Carrigmore District Park and Corbally Estate, a new footpath is also proposed along the site boundary with Boherboy Road.

14.9.21. As noted at the outset of the chapter and in within the main report, a new footpath and road improvement works are proposed to the Boherboy Road, towards the junction with the N81, and relevant consents have been included as part of the planning application. I acknowledge that this pedestrian connection and improvement to the road would be a welcome addition to the scheme and the overall area. I note that these works have not been included as part of the site area of the EIAR for the proposed development and are considered to be a fundamental element of the overall scheme in respect to pedestrian connectivity along the N81. As such, these works have not been considered in the baseline studies for the EIAR.

14.9.22. This matter was also raised by South Dublin County Council as part of their assessment. These works could impact on transportation and the potential cumulative impacts of the proposed works to the Boherboy Road on the biodiversity, and noise in particular. In the absence of any appropriate analysis potential impacts cannot be conclusively ruled out. I consider the EIAR incomplete in this regard.

14.9.23. The proposed mitigation measures include best practice measures for construction stage. The design of the site layout, roads and accesses in accordance with the relevant guidelines and codes of practice is likely to mitigate any potential impacts during the operational phase of the development. With the combination of the BusConnects and rail transport options and car reduction measures such as cycle lanes as they become widely used, the volumes of traffic on the surrounding network, generated from the proposed development, will have a minimal effect on the overall traffic volumes. The volumes of traffic generated from the currently proposed development will have a negligible effect on the highway network traffic volumes and can be considered within the norms for suburban/urban developments.

Assessment: Direct, Indirect, and Cumulative Effects

14.9.24. Based on the information submitted, in particular the lack of information provided within the EIAR, with respect to the proposed works comprising a new footpath and road improvement works are proposed to the Boherboy Road, towards the junction with the N81, a full assessment of the significant direct, indirect and cumulative impacts has not been provided.

Conclusion: Direct, Indirect, and Cumulative Effects

- 14.9.25. I have considered all of the written submissions made in relation to Biodiversity, including the report from the Chief Executive. I am not satisfied that the EIAR has included all of the proposed development works as part of the screening for environmental impacts and as such there is an inadequate assessment of proposed development on roads and traffic. I am, therefore, not satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of Roads and Traffic.

14.10. Material Assets: Resource and Waste Management

Issues Raised

- 14.10.1. An issue was raised in respect to the dumping of rubbish in Carrigmore, however, I note that this is outside the remit of the applicant, located outside the redline application boundary and is a matter for South Dublin County Council or appropriate body.

Examination, analysis and evaluation of the EIAR

- 14.10.2. Chapter 11 of the EIAR deals with Resource and Waste Management and the impact of the proposed development on the waste generated from the development as well as identifying proposed mitigation measures to minimise any associated impacts. The methodology for assessment is described as the assessment of the impacts of the proposed development arising from the consumption of resources and the generation of waste materials, was carried out taking into account the methodology specified in relevant guidance documents, along with an extensive document review to assist in identifying current and future requirements for waste management, including national and regional waste policy, waste strategies, management plans, legislative requirements and relevant reports.

Waste:

- 14.10.3. A site-specific Construction and Demolition Resource Waste Management Plan (C&D RWMP) has been prepared by Awn Consulting Ltd to deal with waste generation during the demolition, excavation and construction phases of the proposed Development and has been included as Appendix 11.1 of the EIAR. A separate Operational Waste Management Plan (OWMP) has also been prepared for

the operational phase of the proposed Development and is included as Appendix 11.2 of the EIAR.

- 14.10.4. These reports detail how waste will be managed both during the construction phase and the operational phase of the development. This includes information on the predicted waste arising from the construction phase of the proposed development. During the operational stage the development will be served by existing waste collectors in the area, with waste generated held in designated storage areas.
- 14.10.5. The Resource and Waste Management Plan (RWMP) notes that waste materials will be generated from excavation works. During the construction phase, there may also be waste arising from surpluses of construction materials. Waste will also be generated from construction workers, including organic and non-organic waste.
- 14.10.6. As set out within the RWMP, waste materials generated will be segregated on site, where it is practical. Where the on-site segregation of certain waste types is not practical, off-site segregation will be carried out. There will be skips and receptacles provided to facilitate segregation at source where feasible. All waste receptacles leaving site will be covered or enclosed. The appointed waste contractor will collect and transfer the wastes as receptacles are filled. There are numerous waste contractors in the Dublin region that provide this service. There is no demolition as part of the proposed development.
- 14.10.7. The Operational Waste Management Plan states that various contractors offer waste collection services for the in the South Dublin County Council region. Dedicated communal Waste Storage Areas (WSAs) have been allocated within the development design for the residential units (including apartments, and duplex units) and the creche. All houses will have their own individual WSAs allocated at the rear of their home where external access to the rear yard is possible.

Assessment: Direct, Indirect, and Cumulative Effects

- 14.10.8. In the absence of mitigation, potential impacts associated with the construction phase of the proposed development would be expected to include potential disruption to local natural and human material assets resulting in both short-term and long-term impacts. The implementation of the mitigation measures

set out in this Chapter and other Chapters of the EIAR document will ensure that there will not be any significant residual impact during the construction phase. Therefore, impacts are likely to be temporary and neutral.

- 14.10.9. At operational stage the proposed development will have a positive impact on the existing urban environment by creating high quality residential units to cater for the needs of a growing population and responding to a significant housing need and demand in the locality and the region, while occupying a presently underutilised site at an appropriate location for sustainable development. The proposed development is unlikely to have any significant impact on the local area and the overall impact with respect to these utilities can be described as long-term and neutral.
- 14.10.10. No cumulative impacts will arise that would result in significant effects on the environment.

Conclusion: Direct, Indirect, and Cumulative Effects

- 14.10.11. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Resource and Waste Management.

14.11. Archaeology and Cultural Heritage

Issues Raised

- 14.11.1. Concern was raised that the proposed development materially contravenes the Development Plan/Local Area Plan in respect of Architectural Conservation Area.

Examination, analysis and evaluation of the EIAR

- 14.11.2. Chapter 4 of the submitted EIAR addresses archaeology, architectural and cultural heritage. There are no archaeological sites located within the development area.

There is no Protected Structures or buildings listed on the National Inventory of Architectural Heritage (NIAH) on site. Moreover, the site is not located within the boundary of an Architectural Conservation Area.

A full assessment of the archaeological, architectural, and cultural heritage baseline has been carried out, which has included desk top survey and archaeological testing. This provides for the assessment of potential impacts on sites, areas, and structures of significance.

- 14.11.3. The works recorded two ruined farmhouses and farmyards at the south of the study area along the Boherboy Road. The farmyard at the southeast is on the site of a dwelling marked on Taylors Map of 1816 and on the first edition OS Map at the north of the site (Figures 1-9 - Appendix 12.1). This farmyard was not marked on the Rocque map of 1760. The remains consist of two 20th century corrugated iron sheds and the remains of a 20th century stone structure at the southeast (Plates 1-9 - Appendix 12.2). At the southwest one shed remains of an earlier farmyard and dwelling marked on the first edition OS map. This is in a state of disrepair and heavily overgrown. These structures are not listed.

Archaeological testing was undertaken in May 2018 (Appendix 12.2). No archaeological finds, features, architectural fragments or artefacts were uncovered as a result of the testing.

Assessment: Direct, Indirect, and Cumulative Effects

- 14.11.4. Section 12.6 relates to the Likely Significant Effects of the proposed development as follows:

Construction Phase

Archaeology, Architecture and Cultural Heritage - No recorded archaeological features will be impacted on by the proposed development. The proposed development is at a remove from any recorded cultural heritage monuments and construction will have no negative impact on them. No subsurface remains were identified during archaeological testing undertaken at the site. It is unlikely that construction works will uncover remains.

Operational Phase

Archaeology, Architectural, Cultural Heritage - There are no potential impacts on archaeological cultural heritage expected as a result of the operational phase of the proposed development.

Conclusion: Direct, Indirect, and Cumulative Effects

- 14.11.5. From an environmental viewpoint, I am satisfied that Cultural Heritage – Archaeology and Built Heritage has been appropriately addressed in terms of the application and subject to a condition requiring an archaeologist supervise all ground works associated with the development, I am satisfied that no significant adverse direct, indirect or cumulative effects are likely to arise.
- 14.11.6. I also note that the site is not located within an Architectural Conservation Area and as such the proposal does not contravene the Plan in this instance.

14.12. The Landscape

Issues Raised

- 14.12.1. The submissions from third parties raise concerns about the impact of the proposed development on the landscape and the visual impact of the proposed development.

Examination, analysis and evaluation of the EIAR

- 14.12.2. Chapter 13 assesses the potential effects on the landscape and visual impact. The methodology for assessment is described and the receiving environment is described. Impact on landscape arising from development has two distinct but closely related aspects. The first is impact in the form of change to character of the landscape that arises from the excavation of the existing landform and the insertion of the proposed development into the existing context. The second aspect is the visual impact; which depends on the degree and nature of change in the visual environment. Again, I note that the studies carried out do include the proposed works to the N81 comprising a new footpath and road improvement works are proposed to the Boherboy Road, towards the junction with the N81. Therefore, I am not satisfied that the surveys submitted include the full extent of the proposed development works in respect to the impact on the landscape in particular given the extent of footpath and road improvement works from the site, towards the N81 and this is a serious omission on behalf of the EIAR.
- 14.12.3. Notwithstanding the above omission, the environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the Design Strategy including scale and height of the proposed development on the suburban environs of the site from an urban design and

planning context in addition to the visual impact of the development in the planning assessment of my report (Section 11.6.3). The Board will note that the South Dublin Development Plan Map 8 does not include any 'views to be preserved' within or from the site.

14.12.4. The site is a greenfield land parcel at the eastern edge of Saggart, part enclosed within the urban area. The lands are not recorded as a high value landscape, nor are they defined as a Landscape Character Area. There is a considerable fall in the lands, which is currently screened by existing trees and boundary hedgerow. At the local level the proposed development's receiving environment can be considered peri-urban in character. It retains certain 'rural elements and characteristics' (the agricultural fields that make up the site) but is heavily influenced and part-enclosed by expanding village of Saggart to the west and the urban area of Citywest to the north. Large scale housing development – Carrigmore and Corbally are located to the east and north of the site.

14.12.5. A series of 13 viewpoints have been prepared to assess the visual amenity impact of the proposed development (including proposed landscaping) from a variety of locations in the wider landscape, as per the submitted CGI Photomontages, A3 document "LVIA Viewpoints" prepared by Digital Dimensions. In addition, Sections 13.9, 13.10 and figures 13.8 and 13.9 of the EIAR consider an assessment of the viewpoints. At local level the proposed residential development will constitute a significant intervention in the local setting replacing the existing vacant fields with a large residential development. However, in most cases the impact on local views is significantly mitigated by the retention of existing/planned development and vegetation. Immediate to the site, particularly from the adjoining residential developments to the east and north, and from the Boherboy Road to the south, the visual change will be significant. However, I consider that this change can be ameliorated by the quality of the building design and landscaping. Concerns have been raised in the CE Report in respect to the level of intervention to the southwest corner of the site given the impact on the natural contours and landscape character of the site. I acknowledge that given the site contours some intervention is required to develop the site and this has been referenced in Section 11.6.7 Topography of my report. The visual impact of the buildings to Boherboy Road will be somewhat minimised by the level change between the road and the development and by

planting to this boundary. The position of the development on rising contours, however, will increase its visual impact notably from the visual receptors to the north and south of the site.

14.12.6. The lines and the height of the buildings shall be visually reduced through the retention of existing trees and hedgerows, the proposed use of more soft landscape materials shall further reduce the impact of the development. Semi - mature trees and shrub planting shall give an immediate effect tying in with the surrounding landscape. The EIAR states the visual impact of the landscape intervention on the existing development shall be positive and long term, the impact on the agricultural nature of the surrounding landscape shall be moderate in the long term.

14.12.7. The entrance and access road shall be from existing roads and shall follow the contours of the land. The access road from the Boherboy Road shall be guided by the significant fall in height from the Boherboy Road. The southeastern corner is notable in its fall of 9m in a short distance. The cut and fill required shall have a significant visual impact, however, the planting and landform grading shall ameliorate this impact to a moderate visual impact. The impact, however, of the proposed new footpath and road improvements along the Boherboy Road towards the N81 have not been fully considered as part of this assessment.

14.12.8. During the construction of the development, the area shall be changed from agricultural fields to a residential development. The introduction of the built structures, driveways boundaries and landscape will be developed while maintaining the existing hedge and trees along the centre and the perimeter of the site. Tree protection shall be provided to retain the character of the existing trees and hedge. The development shall be carried out in an organised basis, thus reducing the visual impact upon the environment however, the impact on the initial area of construction shall be moderate to significant. The requirement to remove the front boundary hedge shall be significant visually in the short to medium term. During the construction stages traffic movement, excavation operations and construction works shall have a significant visual impact on the site. There may be some moderate - significant visual impacts during the construction stage. As existing hedges and trees are being retained and augmented by the introduction of new trees and planting, the predicted impact during construction shall be moderate in the short-term depending on the length of time on site.

14.12.9. On completion the residential development will significantly alter the landscape from a vacant greenfield (agricultural) site to a large mixed residential estate. The character of the area will change from semi-rural to urban and which will integrate with the adjoining suburban areas existing and planned. The scheme will be visible along the Boherboy Road, the adjoining lands to the west, and the existing residential estates adjacent to the site (Corbally and Carrigmore) and from certain vantage points in the wider landscape. The residential units and landscaping will create new vertical emphasis throughout the currently vacant site. The provision of streets and open spaces will create a variety of views into and across the development. New levels of planting and landscaping will be proposed, although some vegetation will also be lost.

Assessment: Direct, Indirect, and Cumulative Effects

14.12.10. Based on the information submitted, in particular the lack of information provided within the EIAR, with respect to the proposed works comprising a new footpath and road improvement works are proposed to the Boherboy Road, towards the junction with the N81, a full assessment of the significant direct, indirect and cumulative impacts has not been provided.

Conclusion: Direct, Indirect, and Cumulative Effects

14.12.11. I have considered all of the written submissions made in relation to Biodiversity, including the report from the Chief Executive. I am not satisfied that the EIAR has included all of the proposed development works as part of the screening for environmental impacts and as such there is an inadequate assessment of proposed development on the landscape. I am, therefore, not satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of the landscape.

14.13. Interactions

14.13.1. Chapter 14 addresses interactions and highlights those interactions which are considered to potentially be of a significant nature. The interactions are summarised in the following table as presented in the EIAR:

Table 14.1 of the EIAR – *Table 14.1 Interactions Matrix*:

Chapter No.	Chapter Headings in EIAR	Interaction of Impacts / Identification of Significant Effects									
		Population & Human Health	Biodiversity	Land & Soils	Water	Air Quality & Climate	Noise & Vibration	Material Assets	Waste Management	Cultural Heritage	Landscape
4	Population & Human Health		✓		✓	✓	✓	✓	✓	✓	✓
5	Biodiversity	✓		✓	✓	✓			✓		✓
6	Land, Soils & Geology		✓		✓	✓	✓	✓	✓		
7	Water	✓	✓	✓				✓	✓		
8	Air Quality & Climate	✓	✓	✓	✓			✓			
9	Noise	✓						✓			
10	Material Assets: Built Services	✓	✓	✓	✓	✓	✓				
11	Material Assets: Transportation	✓		✓	✓	✓	✓		✓		
12	Material Assets: Resource & Waste Management	✓	✓	✓	✓			✓			✓
13	Archaeology & Cultural Heritage	✓									
14	The Landscape	✓	✓						✓		
✓ Area of Principal Interaction											

14.13.2. While this is noted, as per my concerns in the forgoing assessment in respect to the new footpath and road improvement works are proposed to the Boherboy Road, towards the junction with the N81, as regards potential interactions, and while proposed works would be a welcome addition to the scheme and the overall area, I note that these works have not been included as part of the EIAR for the proposed

development. I consider this to be a serious deficiency in the EIAR and that the assessment is incomplete in this regard.

Examination, analysis and evaluation of the EIAR

- 14.13.3. Based on the information submitted, in particular the lack of information provided within the EIAR, with respect to the proposed works comprising a new footpath and road improvement works are proposed to the Boherboy Road, towards the junction with the N81, a full assessment of the potential for interactions between environmental factors has not been provided.

Assessment: Direct, Indirect, and Cumulative Effects

- 14.13.4. Having regard to the foregoing assessment, I am satisfied that the potential for any significant adverse impact has been appropriately mitigated through the measures identified in each Chapter of the EIAR. I consider that the EIAR has adequately identified the potential for interactive impacts with other environmental factors, but I am satisfied that the proposed mitigation measures will similarly ensure that there will be no unacceptable interactive impacts.

Conclusion: Direct, Indirect, and Cumulative Effects

- 14.13.5. I have considered all of the written submissions made, including the report from the Chief Executive. I am not satisfied that the EIAR has considered the potential for interactive impacts of all of the proposed development works and as such there is an inadequate assessment on the interactions of proposed development. I am, therefore, not satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of interactive impacts as a result of the proposed development.

14.14. Cumulative Impacts

- 14.14.1. While I note that each individual chapter provides an assessment of the cumulative impact of the development, this assessment does not include the full extent of the proposed development including the proposed works to the Boherboy Road, specifically the proposed new footpath and road improvement works to the Boherboy Road, towards the junction with the N81. The EIAR is deficient in this regard.

14.14.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the County Development Plan which has been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. However, based on the information submitted, in particular the lack of information provided within the EIAR, in respect to all proposed works, I cannot conclude on the cumulation of effects from the planned and permitted development and that currently proposed in this application.

14.15. Schedule of Mitigation Measures

14.15.1. Each individual chapter provides a summary of the recommended mitigation measures.

14.16. Reasoned Conclusion on the Significant Effects

14.16.1. Having regard to the examination of the environmental information contained above, and in particular to the EIAR and the submissions from the Planning Authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Population and Human Health: Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan and a traffic management plan.
- Biodiversity: There is insufficient information in the EIAR to fully assess the potential impacts of the development, in particular the loss of hedgerow/trees and planting along the Boherboy Road as a result of the proposed footpath and road improvement works to the Boherboy Road, towards the junction with the N81. There is an inadequate assessment of potential impacts arising from the aforementioned works. Adverse impacts in terms of biodiversity can, therefore, not be eliminated.
- Land, Soil and Geology: Loss of land, soil, and geology, which would be replaced by appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.

- Land, Soil and Geology: The loss of land, soil, and geology which would be acceptable given the proposed delivery of appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.
- Land, Soil and Geology: Construction stage impacts relating to dust/dirt pollution, groundwater interference, and soil contamination, which would be mitigated by the Outline Construction Management Plan and will be developed further by the contractor into a Construction and Environment Management Plan and other measures proposed in the EIAR.
- Water: Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures included in the Outline Construction Management Plan and will be developed further by the contractor into a Construction and Environment Management Plan. Operational stage surface water discharges, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.
- Air Quality and Climate: Construction stage dust emissions, which will be mitigated by a Dust Management Plan and standard good practice construction stage measures outlined in the Outline Construction Management Plan and will be developed further by the contractor into a Construction and Environment Management Plan.
- Noise: There is insufficient information in the EIAR in respect to Construction stage, noise monitoring as outlined in Table 8.2 to fully assess the potential impacts of the development, in particular the impact of the works proposed along the Boherboy Road i.e., the proposed footpath and road improvement works to the Boherboy Road, towards the junction with the N81, relative to the directly adjoining residential development. There is an inadequate assessment of potential impacts arising from the aforementioned works. Adverse impacts in terms of noise can, therefore, not be eliminated.
- Material Assets: Built Services: Impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts

in terms of Material Assets Built Services. An upgrade of utilities and telecommunications will have a long-term positive impact for the site and the surrounding area.

- **Material Assets: Transportation:** There is insufficient information in the EIAR in respect to Construction stage impacts, and traffic as outlined in this EIAR to fully assess the potential impacts of the development, in particular the impact of the works proposed along the Boherboy Road i.e., the proposed footpath and road improvement works to the Boherboy Road, towards the junction with the N81, relative to the directly adjoining residential development. There is an inadequate assessment of potential impacts arising from the aforementioned works. Adverse impacts in terms of transportation can, therefore, not be eliminated.
- **Material Assets: Resource and Waste Management:** The identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Resource and Waste Management.
- **The Landscape:** There is insufficient information in the EIAR to fully assess the potential impacts of the development, in particular the loss of hedgerow/trees and planting along the Boherboy Road as a result of the proposed footpath and road improvement works to the Boherboy Road, towards the junction with the N81. There is an inadequate assessment of potential impacts arising from the aforementioned works. Adverse impacts in terms of the landscape can, therefore, not be eliminated.
- **Archaeology and Cultural Heritage:** Given the location of the site within the urban area no significant adverse direct, indirect, or cumulative effects are likely to arise.

14.16.2. The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports', 2022 and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). The likely significant environmental effects arising as a consequence of the proposed development have not been satisfactorily identified, described and assessed in particular the extent of

hedgerow removal along the Boherboy Road towards the N81, and the associated impacts with regard to biodiversity, noise, material assets: transport, the landscape and cumulative impacts.

- 14.16.3. Having regard to the absence of provision to seek further information under SHD legislation, should the Board be minded to grant permission for the proposed development, it may consider addressing this issue by means of a limited agenda oral hearing under section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016.

15.0 Conclusion

- 15.1. The application is for 655 residential units (257 no. houses and 398 no. apartments), childcare facility and associated site works on a greenfield site in the townland of Boherboy, Saggart. Thirty two third party submissions were received and six observations were received from prescribed bodies.
- 15.2. The Chief Executive's Report dated 27th May 2022 recommended a refusal of permission for the proposed development, as it was considered that the proposed development would materially contravene the objectives of the Fortunestown Local Area Plan, 2012 (extended to 2022) and the South Dublin County Development Plan 2016 – 2022, in respect of density, building height, unit size, under-provision of own door units, and use of intrusive engineering solutions. It was also considered that insufficient information was provided within the EIAR to fully assess the proposed new footpath on Boheryboy Road to the junction of the N81. Concerns were also raised in respect to the proposed cycle routes within the scheme.
- 15.3. The Fortunestown Local Area Plan expired in 2022, and the applicable Development Plan is the South Dublin County Development Plan, 2022 – 2028. As per the forgoing, I do not consider that the proposed development materially contravenes the South Dublin County Development Plan, 2022 – 2028.
- 15.4. While the works to the Boheryboy Road towards the N81 have been referenced in the EIAR. The submitted EIAR has not fully assessed and considered the likely significant environmental effects arising as a consequence of the proposed development, in particular the proposed works to the Boherboy Road i.e. the footpath and associated works towards the junction with the N81, in particular the

extent of hedgerow removal, have not been satisfactorily identified, described and assessed with regard to biodiversity, noise, material assets: transport, the landscape and cumulative impacts. This is a significant omission in the EIAR. Having regard to the absence of provision to seek further information under SHD legislation, should the Board be minded to grant permission for the proposed development, it may consider addressing this issue by means of a limited agenda oral hearing under section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016.

- 15.5. The Apartment Guidelines, and Section 12.6.7 Residential Standards of the Development Plan require that that the majority of all apartments in any proposed scheme of 10 or more apartments exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. Policy H7, Objective 1 of the South Dublin County Development Plan, 2022- 2028 relates. Block A has more than half the units below the requirements of Section 3.8 of the Guidelines with 68 no. units of 110 no. units' total not exceeding the 10% minimum floor area. In Apartment Block C more than half the units do not meet Section 3.8 with 53 no. units of 91 no units total not exceeding the 10% minimum floor area. A good mix of apartment sizes exceeding the minimum floor area is required in the interests of sustainable and good quality design and in order to provide a high quality of residential amenity for the intended occupiers. As such, the proposed floor areas of Apartment Blocks A and C do not accord with Section 3.8 of the Design Standards for New Apartments and therefore materially contravenes H7 Objective 1 of the South Dublin County Development Plan, 2022-2028.
- 15.6. Notwithstanding the foregoing, a similar SHD application on site was refused by the Board under ABP-304828-20 because of poor design concept, compliance with DMURS, density and EIAR did not identify or describe the direct and indirect secondary and cumulative effects of the proposed development on the environment. While the applicant has made alterations to the layout, and design of the scheme and has increased the overall density on this site in this regard, I consider that fundamental EIAR concerns remain given the lack of assessment provided within the EIAR regarding the proposed works to the Boheryboy Road towards the junction with the N81. Therefore, in this context I recommend a refusal of permission and I do not

recommend the holding of a limited agenda oral hearing to address the two issues referenced above.

- 15.7. The AA concluded that adverse effects on the site integrity of the Glenasmole Valley SAC, located c. 4.2km south-east of the proposed development can be excluded at Stage 1 Screening. The WFD assessment concluded that the proposed development would not result in a risk of deterioration on any water body either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives.

16.0 Recommendation

- 16.1. Having regard to the above assessment, I recommend that permission be REFUSED for the proposed development based on the reasons and considerations set out in the following Draft Order.

17.0 Recommendation Order

- 17.1. **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 17th of May 2022 by Hughes Planning and Development Consultants on behalf of Greenhills Living Limited.

- 17.2. Proposed Development:

The application comprises 655 no. residential units comprised of:

- i. 257 no. 2, 3 & 4 bed, 2 & 3 storey detached, semi-detached & terraced houses,
- ii. 152 no. 1, 2 & 3 bed duplex units in 17 no. 2-3, 3-4 & 4 storey blocks, and
- iii. 246 no. 1, 2 & 3 bed apartments in 9 no. buildings ranging in height from 2, 2-5, 4-5 & 5 storeys,
- iv. 2 storey crèche (693m²).
- v. Access to the development will be via one no. vehicular access point from the Boherboy Road,

- vi. Upgrade works to Boherboy Road to include the provision of a roadside footpath along the front of the site at the Boherboy Road, continuing eastwards to the junction with the N81 Blessington Road (for an overall distance of c.370m).
- vii. Pedestrian and cyclist connectivity to the adjoining Carrigmore Park to the north-east, and vehicular, pedestrian and cyclist connections to adjoining developments at Corbally Heath to the east and Carrigmore Green to the north.
- viii. All associated site development works above and below ground, including surface water attenuation & an underground foul sewerage pumping station at the northern end of the site,
- ix. public open spaces (c. 3Ha), including alongside the Corbally Stream, which will accommodate the provision of pedestrian / cyclist links to Carrigmore Park to the northeast,
- x. communal open spaces (c. 6,392m²),
- xi. hard and soft landscaping and boundary treatments,
- xii. undercroft, basement & surface car parking (914 no. car parking spaces, including EV parking),
- xiii. bicycle parking (797 no. bicycle parking spaces),
- xiv. bin & bicycle storage,
- xv. public lighting, and
- xvi. plant (M&E), utility services & 5 no. ESB sub-stations, all on an overall application site area of 18.3ha,
- xvii. an area of c. 1.4Ha within the site is reserved as a future school site.

At Lands on Boherboy Road, Saggart, Co. Dublin.

17.3. **Decision:** Refuse permission for the above proposed development based on the reasons and considerations set out below.

1. It is considered that the Environmental Impact Assessment Report, together with the documentation submitted with the application, does not identify or describe adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment, in particular the proposed works to the Boherboy Road, towards the junction with the N81, the extent of hedgerow removal along the Boherboy Road and the associated environmental impacts. The Board is not satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU, particularly with regard to biodiversity, noise, material assets: transportation, landscape and cumulative impacts.
2. The majority of residential units proposed within Apartment Block A and Apartment Block C do not exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% as per the Sustainable Urban Housing: Design Standards for New Apartments, 2022. This is contrary to Policy H1, Objective 1 of the South Dublin County Development Plan, 2022 – 2028. The development would therefore fail to provide for a suitable mix of apartment sizes and would result in a poor quality urban development within a large residential development, would be contrary to the proper planning and sustainable development of the area and would thereby contravene materially the South Dublin County Development Plan 2022 – 2028.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Emma Nevin
Planning Inspector

30th June 2025

Appendix A – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Screening Determination

1: Description of the project

I have considered the Boherboy SHD in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

In brief the development comprises the consisting of 655 no. apartments, 680 sq. m. of creche and associated site works, including ancillary roads, drainage pumping and services infrastructure.

There are no European sites in the immediate vicinity of the proposed development site.

Appendix 1 of the AA screening report establishes six SACs and four SPAs were identified within a ca 19km radius of the Site.

Name	Site Code	Distance from Site
South Dublin Bay SAC	(000210)	15.5km
North Dublin Bay SAC	(000206)	18.6km
Glenasmole Valley SAC	(001209)	4.1km
Wicklow Mountains SAC	(002122)	5.3km
Rye Water Valley/ Carton SAC	(001398)	10km
Red Bog, Kildare SAC	(000397)	10.9km
South Dublin Bay and River Tolka SPA	(004024)	15.6km
North Bull Island SPA	(004006)	18.6km
Wicklow Mountains SPA	(004044)	8.7km
Poulaphouca Reservoir SPA	(004063)	11km

The closest European site to the proposed development is Glenasmole Valley SAC (site code: 001209) at 4.1km.

4. An Appropriate Assessment Screening report has been submitted with the application on behalf of the applicant (prepared by Scott Cawley), and the objective information presented in that report informs this screening determination. The applicant's report is dated December 2021.

The subject site with a stated gross area of 18.3 hectares (net area is 17.6 hectares), comprises an almost rectangular shaped area of land located to the north of Boherboy Road, approximately 1.3km east of Saggart village. The site topography slopes downwards from the south of the site adjacent to the Boherboy Road to the north of the site. Site levels range from 155mOD in the southwest corner to 117.5mOD in the northwest corner. The site is vacant and is currently a greenfield site. The site is bordered on all sides (north south, east, and west) by mature hedgerow and trees. There is a field boundary hedgerow and dry ditch traversing the centre of the site in a north to south axis. The Corbally Stream traverses along the eastern boundary of the site in a north to south axis, turning in a westerly direction at the northeast boundary before exiting the site at the northwest corner. The southern site boundary has a c.360 metre frontage on to the Boherboy Road with an existing entrance to the site at this location.

In relation to hydrology, the Corbally Stream runs from south to north along the eastern boundary of the proposed development site. It then flows along the northern boundary westwards where two drainage ditches within the site, the Cooldown and the Coldwater, flow into the Corbally. The Corbally then merges into the Camac River c. 2.5km, before joining the River Liffey c. 9.6km northeast of the proposed development and discharging into the Dublin Bay, therefore hydrologically linking the proposed development to European sites therein, including; South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA.

Submissions and Observations

I refer the Board to section 7.0 of the main report.

2. Potential impact mechanisms from the project

Zone of Influence

All of the European sites present in the vicinity of the proposed development are shown on Figure 1 (European sites in the vicinity of the proposed development) and Figure 2 (waterbodies) of the

AA screening report submitted and the QIs/SCIs of the European sites in the vicinity of the proposed development are provided in Appendix 1 of the Screening Report.

The sites considered within the Stage 1 Screening and the distances from the development site are summarised below. Given the distance of the development from the identified sites coupled with intervening screening and topography and the lack of clear hydrological connection no direct or indirect impacts are envisaged.

Name of Site	Site Code	Qualifying Interests	Approximate Distance from Site Boundary	Potential Connection
Glenasmole SAC	(001209)	Semi natural dry grasslands and scrubland facies on calcareous substrates (FestucoBrometalia) (important orchid sites) Molina meadows on calcareous, peaty of clayey-silt laden soils (Molinion caeruleae) Petrifying springs with tufa formation (Cratoneurion)	4.1km	No potential direct or indirect connection
Wicklow Mountains SAC	(002122)	Otter (Lutra lutra) Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae Natural	5.3km	No potential direct or indirect connection

		<p>dystrophic lakes and pods Northern Atlantic wet heaths with Erica tetralix European dry heaths Alpine and Boreal heaths Calaminarian grasslands of the Violetalia calaminariae Species rich Nardus grasslands on siliceous substrates in mountain areas (and sub mountain areas in Continental Europe) Blanket bogs (if active only)</p> <p>Siliceous scree of the montane to snow levels (Androsacetalis alpinae and Galeopsietalia landsani</p> <p>Calcareous rocky slopes with chasmophytic vegetation</p> <p>Siliceous rocky slopes with</p>		
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		chasmophytic vegetation Old sessile oak woods with Ilex and Blechnum in the British Isles		
Wicklow Mountains SPA	(004044)	Merlin (Falco columbarius) Peregrine (Falco peregrinus)	8.7km	No potential direct or indirect connection
Rye Water Valley/Carton SAC	(001398)	Petrifying springs with tufa formation (Cratoneurion) Narrow mouthed Whorl Snail (Vertigo angustior) Desmoulin's Whorl Snail (vertigo moulinsiana)	10km	No potential direct or indirect connection
Red Bog SAC	(000397)	Transition Mires and quaking bogs	10.9km	No potential direct or indirect connection
Poulaphouca Reservoir SPA	(004063)	Greylag Goose (Anser anser) Lesser Black-backed Gull (Larus fuscus)	11km	No potential direct or indirect connection

The likely effects of the proposed development on European sites have been appraised using a source-pathway-receptor model.

In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie). Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular the attributes and targets of these sites are of assistance in screening for AA in respect of this project. I have also visited the site.

Habitat Impact

The site is not within or directly adjoining any Natura 2000 sites. Glensmore Valley SAC (001398) is the closest Natura 2000 sites to the proposed development. There is no 'direct' or 'indirect' Source-Pathway linkage between the proposed development site and the SAC. No potential impact is foreseen. Accordingly, I do not consider that there is potential for any direct impacts such as habitat loss / modification, direct emissions, or species mortality/disturbance.

There are no Annex I habitats present within the proposed development site or immediate environs. The proposed development site is primarily a series of arable fields divided by hedgerows with a watercourse to the east and north of the site. Several hedgerows were noted on site. These were primarily located between the two sites and along all site boundaries. No species of conservation importance or their resting or breeding places were noted.

The Corbally Stream is a small order Stream located in a different sub-catchment than the Wicklow Mountains SAC. Considering the size of otter territories in Ireland²⁵, and its location relative to the Wicklow Mountains SAC, any otters potentially using the Corbally Stream do not form part of or support any SAC population. Therefore, as the proposed development will not result in the disturbance/displacement of the qualifying/special conservation interest species of any European site, there is no potential for any in combination effects to occur in that regard.

Flora - No protected plant species contained within the Flora (Protection) Order, 2015, rare plant species contained within Ireland Red List No. 10 Vascular Plants (Wyse Jackson et al., 2016), or species listed on Irelands Red List No. 8: Bryophytes (Lockhart et al., 2012) were identified within the proposed development site during habitat surveys. No non-native, invasive plant species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 were recorded within the proposed development site.

Fauna - The only SCI species present at the time of field surveys was lesser black-backed gull. Two individuals were recorded flying across the site during breeding bird surveys, however they did not land within the site. There is no suitable habitat for light-bellied Brent goose *Branta bernicla hrota*,

greylag goose and/or other SCI wintering bird species such as waders onsite. With regards to non-native invasive species, the NBDC database search returned records for grey squirrel *Sciurus carolinensis* and sika deer *Cervus nippon* which are listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011. Grey squirrel was recorded adjacent to St. Thomas' National School, Jobstown, Tallaght, Dublin 24, c. 1.2km north-east of the proposed development in 2007. Two sika deer were identified within the proposed development site during the first breeding bird survey in June 2020, grey squirrel was not identified within the proposed development site during surveys. 43 No protected and/or rare flora were recorded in the proposed development site. 44 There were no signs or tracks of QI species, of any European sites present onsite.

Water Quality

The watercourses on site will provide a suitable surface water discharge point for the proposed development. The surface water infrastructure for the development will collect the rainfall on the site and convey the storm water run-off via roadside swales, tree pits, bio-retention area, rear garden filter drains, gullies, underground pipes, manholes, catchpit manholes and direct the flows via void arched attenuation systems towards Hydrobrakes and petrol interceptors before outfalling to the existing on site open watercourses. After attenuation, outfall will be into the existing Corbally Stream boundary the site. The Corbally Stream merges into the Camac River c. 2.5km downstream. The Camac River joins the River Liffey c. 9.3km north-east of the proposed development, before draining to the Dublin Bay via the Lower Liffey Estuary waterbody.

All construction associated with the development will take place within this site. A hydrological and hydrogeological qualitative risk assessment report was prepared for the proposed development. Potential sources of impacts during construction and operation are considered in the CSM and all potential sources of contamination are considered without taking account of any measures intended to avoid or reduce harmful effects of the proposed development (mitigation measures) i.e., a worst-case scenario. surface run-off from the proposed development, during both construction and operational phases respectively, will not result in any perceptible impact on water quality in downstream receiving waters in Dublin Bay (and thus in the European sites therein). This is in light of the presence of a direct open-water pathway to Dublin Bay, attenuation and dilution within the Camac River and storm sewers and low potential chemical loading between the proposed development site and Dublin Bay. The CSM also considered in-combination effects and concluded that there would be no perceptible impact on water quality as a result of the proposed development in-combination with surface water arising from other developments.

Surface water discharge points used during the construction phase shall be agreed with the Local Authority's Environment Section prior to commencing works on site.

Conclusion on the extent of the Zone of Influence

The development is for a residential scheme and given the nature of the works within the applicants existing site and outside the Natura 2000 sites, it is not considered likely that the proposed development will interfere with any of the key relationships of any Natura 2000 site. There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site. It is considered that there will be no long-term residual impacts from the proposed works upon the key relationships that define any Natura 2000 sites.

3. European Sites at risk

I am satisfied that no risks to the conservation objectives of the Rye Water Valley/Carton SAC (site code 001398) or any Natura 2000 sites are considered likely due one or more of the following:

- Lack of direct connectivity between the proposed works areas and the designated areas. There will be no loss of habitat within any Natura 2000 site as a result of the proposed works. It is not anticipated that the loss of any species of conservation interest will occur as a result of the proposed works due to injury or mortality.
- Significant buffer between the proposed works area and the designated. No significant risk of disruption to any Natura 2000 sites are likely during this project.
- No habitat fragmentation to any Natura 2000 site is predicted.
- There will be no additional emissions of water from the site. Wastewater will be to existing mains. No emissions are predicted that will impact upon any Natura 2000 site.

Based on a consideration of the likely impacts arising from the proposed works and a review of their significance in terms of the conservation interests and objectives of the Natura 2000 Sites screened, no significant impacts have been identified on the Natura 2000 sites as a result of the proposed development.

I refer the Board to Table 1. Summary of Analysis of Likely Significant Effects on European Sites of the AA screening report. I agree with the conclusion presented therein.

4. Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

In combination or Cumulative Effects

The applicant's Appropriate Assessment Screening Report has considered in-combination effects.

There is potential for "in-combination" effects on water quality in Dublin Bay from any other projects carried out within the functional areas of the Dún Laoghaire-Rathdown County Development Plan 2016- 2022 (Dún Laoghaire-Rathdown County Council, 2016), Dublin City Development Plan 2016-2022 (Dublin City Council, 2016), the Fingal Development Plan 2017-2023 (Fingal County Council, 2017), or any other land use plans which could influence conditions in Dublin Bay via rivers and other surface water features.

The AA screening report noted that Plans and developments within the other local authority areas which could influence conditions in Dublin Bay via rivers and other surface water features, also must comply with the policies and objectives relevant to the protection of European sites and water quality. These include the Dún Laoghaire Rathdown Development Plan 2016-2022 (Dún Laoghaire-Rathdown Council, 2016), the Fingal Development Plan 2017- 2023, and the Wicklow County Development Plan 2016-2022 (Wicklow County Council, 2016). The relevant policies and objectives in those plans for the protection of European sites and water quality are included in Appendix II of the report.

There are a number of projects referred to above which will upgrade the capacity of Ringsend WWTP which will, over time, address the capacity issues at Ringsend WWTP referred to in the AA report. As noted under the surface water and foul water sections above, Dublin Bay is currently unpolluted and the proposed development will not result in any measurable effect on water quality in Dublin Bay. There are also protective policies and objectives in place at a strategic planning level to protect water quality in Dublin Bay.

Therefore, and having regard to the policies and objectives referred to under the relevant development plans, it is concluded that the possibility of any other plans or projects acting in combination with the proposed development to give rise to significant effects on any European site in, or associated with, Dublin Bay can be excluded.

It is reasonable to conclude that on the basis of the information on the file, which I considered 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 Glensmore Valley SAC (001398) or any European site, in view of the sites' conservation objectives.

Overall Conclusion- Screening Determination

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.

I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the following:

- Surface run-off from the proposed development, during both construction and operational phases respectively, will not result in any perceptible impact on water quality in downstream receiving waters in Dublin Bay (and thus in the European sites therein). Surface water discharge points used during the construction phase shall be agreed with the Local Authority's Environment Section prior to commencing works on site.
- Should an accidental pollution event during construction has the potential to affect groundwater quality locally. Whilst this is a possibility, this would be very localised and would not result in the degradation of existing groundwater conditions. Furthermore, there are no groundwater dependent habitats or species associated with the European sites in Dublin Bay. The nearest European site, which supports groundwater dependent terrestrial habitats and species is Glenasmole Valley SAC, located c. 4.2km south-east of the proposed development.
- Foul waters will discharge to the existing network and will travel to Ringsend Wastewater Treatment Plant (WWTP) treatment Plant for treatment prior to discharge; the Ringsend WWTP is required to operate under EPA licence and meet environmental standards. As per Uisce Eireann website (reviewed 09/06/2025) there is spare capacity available with a WWTP Project Planned/underway, this upgrade will ensure water in the Lower Liffey Valley meets EPA standards.

No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant

increase in noise and disturbance over the existing levels.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix B: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ABP-313145-22	Townland, address	In the townland of Boherboy, Saggart Road, Co. Dublin
Description of project	Construction of 655 no. residential units (257 no. houses, 398 no. apartments), childcare facility and associated site works.		
Brief site description, relevant to WFD Screening,	Site is cleared of all structures 9aside from small farm building near Boherboy Road and consists of a greenfield site.		
Proposed surface water details	SuDS measures to be used in the engineering and landscaping design. Any run-off will be via the public surface water drainage system. Attenuation tanks are to be provided on site to store water.		
Proposed water supply source & available capacity	Public Water Supply and which has an Orange – ‘Potential Capacity Available’ rating.		
Proposed wastewater treatment system & available capacity, other issues	Public foul drainage system and which has an Orange – ‘Potential Capacity Available’.		

Others?		N/A				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.	OM - To the eastern boundary of the site	River Camac (IE_EA_09C020250)	Moderate	At Risk	N/A	Surface water run-off
	c.5.5km north of site	Liffey and Dublin Bay (IE_09)	Good	Not At Risk	N/A	Surface water run-off
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance & Construction	River Camac (IE_EA_09C02 0250)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
2.	Site clearance & Construction	Liffey and Dublin Bay (IE_09)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
3.	Foul Drainage during construction	River Camac (IE_EA_09C02 0250)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction	No	Screen out at this stage.

	phase of the development				Practice and CEMP		
4.	Foul Drainage during construction phase of the development	Liffey and Dublin Bay (IE_09)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
OPERATIONAL PHASE							
1.	Surface Water Run-off	River Camac (IE_EA_09C02 0250)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.
2.	Surface Water Run-off	Liffey and Dublin Bay (IE_09)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.

DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A