



An
Bord
Pleanála

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

Inspector's Report ABP-313321-22

Strategic Housing Development

Demolition of the existing structures on site, construction of 101 no. residential units (32 no. houses, 69 no. apartments), creche and associated site works.

Location

Blackglen Road, Balally and
Woodside, Sandyford, Dublin 18
(www.blackglenroadshd.com)

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Heronbrook Properties LTD.

Prescribed Bodies

An Taisce

Inland Fisheries Ireland

Uisce Eireann

TII

Observer(s)

1. Andrew & Naomi O’Kane
2. Ann Cullen
3. Anouska Kemple
4. Breffni Ryan
5. Brendan Byrne & Others
6. Brendan Byrne
7. Catherine & Andrew Reid
8. Dudley Dolan
9. Eve Doherty
10. Jacqueline Butler
11. Jane Whelan
12. John Conway and the Lough
Environmental Group
13. John Hassett
14. John Wilkinson
15. Kevin Cullen
16. Leo Fleming
17. Loretto Callaghan
18. Maria Byrne
19. Martin Roe
20. Michael Van Turnhout
21. Miriam O’Flynn
22. Nadine Keddy

- 23. Olga Maguire
- 24. Pamela Brennan & Others
- 25. Patrick J Newman
- 26. Sean Maguire
- 27. Susan Reid & James Hally
- 28. Vivienne Byrne
- 29. Wendy Vard

Date of Site Inspection

18th June 2024

Inspector

Irené McCormack

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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

- 2.1.1. The subject site has a stated area of c. 1.938 Hectares. The subject site is situated along Blackglen Road (R113) which bounds the site to the north. The main vehicular access to the site is proposed from Blackglen Road.
- 2.1.2. The south of the site is bounded by the rural slate cabin lane. Both the Blackglen Road and Slate Cabin Lane connect to the village of Sandyford. The site is located approximately 1.6 km from Sandyford village (the village is approximately 9km south of Dublin City), 2.2km from Stepside village and benefits from accessibility to the M50. Glencairn and Kilmacud Luas stops are located approx. 1.8 km and 3.1 km from the site.
- 2.1.3. The general area is characterised by low density suburban housing, while lands to the west of the site towards Blackglen Road are rural in nature. There is a small retail centre on the southern side of Lambs Cross containing a convenience shop and other small commercial units to the east of the site. The six storey Aiken Village apartments are located ca. 0.2km to the southwest of the southern site boundary.
- 2.1.4. The site is currently unused and dominated by scrub vegetation, remnants of former buildings and garden vegetation from the former residence. The site is in an irregular form and is framed primarily by residential development. The perimeter boundaries primarily consist of garden fencing, walls and vegetation. The northern boundary consists of green mesh fencing. The southern boundary with 'Slate Cabin Lane' is currently formed by timber site hoarding, the Carysfort - Maretimo Stream (watercourse) runs along this boundary. The eastern boundary with 'Mountain Lodge', a local residence, is in the form of a post and wire fence and some mature Laurel hedging, there are also a number of existing Douglas Fir trees along this boundary. Further north along the eastern boundary, there is a

mixture of existing timber palisade fencing and blockwork walls. The western boundary is composed of an existing blockwork wall and timber post and rail fence.

- 2.1.5. The levels fall from a high point of +136.5m in the north-western corner of the site to +129m in the south-eastern corner of the site.

3.0 **Proposed Strategic Housing Development**

3.1. The application comprises:

- The demolition of the existing, derelict, former residential structures on the site and construction of 101no. residential units and a creche (13,127 sq m gross floor area in total).
- The residential element comprises a mix **of houses** (9no. 2-beds, 16no. 3beds, 6no. 4 beds and 1 no. 5 beds); duplexes (3no. 2 beds and 10no. 3 beds) and apartments (14no. 1 beds, 35no. 2 beds and 7no. 3 beds).
- The **houses are provided in 2 storey terraces** and include one dormer-style unit. The **duplexes and apartments are provided in 2no. blocks (A and B)** connected by a landscaped podium with undercroft carparking level (including plant/ stores).
- **Block A is 3-4 storey in height and contains 52no. apartments.** It has frontage to Blackglen Road.
- **Block B is to the rear and contains 13no. duplexes and 4no. apartments. It is 3 storeys in height.**
- All houses are provided with private rear gardens and all apartments and duplexes are provided with private terraces or balconies.
- **The creche (109.6 sq. m) is located in Block B** and includes a dedicated open space of 120 sq m.
- The development includes 2no. ESB Substations (c. 16 sq. m each) and bin stores (c. 22.5 sq. m).
- The roof of Block A includes a green sedum roof and photovoltaic panels.

- Public open space is provided in 3no. separate areas, with a total of 3,559 sq. m provided. 1,458 sq.m of semi- Private communal open space is provided at podium level between Blocks A and B.
- Road infrastructure works proposed on site to include new internal access road, cycle and pedestrian facilities. 1no. new vehicular access to the scheme from Blackglen Road (currently subject of improvement works) with dedicated pedestrian and cycle access, 2no. additional, dedicated pedestrian accesses to the site from Blackglen Rd and 1no. new pedestrian and cycle access to the site from Slate Cabin Lane.
- 170no. car parking spaces, including: 83no. spaces at undercroft level and the remaining 87no. spaces at surface level. 5no. motorcycle spaces are provided at undercroft level. 152no. bicycle parking spaces are provided, of which 126no. are provided within the undercroft (includes 2no. cargo cycle spaces). The remaining 26no. spaces are provided at surface level in a covered cycle store.
- And, all associated and ancillary site development and infrastructural works, hard and soft landscaping and boundary treatment works, including drainage and SUDS infrastructure.

3.2. Key Development Statistics are outlined below:

	Proposed Development
Site Area	1.938ha.
No. of Units	101 Residential Units
Density	53uph (gross) / 64uph (net)
Height	The proposed apartments and duplexes are arranged in two blocks connected by a podium: both 3-4 storeys in height. Houses – 1.5 - 2 storeys
Dual Aspect	69.5% of both the apartment and duplex units are dual aspect.

	All houses dual aspect
Other Uses/Residential Amenity	Childcare facility (c. 109.6 sq. m) to accommodate 27no. children
Public Open Space	3559sqm (18% Gross Site Area) in 3 no. parcels
Communal Open Space	1458sqm (located between Block A & B)
Car Parking	Total - 170 Apartments – 80 spaces Duplex – 21 spaces Houses – 55 spaces Visitor – 9 spaces Motorcycles – 5 spaces Creche staff and drop-off – 5 spaces
Bicycle Parking	152 no spaces

3.3. Unit mix is as follows:

Apartments

Type	No. of Units	% of Units
1-bed apartments	14	25%
2-bed apartments	35	64%
3-bed apartments	7	11%
	Total 56 no.	Total 100%

Duplexes

Type	No. of Units	% of Units
2-bed duplexes	3	23%
3-bed duplexes	10	67%
	Total 13 no.	Total 100%

Houses

Type	No. of Units	% of Units
2-bed houses	9	28%
3-bed houses	16	50%
4-bed houses	6	19%
5-bed houses	1	3%
	Total 32 no.	Total 100%

3.4. The application included the following:

- Planning Application Planning Report & Statement of Consistency
- Material Contravention Statement
- Architect's Drawings
- Design Statement
- Housing Quality Assessment (including Schedule of Accommodation)
- Verified Photomontages & CGIs
- Landscape and Visual Impact Assessment
- Landscape Design Report
- Engineering Drawings
- Infrastructure Design Report
- Site Specific Flood Risk Assessment
- Mobility Management Plan
- Transport Statement
- Appropriate Assessment Screening Report
- Ecological Impact Assessment
- Noise Impact Assessment
- Bat Assessment
- Sunlight & Daylight Assessment Report
- Resource Waste Management Plan
- Operational Waste Management Plan
- Outline Construction Environmental Management Plan
- Archaeological and Cultural Heritage Assessment
- Outdoor Lighting Report

- Arboricultural Assessment
- Noise Impact Assessment
- Energy Statement
- Social Infrastructure Capacity Audit
- EIA Screening Report
- Section 299B Statement

4.0 **Planning History**

Subject site

ABP 307348-20 Pre-Application Consultation - 100 no. residential units (31 no. houses, 69 no. apartments) and associated site works. Required Further Consideration.

To the North

Part 8 (PC/IC/01/15) - DLRCC Blackglen/Harold's Grange Road Improvement Scheme which is a 6-year road objective, (contract awarded in August 2021 with 18 months required for completion). This improved road scheme will help to facilitate this residential development with the provision of footpaths, cycle lanes/tracks, improved sight distances and public lighting. The reconstruction of this road will see the completion of the realignment of the road and a wider footpath on the western side of the road. The realignment of the road will facilitate future bus priority measures. <https://www.dlrcoco.ie/capital-programme/blackglen-road-improvement-scheme>

Site inspection determined these works have been completed.

To the East: /Lambs Cross

PA Ref. D23A/0456 / ABP 319621-24 - Permission granted by DLRCC for the demolition of the existing single storey dwelling and the construction of a new neighbourhood centre and residential development. The development consists of 80 no. residential apartment units and associated residential amenity space, a supermarket and associated off licence, a restaurant / bar and associated winter

garden, 2 no. retail units, an ATM area, a health centre and a café. **Appeal due to be decided by 02/09/2024.**

SHD ABP 309965-21 – Permission refused for the Demolition of existing dwelling on site, construction of 143 no. apartments, creche and associated works. The reasons for refusal related to (1) potential to result in adverse impacts on hydrology and hydrogeology, (2) the design, scale and bulk, (2) contravenes building height strategy.

PA Ref. D21A/0974 – Permission refused for revisions to the existing development permitted on site under D17A/1003.

PA Ref. D17A/1003 / ABP-302954-18: Permission granted for residential development consisting of the demolition of an existing dwelling and sheds and for the construction of 67 no. apartments in 3 no. blocks of three storeys plus penthouse level on a 1.09 ha site.

To the West

SHD ABP 314459-21 – Permission refused for 360 no. apartments, creche and associated site works. The reasons for refusal related to (1) design, scale and layout within a 'Transitional Area', (2) Unit Mix and density not supported.

5.0 Section 5 Pre-Application Consultation -307348-20

5.1. A Section 5 pre-application virtual consultation took place on the 27th October 2020 in respect in respect of a development for the construction of 100 no. residential units (31 no. houses, 69 no. apartments) 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 –

- Traffic & Transportation (Access, Connectivity, Car Parking Strategy)
- Drainage (PA & Irish Water Submission)
- Design Strategy (design and layout)
- Residential Amenities (existing and proposed)
- Childcare

- Any Other Business.

5.2. Copies of the record of the meeting and the inspector's report are on this file.

In the Notice of Pre-Application Consultation Opinion dated 20th November 2020 (ABP-307348-20) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration/amendment to constitute a reasonable basis for an application for strategic housing development.

1. Further consideration and / or justification of the documents as they relate to the capacity of **the road network** in the area to cater for the proposed development. The further consideration and / or justification should address the matters raised in the submissions received from the Planning Authority dated 18th August 2020 in relation to prematurity pending the completion of the Blackglen Road Improvement Scheme.
2. Further consideration and / or justification of the documents as they relate to **the development strategy** for the site. The further consideration and / or justification should address the following matters: (i) Interface with Blackglen Road and Slate Cabin Lane. (ii) The quantum and quality of public and communal open space provision. (iii) Treatment of the stream along the southern boundary (iv) The layout of the development, hierarchy of open space, compliance with DMURS and provision of connections with adjoining lands and surrounding area

These should also include a Materials Strategy that details all materials proposed for buildings, open spaces, paved areas and boundaries. The statement should present a justification for the materials being used having regard to the need for high quality and sustainable finishes that create a distinctive character for the development overall, whilst also responding to the character of the area. The documents should also have regard to the durability of materials and the long-term management and maintenance of the proposed development.

The further consideration / justification should have regard to, inter alia, the guidance contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 (including the locational criteria in Chapter 2 and the guidance on car parking provision in Chapter 4), the

Urban Development and Building Height Guidelines for Planning Authorities 2018; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; the Design Manual for Urban Roads and Streets 2013; and the Dun Laoghaire Rathdown Development Plan 2016-2022.

3. Further consideration and / or justification of the documents as they relate to **residential amenity**, having particular regard to the potential for overlooking, overshadowing and overbearing impacts on existing adjoining residential properties and proposed residential units within the scheme, and daylight and sunlight access to units and amenity areas within the development.

The opinion also stated that the following specific information should be submitted with any application for permission:

1. The prospective applicant is advised to address the following in the documents submitted:
 - a) Provide additional details in relation to **the wastewater connection**. The details should address the matters set out in the submission received from Irish Water, dated 16th July 2020 in relation to the need for network upgrades.
 - b) Provide **additional drainage details**. The details should address the matters raised in the Report of the Drainage Division of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion dated 18th August 2020.
 - c) Provide **a justification for the level of car parking proposed**. The justification should include an analysis of car parking demand taking account of the site's location and the level of connectivity (by all modes) to services and employment.
 - d) Provide additional traffic and transportation details. The details should address the matters raised in the Report of the Transportation Planning Division of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion dated 18th August 20220
2. A Housing Quality Assessment that sets out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance of the various requirements of the 2018 Guidelines on Design Standards for New

Apartments.

3. A Building Life Cycle Report for the apartment block that includes an assessment of the long-term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2018 Guidelines on Design Standards for New Apartments.
4. A Landscaping Plan. a) This should include a schedule of open space and address the design and function of open spaces within the development. The plan should also address matters raised in the Planning Authority's Opinion dated 18th August 2020, relating inter alia to the ESB wayleave, to boundary treatments and the interface with the stream along the southern boundary and access to Slate Cabin Lane. b) Response to issues raised in the Parks & Landscape Services Report included in the Planning Authority Opinion received by An Bord Pleanála on 18th August 2020.
5. Contextual plans and contiguous elevations, sections and computer-generated images that details the relationship between the proposed apartment block, Duplex and houses and the relationship between the proposed development and existing and permitted (if any) contiguous development in the area.
6. A Visual Impact Assessment that is supported by Verified Imaged / Photomontages from key vantage points given the location of the site within the Barnacullia Landscape Character Area.
7. An Ecological Impact Assessment. The assessment should address the potential impact on Badgers and Bats and include relevant surveys.
8. Social Infrastructure Capacity Assessment including School Demand Assessment and Childcare Assessment.
9. A draft Construction Management Plan, draft Construction and Demolition Waste Management Plan and a draft Waste Management Plan.

Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section

37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

5.3. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Transport Infrastructure Ireland
- National Transport Authority
- Irish Water
- Dun Laoghaire Rathdown Childcare Committee

5.4. ***Applicant's Statement***

5.4.1. 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.

5.4.2. I note a Statement of Response to ABP's Opinion has been submitted (section 8 of Planning Report and Statement of Consistency). I note the items raised in the Opinion have been addressed.

5.4.3. Of relevance I note the Statement of Consistency and Planning Report prepared note that since the issuing of the Board's opinion, the Dun Laoghaire Rathdown County Development 2022-2028 has been adopted. Under both the Dun Laoghaire - Rathdown County Council Development Plan 2016 – 2022 and the Dun Laoghaire - Rathdown County Council Development Plan 2022 - 2028, the subject lands are subject to a Zoning Objective A. Objective A in the 2016-2022 plan is – “To protect and or improve residential amenity” with slightly different wording in the 2022-2028 plan – “To provide residential development and/or protect and improve residential amenity.” The Statement of Consistency and Planning Report address both Development Plans.

6.0 Relevant Planning Policy

The SHD application was lodged on 13th April 2022. The Dún Laoghaire-Rathdown County Development Plan 2022-2028 was adopted on 10th March 2022 and came into effect on 21st April 2022. The applicable Development Plan is the Plan in place at the time the decision is made. Therefore, the relevant Plan is the Dún Laoghaire-Rathdown County Development Plan 2022-2028

6.1. ***Dun Laoghaire Rathdown County Development Plan 2022 -2028***

Zoning -The application site is zoned Objective A – ‘*To provide residential development and improve residential amenity while protecting the existing residential amenities.*’ Residential use is permitted in principle under this zoning designation. Childcare service use is also permitted in principle, subject to the use not having adverse effects on the ‘A’ zoning objective.

The site is located within the Barnacullia Historic Landscape Character Assessments (HLCA) (Appendix 8)

Chapter 2 – Core Strategy

Table 2.7 of the plan indicates the housing target up to Q1 2028 is 18,515, which is reflective of the target outlined in the RESE. This equates to a population increase of 38,125. Table 2.9 of the Plan indicates that there are approx. 553.28 ha. of serviced land available.

Policy Objective PHP 18: Residential Density: It is a Policy Objective to: Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

Policy Objective PHP19: Existing Housing Stock – Adaptation: It is a Policy Objective to: Conserve and improve existing housing stock through supporting

improvements and adaption of homes consistent with NPO 34 of the NPF. Density existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

Section 4.3.1.1 sets out further guidance on density.

Policy Objective PHP27: Housing Mix: It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.

Section 4.4.1 relates to Quality Design and Placemaking

Policy Objective PHP35: Healthy Placemaking: It is a Policy Objective to: Ensure that all development is of high quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES. Promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013). Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

Policy Objective PHP42: Building Height: It is a Policy Objective to: Encourage high quality design of all new development. Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF). The Councils Building Height Strategy is in Appendix 5.

Chapter 8 -Green Infrastructure and Biodiversity

GIB2: Landscape Character Areas - It is a Policy Objective to continue to protect, manage and plan to conserve, maintain or enhance the distinctive characteristics of the County's landscapes, townscapes and seascapes in accordance with.....

GIB5: Historic Landscape Character Areas - In assessing development proposals and in the preparation of plans, it is a Policy Objective to have regard to the recommendations and findings of the Historic Landscape Character

Assessments (HLCA), already undertaken for a number of the urban-rural fringe areas of the County most likely to come under development pressure.

GIB18: Protection of Natural Heritage and the Environment

GIB19: Habitats Directive

GIB22: Non-Designated Areas of Biodiversity Importance

GIB23: County- Wide Ecological Network

Section 12.3.5 Apartment Developments, Section 12.3.3.1 Residential Size and Mix, Table 12.1 Apartment Mix Requirements:

Table 12.1 Apartment Mix Requirements

Area	Threshold	Mix Studio/1/2 bed Requirement (Apartments and duplexes)	3+ bed Requirement (Apartments)
New Residential Community (See figure 2.9 Core Strategy Map)	Schemes of 50+ units	Apartment Developments may include up to 60% studio, one and two bed units and with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios	Minimum 40% 3+ bedroom units
Lands within SUPP	Schemes of 50+ units	Apartment Developments may include up to 60% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios	Minimum 40% 3+ bedroom units
Existing Built up area.	Schemes of 50+ units	Apartment Developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios	Minimum 20% 3+ bedroom units

The following are also considered to be relevant Policy Objective PHP 35: Healthy Placemaking; Policy Objective PHP37: Public Realm Design; Policy Objective T1: Integration of Land Use and Transport Policies; Policy Objective T11: Walking and Cycling.

Section 12.3.3.2 Residential Density, Section 12.8.11 Existing Trees and Hedgerows.

Section 12.9.9 Development and Overhead Power Lines.

Section 13.1 Land Use Zoning Objectives, Section 13.1.2 Transitional Zonal Area

Appendix 8 - landscape Assessment Study and Landscape/ Seascape Character Areas

<p>9. Barnacullia</p> <p>This enclosure encompasses the elevated slopes rising from Stepside village up towards Three Rock Mountain. Three of the boundaries are man made features – the roadway, the plantation forest and the edge of the built up area of the city. The enclosure can be almost subdivided into two separate enclosures by the Barnacullia Road. To the west of this road the land slopes steeply upwards to the summit of Three Rock Mountain. The most significant feature is the granite quarry which is clearly visible from a number of viewpoints within the County and from 2 kilometres off shore in Dublin Bay.</p> <p>One-off housing is dotted up the mountainside with almost continuous ribbon development along the road. To the east of the Barnacullia Road the landscape is gentler in slope and characterised by irregular fields broken up by deciduous tree belts. One-off housing is again prevalent along the lower side of the roadway although views down the valley are currently protected. The noise of traffic in Sandyford Village is audible and a line of large pylons traverses the enclosure. This enclosure also includes the area containing the pNHA Fitzsimons Wood which occupies an area of approximately 8 hectares near Lamb's Cross.</p>	<ul style="list-style-type: none"> • The area has already absorbed considerable residential development along its main routeways. At present the Enniskerry Road R117 acts as a boundary between urban and rural developments as the land begins to rise steeply to the west of this roadway. • The impact of any further pylon schemes on the landscape shall be carefully assessed. • Any new residential development shall maintain the rural character of the area and should not be obtrusive on the horizon. • The impact of further extractive industries on the elevated slopes of Three Rock shall be carefully assessed. • Possible road improvement schemes including the Stepside Relief Road shall not adversely affect hedgerows and walls. • To have regard to the recommendations and findings of the Historic Landscape Character Assessment for Barnacullia.
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6.2. ***Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.***

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located with the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The followings RPOs are of particular relevance:

RPO 3.2: Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

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

Transport Strategy for the Greater Dublin Area 2016-2035

The Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for the planning and delivery of transport infrastructure and services in

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

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

6.3. *National Planning Framework*

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: 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 and

increased building heights.

- National Policy Objective 63: Ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.

6.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the ‘Apartment Guidelines’).

6.5. Other Relevant Guidance

- Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).
- Dún Laoghaire-Rathdown County Biodiversity Action Plan 2021-2025 *Nature Recovery, Restoration & Reconnection*

6.6. **Applicants Statement of Consistency**

6.6.1. 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 indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the applicable Plan the Dun Laoghaire Rathdown County Development Plan 2022-2028 and other regional and national planning policies. This has been examined and noted.

6.7. ***Material Contravention Statement***

6.7.1. The applicant submitted a Material Contravention Statement. The statement seeks to address the possibility that the proposed development could be deemed to represent a material contravention of the following objectives of the current Development Plan (2016- 2022), contained in Section 8.2.3.3 'Apartment Development' and in particular subsection (vii) 'Minimum Apartment Floor Areas' and Table 8.2.1 'Minimum storage space requirements. Also, considering the Development Plan (2022-2028), the proposed development could be deemed to materially contravene the text and table to be inserted into Section 12.3.5.3 'Internal Storage and External Storage'.

Minimum Floor Area Requirements

6.7.2. As regards the 2016 Development Plan, this Plan has been revoked and is no longer the operational Plan for the County. As regards minimum floor area requirements the DLR Development Plan 2022-2028 correspond directly with the minimum requirements set out under SPPR3 of the Apartment Guidelines.

6.7.3. Under SPPR3 of the Apartment Guidelines, the minimum size required for apartment units is lower in each case. As per SPPR3 One-Bedroom units require 45 sq.m., 73 sq.m. for Two-Bedroom units and 90 sq.m. per Three-Bedroom units.

6.7.4. The proposed development is compliant with SPPR3 in respect of Apartment Floor Areas delivering the following apartment sizes:

- Overall, the proposed apartment units range in size between 51 sq. m. – 123 sq. m floor area.
- 20% of the proposed units are One-Bedroom apartments. Proposed floor area

ranges from of 51 sq. m. – 67 sq. m, thus exceeding the minimum floor area standard of 45 sq. m.

- 55% of the units are Two Bedroom apartments. Proposed floor area ranges from 77.8 sq. m – 109.6 sq. m, thus exceeding the minimum floor area standard of 73 sq. m.

- 25% of the units are Three Bedroom apartments. Proposed floor area is 100 sq. m. – 123 sq. m., thus exceeding the minimum floor area standard of 90 sq. m. as set out in the Apartment Guidelines.

- All individual rooms, floor areas and room widths comply with or exceed the design guidelines requirement.

Noting Section 3.8 ‘Safeguarding Higher Standards’ contained in the Apartment Guidelines which states that: “The majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1-, 2- or 3-bedroom unit types, by a minimum of 10%.”

It is states that the majority of all proposed units exceed the minimum required floor space by 10%. Only 3no. Two Bedroom units do not exceed the 10% requirements, representing roughly 4% of the total units. However, overall, the scheme is compliant with this requirement.

- 6.7.5. The proposed unit mix is considered to be justified in the context of national planning guidelines supporting the provision of a mix of unit types in suitable locations and the Apartment Guidelines, including Specific Planning Policy Requirement 1 (SPPR3).

Storage Requirements

External Storage

- 6.7.6. The MC statement sets out that given that a more flexible performance-based approach to building design is promoted by the Apartment Guidelines and having regard to the scheme’s overall compliance with the requirements contained therein, including in respect of standards for which flexibility is expressly provided,

it is argued that dispensation specifically in respect of external storage areas is justified. In particular, it is noted that there is no requirement under the Apartment Guidelines for the provision of external storage, except where this is required to compensate for a derogation for internal storage requirements. The Schedule of Accommodation details the provision of ample, secure bicycle parking provision within the scheme. The Apartment Guidelines list bicycles and bicycle equipment as generating a potential need for external storage areas. In the case of the proposed development, secure bicycle storage is already sufficiently provided for. This will reduce the need for external storage space for such items additional to that provided within the apartment footprint.

- 6.7.7. It is the applicant's opinion that non-compliance with this requirement is a contravention of the Development Plan but is not a material contravention. However, acknowledging the role of An Bord Pleanála, as the Competent Authority to decide on this matter and to make judgement on its materiality, and again adopting a conservative approach, we have provided a justification in the context of the provisions of section 37(2)(b) in relation to this matter.

Internal Storage

- 6.7.8. The MC Statement note that the Development Plan (2022-2028) aligns with the Design Standards for New Apartments regarding internal storage area requirements.
- 6.7.9. Therefore, any potential material contravention of Table 8.2.1 of the 2016 Development Plan 2016-2022 is not relevant.

Justification For Material Contravention in Context of Section 37(2)(B) Criteria

- 6.7.10. The Material Contravention Statement details policies and objectives in the National Planning Framework, Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly, Urban Development and Building Height Guidelines 2018' (Building Height Guidelines), Apartment Guidelines 2020 and Sustainable Residential Developments in Urban Areas 2009 and considers

that there is sufficient justification for the material contravention of the Development Plan.

7.0 Third Party Submissions

7.1. 29 no. submissions were received. The concerns raised are summarised below: -

Zoning

- Material Contravention of the Development Plan Under section 3 of the Act of 2016, which provides a definition for SHD, it is clear that where a proposed development materially contravenes the relevant development plan or local area plan in relation to the zoning of land, then it does not constitute a strategic housing development and the provisions of the Act of 2016 do not apply.

Design and Layout

- Concerns regarding the scale, height and density – the development does not integrate in the rural character of the area – not in keeping with the existing density in the area.
- Visually obtrusive
- Not an ‘intermediate urban location’
- Excessive in scale, apartments inappropriate at this location.
- Constitutes overdevelopment.
- Long-term housing is needed, not apartments.
- Insufficient housing mix - noticeable shortage of 3+ bedroom family homes
- Separation distance between the development and adjoining properties insufficient
- Negative impact on the amenities of adjoining properties by reason of overlooking, loss of privacy and visually overbearing impact and overshadowing.
- Insufficient details regarding management Company
- Public lighting details are insufficient and could result in potential light pollution.

- The proposed visuals of the scheme are inaccurate and show limited viewpoints.
- Existing high density poor housing in the area noted.

Traffic and Transport

- No access should be permitted onto Slate Cabin Lane until the development is complete.
- The existing footpath on Hillcrest Road is only 1m wide and cannot cater for the additional 200 users, it is not safe.
- Development would create a traffic hazard.
- Already congested road network
- Lack of public transport provision in the area.
- No QBC proposed in the area.
- Car parking demand will exceed provision.
- Construction traffic should be restricted to Blackglen Road.

Water Services

- Lack of potable water
- Existing houses are served by septic tanks. Unacceptable new development can connect to the mains sewer, and they can't!
- Capacity of public sewer (no upgrade works proposed)
- The site is wet and marshy – has this been considered in the design.
- Construction impacts on groundwater flow.
- The installation of the large and lined attenuation tank will involve a significant dewatering event as will the installation of all the foundations to the bedrock level as recommended in the site investigation report.
- Without mitigation measures this restriction of the existing groundwater throughput beneath the subject site will potentially lead to groundwater

flooding at the properties located immediately to the west of the subject site, i.e., up groundwater gradient of the subject site. In this scenario the groundwater level immediately to the west of the site will increase in elevation in response to the blocking of the existing groundwater flow pathways in the more permeable overburden deposits.

- Flooding concerns and the SSFRA does not refer to water table on the site.
- The site contains a Spring discharge or Spring Rising enclosed by marshy ground.

Landscape and Heritage

- The site which lies immediately to the south of the Blackglen Road is located within the protected Barnacullia Landscape Character Area (LCA). The Barnacullia LCA is protected under Ireland's obligations under the European Landscape Convention (2002) and has been included in the DLR Development Plans since 2004. A strategy for landscape change management within the protected LCA was devised in 2002 by DLR Co. Co. to ensure that the sensitivity of the LCA to change was recognised.
- Appendix 13 of the Development Plan 2022-2028 states 'Any new development shall maintain the rural character of the area and should not be obtrusive on the horizon'.
- Contrary to policy Objective GIB2 (Landscape Character Areas) and GIB5 (Historic Landscape Character Areas)
- Concerns raised that Countess Markievicz cottage is not on the drawings. Query proposals to protect this structure.
- Impact on views of the surrounding mountain and hills
- The documentation submitted does not adequately address the impact on the Barnacullia LCA/HLCA and other policies in the Development Plan.
- Concern that the Archaeological and Cultural Heritage Assessment Report did not reference the Barnacullia Historic LCA commissioned by DLR Co. Co. in 2006 from Dublin Institute of Technology (DIT).

- The LVIA submitted is silent with respect to the Barnacullia LCA.

Ecology and Biodiversity

- The Ecology Report fails to address adjacent Wildlife Corridor between the mountains and the pNHA, Fitzsimons Wood and the site.
- The development will eliminate any wildlife corridor and will result in a negative impact on local wildlife.
- The Ecological Impact Assessment Report either did not read the Council's 2021 – 2025 Biodiversity Action Plan or simply chose to ignore the wildlife corridor identified in the Biodiversity Plan and those Policy Objectives clearly set out in Chapter 8 in the DLR Development Plan under the Heading; 8.7 Biodiversity.
- AA screening report flawed – insufficient surveys carried out, unclear how the ZOI was determined, no adequate regard to cumulative impacts.
- Concerns raised regarding the location within 100m of the permanent groundwater ponds in the nearby Gorse Hill area.
- The proposed dewatering process could potentially damage the protected species found in this area. (reference to SHD ABP 309965).
- Presence of Deer warning signs locally noted.
- Contravenes objectives GIB19, GIB22 and GIB23
- Low boundary wall with hedgerow would be more appropriate and environmentally friendly.
- Noting tree removal as part of the Sandyford Road works it is set out that the coniferous trees should be retained as they block construction and traffic noise and privacy to neighbouring properties.

Other Matters

- Construction impacts
- Extent of landownership – development includes part of adjoining site 9 Blackglen Road. Reference to Covenant No. 484/3/1996 stating that this land

was “not used for the erecting further or additional dwelling houses or other building whatsoever”. (Refer submission from Eve Doherty)

- Site being used for dumping.
- Negative impact on property values
- Concern raised about local school capacity.
- No CEMP submitted.
- Lack of details in documentation regarding compliance with relevant policy objectives, in particular, Chapter 8 of the CDP and the application form referring to enclosed documents.
- Development does not comply with the Planning Act, Regulations 2001, EIA Directives and other national policy and strategy statements.
- Material Contravention does not address all material contravention issues. Noting GIB2 and GIB5 in relation to the Barnacullia LCA and HLC nor GIB22 and GIB23. The development will materially contravene these objectives.

8.0 Planning Authority Submission

- 8.1. The Chief Executive’s Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 30th September 2022. The report includes a summary of the pre-planning history, statutory context, site location and description, third-party submissions and prescribed bodies, relevant planning history, the proposed development, internal reports and policy context.

The views of the elected members presented at the Dundrum Area Committee Meeting on 25th April 2022 are summarised as follows: Negative impact on the area by reason of 3-4 storeys, apartments lack proper storage, density, no playground, insufficient public transport, rural road aspect should be maintained, would contravene Landscape Character Area, area is sensitive to wildlife – need to protect, SHD system flawed, the scheme is not sustainable,

Reports from the Drainage, Department, Transportation Planning, Biodiversity Officer, Parks Department, Housing Department, Environmental Enforcement

Section, Environmental Health officer have also been provided.

- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

Principle of Development

- Principle of residential development and childcare facility is compatible with the land use zoning.
- The commencement of the Blackglen Road/Harold's Grange Road Improvement Scheme works noted including envisaged completion in Spring 2023.
- Demolition works noted, planning history noted however no concerns raised. Building not of merit.

Site layout and Transitional Setting

- Site context noted including 5-6 storey apartment schemes (in Stepside) with the higher density elements located fronting Blackglen Road.
- The site layout is generally considered acceptable.

Density

- Section 12.3.3.2 relates to optimising density and Policy Objective PHP18: Residential Density of the CDP seek to maximise the use of zoned land serviced land and that consolidation through sustainable higher densities allows for a more compact urban growth.
- Policy Objective PHP18 includes reference to the Sustainable Residential Development in Urban Areas Guidelines and accompanying 'Urban Manual' and recommendations regarding appropriate densities for various types of locations.
- Given the transitional nature of the site section 13.1.2 is considered relevant. It is noted the density is significantly lower than other large residential schemes in nearby Stepside.
- It is set out that while the immediate context is characterised by low rise

housing on large plots the site is close to shops and services, Sandyford village and well as nearby bus and lays services.

- Overall density of 64 units per hectare (net) is considered to represent an appropriate 'middle ground' in term of density.

Residential Mix

- Section 4.3.2.3 and Policy Objective PHP27 of the CDP relates to housing mix.
- SPPR1 of the Apartment Guidelines (2020) provide for Development Plans to specify a mix for apartments or other housing developments based on an evidenced HNDA.
- Table 12.1 of the CDP relates to Apartment Mix Requirements.
- The PA is of the opinion that the unit mix meets the Development Plan standards,

Residential Standards

Apartment Size

- The proposed apartments would meet or exceed the requirements of SPPR 3 of the Apartment Guidelines and Section 12.3.3.3 Minimum Apartment Floor Areas of the CDP

Dual Aspect

- While some units would not meet the Development plan definition of dual aspect (Unit Type B – 1 bed), the PA is satisfied that scheme achieves 50% dual aspect (Section 12.3.5.1 of the CDP)

Floor to Ceiling

- All exceed 2.7m

Life to Stair Core

- All apartments' blocks will comprise no more than 12 units per core in accordance with Section 12.3.5.6 of CDP and SPPR6 of Apartment

Guidelines

Internal Storage

- Development complies with Section 12.3.5.3 of the CDP and Table 12.3.

External Storage

Section 12.3.5.3 requires the provision of external storage. No external storage provided. The PA note that this is regrettable.

Private Open Space

- Private open space meets or exceeds the minimum requirements under Appendix 1 of the Apartment Guidelines and Table 12.11 of the CDP.

Houses

- House size adheres to Section 12.3.4.2 of the CDP.
- Private open spaces comply with Table 12.10 of the CDP.

Design and Finishes

- Materials considered acceptable.

Building Height and Visual Impact

- Section 12.3.7.7 Infill of the CDP noted. It is set out that while the immediately adjoining buildings to the east and west have heights of 1-2 storeys, c. 600m from the site are apartment schemes of up to 5-5 storeys (Stepaside).
- Noting the Part 8 Road improvement works and the site characteristic – topography and vegetation cover, distance to shops and services and proximity to public transport the PA consider the site is capable of absorbing a higher density and height.
- BHS3 noted and as assessment carried out under Table 5.1 of the BHS
- Assessment concluded the proposed height acceptable and ensures the development avoids appearing overbearing, unduly dominant and monolithic and is considered visually acceptable.

Residential Amenity

- Noting the distance from the adjoining properties, façade treatment and communal open space screening, the orientation of no. 9 Blackglen Road the proposed scheme is considered acceptable.
- Loss of light and overshadowing of adjoining properties minimised by reason of design and layout.
- The amenity within the scheme, separation distance between blocks, open space provision, public realm, day light and sunlight all acceptable.

Open Space Provision and Public Realm

- Section 12.8.8.1 of the CDP requires 15% public open space.
- The development would include 18% open space. However, OP provision includes 1114sqm of attenuation measures. Section 12.8.3.1 says SUDs measures should not be considered in the calculations. The inclusion of c. 92.5sqm of bin stores, bicycles parking and ESB substation also unacceptable reducing total open space to c. 2,352sqm, less than 15%. Contribution in lieu recommended.
- Referencing Section 12.8.3 of the CDP re. communal open space the proposed 1458sqm between blocks A and B exceeds the requirement of 449sqm and is therefore acceptable.
- The PA raised concerns regarding the location of the public open space on an ESB wayleave underneath overhead power lines. Compliance with Section 12.9.9 required.
- Variation of podium and ground level spaces and uses noted. The extensive loss of trees and vegetation noted. The PA set out that it would have been preferable to see these elements integrated into the sites landscaping.
- Sunlight and daylight access to open spaces in accordance with BRE guidance.

Access, Car Parking and Bicycle Parking

Access

- Primary access onto Blackglen Road noted.
- Apartment frontage will be located within lands to be temporally acquired by CPO. Parks and Transportation Dept. suggest this can be managed by way on condition. The PA agrees.

Car Parking

- Noted and accepted.

Cycle Parking

- Noted and accepted.

Surface Water Drainage and Flood Risk

- Referencing the contents of the Drainage Planning Report it is set out that the applicant appears to have used incorrect data for surface water calculations. Climate change factor should be 20% not 10%. Cv values should be 1.0. The applicant has not explicitly stated what percentage Green Roof coverage has been provided. Petrol interceptor has been placed after the attenuation system. Insufficient SUD's details provided.
- However, the PA note that the Drainage Section is generally satisfied that the requirements of Municipal Services can be addressed by condition.
- SSFRA noted and conclusions accepted.

Part V

- Appropriate condition regarding Part V recommended.

Childcare Facilities

- According to the Childcare Guidelines, the proposed childcare facility is adequately sized and welcomed.

Construction Management

- Noting EHO recommendation that the application be refused in the absence of a Noise Assessment, the PA is satisfied this can be addressed by way of

condition.

Building Life Cycle

- Building Life Cycle report in accordance with Section 6.13.

Development Contributions

- S48 Condition required. Site does not fall within an area subject to Section 49 Contribution.

Taking in Charge

- Taking in charge condition recommended.
- Transportation Dept. recommend entirety of internal road be taken in charge.

Archaeology

- Archaeological and Cultural Heritage Report noted.
- Conditions recommended.

Landscape Character

- Site is located in the Barnacullia Landscape Character Area.
- Landscape Report & Outline Landscape Specification and Landscape and Visual Impact Assessment noted and the contents acknowledging the sites landscape character, the transitional nature of the site/area and the existing trees and vegetation.
- It is noted that the LVIA acknowledges that the development will change the lands from largely unkept scrubland to a residential scheme and refers to the impacts of this.
- Landscaping scheme noted.
- The layout and arrangement and impact on the landscape is on balance considered acceptable.

AA/EIA

- Policy context set out and contents of reports noted.

- Location within 'Ticknock to Dodder Ecological network', the site is further away from third party referenced SHD- ABP 309965, Fitzsimons Wood pNHA and in particular the ponds noted.
- It is also noted that the applicant states that 'No significant dewatering will be required....'
- It is set out that in order to facilitate movement of wildlife through the site from Fitzsimons Wood to the north to the Dublin Mountains to the south. The PA recommended amendments to the scheme (Refer condition no. 2 as set out below)
- Notes ABP competent authority

Other

- Submissions re. ownership noted and legislative provisions of SHD process.

Conclusion

Subject to the inclusion of appropriate conditions it is considered that the development is consistent with the relevant objectives of the Dun Laoghaire Rathdown Development Plan 2022-2028 and the proper planning and sustainable development of the area.

The relevant conditions are noted below:

Conditions nos. 1-7 relate to Planning and Design

Condition No. 2 amendments (to facilitate wildlife corridor) -

- a) – reduce length of rear gardens of houses 2, 3, 9-14 and omit house no. 1 entirely
- b) A corridor of public open space no less than 5m in width to be provided from the main area of public open space, along the eastern boundary to meet the internal access road just north of house no. 2

Conditions nos. 9-11 relate to Archaeology.

Conditions nos. 12-13 relate to Housing.

Conditions nos. 14-30 relate to Transportation.

Condition no. 14 relates to agreement with the PS's (Road Project Office) re. works at the interface between Blackglen Road and Slate Cabin Lane.

Condition no. 15 – stipulates that no residential unit occupied until the completion of Blackglen Road Scheme currently under construction.

Condition on. Relates to details of a footpath on Slate Cabin lane at a minimis 3m for shared pedestrian and cycle paths.

Condition nos. 25 726 – Relate to compliance with Section 12 Electrically Operated Vehicles and EV car parking.

Condition nos. 31 -45 relates to Drainage.

Condition on. 31 relates to a design with a discharge rate for the site limited to Qbar (calculated using site specific data, Cv values of 1.0 and Climate Change factor of 20%) or 2l/s/ha, whichever is greater, subject to orifice size of the flow control device not being less than 50mm in diameter.

Condition no. 33 relates to justification for the requirement of a petrol interceptor.

Condition on. 46 relates to lighting.

Condition nos. 47-57 relate to Parks.

Condition nos. 47-57 relate to EHO/Waste Management

Condition no. 62 relates to a Public Liaison Plan

Condition nos. 63-72 relate to Biodiversity.

Condition nos. 73-74 Contribution and Bonds

8.2.1. **Dun Laoghaire Rathdown Reports**

Internal Departmental Reports

Drainage Planning (26/05/2022) - No objection subject to conditions.

Transportation Planning (1/06/2022) – No objection subject to conditions.

Housing Department (10/05/2022) – No objection subject to Part V condition.

Parks Department (18/05/2022) - No objection subject to conditions.

Environmental Section (31/05/2022) -Conditions recommended.

Biodiversity (03/05/2022) – Conditions Recommended.

EHO –Baseline noise survey required. Conditions recommended.

9.0 Prescribed Bodies

9.1.1. An Taisce

In summary, the submission notes:

- Barnacullia Landscape Character Area (the LCA No. 9) noted and context which states that “Any new residential development shall maintain the rural character of the area and should not be obtrusive on the horizon.” It is submitted that the proposed development does not maintain the rural character of the area but is essentially urban in nature.
- the Applicant has failed to show that the proposed development meets 8.4.1 Policy Objective GIB2: Landscape Character Areas.
- It appears from the Architectural Design Statement accompanying the present application that the design principles followed from “best practice in urban design” whereas the site is not in an urban area. It is not in a Neighbourhood Centre like the corner part of the site for the Lamb’s Cross proposal under ABP-309965-21 (refused). An Taisce consider that the CGI No. 1 accompanying the present application shows that the development would be obtrusive and out-of-place on Blackglen Road.
- Section 13.1.2 of the new CDP noted where “ it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones.”
- The site lies to the south of Fitzsimon’s Wood pNHA. The site is on a Wildlife Corridor to the mountains, as shown in the DLR County Biodiversity Action Plan 2021-2025 at page 45.4 We direct attention to the observations of local residents who are familiar with the movements of wildlife. We consider that the Applicant has failed to demonstrate that the proposed development meets Objective GIB22
- The improved roads will not easily or safely serve three big car-dependent housing developments noting recent planning permissions in the area.
- Scheme unduly car dependent and there is a lack of access to high quality

public transport.

- Referment to SHD application under ABP-309965-21 Lamb's Cross was refused in part because the Board was not satisfied about potential dewatering of the ponds on Gorse Hill.

9.1.2. **Inland Fisheries Ireland (IFI)**

In summary, the submission notes:

- The proposed development is located on the catchment of the Carysfort - Maretimo Stream, a non-salmonid system due to the presence of a number of impassable features and long culverted sections on the system.
- IFI are opposed to any culverting or re-routing of any surface water course, temporary or otherwise, pre or post construction phases, except for in extreme or emergency situations.
- All construction should be in line with a detailed site-specific Construction Environmental Management Plan (CEMP).
- Measures should be taken, in accordance with best practice guideline from Inland Fisheries Ireland (2016) to prevent pollution entering the Carysfort - Maretimo Stream.
- 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.
- It is recommended that there is a designated, suitably experienced and qualified person is assigned during the construction phase, to monitor and ensure all conditioned and agreed environmental mitigation measures are implemented and functioning correctly.
- Any topsoil material which is to be stored on site must have mitigations in place to prevent any deleterious material entering the surface water network.
- Any dewatering of ground water during the excavation works must be treated by infiltration over land or into an attenuation area before being discharged off site.

9.1.3. **Uisce Eireann**

In respect of Wastewater: Extensive sewer network upgrades will be required to accommodate this connection. Irish Water currently has a number of projects which will provide the necessary upgrade and capacity. In the context of this area and in order to support future developments and growth in the area Irish Water has the following planned programme of works which are currently at preliminary design stage, Sandyford Wastewater Upgrades Q4 2026 (subject to change), Moreen Wastewater Upgrade Q2 2024 (subject to change), Sandyford/Stillorgan Wastewater Upgrade Q1 2028 (subject to change).

In respect of Water: A new connection should be from the 8" ID asbestos main in Slate Cabin Lane. A pressure reducing valve may be required for the connection.

Design Acceptance: The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction 2 Uisce Éireann Irish Water 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. The applicant has been issued a SoDA by Irish Water for their proposed designs and layouts within their site red line boundary.

Planning Recommendation: Irish Water respectfully requests the board condition(s) any grant 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

9.1.4. **Transport Infrastructure Ireland (TII)**

No observation to make.

10.0 **Assessment**

10.1. 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, 3rd party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development
- Design Strategy -Density, Building Height and Visual Impact
- Residential Amenity
- Open Space and Landscaping
- Impact on Biodiversity and Ecology
- Traffic, Transportation and Construction
- Drainage
- Other Issues
- CE Report
- Material Contravention

NOTE: The applicant has submitted a Material Contravention Statement in relation Section 8.2.3.3 'Apartment Development' and in particular subsection (vii) 'Minimum Apartment Floor Areas' and Table 8.2.1 'Minimum storage space requirements' of the DLR Development Plan 2016-2022 and Section 12.3.5.3 'Internal Storage and External Storage' of the DLR Development Plan 2022-2028. The relevant technical matters related to the relevant Development Plan, the being the DLR Development Plan 2022-2028 and the policies and objectives are addressed in each section, with the details of Material Contravention dealt with separately below.

NOTE: The attention of the Board is drawn to the fact that The Apartment Guidelines were updated in July 2023, subsequent to the lodgement of the subject application.

10.2. Principle of Development

Zoning

- 10.2.1. The proposed development comprises the demolition of the existing structures on site, construction of 101 no. residential units (32 no. houses, 56 no. apartments and 13 no. duplexes), creche and associated site works.
- 10.2.2. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned Objective A - 'To provide residential development and improve residential amenity while protecting the existing residential amenities' in the Dun Laoghaire Rathdown County Development Plan 2022-2028. Residential use is permitted in principle under this zoning designation. Childcare service use is also permitted in principle, subject to the use not having adverse effects on the 'A' zoning objective.
- 10.2.3. I note some third-party concerns raised as regards zoning. The zoning and associated objective for the site is as a result of a public consultation process as part of the preparation of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and as adopted by the Elected members. It is argued in the third-party submissions '*where a proposed development materially contravenes the relevant development plan or local area plan in relation to the zoning of land, then it does not constitute a strategic housing development and the provisions of the Act of 2016 do not apply*'. I am satisfied that the proposed development is consistent with the zoning of the site for 'to provide for residential' subject to detailed consideration below.
- 10.2.4. In addition, the provision of residential development on lands zoned 'Objective A' would be consistent with the policies of the Planning Authority as set out in section 2.6.2 *Active Land Management* of the Development Plan and Policy Objective CS11 – *Compact Growth* to deliver 100% of all new homes, that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary. (Consistent

with RPO 3.2 of the RSES) and to encourage the development of underutilised and brownfield sites, with a view to consolidating and adding vitality to existing centres and ensuring the efficient use of urban lands.

- 10.2.5. Therefore, having considered the available information, including the site context, I am satisfied that the overall principle of residential development with associated uses is considered in accordance with the zoning objectives. I note the CE report raised no concerns in this regard.

Site Boundaries/Ownership

- 10.2.6. The application documentation states that the applicant is the 'sole owner of the lands being proposed for the application site' in this instance. However, it is noted a portion of the applicant's lands along Blackglen Road is subject to a Compulsory Purchase Order (CPO) by Dun Laoghaire Rathdown County Council. The CPO is associated with the Blackglen Road Improvement Scheme. Some of the land take will be permanent, while some will be just temporarily acquired during construction. The proposed site layout and sequencing of construction have been designed with the needs of the road Improvement Scheme in mind. I note the CE report is satisfied that this matter can be addressed by way of condition. In the intervening period however the Blackglen Road Improvement Scheme is now complete, and the northern site boundary is clearly defined by way of mesh panel fencing.
- 10.2.7. I further note a third-party raised concern as regards site boundaries and associated ownership. It is set out that the development includes part of adjoining site no. 9 Blackglen Road.
- 10.2.8. Regarding the third-party contention, I refer the Board to Section 5.13 of the Development Management Guidelines which sets out that the planning system is not designed as a mechanism for resolving disputes about title to land or rights over land and that these are ultimately matters for resolution in the Courts. On this basis I am satisfied that planning permission can be granted. However, a grant of permission is subject to the provisions of section 34(13) of the Act. In other words, the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission'.

Demolition

- 10.2.9. Regarding the demolition of the existing structures on site. Development Plan provisions (including Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock - Adaptation) encouraging the retrofitting and reuse of existing buildings, rather than their demolition and Objective CA6 acknowledge the 'embodied carbon' implications associated with the demolition and reconstruction of a new development. In this instance, the demolition works are justified on the basis that the structures are not designated Protected Structures not located within an ACA. In this respect, I agree with the CE report that the structures are not of merit.
- 10.2.10. I am satisfied the demolition works are therefore justified and I consider that demolition must also be balanced with the wider sustainability issues associated with the proposed development and the wider policy objectives for the delivery of housing. I further note that the Archaeological and Cultural Heritage Impact Assessment raised no concerns regarding the demolition of the structure.

Housing Mix

- 10.2.11. The overall unit mix comprises the provision of 32 no. houses, 69 no. apartments. Concerns are raised by third parties that there is a requirement for larger family units rather than apartments.
- 10.2.12. It is the policy of the council as set out in section 4.3.2.3 and Policy Objective PHP27 to *encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA*. SPPR1 of the Apartment Guidelines (2020) provide for development plans to specify a mix for apartments or other housing developments based on an evidenced HNDA. Table 12.9 of the CDP relates to Apartment Mix Requirements. Section 12.3.3.1 of the development plan sets out quantitative standards for residential size and mix.
- 10.2.13. Table 12.1 establishes that new apartment developments may include up to 80%

studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios with a minimum 20% 3+ bedroom units. The overall unit mix comprises 14 no. apartment/duplex units which are one bed (20%), 38 no. apartment/duplex units which are two bed (55%), and 17 no. apartment/duplex units which are three beds (25%) exceeding the minimum requirement of 20%. The proposed unit mix is therefore in accordance with Table 12.1 of the development plan.

- 10.2.14. I note the CE report sets out that the scheme is further boosted by the 2/3/4 and 5 bed houses proposed. I would agree and I am satisfied that combined with the apartment and duplex units the proposed developed provides an appropriate mix of housing options to cater for a variety of future residents/demands.

Conclusion

The Development Plan confirms that 'Residential' is permitted in principle and in this zoning. In this regard, I am satisfied that the proposed development would be consistent with the land use land-use zoning objectives 'A' as set out in the Development Plan 2022-2028 subject to detailed consideration below.

In my view this development results in wider planning benefits, such as the delivery of a significant quantum of housing and the comprehensive redevelopment of an underutilised urban site which would support the consolidation of the urban environment, which is welcomed.

10.3. Design Strategy -Density, Building Height and Visual Impact

- 10.3.1. The proposed development has been designed to respond to the site and the surrounding developments in several ways. The site itself is an overgrown, open space featuring a derelict structure. The site is located in an urban/rural 'transitional' setting where the immediate context is typically characterised by traditional low-level development. In a wider context (within 300m) of the site there are apartments schemes of 5-6 storeys in height (Stepaside).
- 10.3.2. The 3-4 storey apartment block at the north of the site is intended to act as a standout, landmark building defining the development and its northern edge. The

arrangement of the buildings and the building heights have been arranged to respond to the surrounding context and scale of surrounding developments and makes a positive contribution to the urban neighbourhood and streetscape as a result. In the centre of the site and towards the southern portion of the site lower densities have been applied, reflecting the existing more rural pattern of development along Slate Cabin Lane. In the centre of the site open space has been provided. The duplex block faces the apartment block, overlooking an open space area with the apartments at the northern-most point on site so as to avoid overlooking/shadowing. Open spaces are carefully located to maximise visual amenity for residents. On balance, I am satisfied that the general layout of the development is acceptable.

Density

- 10.3.3. The proposed development will introduce 101 no. new residential units into the site at a density of 53 units per hectare (gross) or 64 units per hectare excluding open space (net). The submissions from the third parties and An Taisce all consider this to be an outer suburban / rural site and raise serious concerns about the quantum of development given the sites context.
- 10.3.4. The Development Plan does not set out any numerical limitations on density. Policy Objective PHP18 encourages higher residential densities and the associated text in Section 4.3.1.1 of the development plan states that as a general rule the minimum default density for new residential developments in the County shall be 35 units per hectare. Section 4.3.1.3 of the development plan also states that for all developments with a density over 50 units per ha, the applicant must address how the density, scale, size and proposed building form does not represent overdevelopment of the site.
- 10.3.5. I consider the site to be an 'Intermediate Urban Location' as per Section 2.4 of the Apartments Guidelines 2023 which state that 'such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent will also vary, but broadly >45 dwellings per hectare net'.

- 10.3.6. Since the submission of this SHD the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) have come into effect. The site is a suburban/urban extension location as per table 3.1 of the guidelines. Table 3.1 set out that suburban areas are 'lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development'. The Guidelines state that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).
- 10.3.7. As regards accessibility both the Blackglen Road and Slate Cabin Lane connect to the village of Sandyford. The site is located approximately 1.6 km (5 min Drive) from Sandyford village and 2.2 km (5 min Drive) from Stepside village. The M50 is approximately a 1.9km drive away from the site. Access to the M50 from the site, is via Harold's grange road & by the Kilgobbin Road access from Hillcrest Road. Other important local public transport links close to the site are the Glencairn Luas stop (approx. 1.8 km) and the Kilmacud Luas (approx.3.1 km).
- 10.3.8. The Transport Statement submitted states that 2 no. bus services operate along Blackglen Road with interchanges located in close proximity to the proposed site. The available bus services include Dublin Bus Route 44B which operates between Dundrum Luas Stop and Ballybrack Road, Glencullen. In addition, Go-Ahead Bus operates bus route 114 in the vicinity of the subject site providing services between Rockview, Ballinteer and Blackrock Station via Sandyford and UCD Belfield. The Dublin Bus operated service 44B operates on weekdays only whilst the Go-Ahead operated service 114 operates on a daily basis seven days a week.
- 10.3.9. The third parties and Elected Members consider the site is not sufficiently well served by public transport to justify the density proposed. I do not consider the density of 64uph excessive in the context of the site and the availability of bus services immediate to the site with onward connections to the wider transport

network. Furthermore, I note that the area is continuing to transition, and I agree with the CE report that there is a requirement to develop site zoned 'A' in an efficient manner at adequate densities to make sustainable use of zoned lands in accordance with national and local policy.

- 10.3.10. The siting of the apartment block and duplex units to the north of the site adjacent to Blackglen Road in my opinion is appropriate having regard to the and the emerging character to the east of the site at Lambs Cross. Furthermore, the location of the houses towards the south of the site is consistent with the low-density housing on Slate Cabin lane. The principle of the scale and building forms respects the adjoining built form in my opinion. I will address this matter in more detail below.
- 10.3.11. The plot ratio of 0.68 would indicate that the development does not represent overdevelopment of the site.
- 10.3.12. I am satisfied that the density 64 uph net is acceptable and consistent with the Development Plan, the Apartment Guidelines and Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

Building Height and Visual Impact

- 10.3.13. Section 13.1.2 *Transitional Zonal Areas* of the CDP sets out that it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones and to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone.
- 10.3.14. In terms of national policy, the '*Urban Development and Building Heights Guidelines*' promotes Development Plan policy which supports increased building height and density in locations with good transport accessibility and prohibits blanket numerical limitations on building height. Section 3 of the Guidelines deals with the assessment of individual applications and appeals and states that there is a presumption in favour of buildings of increased height in city cores and urban locations with good public transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings taller than prevailing heights.

10.3.15. In relation to building height it is a Policy Objective PHP42: *Building Design and Height* of the Development Plan to:

- Encourage high quality design of all new development.
- Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).

In addition, section 4.4 of the Development Plan notes that the Council policy in relation to building height throughout the County is detailed in three policy objectives as set out in the Building Height Strategy (BHS) (Appendix 5).

10.3.16. The Building Height Strategy (Appendix 5) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 was prepared in the context of the Urban Development and Building Height Guidelines for Planning Authorities, 2018. The Building Height Guidelines acknowledge that building heights must be generally increased in appropriate urban areas. I consider BHS3 relevant in this instance.

10.3.17. Policy Objective BHS 3 supports general building height of 3 to 4 storeys, coupled with appropriate density in what are termed the residual suburban areas of the County provided that proposals ensure a balance between the reasonable protection of existing amenities including residential amenity and the established character of the area. BHS 3 also states 'in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the residual suburban areas'. In any case, the proposed development does not exceed 4 storeys and is therefore consistent with BHS 3.

10.3.18. I am satisfied that there is policy support for increased height at this location subject to suitable controls and where the applicant can demonstrate compliance with the performance-based criteria set out in Table 5.1, contained in Section 5 of the Building Height Strategy (Appendix 5).

Building Height – Visual Impact

10.3.19. The appellant has prepared a variety of drawings, studies and photomontage images to illustrate the development and its surroundings. I accept that the development will present a new form and height of development for this area and the proposal would change the outlook, from neighbouring properties and areas.

- 10.3.20. Third parties contend the development will represent a negative visual impact and the applicant has misrepresented the impact and the impacts on the landscape Character Areas are not adequate and would be contrary to policy Objective GIB2 (Landscape Character Areas) and GIB5 (Historic Landscape Character Areas) and Appendix 13 of the Development Plan 2022-2028 which states ‘Any new development shall maintain the rural character of the area and should not be obtrusive on the horizon’.
- 10.3.21. A Landscape and Visual Impact Assessment (LVIA), with accompanying CGIs and verified views from key locations have been submitted. The LVIA includes an assessment of 9 no. views from key locations in the surrounding area with respect to the protected views of the Barnacullia area. The LVIA notes that there are two LCAs within Appendix 7 of the Development Plan which are related to the subject lands:
- LCA Number 3 – Ticknock Road and HLCA Number 9 – Barnacullia
- Although the subject lands are not located within LCA 3, the panoramic views of the city which are referenced in the Development Plan look towards the subject lands.
- 10.3.22. The subject lands are located within LCA 9 – Barnacullia. The LVIA sets out that items of note within this LCA are ‘Three Rock Mountain’; a protected prospect in the landscape visible from points along the Enniskerry Road/R117 and around Sandyford Village, ‘Fitzsimmons Wood’; a pNHA North of the subject lands and expansive, protected views of the city from high areas.
- 10.3.23. In the assessment of the visibility of the subject lands within the site it is noted that that views of the lands from the surrounding lands are extremely limited. The lack of vertical features and relative flat topography of the site contribute to the above. The most visually prominent features in the subject lands are the existing trees and vegetation which can be seen in close range views of the site and from certain viewpoints in the surrounding landscape. The site is visible along Blackglen Road to the north, due to the lack of boundary treatment at this location. Apart from this, the extent of the surrounding built development and existing vegetation and trees in the local landscape prevents any long-distance views of the subject lands.

10.3.24. Whilst I note the concerns raised by the third parties, the Elected Members and An Taisce, I am satisfied that the LVIA demonstrates that the proposed development will not give rise to any long term, significant negative impacts and therefore accord with Policy Objective GIB2: *Landscape Character Areas* 'to continue to protect, manage and plan to conserve, maintain or enhance the distinctive characteristics of the County's landscapes, townscapes...' I am further satisfied that the proposal is consistent with GIB5 *Historic Landscape Character Areas* of the Development Plan in so far as the 2022-2028 DLR Development Plan zoned the subject lands for residential development while cognisant of the recommendations and findings of the Historic Landscape Character Assessments (HLCA) which Policy Objective GIB5 acknowledges was 'already undertaken' and thus would have informed zoning.

Table 5.1 – Building Height Strategy

10.3.25. Assessment of BHS (Table 5.1) Criteria

At County Level	
Criterion	Assessment
NPF Objectives	I consider that the principle of the proposal within an emerging urban area in proximity to established higher density development, close to public transportation and on lands zoned for residential development would assist in securing objectives regarding key urban centres, infill development, and compact growth.
Public Transport	As outlined in sections 10.3.7 and 10.3.8 of this report, I am satisfied that the site is well served by public transport with capacity, frequent service, and good links to other modes of public transport.
Character and Public Realm	<p>The site is an infill site with direct connection with the public realm fronting Blackglen Road</p> <p>I refer the Board to the foregoing sections.</p> <p>Regarding the other requirements of Table 5.1, I note that the application was accompanied by an Architectural Design Statement,</p>

	and that the applicant's Transport Statement and associated drawings address the requirements of DMURS.
Views and Prospects	Table 8.1 of the Development Plan outlines the views and prospects to be preserved. The proposed development would not interfere with any of these. The development would break the skyline and/or form a modest presence in the context of another feature. I have addressed this in section 10.3.23 above.
Infrastructural Capacity	As per sections 10.3.7, 10.3.8, 10.7 and 10.9.4 of this report, I am satisfied with the capacity of transport infrastructure and social/community infrastructure respectively. The planning authority has not raised any objections with regard to drainage and water services and I note that Irish Water correspondence has confirmed the feasibility of the proposal in respect of water supply and wastewater disposal.
At District/Neighbourhood/Street Level	
Response to natural and built environment and contribution to neighbourhood / streetscape	<p>Table 5.1 of the BHS outlines the need to demonstrate compliance with the 12 criteria set out in the Urban Design Manual of the Sustainable Residential Development Guidelines 2009, as well as DMURS.</p> <p>** While the Sustainable Residential Development Guidelines 2009 have been superseded by the Compact Settlement Guidelines 2024, the accompanying manual has yet to be published. The Architectural Report accompanying the planning application addresses the 12 criteria set out in the Urban Design Manual (2009)</p> <p><u>Context:</u> The proposed development will contribute to the neighbourhood and streetscape by delivering public open spaces, playground and childcare facility. The site has been heretofore in private ownership and not accessibly by the public.</p> <p><u>Connections:</u> The proposed development will result in the site being opened to public access. The scheme includes a range of pedestrian/cycle connections within and around the site. Footpath connections are available through the site onto Slate Cabin Lane and</p>

	<p>the site is accessible to public transport. The site is also close to employment locations and other social/community services.</p> <p><u>Inclusivity:</u> The proposed development introduces 32 no. houses, 56 no. apartments and 13 no. duplexes and would add diversity to the existing housing stock provide a variety of housing choice, the site is suitable for this form of development due to its proximity to the public transport, the services existing in the locality and provided within the scheme. The scheme also provides a Childcare Facility which will be open to the public.</p> <p><u>Variety:</u> In principle, I am satisfied that the proposal would retain a suitable mix of uses on the site subject to the introduction of apartments, duplex units and houses and would integrate with other uses in the surrounding area.</p> <p><u>Efficiency:</u> The proposed higher density would be a more efficient use of this underutilised site in an accessible intermediate urban location. The proposal incorporates SuDS drainage principles, and the Operational Waste Management Plan outlines suitable recycling proposals. The communal areas would be landscaped for amenity/biodiversity purposes and to protect from elements such as wind.</p> <p><u>Distinctiveness:</u> The proposal would introduce a new type of context to the existing streetscape fronting Blackglen Road and would provide a positive introduction to the streetscape which subsequent to the completion of the road improvement works is dominated by high stone boundary walls in both sides. I consider the introduction of development will enhance the character of the area.</p> <p><u>Layout:</u> The proposed development provides for a residential scheme arranged to ensure it is permeable and provides for future possible links for access to 3rd party lands. The apartment / duplex element is positioned forming a strong edge facing the main Blackglen Road. The</p>
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	<p>sting of the houses to the centre and south of the site does not compromise the amenities of the existing residents and is consistent with the general character immediate to the site and provides an appropriate transition. I note the PA raised no concerns as regards the layout of the scheme.</p> <p><u>Public Realm:</u> The proposal will result in the site being opened to public access. Public open spaces have been provided to offer a variety of locations for play areas for different age groups and provide a sense of place within this new development. Along the southern end of the site a limited intervention approach is prescribed to reduce alteration to the site character at this location with a wildflower meadow which will create a distinct and unique element to this portion of the site. This reflects the rural quality of the Slate Cabin Lane. Treatment of the ditch has been guided by the ecological report and has been refined as best practice. Landscape buffers are proposed where the site shares a boundary with third parties.</p> <p><u>Adaptability:</u> I note that the scheme will be fully compliant with Part M. The units would be energy-efficient and designed in compliance with Technical Guidance Document L - Conservation of Fuel and Energy – Dwellings (2022) in response to the challenges anticipated from a changing climate. I am satisfied that the layout could be easily adapted to provide for a different mix of unit types.</p> <p><u>Privacy & Amenity:</u> I am satisfied that all units would be provided with suitable standards of private amenity space, dual aspect, acoustic insulation, privacy, and storage.</p> <p><u>Parking:</u> I would have no objection to the proposed arrangements in respect of convenience and security. I refer the Board to section 10.7 below.</p> <p><u>Detailed Design:</u> The incorporation of a combination of apartments, duplex blocks and houses within the scheme helps to provide a more</p>
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	sustainable density and mix of development. I agree with the applicant that the scale and composition of these blocks marries well with the aesthetic of the houses and streetscape proposed. The material choice will ensure that the buildings proposed are durable as well as being of high visual quality.
Building Form	I am satisfied that the development has been designed to a high standard including finishes proposed and provide for a variety of building height, form, massing, and articulation.
Materials	The primary materials for the development will be a mix of high-quality brick textures with complementary stone details in selected areas to the street elevations. I am satisfied that the quality of the proposed materials would be acceptable.
Public spaces, thoroughfares, and water frontage.	<p>The landscape strategy aims to integrate the new built development with the existing landscape and create a network of attractive and usable open spaces while contributing to local biodiversity. The character of the landscape proposed is one of native woodland, wildflower meadow, ornamental trees and tree copses with structure shrub planting, formal clipped hedges, grass swales and large open lawn areas. The public green areas are designed as landscape spaces that offer the opportunity for meeting, walking and formal and informal play.</p> <p>Carysfort Stream', an existing drainage ditch traverses the site along the southern site boundary. A buffer zone has been introduced here in in line with the ecologists' recommendations in order to protect existing vegetation and the general ecology of the ditch. Seating is oriented with views of the enhanced ditch and surrounding small lawn areas.</p> <p>I consider the general landscapes design approach welcome. I refer the Board to section10.5 below.</p>
Legibility	The proposal will result in the site being opened to public access. Traffic will access the site form Blackglenn Road and cycling and pedestrian

	connections are provided for within the site connecting to the new route on Blackglen Road.
Mix of Uses / Buildings	As outlined in response to the Urban Design Manual criteria above, the proposed development provides for a mix of houses, duplexes and apartments in addition to the childcare facility, I am satisfied with the proposed mix of uses and building/dwelling typologies.
Enclosure	The relationship between the existing and proposed buildings and internal routes has been carefully considered in the design of the scheme. The landscaping including the retention of tree frame amenity spaces.
Urban Grain	The proposed development provides for a new residential scheme on residentially zoned land. Landscaping is designed to encourage active engagement with the different character areas, including the more formal central open space The public uses are distributed throughout the site such that the main routes through the site are inadequately designed creating an attractive and secure public realm.
Character and Identity	As outlined above, the proposed development will open the site up to public access, allowing the public to enjoy the amenities of the central open space. As such the development will reflect a distinctive and unique sense of character and identity.
Neighbouring Properties	In general, I am satisfied that there would be no unacceptable impacts on surrounding properties.
At Site/Building Scale	
Daylight, ventilation, views, and sunlight	As outlined in section 10.4 of this report, I note the PA raised no concerns in relation to daylight impacts, I would have no objections regarding ventilation or the dual aspect arrangements/views within the apartments.

BRE Guidance on Daylight and Sunlight	See above.
Overlooking, overbearing, overshadowing	I do not consider that there would be any such unacceptable effects on adjoining properties. I refer to Board to section 10.5 below.
Built Heritage	I refer the Board to the foregoing section commencing 10.2.9. I have no concerns in this respect.
Carbon Emissions	The application includes an Energy Statement. This states that all of the units will be subject to the NZEB requirements of the 2021 Part L Regulations, that will be in effect. In terms of energy ratings all of the units on site will have a BER rating A2 / A3. With the fabric performance of the materials to be used in construction there are no more energy reductions gains to be achieved.
County Specific Criteria	
Coastal Character	No concerns were raised as regards impact on the 'Coastal Fringe' as defined in the CDP. Owing to the intervening lands uses and distance from the coast. I have no concerns in his regard.
Mountain Landscape	No impact on Mountain Landscape has been highlighted
Specific Requirements	The application contains sufficient information for the purposes of this application.
Microclimatic Impacts	Having regard to the scale, design and layout of the development I am satisfied that the wind environment will be suitable for the intended use of each area/building and would not introduce any critical impact on surrounding buildings/areas.

Flight Lines	The site is not located within a sensitive area in terms of bird flight paths. The buildings are of limited height compared to migratory flight paths and the facades are varied to minimise collision risk.
Telecommunication Channels	The proposed development is not anticipated to have any impact on telecommunication channels or microwave links due to its location
Safe air navigation	I would accept that the site is not located within any public safety or noise zones and that the proposed development would not impact on the safe navigation of aircraft.
Environmental Assessments	As addressed elsewhere in this report, the application includes an AA Screening Report, EIA Screening Report, EclA, Bat Assessment and Noise Assessment. I refer the Board to sections 10.5, 11.0 and 12.0 of this report.
Additional criteria for larger redevelopment sites with taller buildings	
Place Making	The proposed development provides for new public open spaces in this previously private residential site, which will result in new destination spaces in the locality.

Conclusion

I am satisfied that the proposed development in this location is in accordance with the Development Plan 2022-2028 which advocates an approach of consolidation and densification, and the proposed density complies with Government policy to increase densities on underutilised lands in order to promote consolidation and compact growth, prevent further sprawl and address the challenges of climate change.

I consider the development of the site as a residential development will provide for the compact urban development of this accessible, serviced site, which is located in proximity to an existing service centre and accessible to employment centres. The proposed development provides high quality form of residential accommodation with a wide range of resident's amenities.

The third parties argue that the development does not to ensure the residential

amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments (Policy Objective PHP20). I accept that the proposed development would be of a significantly different character to the low-density residential area however, I am satisfied that the proposed density, height and scale can be accommodated, and the development would provide an appropriate transition between the low density mature residential area and this modern apartment development in accordance with the BHS (Table 5.1) criteria of the Development Plan. It is not considered the scale, nature or design of the development is conflicting with other development within this diverse vista and overall, the magnitude of visual impact is considered to be Low/negligible.

10.4. **Residential Amenity**

Standard of Accommodation/Internal Standards

10.4.1. The application is accompanied by a Housing Quality Assessment. The Housing Quality Assessment (HQA) document outlines compliance of the proposed apartments with the relevant quantitative standards required under the Apartment Guidelines as incorporated into the CDP 2022-2028. The drawings have also been prepared with regard to the requirements of Section 6 of the Apartment Guidelines, summary of the key points from this is set out below detailing how the scheme compiles with the Specific Planning Policy Requirements set out in the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities:

- SPPR 3 refers to minimum apartment sizes. The range proposed within the scheme will be 1 bed: 50sqm – 67sqm, 2 bed: 76sqm-92sqm, 3 bed: 100-123sqm, 4 bed (house) 135.5sqm – 162sqm, 5 bed (house) 181sqm all of which meet or exceed the minimum size standards. The guidelines also set out standards for the minimum widths of living/dining rooms and bedrooms and the minimum floor areas of certain rooms within the apartment. According to the HQA, the development complies with all the relevant standards.
- SPPR 4 of the Apartment Guidelines 2023 establishes that in suburban or intermediate locations it is an objective that there shall generally be a minimum

of 50% dual aspect apartments in a single scheme. The applicant states that 69.5% of both the apartment and duplex units are dual aspect and all houses. The PA note that while some units would not meet the Development Plan definition of dual aspect (Unit Type B – 1 bed), the PA is satisfied that scheme achieves 50% dual aspect in accordance with Section 12.3.5.1 of the CDP. I would agree.

- SPPR 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres. The development proposes a ceiling height of 2.7 metres at ground floor level.
- SPPR 6 states that a maximum of 12 apartments per core may be provided in apartment schemes. All apartments' blocks will comprise no more than 12 units per core in accordance with Section 12.3.5.6 of CDP and SPPR 6 of Apartment Guidelines
- Par. commencing 3.30 relates to Internal Storage, in addition section 12.3.5.3 of the CDP, states "*Apartment schemes should provide external storage for bulky items outside individual units (i.e., at ground or basement level), in addition to the minimum apartment storage requirements...*" No quantitative standards for the external storage areas have been included in the CDP. The scheme provides the required standard of internal storage for each unit and undercroft storage for the parking of bicycles and bin storage, additional external storage for the storage of bulky items has not been provided within the scheme. I refer the Board to section commencing 10.7 relating to car parking provision. Owing to the over provision of car parking proposed it is recommended that the undercroft car parking layout be revised at a loss of three no. car parking spaces to accommodate bulky good storage (subject to appropriate revised layout). I am satisfied that this matter can be addressed by condition should the Board be minded to grant planning permission.
- Standards are also set out for private amenity space. All of the proposed apartments have a balcony that complies with the required size.
- The development is considered to have good internal circulation and has been

designed to be safe and secure with good passive surveillance of public spaces. Adequate waste management facilities and additional community infrastructure in terms of the crèche is provided.

- In terms of communal open space, the development provides 1,458sq.m of semi- private communal open space is provided at podium level between Blocks A and B.
- A Life Cycle Report is submitted in accordance with section 6.12 of the guidelines.

10.4.2. I consider the development is consistent with the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (2023) and will provide an appropriate standard of amenity for future residents.

10.4.3. The development also includes a number of housing units. All of the houses comply with the qualitative and quantitative standards set out in the Delivering Homes, Sustaining Communities and the accompanying Best Practice Guidelines – Quality Housing for Sustainable Communities and the CDP 2022-2028.

Daylight, Sunlight and Overshadowing

10.4.4. Section 5.3.7 of the Compact Settlement Guidelines 2024 states the provision of acceptable levels of daylight in new residential developments is an important planning consideration, in the interests of ensuring a high-quality living environment for future residents. It is also important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties. The Guidelines state that regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2023 also state that planning authorities should have regard to these BRE or BS standards.

10.4.5. Section 3.2 of the Urban Development and Building Height Guidelines (2018)

states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution.

- 10.4.6. The applicant submitted a Daylight, Sunlight and Overshadowing Report. This report was undertaken with regard to Dun Laoghaire Rathdown County Council (DLRCC) planning policy and, the advice and recommendations set out in the Building Research Establishment (BRE) report entitled 'Site layout planning for daylight and sunlight: A guide to good practice - 2011' (referred to in this report as the "BRE guidelines"). Climate-based daylight modelling against European Standard EN 17037 and British Standard BS EN 17037 has also been completed.
- 10.4.7. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011), the BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting and the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK).

Internal Daylight and Sunlight

- 10.4.8. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BS8206 – Part 2 sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 10.4.9. The proposed apartment block provides 52 no. residential units which consist of 154 no. habitable rooms. Of these 154 no. rooms, 152 no. have met or exceeded the recommended minimum ADF value as per the BRE Guidelines giving a

compliance rate of 99%. The proposed duplex block provides 17 no. residential units which consist of 59 no. habitable rooms. Of these 59 no. rooms, 58 no. have met or exceeded the recommended minimum ADF value as per the BRE Guidelines giving a compliance rate of 98%. The proposed houses numbered 1-3 on the site-plan are located in the most constrained part of the site with close proximity to both the proposed apartment block and duplex units. The ADF has been calculated for all habitable rooms of these houses which all meet or exceed the minimum recommendation as per the BRE Guidelines.

10.4.10. The 3 no. rooms that do not achieve the recommended minimum ADF values are the LKD and Bedroom of apartment number 28 and the LKD of unit number 03 of the duplex block. The LKD of Apartment number 28 has an ADF of 1.88% and the LKD of unit number 03 of the duplex block has an ADF of 1.98%. Both of which are slightly below the recommended minimum ADF for a Kitchen (2.0%) but are above the recommended minimum for a living space (1.5%). The following compensatory design solutions for the two units that do not achieve the recommended minimum ADF:

- Duplex unit 3: The LKD of this unit has a predicted ADF of 1.98% which is marginally below the recommended minimum of 2%. This unit is substantially larger than the minimum required for a 2-bed apartment. It is 109 sq. m (min requirement is 73 sq m). It benefits from a south facing, private terrace. This unit faces and will have a view of the Dublin mountains.
- Apartment unit 28: The LKD and bedroom of this unit have shown a predicted ADF that is below the recommended minimum which is compensated by the fact that this apartment is considerably larger than the minimum (59 sq. m rather than the 45 sq. m minimum).

It is set out that the increased size of this unit, particularly the LKD, is a contributing factor in not reaching ADF compliance. However, it is the opinion of the design team that future inhabitants would prefer additional floor space rather than an improvement to ADF values. Given the marginal shortcomings I would agree.

10.4.11. I further note all proposed communal amenity areas will meet the BRE guidelines by achieving 2 hours of sun on ground to over 50% of the assessed area on 21st

March, thereby comfortably meeting the BRE target criteria (see extract from Sunlight/Daylight Assessment below)

Table No. 7.1: Sunlight in Proposed Outdoor Amenity Areas Results			
Assessed Area	Area Capable of Receiving 2 Hours of Sunlight on March 21st	Recommended minimum	Level of Compliance with BRE Guidelines
Podium Upper	88.0%	50.0%	BRE Compliant
Podium Lower	81.8%	50.0%	BRE Compliant
Open Area	99.5%	50.0%	BRE Compliant
Community Garden	89.4%	50.0%	BRE Compliant
* The BRE Guidelines recommend that for a garden or amenity to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on March 21st.			

10.4.12. In my opinion, this is considered a good level of compliance for a proposed scheme of this size and increasing density, when having regard to the range of compensatory design measures and the planning policy requirements, It is my view that this approach is acceptable.

Neighbouring Daylight, Sunlight and Overshadowing Effects

10.4.13. The effect on VSC has been assessed for 15 No. windows across the surrounding properties. Analysis found that the effect to VSC on 12 no. of these windows would be considered imperceptible with the remaining 3 no. considered not significant.

10.4.14. All three windows that have shown a level of effect greater than the recommended level as per the BRE Guidelines are located to the rear of no. 9 Blackglen Road. These windows are situated close to the shared site boundary with a lower finished floor level when compared with the proposed development. To mitigate impacts the applicant sets out that a single-storey element situated closest to the shared site boundary, a dormer configuration to the 1st floor of house no. 1 of the proposed development which allows for a lower ridge level and the inclusion of a hipped roof to further reduce the level of impact.

10.4.15. The effect on APSH has been assessed for 12 no. of windows of the surrounding existing properties along Blackglen Road. The effect on the APSH of 11 no. of these windows would be considered imperceptible, with the effect on the remaining window being categorised as not significant. The effect on WPSH has been assessed for the same 12 windows, the effect on the WPSH of 10 no. of

these windows would be considered imperceptible, 1 no. slight with the remaining window categorised as not applicable due to the extremely low baseline figure (0.3%). Of the twelve windows assessed, two have shown a level of effect outside of the recommendations made in the BRE Guidelines. Both of these windows are located on no. 146 Blackglen Road and are identified as window 146e and 146f in the report.

10.4.16. The analysis sets out that window 146e has an orientation facing almost due east is situated in a deep recess, flanked by a wall to the north and south. The obstruction directly to the south of this window means that in the baseline state only 0.3% of winter sunlight can be received. It is stated that although this narrow period of available sunlight would be blocked by the proposed development, the impact has been categorised as not applicable due to the extreme low in the baseline condition.

10.4.17. Window 146f is located in the same narrow recess but has a southerly orientation. The layout of 146 Blackglen Road has resulted in an obstruction to window 146f directly to the south. As this is a single-storey obstruction, the sun can reach this window during the summer months. As such the impact to this window in the annual study is compliant with the BRE recommendations. However, the obstruction in such close proximity, directly south of this window means there is very little sunlight access from the south or west during the winter months, with the majority of available winter sunlight being received from the east where the proposed development is located. As such WPSH for this window has been reduced to 4.4% which is less than the BRE recommended minimum of 5.0%.

10.4.18. All other assessed windows on no.146 Blackglen Road and all assessed windows of nos. 1 and 9 Blackglen Road have met the criteria for impact to APSH/WPSH. No assessment was carried out on windows that do not have an orientation within 90° of due south. Notwithstanding, I am satisfied that these homes will continue to enjoy good levels of sunlight for most of the year.

10.4.19. Effect on sunlight to existing neighbouring gardens and/or amenity areas has been assessed to the north of the proposed development, as areas located to the south are unlikely to be affected due to sun direction. Overshadowing is highly unlikely

to occur in areas that are due south of any proposed development. This study has assessed the effect the proposed development would have on the level of sunlight on March 21st in the rear gardens of the 1, 9 and 146 Blackglen Road. Analysis determined that all have met the BRE criteria for impact to sunlight. The effect the proposed development would cause on the potential for sunlight in these spaces has been categorised imperceptible.

- 10.4.20. On balance, there is the high level of compliance in relation to daylight, sunlight, and overshadowing impact upon neighbouring receptors, and any minor impact to light amenity must be balanced against the development of the site and the need to increase density and the provision in line with national policy.

Separation Distances, Overlooking and Overbearing Impact

- 10.4.21. Third party concerns were raised as regards the separation distance form adjoining properties being insufficient and that the development would result in a negative impact on the amenities of adjoining properties by reason of overlooking, loss of privacy and visually overbearing impact and overshadowing. The PA in their assessment is satisfied that owing to the distance from the adjoining properties, façade treatment and communal open space screening, the orientation of no. 9 Blackglen Road the proposed scheme is acceptable in terms of impact on residential amenity.

- 10.4.22. Section 12.3.5.2 *Separation Between Blocks* of the Development Plan sets out that all proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. A minimum clearance distance of circa 22 metres, in general, is required, between opposing windows. I draw the Boards attention to SPPR1 of the Compact Settlement Guidelines which stipulates *“It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground*

floor level. When considering a planning application, a minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level shall be maintained”.

10.4.23. It is highlighted that 22m of separation has been achieved between Apartment Block A and Duplex Block B. Obscured glass has also been implemented throughout the site in instances where privacy may be a potential issue. I consider this acceptable.

10.4.24. I refer the Board to Drawing No. 19009PL03 - Site Layout Plan Part II. Regarding separation distance from development to the northwest which is c. 10m minimum, I am satisfied that any resulting impacts on terms of loss of light and overshadowing of adjoining properties minimised by reason of design and layout. The proposed building heights are conservative, with the most prominent building - Block A – ranging from 3-4 storeys. The building tapers to three storeys at either end to provide an appropriate transition to the neighbouring houses. No windows are provided higher than at ground floor level on the western gable elevation of Block A in order to remove the possibility of overlooking from apartments to the neighbouring property to the west. The exception to this is a single clerestory window which has been introduced to one of the first-floor apartments to improve internal daylight levels. Given this design future residents of the apartment will generally be unable to look out of this window. This removes any potential overlooking impacts, while maximising internal daylight access to the apartment.

10.4.25. With respect to no. 9 Blackglen Road to the northeast of the site The existing house at no.9 Blackglen road is located tight to the proposed site boundary along its western and southern elevation. To respond to this existing condition, as set out above the proposed residential development is stepped in both height and form from no. 9. The proposed House no.1/Type A1 starts with a single storey extension closest to the site boundary which then steps up to a storey and a half and the adjoins a terrace of 2 storey houses. The transition between no. 9 and the proposed 3 storey + Penthouse Apartment block at the main entrance of the scheme is buffered by a planted buffer adjacent the existing house which provides

visual screening between the existing and new proposed development and a further separation is achieved with the access road and double-sided pedestrian links. I further note that the west elevation of the existing dwelling (no.9 Blackglen road) is a predominantly blank façade onto the proposed development. I am satisfied that the separation distance (minimum c.16m to site boundary) combined with the design approach and landscaping will reduce any significant detrimental impact on no. 9 Blackglen Road.

10.4.26. To the south of the site the proposed dwellings are two storeys in height to reflect the immediate context with scale reducing addressing Slate Cabin Lane and the detached standalone homes located along the lane. I consider this approach acceptable. The proposed houses are removed from immediate site boundaries which will allow for the retention of the rural context along the lane.

10.4.27. Having regard to the separation distances between the development and the immediately adjoining development, the tiered building height approach along all site boundaries, building alignment and proposed boundary treatment and landscaping, I do not consider the development will result in any significant negative overlooking or overbearing impact and are acceptable in accordance with SPPR 1 of the Compact Settlement Guidelines and section 12.3.5.2 of the Development Plan.

Proposed Houses

10.4.28. The proposed terraced houses are orientated to minimise overlooking and maximise privacy while creating rear gardens that receive ample sun throughout the day. All houses have their front living room screened from the road by a combination of planting, parking and recessed entrances. Rear access to each house has been provided by means of a rear path alley type connection. However, in the interest of safety and to reduce potential for anti-social behaviour I consider the proposed access path/alley be controlled by means of a gate where it adjoins the public footpath and with access limited to those homes served by the access path/alley. I am satisfied that this can be addressed by way of condition should the Board be minded to grant planning permission. On balance, I am satisfied that the design and layout of the scheme provides for adequate residential amenities

for the 32 no. houses to the south of the site.

Noise and Disturbances

10.4.29. I note the EHO recommends a condition be attached as regards baseline noise levels. I refer the Board to the Noise Impact Assessment submitted with the application. Section 4 relates to Baseline Conditions. The report concludes that based on the predicted noise levels across the site, adherence to advice on good acoustic design options to achieve suitable ambient noise levels within habitable rooms, control of plant noise limits are provided in accordance with BS4142:2014 noise should not provide a constraint to the granting permission. I would agree.

10.4.30. It is my view that the operational phase of the development would not give rise to levels of noise that would be inappropriate in a residential context within a suburban area.

10.4.31. Regarding concerns raised about light pollution. The provision of residential development including apartments is not uncommon in an urban area and having regard to the separation distances identified it is not anticipated there will be significant light overspill.

10.4.32. Overall, it is my view that the proposed scheme would not negatively impact on existing residential amenities in terms of undue noise, light overspill or disturbance during the operational phase. The issue of construction related noise is addressed in section 10.7 below.

Conclusion

The Compact Settlement Guidelines state that necessary regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context. It is acknowledged in the Guidelines that in drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to

maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development.

Furthermore, as set out above the Building Height Guidelines establish that where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. Throughout the Daylight and Sunlight Reports submitted the applicant has provided a clear rationale for alternative and compensatory design solutions. The information provided indicates that access to daylight and sunlight formed an integral part of the design approach and that the design team endeavoured to maximise sunlight/daylight within the scheme and ensure a minimal impact on existing adjacent properties.

While it is noted that the scheme does not achieve all recommended standards, it is my opinion that this development results in wider planning benefits, such as the delivery of a significant quantum of housing, connectivity through the site, a high quality public open space and the comprehensive development of an underutilised serviced site in the urban area, which would support the consolidation of the urban environment. Therefore, the shortfalls (which are minimum) outlined above are considered acceptable in this instance.

10.5. Open Space and Landscaping

Public Realm /Open Spaces

- 10.5.1. Section 12.8.3 *Open Space Quantity for Residential Development* of the Development Plan required a minimum of 15% public open space. The layout provides 3,555 sq. m of public open space within the proposed development. This amounts to approximately 18% of the total site area. The Public Open Space provisions will be divided into 3no. smaller parks throughout the site each of which will be fully landscaped and easily accessible to the future residents and public alike. Furthermore, Communal Open Space is to be provided upon the podium which separates Apartment Block A and Duplex Block B. This space will measure 1,458 sq. m in total. I note the Parks Department do not consider the podium level communal open space acceptable in accordance with the Development Plan. In

light of the extensive public open space to complement same, I am satisfied that this is acceptable in this instance.

- 10.5.2. The PA raised concerns that that open space provision includes 1114sqm of attenuation measures. Section 12.8.3.1 of the Development Plan sets out that SUDs measures should not be considered in the calculations. The PA also state that the inclusion of c. 92.5sqm of bin stores, bicycles parking and ESB substation also unacceptable reducing total open space to c. 2,352sqm, less than 15%. The PA recommend a contribution in lieu be applied to any grant of planning permission. I refer the Board to the Compact Settlement Guidelines which establish open space range of 10-15% and Appendix A which states 'for the purposes of calculating public open space provision, it can include areas used for Nature-based Urban Drainage and other attenuation areas where they form part of an integrated open space network'. As such, I am satisfied that the development is acceptable as regards public and communal open space provision.
- 10.5.3. A variety of informal and formal play spaces have been provided. Informal play includes natural play elements to the edge of the public open space such as mounds with hedge planting to delineate between formal and informal spaces. Areas for seating and raised planting provides formality to the spaces proposed. The Elected Members note that no playground is proposed, a playground is proposed in a largest central open space.
- 10.5.4. I note the third-party concerns raised as regards boundary treatment. Where possible the existing boundary treatments have been retained. A variety of different boundary treatments have been designed for each location across the proposed site. Along the Blackglen road a 1.8 m stone plinth wall with mild steel railing has been designed to reflect the existing boundary treatments along this road. To the south end of the site a low level 1.2m wooden fence with pedestrian connections is proposed next to the Carysfort - Maretimo Stream to further enhance the open rural nature of the site along Slate Cabin Lane. Block work walls are proposed along the western and eastern boundaries softened where required by additional landscaping. I am satisfied that the boundary treatment is acceptable and has had regard to the relationship to adjoining properties and road frontages.

10.5.5. The layout of the site facilitates interconnectedness. The proposed public realm is designed in accordance with the best practice guidelines and provides a distinctively designed landscape and streetscape. There is a north-south pedestrian and cycle link proposed to serve the development, increasing permeability within the scheme and its wider context with the surrounding area via connection directly to Blackglen Road. The completed Blackglen Road Improvement Scheme will only further improve the permeability and accessibility of the site and immediate environment. Pedestrian access is also provided to Slate Cabin Lane. I am satisfied that the layout provides for appropriate permeability.

10.5.6. The PA raised concerns regarding the location of the public open space on an ESB wayleave underneath overhead power lines and set out that the applicant is required to comply Section 12.9.9 *Development and Overhead Power Lines* of the Development Plan. A letter on file from the ESB (dated 8th December 2021) confirms a 17m wayleave is needed from the cables to the nearest house. I am satisfied this matter can be addressed by way of condition should the Board be minded to grant planning permission.

Carysfort - Maretimo Stream (Drainage Ditch)

10.5.7. Of note the development seeks to integrate the Carysfort - Maretimo Stream (referred to as 'ditch') into the landscaping of the site along the southern site boundary. The approach is a limited intervention approach to reduce alteration to the site character at this location with a wildflower meadow which will create a distinct and unique element to this portion of the site. This natural approach will aid biodiversity corridor connections within the site and integrates the scheme with the rural quality of Slate Cabin Lane and is acceptable in my opinion.

Conclusion

I am satisfied that the Open Space provision is in accordance with section 12.8.3 of the Development Plan and offer a variety of locations for play areas for different age groups and provide a sense of place within this new development.

10.6. **Impact on Biodiversity and Ecology**

Ecological Impact Assessment

- 10.6.1. The third parties contend that the applicant did not read the Council's 2021 – 2025 Biodiversity Action Plan or simply chose to ignore the wildlife corridor identified in the Biodiversity Plan and those Policy Objectives clearly set out in Chapter 8 in the DLR Development Plan under the Heading; 8.7 Biodiversity, the Ecology Report fails to address adjacent Wildlife Corridor between the mountains and the pNHA, Fitzsimons Wood and the site and will eliminate any wildlife corridor and will result in a negative impact on local wildlife. Similar concerns are raised by the Elected Members and An Taisce.
- 10.6.2. I refer the Board to the Ecological Impact Assessment accompanying the application. Section 3 relates to the existing receiving environment including Fitzsimons Wood pNHA (site code: 1753) described as 'an example of a naturalised woodland along a river valley with a range of native species'. However, the report concludes that 'the development site is not within, or adjacent to, any area that has been designated for nature conservation at a national or international level. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants. Himalayan Balsam, a plant species listed as alien invasive as per SI 477 of 2011, is growing on the stream banks. There are no habitats which can be evaluated as being of high local value or greater'.
- 10.6.3. The development will result in loss of habitat for species which are common and widespread and thus the impact will be minor negative. Retaining the Carysfort Stream in its open state will retain habitat for the Grey Wagtail and no negative impacts to this species will occur. New landscape planting post-construction will provide habitat for some common and widespread species and, in time, will offset the loss of habitat will occur as a result of this project.
- 10.6.4. Regarding concerns raised about maintaining a wildlife corridor to Fitzsimons Wood pNHA c.150m to the north, I note that DLR Biodiversity Plan promotes the benefits of wildlife corridors, and I would agree. I note that the site lies within the 'Ticknock to Dodder Ecological Network' (Pg 45 DLR County Biodiversity Action Plan 2021-2025) and Fitzsimons Wood pNHA is known for the presence of the

Smooth Newt, which is one of one three amphibian's species in Ireland. The EcIA states that there is no pathway between the site and this conservation area (which is of value for its woodland habitat) and 'there are no permanent ponds on this site in which they are likely to be breeding'.

- 10.6.5. While ecological connections are important and should be promoted, I do not consider it appropriate to amend the scheme as set out by the PA (I refer the Board to condition no. 2 section 8.2 Pg. 37 above). The scheme provides all existing site boundaries to the north, east and west to be removed and new boundary walls erected, the quality of any wildlife corridor would not be meaningful and would be compromised in my opinion. The 5m wildlife corridor suggested by the PA would also significantly impact the private amenity space afforded to the proposed houses along the eastern site boundary.
- 10.6.6. In any case, the Fitzsimons Wood pNHA is connected via 'Objective F' zoned lands *-to preserve and provide for open space with ancillary active recreational amenities* to 'Objective G' zoned lands *-to protect and improve high amenity areas* to the north and west of the site. The EcIA establishes that the scheme will improve local biodiversity when the proposed landscaping scheme is implemented and in combination with the retention and enhancement of the southern site boundary including the Carysfort Stream, I am satisfied that adequate wildlife connection will be facilitate via the retention for the Carysfort Stream along the southern site boundary, the tree and hedgerow lined rural Slate Cabin Lane with onward connections to the 'Objective G' zoned lands to the west.
- 10.6.7. Third parties suggest that dewatering of the site could potentially damage the protected species found in the wider area namely Fitzsimons Wood pNHA and refer to SHD ABP-309965 to the northeast to the site at Lambs Cross where dewatering was raised in the reasons for refusal. In this regard, I note the subject site is removed from the pNHA and there are no basement excavations associated with this development. The EcIA states that the direction of surface water flow is away from this pNHA while the there are no known groundwater dependant habitats in this pNHA. Negative effects to the pNHA cannot occur. Similarity, the Environmental Impact Assessment Screening Report notes the 'no significant

dewatering will be required during the construction phase which will result in the localised lowering of the water table'. I am satisfied that the development will not result in dewatering of ponds associated with the Smooth Newt habitat within the Fitzsimons Wood pNHA.

Fauna

- 10.6.8. The Carysfort Stream in this location is considered suboptimal Otter habitat due to its small size (Bailey et al., 2010). No evidence of Otter activity was noted during any survey. No evidence of Irish Hare was found although they are recorded from the Dublin area and avail of a variety of habitats (Reid et al., 2007).
- 10.6.9. Sika deer *Cervus nippon* are known from the area and droppings indicating their activity here were noted. However, in the wider context of the site and the adjacent 'Objective F' and 'Objective G' zoned lands and I am satisfied that redevelopment of the subject site would not have a detrimental impact on Sika deer. There are records of Badger activity from this vicinity (as shown on the website of the National Biodiversity Data Centre). However, no setts were found within the site and no other evidence of activity was recorded.
- 10.6.10. A breeding bird survey was undertaken in March 2020. This recorded Wood Pigeon *Columba palumbus*, Blackbird *Turdus merula*, Robin *Erithacus rubecula*, Great Tit *Parus major*, Coal Tit *P. ater*, Magpie *Pica pica* and Grey Wagtail *Motacilla cinerea*. These are all birds listed as being of 'low conservation concern' (Green List) with the exception of Grey Wagtail which is of 'high conservation concern' (Red List). Grey Wagtail is a bird of freshwater habitats, and it was seen foraging along the drainage ditches through the site. Surveys outside the breeding season (September 2020 and October 2021) noted in addition: Wood Pigeon, Blackbird, Goldfinch *Carduelis carduelis*, Magpie and Hooded Crow *Corvus corone*. These are no species of conservation concern.

Bats

- 10.6.11. A Bat Assessment was carried out on the site. The assessment determined the no bat roosts were identified within the proposed development site. Common pipistrelle activity was the principal activity recorded throughout the night and prior

to sunrise. Other species noted included Leisler's bats both close to sunset and sunrise, a Myotis species and brown long-eared bat. Leisler's bats were seen heading south or southwest approaching sunrise and it is probable that there is a roost relatively close to the site.

10.6.12. The assessment states that there will be an impact upon feeding from vegetation loss. However, it is predicted that this development will have no direct impact upon the conservation status of bats, I would agree. Over time, any effect of vegetation loss will reduce further as vegetation develops around new housing. Species such as Myotis and brown long-eared bat may be excluded from the site by increased lighting and reduced vegetation. There will be a loss of feeding for common pipistrelles that may be countered by increased feeding in gardens. In order to minimise the impact on bats, the proposed lighting scheme for the development scheme is to be designed to be bat friendly. All buildings and mature trees within the site shall be examined for the presence of bats prior to felling by a bat specialist. The mitigation measures outlined in the assessment also indicate that bat boxes would be provided within the scheme. With the implementation of appropriate mitigation measures no significant impacts on are likely. Therefore, no long-term negative effects will arise from this aspect of the project.

Trees

10.6.13. A landscape Report and Arboriculture Assessment accompanied the application. Of the 60 trees surveyed, 55 are to be removed categorised as "U", "C" and 1 no. "B". I further note the EclA states that the removal of habitats including scrub, dry grassland, buildings, 100m of lower significance hedgerow and 315m of conifer treeline these are not high value habitats on the site. Having regard to the category of trees identified for removal and the replacement tree planting and landscaping proposed. I am satisfied that the loss of trees albeit regrettable is acceptable in this instance.

Carysfort - Maretimo Stream (Drainage Ditch)

10.6.14. The catchment of the Carrickmines/Carysfort Stream has been confirmed by IFI as being of salmonid value, although the top of the system does not have significant fisheries value due to culverting downstream (e.g., at the M50) which

limits the movement of migratory fish such as Trout Salmon *trutta*, European Eel *Anguilla anguilla* or Lamprey *Lampetra* sp. Therefore, the drainage ditches on the site are of very low fisheries value. Subject the adherence to the conditions set out by the IFI in their report I have no concerns in this regard.

Conclusion

Regarding the Ecological Impact Assessment report, I consider the report substantial and subject the implementation of the *Avoidance, Remedial and Mitigation Measures* outlined in section 4.6 of the report and *Bat Mitigation Measures* of the Bat Assessment, I am satisfied that the proposed development will not have a significant detrimental impact on the ecology and biodiversity of the site as outlined above having particular regard to the fact there are no habitats which are examples of those listed in Annex II of the Habitats Directive and will not result in a detrimental impact on Fitzsimons Wood pNHA (site code: 1753) and is in accordance with GIB22: Non-Designated Areas of Biodiversity.

I am satisfied that the applicant has sought to retain, where practicable, trees and hedgerows on the site and integrate these into the overall landscape plan for the site, in particular, along the southern site boundary and that the development is acceptable in accordance with GIB23: County- Wide Ecological Network.

10.7. Traffic, Transportation and Construction

Traffic Impact/Connections

- 10.7.1. A Traffic & Transport Assessment accompanied the application. The impact of the proposed development traffic generation on the surrounding road network is predicted to be negligible. This deduction is based on the modest level of development traffic predicted during the AM and PM peak hours (i.e., 42 & 49 two-way trips respectively).
- 10.7.2. I am satisfied that the proposed development is sustainable in transportation terms. The trip resulting generation volumes are low owing to the non-car-based alternative modes available to residents and visitors at the subject site. I am satisfied that the general layout is consistent with DMURS, the Transportation

Planning Dept. have raised no specific objections. A DMURS statement of Compliance is submitted in Appendix A of the Infrastructure Design Report.

- 10.7.3. The site also benefits from the recently completed Blackglen Road Improvement Scheme incorporate which upgrades the rural road to a DMURS compliant 6.5m wide carriageway (2 x 3.25m wide traffic lanes) with 1.75/2m wide footways and cycle lanes / tracks on both sides of the corridor.
- 10.7.4. Regarding concerns raised about the width of Hillcrest Road, I agree that the road narrows to a pinch point however there remains a dedicated footpath at this point. I have no concerns in this regard. Works required to increase the width of Hillcrest road are outside on the remit of the applicant.

Construction Works

- 10.7.5. A number of concerns have been raised about construction traffic and construction impacts. A Preliminary Construction Management Plan (CMP) has been prepared. With regards to access and egress of the construction vehicles, access will be via Blackglen Road (Goatstown Road referred to in error in the CMP Pg. 10). In general, the impact of the construction period will be temporary in nature. HGV vehicle movements not expected to exceed 5 vehicles per hour during the busiest period of construction works. Excavated material will be reused as part of the site development works where possible to minimise truck movements to and from the site (e.g., use as non-structural fill under green areas). Approved traffic mitigation measures requested by DLRCC and TII will be submitted with the updated CEMP submitted as part of compliance, prior to the commencement of works.
- 10.7.6. Construction traffic operation would only be limited 0800 to 1900 from Monday to Friday and 0800 to 1400 on Saturday for the off-road construction. These times may vary to facilitate specific site requirements and/or construction activities associated with the site. Any variation will be discussed and agreed in advance with DLRCC.
- 10.7.7. A Traffic Management Plan will be prepared by the contractor and agreed with Dún Laoghaire-Rathdown County Council's Transportation Department & TII, to

mitigate any impact of construction on the surrounding road network.

- 10.7.8. Similarly, a Construction and Environmental Management Plan (CEMP) accompanied the planning application this sets out mitigation measures for site dust control which will reduce dust and wind born particles. The mitigation measures will be further expanded and detailed by the appointed contractor in the final CEMP and further details to be agreed with DLRCC.
- 10.7.9. Some impact of noise is likely to occur as a result of the construction activity. I note the concerns raised by the observes in this regard. Section 7.4 of the CEMP addresses Construction Noise and Vibration. All works on site shall comply with BS 5228 2009+ A1 2014 (Parts 1 & 2) which gives detailed guidance on the control of noise and vibration from construction activities. External noise and vibration monitoring will be undertaken at locations on the site boundary closest to sensitive locations when required. It is considered that it will be appropriate to amend the monitoring program as the works progress. Accordingly, monitors may be added, removed or relocated as necessary. A site representative responsible for matters relating to noise and vibration will be appointed prior to construction on site.
- 10.7.10. The CEMP includes a number of measures to be employed to reduce noise and vibrations. I am satisfied that subject to adherence to same the noise impact will be acceptable.
- 10.7.11. Construction plant used on site will comply with the relevant Irish regulations in relation to noise and vibration requirements.
- 10.7.12. Construction work is of a temporary nature and the resulting noise levels and large vehicular movements are usually acceptable, subject to typical management and time control procedures which are common to most urban based development projects and therefore acceptable.

Access

- 10.7.13. The proposed development will be accessed via a simple priority-controlled vehicle access which will be located on Blackglen Road. Pedestrians will be provided with additional dedicated access locations off Blackglen Road which lead directly to the apartment access points fronting onto Blackglen Road. In addition,

pedestrians and cyclists will benefit from a non-vehicular connection to the south of the subject site from Slate Cabin Lane.

10.7.13.1. Regarding the PA concerns that the apartment frontage will be located within lands to be temporally acquired by CPO. As set out above the Blackglen Road Improvement Scheme is not complete and the site boundaries clearly defined.

10.7.14. Regarding third party concerns that no access should be permitted onto Slate Cabin Lane until the development is complete. As this is a non-vehicular access, it is not envisaged that this access will be available until the development is complete as part of the final site landscaping. I have no concerns in this regard.

Car Parking

10.7.15. Car Parking standards are set out in Table 12.5 *Car Parking Zones and Standards* of the Development Plan. The site is located in Zone 3 where the requirement is 1 space for 1–2-bedroom homes and 2 spaces for 3+ bedroom homes, plus 1 in 10 visitor parking for apartments. Table 12.5 provides 1 space per 40sqm for childcare. The proposed crèche is 109.6sqm. On the basis of the above the applicant is required to provide c.150 no. spaces to accommodate the scheme. Some concerns were raised by the observers regarding the lack of car parking and visitor parking proposed.

10.7.16. The proposed development will provide for 170 no. car parking spaces comprising:

- 83 no. apartment and duplex spaces at undercroft level
- 23 no. duplex and creche spaces (x 5) at surface level, and
- 55 no. residential house parking at surface level comprising 46 no. in curtilage and 9 no. on-street.
- An additional 9 no. on-street visitor car parking spaces.

The development exceeds the car parking requirements as set out under Table 12.5 of the CDP.

10.7.17. Policy Objective T1 seeks to “actively support sustainable modes of transport and ensure that land use and zoning are aligned with the provision and development

of high-quality public transport systems. This is consistent with NSO 1, NPO 26 of the NPF, 64, RPO 4.40, 5.3, 8.1 and Guiding Principles on Integration of Land Use and Transport of the RSES. A Mobility Management Plan has been submitted.

- 10.7.18. I refer the Board to section 10.3.7/8 above regarding public transport accessibility. I note the third parties raised concerns as regards lack of QBC. In this regards I note the MMP sets out that relation to the subject site, following this redesign of the bus network, the proposed development will be located in close proximity to the new BusConnects 'Local Route' L33 (Glencullen-Dundrum) which will replace the existing Dublin Bus Route 44B which will further enhance connectivity.
- 10.7.19. The TTA and MMP argue the car parking provision, along with the ample cycle parking, will encourage active transit to and from the proposed development and reduce car usage given the location of the development. I note the CE report did not raise any specific concern regarding the quantum of residential parking proposed. The Sustainable Urban Housing: Design Standards for New Apartments advocates reduced levels of parking in certain instances. The Sustainable Urban Housing: Design Standards for New Apartments specifically note that for peripheral and/or less accessible locations that as a benchmark, one car parking space per unit, together with an element of visitor parking such as one space for every 3-4 apartments should generally be required. Having regard to this guidance, the public transport offering serving the site and the proposed mobility management measures to be implemented, I am satisfied that the quantum of parking proposed is sufficient to serve the proposed development and any reduction in undercroft car parking spaces required to accommodate an element of bulky goods storage (as set out in section 10.4.1 above) would not be detrimental to the development.

Cycle Parking

- 10.7.20. The proposed development includes 184 no. bicycle parking spaces comprising 26 no. short stay bicycle spaces at surface level, 126 long stay bicycle spaces at undercroft level (inclusive of 2 no. cargo bike spaces) and 32 no. long stay cycle

parking opportunities in rear gardens of the housing units (all of which have an external access to rear gardens).

- 10.7.21. I note that the planning authority does not raise a specific concern as regards the quantum of cycle parking but state that the cycle parking should be provided in accordance with the DLR 'Standards for Cycle Parking and associated Cycling Facilities for New Developments' (January 2018). I am satisfied that this can be addressed by condition should the Board be minded to grant planning permission.
- 10.7.22. I note the Transportation Planning Dept. raise no concerns regarding the proposed 5 no. motorcycle parking spaces.

Conclusion

On balance, the proposed development is located at a well-served urban location close to a variety of amenities and facilities. Mobility Management has been provided for in the development master planning, and the development will be dominated by sustainable transport modes. The Development Plan contains policies and objectives which promote measures that have the potential to reduce the climate impact of transport by encouraging a shift from private motorised transport to walking, cycling and public transport. There are good pedestrian and cycle facilities in the area.

I am satisfied that the components are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the Residential Travel Plan submitted by the applicant. Any disturbance as a result of construction will be temporary in nature.

I have considered all of the written submissions made in relation to Traffic and Transportation. I note the reports of the planning authority raised no objection in principle. 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 impacts in terms of Roads and Traffic safety.

10.8. Drainage

- 10.8.1. An Infrastructure Design Report and a Site-Specific Flood Risk Assessment accompany the planning application.

Foul Water Drainage

- 10.8.2. The proposed development will be provided with a foul drainage network to collect foul flows from all the residential units. Refer to drawings no. 162019-3000 and 162019-3001 for Proposed Drainage Layout. Incidental drainage from car parking beneath the podium slab level, will gravitate to the lowest point before discharge to the foul network. The proposed foul water drainage will extend through Slate Cabin Lane and Enniskerry Road to the south and south-east of the site respectively, and discharge to the existing 225mm diameter sewer located at the R117 Enniskerry Road and Village Road junction approximately 300m southeast from the site.
- 10.8.3. All new main foul sewers are designed to discharge by gravity. Minimum gradients and pipe diameters for collector and main sewers are designed in accordance with the Building Regulations and Irish Water's Code of Practice for wastewater infrastructure and Standard Details for wastewater infrastructure. While site discharge has been directed to the "Aikens Village" foul catchment as directed by UE, UE have identified the requirement for upgrades in this network.
- 10.8.4. A Confirmation of Feasibility and Statement of Design Acceptance from Uisce Eireann is included with this application and can be found in Appendix 1 of accompanying Infrastructure Report. I refer the Board to the report received from Uisce Eireann which notes extensive sewer network upgrades will be required to accommodate this connection. Irish Water currently has a number of projects which will provide the necessary upgrade and capacity. In the context of this area and in order to support future developments and growth in the area Irish Water has the following planned programme of works which are currently at preliminary design stage, Sandyford Wastewater Upgrades Q4 2026 (subject to change), Moreen Wastewater Upgrade Q2 2024 (subject to change), Sandyford/Stillorgan Wastewater Upgrade Q1 2028 (subject to change).

- 10.8.5. Some third-party concerns were raised about the capacity of the public sewer and that some existing houses are on septic tanks. Uisce Eireann have raised no objection to the proposed development and future connection will be subject agreement with UE. Therefore, any impact from the increased wastewater flows on the existing drainage network are considered acceptable.

Storm and Surface Water Drainage

- 10.8.6. The proposed surface water drainage layout was designed with consideration of DLRCC's Blackglen Road/ Harold's Grange Road Improvement Scheme which includes a new surface water drainage for the Blackglen Road upgrade. The scheme includes two surface water systems in the vicinity of the proposed development.

1. Road Drainage System: The scheme includes a new surface water network to drain the upgraded road surfaces which is routed to an attenuation facility downstream of the site (no effect on site drainage).

2. Interception System: A separate system which provides interception drainage (from areas outside the road extent) and maintains existing field drainage is also included in the scheme. This system discharges to the field drain at the northern extent of the site from a 450mm diameter pipe. It is proposed under this application to maintain and extend the proposed drain via a piped system through the site to a suitable discharge point to the Carysfort - Maretimo Stream. A Wayleave for the pipe route will be provided to DLR as required by DLR drainage.

- 10.8.7. In accordance with the GDSDS it is proposed to provide sustainable urban drainage systems (SUDs) for managing stormwater from the development. To prevent pollutants or sediments discharging into water courses the GDSDS requires 'interception storage' to be incorporated into the development. This interception storage is designed to receive the run-off for rainfall depths of 5mm to 10mm if possible.

- 10.8.8. The development's design and layout reduce the risk of contaminants entering the surface water network. The use of permeable paving within in private driveways enhances infiltration and act as a filter enhancing water quality before infiltrating

slowly to the existing subgrade. House connections drain via perforated pipes through the permeable paving green podium vegetated surface and drainage fabrics capture and treat pollutants. The bioretention areas also act as filter for runoff from certain sections of road, where space allows, before draining into the surface water drainage pipe network. The proposed attenuation system includes a geotextile wrapped isolator row on the inlet to retain suspended solids and add to the ease of maintenance of the attenuation system. A Class 1 Bypass Separator is proposed on the outfall of the surface water network to remove silts and treat hydrocarbons. Further, all gullies include silt traps. The proposed surface water system has therefore been designed to incorporate SuDS techniques which naturally reduce pollutants and improve water quality.

- 10.8.9. The SUDS features including green podium, permeable paving and bio-retention swales will provide the necessary interception volume required by the GDSDS. Attenuation storage system for the attenuation of storm water up to the 100-year storm even + 10% allowance for climate change. The PA in their assessment have drawn attention to that fact that surface water calculations Climate change factor should be 20% not 10% and that Cv values should be 1.0. The PA state that insufficient SUD's details provided, and that the applicant has not explicitly stated what percentage Green Roof coverage has been provided and further note that the petrol interceptor has been placed after the attenuation system. However, the PA note that the Drainage Section is generally satisfied that the requirements of Municipal Services can be addressed by condition, I would agree.
- 10.8.10. Regarding concerns raised about impacts on groundwater flow, the incorporation of the above SUDS elements will provide a sustainable manner in which to disperse surface water from the site, encourage groundwater recharge and provide treatment of run-off and subsequent improvement of discharge quality.
- 10.8.11. I further note that the site investigation report states that the site investigation generally observed topsoil with some Made Ground which generally overlies medium dense sandy gravel with granite cobbles. Very dense granite gravel (weathered Bedrock) is encountered if excavated further, and trial pits generally terminated at this stratum. Ground water ingress was recorded in three of the trial

pits, TP01, TP07 and TP08. I refer the Board to Appendix G of the Infrastructure Design Report states that 'any groundwater encountered in pits typically corresponded with the top of bedrock where water flows along the weathered zone to lower lying areas and there does not appear to be an elevated water table on site'. It was noted that positive infiltration rates were identified at infiltration testing within the proposed stormtech extents. Proposed attenuation structure invert is located above rock level on permeable gravels.

10.8.12. Regarding drainage measures proposed, I note the JBA Consulting Stormwater Audit - Stage 1 Feedback notes 'should the groundwater level exist within 1m of the sub-surface attenuation, it will require lining to prevent cross-contamination'. I note the Audit sets out the Response from Client/Client Representative and 'agrees to line the attenuation tank due to uncertainty regarding a possible elevated water table. To compensate for any loss in interception due to the lining of the attenuation tank, construction drawings will indicate road 1 chainage 135 to 165 will have a crossfall to drain water to the adjacent permeable pavement parking. The road area needing interception is 250m², and the permeable pavement area to intercept the road is 320m². Any overflow in the parking area will be collected with gullies feeding back into the surface water network and subsequently into the attenuation tank. I am satisfied these measures are acceptable.

10.8.13. Noting the concern raised by the third parties I note no evidence of a Spring discharge or Spring Rising was identified on site. Similarly, I am satisfied that the ground conditions would not be an obstacle to the development of the site.

10.8.14. I am satisfied that the applicant has considered storm and surface water drainage and the impact of the proposed development on groundwater and subject to design mitigation outlined the development is acceptable in my opinion.

Water

10.8.15. As part of the development proposals, it is proposed to provide a watermain connection for the proposed development from the existing 200mm diameter watermain at Slate Cabin Lane to the south of the site.

10.8.16. Uisce Eireann in their report set out that a new connection should be from the 8" ID asbestos main in Slate Cabin Lane. A Confirmation of Feasibility and Statement of Design Acceptance from UE is included with this application and can be found in the Infrastructure Report. The proposed watermain design and layout is in accordance with the UE Code of Practice for Water Infrastructure and The UE Water Infrastructure Standard Details.

10.8.17. Whilst I note the concerns raised by the third parties regarding lack of potable water, UE have raised no concerns in this regard. I am satisfied that the site can be served by suitable water supply.

Flood Risk

10.8.18. A Site-Specific Flood Risk Assessment Report has been submitted with the planning application. The Flood Risk Assessment has been undertaken by reviewing information from the Office of Public Works (OPW) National Flood Hazard Mapping (www.floods.ie) and the Eastern CFRAM Study and has been carried out in accordance with the OPW's Guidelines for Planning Authorities – The Planning System and Flood Risk Management (November 2009).

10.8.19. All areas where development is proposed is located in Flood Zone C as defined by the requirements of "The Planning System and Flood Risk Management, Guidelines for Planning Authorities" and its Technical Appendices.

10.8.20. Flood Zones A & B are restricted to the existing Carysfort Maretimo Stream channel which has capacity for the Q100 & Q1000 flood events. No development will be located in Flood Zone A or B.

10.8.21. I further note that adjacent areas will not be impacted by the development up to the 1% AEP flood event as all runoff from the development is to be collected on site and be routed through the surface water drainage network. Existing runoff rates will be reduced by the provision of a surface water network with attenuated outlet and flood volume storage. This mitigates against any potential increase in downstream flood risk. Section 5.6 of the SFRA sets out Residual Risks - Mitigation Measures.

- 10.8.22. I am satisfied that the proposed residential units are not at risk of flooding. I note the PA raised no concerns in this regard.

Conclusion

I note that no objection to the proposals have been raised by Dun Laoghaire Rathdown County Council. I note the third parties raised some concerns as regards the capacity of water and sewerage. However, the submission by Uisce Eireann raised no objection to the water supply and foul drainage proposals. I further note that the Infrastructure Design Report identified no hazards to development on the site. I consider the proposed site services and surface water proposals satisfactory in this regard. I am also satisfied that the residential units are not at risk of flooding and there is no potential flood risk in the vicinity of the proposed site.

10.9. **Other Matters**

Archaeological and Cultural Heritage

- 10.9.1. An Archaeological and Cultural Heritage Assessment accompanied the application. The assessment notes that there are no recorded archaeological monuments or sites of a cultural heritage or architectural heritage significance within the proposed development area. The only feature shown on the 1st edition six-inch OS map, a single structure has no visible expression and is likely have been previously removed by the subsequent residential building that now occupies the site in a ruined form.
- 10.9.2. An area disturbed with dumping and previous small-scale quarrying or gravel extraction is noted on site. The report concludes that site inspection revealed no finds or features of an archaeological interest.
- 10.9.3. Regarding reference made in the third-party submissions that Countess Markievicz's cottage has not been referenced in the assessment, although I note calls have been made to restore the cottage, a review of the DLR RPS (26/6/2024) would indicate that this structure would not appear to be on the RPS and therefore the structure has not protection status. Similarly, while I note the Archaeological

and Cultural Heritage Assessment does not address the Historic Landscape Character Assessments (HLCA) this is addressed in the LVIA.

Social Infrastructure Capacity Assessment

- 10.9.4. Concerns were raised by third parties the regarding school capacity. A Social Infrastructure Capacity Assessment accompanied the application. The assessment found that there are 4no. primary and 7no. post-primary schools located within reasonable distance of the subject site. Of the 4no. primary schools found, 1no. school was over-subscribed, 1no. was at capacity and the remaining 2no. had 22no. available spaces between them.
- 10.9.5. The report notes that the demand generated by the development could be an added c. 28no. primary school places. Information from the DES highlighted that over the forthcoming school years enrolment is expected to fall at both primary and post-primary levels, coupled with the constant investment by the Department in new schools/classrooms, it is considered that there is capacity in the local primary schools could absorb these added places. I would agree.
- 10.9.6. It has been established that the proposed development is expected to create demand for c. 20no. extra post-primary school places locally and having noted the above that enrolment numbers are set to decline, the schools present should again be able to cope. Additionally, the existing Stepside Educate Together SS is to be upgraded with a new stand-alone school building to accommodate up to 1,000no. students. As a result, there will be c. 600no. new school places further easing pressure on local schools.
- 10.9.7. Regarding childcare provision 14no. TUSLA registered childcare facilities were found within the study area with 764no. places. However, the 27-no. capacity crèche proposed on site is considered sufficient in my opinion to cater for the demand generated by the development.
- 10.9.8. An audit on social infrastructure capacity was also carried out. The receiving environment was found to be plentiful in terms of services, shops and amenities for residents to avail of. As a result of the presence of various convenience stores and services the community could be deemed liveable. The immediate area,

Sandyford Village, has the capacity to provide the essentials for possible residents and while it may lack in some areas like cinema, arts, entertainment and shopping, connections to locations such as Dundrum, Stillorgan, Dun Laoghaire and Dublin City mean that these activities are accessible.

- 10.9.9. I am satisfied that the site is conveniently located and well serviced by services and amenities.

Depreciation of Property

- 10.9.10. Third party concerns were raised that the development would significantly devalue residential property in the vicinity. I am satisfied that the applicant has demonstrated that the development would not result in the devaluation of property in the area. I consider the scheme will provide increased amenity for the area, will result in the enhancement of the character of the wider area and will result in a planning gain for the area.

Compliance with National Policy

- 10.9.11. Regarding concerns raised that the development does not comply with the Planning Act, Regulations 2001, EIA Directives and other national policy and strategy statements, I refer to the third parties to the Planning Report and Statement of Consistency. I further note that the PA and other relevant sections of the LA raised no concerns in this respect in the CE report.

10.10. Chief Executives Report

- 10.10.1. As previously referred to in this report the PA are recommending a grant of planning permission subject to conditions. I have addressed issues raised in the Chief Executive Report in my assessment above. I note the conditions recommended; I consider these broadly acceptable.

10.11. Material Contravention

- 10.11.1. The applicant's Material Contravention Statement states that the proposed development could be considered to materially contravene the Dun Laoghaire Rathdown County Development Plan 2022-2028 as it relates to 'External Storage'.

10.11.2. External Storage

Section 12.3.5.3 of the Development Plan, states the following: “*Apartment schemes should provide external storage for bulky items outside individual units (i.e., at ground or basement level), in addition to the minimum apartment storage requirements...*”

The proposed development does not provide external storage areas to serve the apartments. The Development Plan does not include quantitative standards for the external storage areas. Similarly, no quantitative standards have been set out in the apartment guidelines 2023. Par 3.32 of the Apartment Guidelines 2023 states that apartment schemes should provide storage for bulky items outside individual units (i.e., at ground or basement level). Secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building is particularly useful and planning authorities should encourage the provision of such space in addition to minimum apartment storage requirements.

The Apartment Guidelines 2023 recognise that a more flexible performance-based approach to building design is promoted. The Schedule of Accommodation details the provision of ample, secure bicycle parking provision within the scheme. The Apartment Guidelines list bicycles and bicycle equipment as generating a potential need for external storage areas. In the case of the proposed development, secure bicycle storage is already sufficiently provided for. This will reduce the need for external storage space. I refer the Board also to section 10.4.1 above regarding measures to further address bulky item storage provision. I am satisfied that the combined secure bicycle storage and the recommended amendment to the car parking layout set to in section 10.4.1 will adequately address bulky item storage provision on site.

In any case the Development Plan does not include quantitative standards for the external storage areas. Therefore, I am satisfied that the development is not a material contravention of Section 12.3.5.3 of the CDP as the quantitative standards are subjective in their interpretation.

11.0 **Environmental Impact Assessment**

11.1.1. The applicant submitted and Environmental Impact Assessment Screening

Report and a Statement in Accordance with Article 299(1)(b)(ii)(II)(c). I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Class 10(b)(i) construction of more than 500 dwelling units,
- Class 10(b)(iv) urban development, which would involve an area greater than 2 ha in the case of a business district*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

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

- Class 14 of Part 2 to Schedule 5 of the Planning Regulations provides that mandatory EIA is required for:
works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- Class 15 of Schedule 5 relates to any project listed in Part 2 of Schedule 5 which does not exceed a quantity, area or other limit specified in Part 2 in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

11.1.2. A detailed description of the development is outlined in section 3.1 of the report. In summary, It is proposed to demolish the existing structures on site (158.3sqm), construction of 101 no. residential units (32 no. houses, 69 no. apartments),

creche and associated site works with a stated area of c. 1.938ha. Having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Planning Regulations, the proposed development is subthreshold in terms of the mandatory submission of an EIA. The nature and the size of the proposed development is below the applicable class 10(b) thresholds for EIA.

- 11.1.3. As outlined above, the criteria at Schedule 7 to the Planning and Development Regulations 2001 (as amended) are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that should be the subject of environmental impact assessment. I would note that the requirement for EIA has not been suggested by any of the submissions or reports connected to the application and appeal.
- 11.1.4. Whilst the EIA screening report has not addressed Class 14, section 3.3 does address 'nature of any associated demolition works'. Class 14 relates to works of demolition carried out in order to facilitate a project. The proposed development comprises of the demolition of all existing structures on site (c. 158.3sqm). All demolition works will be carried out in accordance with best practice in accordance with the submitted Construction and Demolition Waste Management Plan and the Resource Waste Management Plan. No likely significant impacts are likely to occur as a result of the proposed demolition works. I note that the site is a serviced site where there is former residential use, zoned for residential development and adjacent to lands zoned 'to protect, provide for and or improve mixed use neighbourhood centre facilities' – Objective NC. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. An Appropriate Assessment Screening Report was submitted with the application which notes that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.
- 11.1.5. The criteria within Schedule 7 to the Planning Regulations are relevant in considering whether this proposed development would be likely to have significant

effects on the environment that could and should be the subject of EIA. The residential use proposed would be similar to the surrounding land uses in the area. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The development would be served by municipal foul wastewater drainage and water supplies. I note the site is located within (H) LCA 9 – Barnacullia. The subject lands are surrounded by existing development and due to its public road frontage on only two boundaries, visibility of the application site from the public realm is restricted by intervening development and trees in the local landscape. The LVIA submitted determines that landscape and visual impacts during operation will be long term, slight and negative to positive, I would agree. I am satisfied that the proposed development due to its size and localised nature will not represent significant effects in terms of the Landscape and Visual Impact.

- 11.1.6. There are no recorded monuments or Areas of Archaeological Potential located within the application area. Woodside House (DU022-068) is located 250m to the southeast of the development to the west of Enniskerry Road. With mitigation measures in place, including pre-development testing and monitoring of groundworks as identified in the accompanying Archaeological and Cultural Heritage Assessment, I am satisfied there will be no significant impact on archaeology. The site is not located within an Architectural Conservation Area and there are no Protected Structure in the immediate vicinity of the site. Two sites located on the National Inventory of Architectural Heritage (NIAH) are located at the crossroads at Balally on the Enniskerry Road. They are the Sandyford Carnegie Free Library (NAIH 60220039) and Saint Mary's National School (NIAH 60220038). I am satisfied that the development will not impact the existing character and setting on these NIAH listed properties as a result of the development.
- 11.1.7. The site does not support substantive habitats or species of conservation significance, as highlighted in the Ecological Impact Assessment submitted with the application. A very limited range habitats was recorded during survey. The site proposed for development contains only built habitat areas, a highly modified site.

No habitats listed on Annex I of the EU Habitats Directive were found within the survey area. No plants subject to the Flora Protection Order (2015) were found to occur within the area surveyed. I refer the Board to section 10.6 of this report.

- 11.1.8. Himalayan Balsam *Impatiens glandulifera* was found to be growing along the banks of the Carysfort Stream during the October 2021 survey. This is an alien invasive species as listed on Schedule 3 of SI No. 477 of 2011 and was removed from site.
- 11.1.9. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. Sections 3, 4 and 5 of the EIAR Screening Report addresses the criteria set out in Schedule 7 and 7A. It is my view that sufficient information has been provided within the report and submitted documentation to determine whether the development would or would not be likely to have a significant effect on the environment.
- 11.1.10. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:
- Statement of Consistency with Planning Policy
 - Material Contravention Statement
 - Statement of Response to An Bord Pleanála Pre-Application Consultation

Opinion Planning Statement

- EIA Screening Report & Statement
- Community & Social Infrastructure Audit
- Architectural drawings and documentation including:
 - Building Lifecycle Report,
 - Architectural Design Statement
 - Housing Quality Assessment Schedule
- Construction Environmental Management Plan
- Resource Waste Management Plan.
- Noise Assessment
- Bat Survey
- AA Screening Report
- Daylight and Sunlight Analysis
- Photomontages Booklet
- Traffic And Transport Assessment
- Engineering drawings & Documentation
- Landscape Architectural drawings
- Lighting Plan and Report
- Arboriculture report, drawings and documentation

With regard to the requirements of Section 299B (1)(b)(ii)(II)(C), the applicant submitted a standalone statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. I would note that the following assessments / reports have been taken into account:

- Appropriate Assessment Screening Report, the Ecological Impact Assessment and the Bat Survey have had regard to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- Noise Assessment.
- A Construction Environmental Management Plan and Resource Waste Management Plan.

I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I also note SEA has been undertaken as part of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

I have completed an EIA Screening Assessment as set out in Appendix 1 of this report. Thus, having regard to:

(a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 10 (b) and Class 15 of Schedule 2, Part 5 of the Planning and Development Regulations, 2001 (as amended);

(b) the location of the development on land zoned Objective A – *‘To provide residential development and improve residential amenity while protecting the existing residential amenities.’*

(c) the pattern of development on the lands in the surrounding area;

(d) the availability of mains water and wastewater services to serve the development.

(e) the location of the development outside any sensitive location specified in Article 299(c)(1)(v) of the Planning and Development Regulations, 2001 (as amended);

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

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

I am satisfied that the proposed development, by reason of the nature, scale and location of the subject site, would not be likely to have significant effects on the environment and the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

12.0 Appropriate Assessment

12.1.1. I refer the Board to Appendix B -AA Screening Determination.

Screening Determination Conclusion

12.1.2. 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.

12.1.3. There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.

12.1.4. 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:

- During the construction stage, surface water will be attenuated/part treated within the site and the nature of any discharges is temporary/of a relatively low volume relative to the recovering surface water and marine environments.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.
- Foul and surface waters will discharge to the existing combined foul and surface water network and will travel to Shanganagh-Bray wastewater treatment plant for treatment prior to discharge; the Shanganagh-Bray wastewater treatment plant is required to operate under EPA licence and meet environmental standards and thus would not impact on the overall water quality within the receiving waters of the Irish Sea.

12.1.5. 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.

- 12.2. 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.
- 12.3. 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 because of any potential impact to a Natura 2000 site.

13.0 **Conclusion and Recommendation**

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

that permission is GRANTED, under section 9(4) of the Act subject to conditions set out below.

14.0 Reasons and Considerations

Having regard to:

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2022-2028
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (as updated) (Including Interim Advice note Covid-19 May 2020);
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2023;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;

- m. Chief Executive's Report; and
- n. Submissions and observations received.

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

Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied, and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

15.0 Recommended Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dun Loaghair Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 13th of April 2022 by Heronbrook Properties Limited

Proposed Development:

Planning permission for a strategic housing development at this site of c. 1.9385ha. on lands at Blackglen Road, Balally and Woodside, Sandyford, Dublin 18.

The development will consist of:

- The demolition of the existing, derelict, former residential structures on the site and construction of 101no. residential units and a creche (13,127 sq.m m gross floor area in total).

- The residential element comprises a mix of houses (9no. 2-beds, 16no. 3beds, 6no. 4 beds and 1 no. 5 beds); duplexes (3no. 2 beds and 10no. 3 beds) and apartments (14no. 1 beds, 35no. 2 beds and 7no. 3 beds).
- The houses are provided in 2 storey terraces and include one dormer-style unit. The duplexes and apartments are provided in 2no. blocks (A and B) connected by a landscaped podium with undercroft carparking level (including plant/stores).
- Block A is 3-4 storey in height and contains 52no. apartments. It has frontage to Blackglen Road.
- Block B is to the rear and contains 13no. duplexes and 4no. apartments. It is 3 storeys in height.
- All houses are provided with private rear gardens and all apartments and duplexes are provided with private terraces or balconies.
- The creche (109.6 sq. m) is located in Block B and includes a dedicated open space of 120 sq m.
- The development includes 2no. ESB Substations (c. 16 sq. m each) and bin stores (c. 22.5 sq. m).
- The roof of Block A includes a green sedum roof and photovoltaic panels.
- Public open space is provided in 3no. separate areas, with a total of 3,559 sq. m provided. 1,458 sq.m of semi- Private communal open space is provided at podium level between Blocks A and B.
- Road infrastructure works proposed on site to include new internal access road, cycle and pedestrian facilities. 1no. new vehicular access to the scheme from Blackglen Road (currently subject of improvement works) with dedicated pedestrian and cycle access, 2no. additional, dedicated pedestrian accesses to the site from Blackglen Rd and 1no. new pedestrian and cycle access to the site from Slate Cabin Lane.
- 170no. car parking spaces, including: 83no. spaces at undercroft level and the remaining 87no. spaces at surface level. 5no. motorcycle spaces are provided

at undercroft level. 152no. bicycle parking spaces are provided, of which 126no. are provided within the undercroft (includes 2no. cargo cycle spaces). The remaining 26no. spaces are provided at surface level in a covered cycle store.

- And, all associated and ancillary site development and infrastructural works, hard and soft landscaping and boundary treatment works, including drainage and SUDS infrastructure.

Decision:

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

Matters Considered

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

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Dun Loaghair Rathdown County Development Plan 2022-2028
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);

- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013(as updated) (Including Interim Advice note Covid-19 May 2020);
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. Chief Executive's Report;
- n. Inspector's Report; and
- o. Submissions and observations received.

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

Appropriate Assessment:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account 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 documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and 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.

Environmental Impact Assessment

The Board completed a screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant identifies, and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003).
- The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the, Appropriate Assessment Screening Report, Outline Construction Environmental Management Plan, Operation Waste Management Plan, Site Specific Flood Risk Assessment, Ecological Impact Assessment, Bat Survey, Archaeological and Cultural Heritage Assessment, Landscaping Ecological Impact Assessment and Arboriculture Impact Assessment

In conclusion, having regard to the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 13th of April 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

health.

3. The proposed development shall be amended as follows:

- A secure bulky storage area for the apartment units shall be provided in the undercroft car park at a loss of no more the three no. car parking spaces.
- The rear access paths proposed to the rear of the house shall be controlled by means of a gate where it adjoins the public footpath with access limited to those homes served by the access path/alley only.

The revised plans and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest visual amenity of proper planning and sustainable development and adequate provision of residential amenities.

4. The developer shall adhere to the wayleave requirements of the ESB and Section 12.9.9 *Development and Overhead Power Lines* of the Development Plan as regards required separation distances and work practices relating to works in the vicinity of the ESB network.

Reason: In the interest of proper planning and orderly development of the area.

5. Prior to commencement, the Applicant shall submit revised drawings and details which demonstrate the required number of the preferred “Sheffield” cycle stands to serve the proposed development in accordance with the requirements outlined within be in accordance with Section 3 & Section 4 of DLRCC’s *Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018)* or any update thereto. In determining recommended space for bicycle parking a footprint of 2m x 1m is required for 2 standard bicycles parked at 1 Sheffield stand in accordance with the DLRCC standard.

Reason: In the interest of proper planning and sustainable development of the area

6. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors and boundary walls shall be submitted to

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

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

7. Details of signage, waste management and hours of operation of the Creche shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and orderly development.

8. All links/connections to adjoining lands (within and outside the applicant's control) shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.

Reason: In the interest of permeability and safety.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

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

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

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

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

- a) A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
- b) Provision for mitigation measures described in the approved NIS;
- c) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- d) Location of areas for construction site offices and staff facilities; e) Details of site security fencing and hoardings;
- f) Details of on-site car parking facilities for site workers during the course of construction;
- g) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- h) Measures to obviate queuing of construction traffic on the adjoining road network;
- i) Details of lighting during construction works;
- j) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- k) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works;
- l) Provision of parking for existing properties at during the construction period;
- m) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- n) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- o) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

- p) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- q) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.
- r) Regard should be had to the contents of the report from Inland Fisheries Ireland.

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

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

Reason: In the interest of sustainable waste management.

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

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

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

Reason: In the interest of public health.

15. a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

b) The design shall be revised with discharge rate for the site limited to Q_{bar} (calculated using site specific data, Cv values of 1.0 and Climate Change factor of 20%) or 2l/s/ha. whichever is greater, subject to the orifice size of the flow

control device not being less than 50mm in diameter. The submitted shall include detailed calculations, including modelling results, of the proposed system during all required storm events. This may lead to an increase in attenuation volume required.

c) Insufficient SUD's details provided, revised comprehensive SUDs details shall be submitted to include full dimensioned construction details for the proposed Green Roofs in accordance with the SUDS Manual (C753) and BS EN 12056-3:2000).

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

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

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

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

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

18. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or

are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

19.a) All trees shall be inspected by a suitable qualified expert for bats prior to felling. In the event a roost is found the developer shall require a derogation license from the National Parks and Wildlife Service.

b) Bat and bird boxes shall be installed in the proposed development, prior to the occupation of the residential units. The number, type and location of the boxes shall be submitted to and agreed in writing with the planning authority.

c) Any clearance of vegetation from the site should only be carried out in the period between the 1st of September and the end of February i.e., outside the main bird breeding season.

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

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

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

chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

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

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

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

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees on the site

22. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

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

Reason: In the interest of visual amenity.

24. a) The developer shall engage the services of a suitably qualified archaeologist to co-ordinate and finalise the mitigation proposals contained in the Archaeological and Cultural Heritage Assessment for archaeological testing in advance of construction works and archaeological monitoring of ground disturbance at construction stage.

b) Should previously unidentified archaeological material be found during the course of testing and monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Dept. of Housing, Local Government and Heritage, shall determine the further archaeological resolution of the site.

c) Following completion, a full report shall be furnished to the Planning Authority and Dept. of Housing, Local Government and Heritage

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

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

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

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

Reason: In the interests of visual and residential amenity.

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

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the plan of the area.

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

29. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion of 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.

Irené McCormack
Senior Planning Inspector
19th July 2024

Appendix A - EIA- Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference (313321-22)		
Development Summary	Demolition of the existing structures on site, construction of 101 no. residential units (32 no. houses, 69 no. apartments), creche and associated site works	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?		An Appropriate Assessment Screening Report was submitted with the application. An Ecological Impact Assessment was also submitted with the application.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		SEA and AA were undertaken in respect of the Dun Laoghaire Rathdown County Development Plan 2022-2028

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The proposed development would provide for a new residential development at an outer urban location. However, it is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development having regard to the design approach employed in Stepside to the southeast of the site	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed residential development has been designed to logically address the topography on site, resulting in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical for an urban development of this nature and scale.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the	No

	standard construction practice measures outlined in the Outline CEMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Waste Management Plan, the project would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Operation of the standard measures listed in the Construction Environmental Management Plan, will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and SUDS. Surface water drainage will be separate to foul services within the site.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Construction Phase Environmental Management Plan.	No

1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Phase Environmental Management Plan and Resource Management Plan satisfactorily address potential risks on human health. No significant operational impacts are anticipated for the piped water supplies in the area.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding.	No
1.10 Will the project affect the social environment (population, employment)	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.	No
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	No	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	The nearest European sites are listed in Appendix B of this report and other designated sites are referenced in the application AA Screening Report. Protected habitats or habitats suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. The proposed development would not result in significant impacts to any protected sites, including those linked to Fitzsimon's Wood pNHA.	No

2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	The proposed development would not result in significant impacts to protected, important or sensitive species	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	The site is not within an area of archaeological potential. Adjoining Protected Structures are removed from the site. The Archaeological Impact Assessment which includes reference to local built heritage determined that impact of the development is not anticipated to be significant.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No such features are in this urban location, with the site separated from agricultural areas by intervening urban lands and road infrastructure	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?	The site is served by a local road network. There are sustainable transport options available for future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The site is in close proximity to hospitals and schools. However, there is no negative impact anticipated as a result of the proposal.	No

3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	Agreed <input type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to</p> <ul style="list-style-type: none"> • the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022; • the location of the proposed residential units on lands zoned within the Dun Laoghaire Rathdown County Development Plan 2022-2028 as Objective A – ‘<i>To provide residential development and improve residential amenity while protecting the existing residential amenities.</i>’ and the results of the Strategic Environmental Assessment of the Development Plan; • the nature of the existing site and the pattern of development in the surrounding area; • the availability of mains water and wastewater services to serve the proposed development; • the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as revised. 		

- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Outline Construction Environmental Management Plan, Operation Waste Management Plan, Site Specific Flood Risk Assessment, Ecological Impact Assessment, Bat Survey, Archaeological and Cultural Heritage Assessment, Landscaping Report and the Engineering Services Report. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Inspector

Date

Appendix B – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Screening Determination

1: Description of the project

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

There are no European sites in the immediate vicinity of the proposed development site. Fig.4 of the report establishes that approximate 15km radius around the proposed development (red cross) site and Natura 2000 sites. A brief description of the Natura 2000 sites is provided.

The nearest European designated sites are the Wicklow Mountain SAC (002122) located 4.5km and Wicklow Mountain SPA (004040) 4.9km southwest of the site, followed by the South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) are located 5.5km northeast of the site.

In brief, the proposed development comprises the demolition of the existing structures on site, construction of 101 no. residential units (32 no. houses, 69 no. apartments), creche and associated site works.

Pages 6/7&8 of the AA Screening Report sets out a description of the site. The area comprises in centre the remains of the original residential house and this is an area of buildings and artificial surfaces – BL3. Vegetation to the north and south is now dry meadow – GS4. Occasional patches of Gorse *Ulex europaeus* scrub – WS1 remain within this area. Treelines – WL2 can be found to the north and south of the house, as well as along the eastern and western boundaries. However, these are made up of a variety of non-native species such as Leyland Cypress *Cuprocyparis leylandii*, Cherry laurel *Prunus laurocerasus* and Sitka Spruce *Picea stichensis* and are of very low biodiversity value. It is relatively species poor with poor structure and using methodology from the Heritage Council it can be assessed as being of 'lower significance' (Foulkes et al., 2013). Running parallel to this is a drainage ditch – FW4. This flows to the east, then follows the site boundary southward before joining the Carysfort Stream at Slate Cabin Lane. Another drainage ditch bisects the site from the west. None of the habitats occurring within or surrounding the site are of high sensitivity,

most of the area having been modified from its natural state by development. There is no Annex I habitats occurring within the area proposed for works. No rare, threatened or protected species of plants as per the Red Data List were found. No species listed in the Flora Protection Order (2022) were found to be growing within the site. The habitat types are described in greater detail in the Ecological Impact Assessment Report accompanying this application.

The site is not located within or directly adjacent to any Natura 2000 site (SAC or SPA). Mapping from the Environmental Protection Agency (EPA) shows that the Carysfort Stream along the development site boundary. This is a short water course which rises in the Dublin Mountains to the west upstream of the site. It is culverted under public roads and housing estates and is heavily modified as it passes through the city. It joins the Shanganagh Stream and together they discharge into Killiney Bay at Loughlinstown. Rainwater currently percolates to the soil or enters the stream directly.

Submissions and Observations

The planning authority referred to the application to the relevant prescribed Bodies.

2. Potential impact mechanisms from the project

Zone of Influence

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.

There are no Natura 2000 sites within the immediate vicinity of the site. The Carysfort Stream is not a part of any Natura 2000 site and there is no hydrological connection to any other Natura 2000 site following this pathway.

Indirect hydrological pathways lead to the Irish Sea via the Carysfort Stream/Shanganagh River and wastewater. Wastewater will be treated in the municipal wastewater treatment plant for Shanganagh which discharges into the Irish Sea.

Fresh water supply for the development will be via a mains supply. This originates in the Poulaphouca Reservoir. There is an indirect, potential pathway to the Poulaphouca Reservoir SPA (004063) 19.1km southwest of the site.

The AA screening states that there is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 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 expected that any habitat fragmentation would take place. The already established pattern of urban development in this location would mean that any limited periods of disturbance caused by the works would not add to any disturbance or displacement effects that would result in lessening of species density.

Foul wastewater from the proposed development will be sent to the wastewater treatment plant at Shanganagh in Dublin. Emissions from the plant are currently in compliance with the Urban Wastewater Treatment Directive and there is sufficient capacity in the Shanganagh-Bray wastewater treatment plant to provide for the predicted future growth of this part of the city. There are no Natura 2000 sites in this area of the Shanganagh River or at its mouth at the Irish Sea. Beyond the vicinity of the mouth of the Shanganagh in the Irish Sea dilution occurs to such an extent that no perceivable impact can arise to any Natura 2000 site in the coastal zone

Freshwater supply may originate at the Poulaphouca Reservoir SPA. However, there is no evidence that abstraction at the Poulaphouca Reservoir is resulting in negative effects to the SPA. There can consequently be no negative effects to any Natura 2000 site arising from this project.

Storm water from the site will discharge to the Carysfort - Maretimo Stream. However, as this surface water route from the site currently exists, no additional potential for impacts has been identified the Carysfort Stream is not a part of any Natura 2000. Furthermore, I note that

standard construction practices and best practice construction measures, as relates to the prevention of surface water pollution at construction stage, as outlined in detail in the Services Report and Construction Environmental Management Plan, would prevent polluted surface water from entering the surface water drainage network. These installations have not been introduced to avoid or reduce an effect on any effect on any Natura site and would be introduced as a standard measure on such housing developments, regardless of any direct or indirect hydrological connection to a Natura 2000 site. They constitute the standard approach for construction works in an urban area. I am satisfied that the surface water design features proposed at operational stage will ensure the quality of surface water run-off will be sufficient so as not to result in any likely significant effects on any Natura 2000 sites. Notwithstanding, and even if these standard work practices were not employed, or should they fail for any reason, and pollutants enter Killiney Bay indirectly via the public surface water network, I am satisfied that any such contaminants would be sufficiently dispersed and diluted within the surface water network and within the estuarine/marine environment of Killiney Bay, such that likely significant effects within and adjacent to Dublin Bay can be ruled out.

Summary

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. Likely significant effects on the European site(s) 'alone'

I am satisfied that no risks to the conservation objectives of 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 area. 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. Drainage and 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 Pg 32 of the AA which sets out *the Assessment of Significance of Effects* of the AA screening report. I agree with the conclusion presented therein.

5: Where relevant, likely significant effects on the European site(s) ‘in combination with other plans and projects’

In combination or Cumulative Effects

The AA Screening Report notes and there are no projects which can act in combination with this development which can give rise to significant effect to Natura areas within the zone of influence. The report notes and I would agree that implementation of the WFD will result in continued improvements to water quality throughout the river basin district. It is further stated that the proposed surface water drainage layout was designed with consideration of Dun Laoghaire Rathdown County Council’s Blackglen Road/ Harold’s Grange Road Improvement Scheme which includes a new surface water drainage for the proposed Blackglen Road upgrade scheme.

A search of Dun Laoghaire Rathdown Country Councils planning web portal identified a recent planning application to the northeast of the site at Lambs Cross – D23A/0456 (ABP 319621-24). No cumulative or in-combination impacts were identified as part of this planning application. No cumulative or in combination impacts are therefore predicted.

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:

- During the construction stage, surface water will be attenuated/part treated within the site and the nature of any discharges is temporary/of a relatively low volume relative to the recovering surface water and marine environments.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.
- Foul and surface waters will discharge to the existing combined foul and surface water network and will travel to Shanganagh-Bray wastewater treatment plant for treatment prior to discharge; the Shanganagh-Bray wastewater treatment plant is required to operate under EPA licence and meet environmental standards and thus would not impact on the overall water quality within the receiving waters of the Irish Sea.

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.