



An
Bord
Pleanála

re

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

Inspector's Report ABP-313322-22

Development

Permission for 443 no. residential units (41 no. houses, 402 no. apartments), creche and all associated site works

Location

Priorsland, within the townlands of Carrickmines Great and Brennanstown, Dublin 18.
(www.priorslandshd.ie)

Planning Authority

Dun Laoghaire-Rathdown County Council.

Applicant(s)

1 Carrickmines Land Limited

Prescribed Bodies

1. DAU
2. Dept. of Education
3. IFI
4. Uisce Eireann
5. TII

Observer(s)

1. Cllr. Dave Quinn
2. Glendruid Dolmen Public Group

3. Quintan Developments Ireland Limited
4. Richard Boyd Barrett and Melisa Halpin

Date of Site Inspection

22nd July 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 appeal site lies wholly within Development Area 3: Priorsland at the western extremity of the Cherrywood SDZ Planning Scheme lands. The stated site area amounts to approx. 8.6 ha. of the total 20.3 ha. that comprise the Priorsland lands.
- 2.1.2. The subject site is a low lying, relatively flat site bounded by the M50 to the south, Luas line to the north and traversed from west to east by the Carrickmines Stream along its long axis. Beyond the site to the south and southwest is the Dublin Mountains and to the north and northeast are areas of mature woodland.
- 2.1.3. The site is accessed primarily by an extension of the substantially developed Castle Street which crosses Barrington's Road and passes south-east through much of the Cherrywood lands to Bishops Street and Cherrywood Town Centre, now under construction. The principal access route from the Wyattville Link Road (and the M50 and N11 Beyond) will be via Grand Parade when the western section to Barrington's Road is completed. The Luas line skirts the site's northern boundary and two stops, Carrickmines and Brennanstown. Both are equidistant from the proposed Village Centre of Priorsland.
- 2.1.4. National Monuments (026-080001 & 026- 080002) are located to the east of the site. The nearest protected structure is Priorsland House located to the north-west. The site is not located within the curtilage or attendant grounds of same and is well screened by mature planting.

3.0 Proposed Strategic Housing Development

- 3.1.1. The development will consist of:
- a mixed-use village centre and residential development of 443 no. units comprising **6 no. blocks (A-F) of apartments (up to 5 storeys with basement/undercroft parking)** providing **402 no. apartments** units (146 no. 1-

beds; 218 no. 2-beds and 38 no. 3-beds), and **41 no. houses** (19 no. 3-beds and 22 no. 4-beds). All apartments provided with private balconies/terraces.

- Provision of indoor residential facilities to serve apartment residents.
- The **Village Centre and non-residential elements** will comprise a supermarket, local retail/retail service units, non-retail commercial units, creche, gym, community space, and offices (High Intensity Employment) use.
- Provision of car/bicycle/motorcycle parking; ESB sub-stations; bin storages areas, and all associated plant areas.
- Provision of the first phase of Priorsland Park (on lands within the applicant's ownership) and other public and communal open spaces.
- **Construction of Castle Street through the subject lands and two road bridges across the Carrickmines Stream**, one to serve the future school site/park, the second to provide pedestrian and cyclist access to the Carrickmines Luas station and future Transport Interchange to the north.
- Provision of an additional pedestrian bridge to the park. Provision of an acoustic barrier along the southern/western edge of the site.
- All associated site development works, landscaping, boundary treatments and services provision.

The application includes an EIAR and NIS.

3.2. Development Parameters:

Proposed Development					
Site Area	8.5912ha.				
No. of Units	Total 443				
	APARTMENTS				
	TOTAL	1 BED	2 BED (3P)	2 BED (4P)	3 BED
	402	146	34	184	38
	100%	36.3%	8.5%	45.8%	9.5%
	HOUSES				
	TOTAL	3 BED	4 BED		
41	19	22			
100%	46.3%	53.7%			
Building Height	2-5 Storeys				

Dual Aspect	36.3% Dual Aspect Apartments	
Density	69uph – 100 uph	
Plot Ratio	1:1.9	
Site Coverage	Maximum 60%	
Public and Communal Open Space	Public Open Space- 23%	
Resident Amenities	Class of Development:	Gross Floor Space in m²
	Creche (83 no. of childcare spaces)	513
	Supermarket	1,306
	Retail/retail services (7 no. units)	715
	Non-retail commercial (2 no.units)	213
	Community Space	252
	Office/High Intensity Employment	708
	Gym	155
Car Parking	<p>Aparmtents - 430 no. spaces provided.</p> <p>*Spaces are provided in a combination of basement car parking, under croft podium car parking and on street car parking. Non-residential car parking has also been provided across the scheme in accordance with the DLRCC Cherrywood SDZ planning scheme standards.</p> <p>Houses - 82 no. spaces required</p> <p>Car parking provided as hardstanding driveways to the front of each house.</p>	
Cycle Parking	<p>502 no. Bicycle Spaces.</p> <p>Comprising 408no. long stay spaces and 94no. short stay spaces.</p>	

3.2.1. Development Plots

PRIORSLAND VILLAGE CENTRE		Plot 1: 0.905 ha			
Land Use	Type	Area Min	Area Max	Units Min	Units Max
Residential	Res3/Res4	9,000	12,000	100	133
				<i>Circa 95*</i>	<i>Circa 130*</i>
Retail	Supermarket	834	1,365		
	Local Retail	228	455		
	Retail Services	228	455		
	Total Retail	1,290	2,275		
Non Retail Uses		700	1,000		
HIE		700	1,000		
Community		250	500		

RESIDENTIAL LANDS		Plots 2, 3, 4: 3.7009 ha			
Land Use	Density	Plot Area	Min No. Units	Max No. Units	
Plot 2	Res 3	2.0051	130	201	
Plot 3	Res 2	1.4351	65	100	
Plot 4	Res 2	0.2607	12	18	
	Sub-Total	3.7009	207	319	
Overall number of units on site			307	453	

OTHER USES			
Land Use	Type	Plot Area Sqm	Plot Area Ha
Plot 5	Primary School	8,237	0.8237
Priorsland Park	Class 1 Open Sp.	5,307	0.5307
Infrastructure	Linear Park/Flood	14,109	1.4109
	Greenway/Atten	1,236	0.1236
	Attenuation 1+2	5,027	0.5027
	Total	20,372	2.0372

23% of the site

3.2.2. In addition to the standard plans and particulars, the application is accompanied by the documents and reports which include inter alia:

- Statement of Consistency (& SDZ Planning Scheme Compliance Matrix)
- Statement of Response to An Bord Pleanála Opinion
- Environmental Impact Assessment Report • Vol 1 Main Statement • Vol

2 Appendices • Vol 3 Non-Technical
Summary

- Architects Design Statement
- Building Lifecycle Report
- Housing Quality Assessment
- A3 Copy of Architectural Drawings
- Engineering Planning Report
- Outline Construction and Demolition Waste Management Plan
- Outline Construction Management Plan
- Site Investigation Report
- Stage 3 Site Specific Flood Risk Assessment
- Statement of Design Acceptance CDS20001675
- Stormwater Audit (Stage 1)
- Traffic and Transport Assessment
- Travel Plan
- Landscape – Design Rationale and drawings
- Arboricultural Report and drawings
- Utility Report
- Public Lighting Report
- Mechanical and Electrical Design Strategy, Energy Sustainability & Part L Compliance
- Priorsland SHD Wind Study
- Daylight Sunlight and Overshadowing Study
- AA Screening & Natura Impact Statement
- Outline Construction Environmental Management Plan
- Verified Views and CGI's

4.0 Planning History

Cherrywood SDZ

The Cherrywood Strategic Development Zone was established on 25th May, 2010 pursuant to the Planning and Development Act, 2000 (Designation of Strategic Development Zone: Cherrywood, Dún Laoghaire Rathdown County) Order, 2010 (S.I. No. 535 of 2010) with the designation by Government having been made in response to a proposal by the Minister for the Environment, Heritage and Local Government upon which the opinion was formed that the specified development was of economic and social importance to the State

In response to the designation of the SDZ, Dún Laoghaire Rathdown County Council prepared a Planning Scheme for the SDZ which was approved by the Council on the 10th of December 2012. This was subsequently the subject of an appeal to the Board

(ABP Ref. No. ZD06D.ZD2010) and, following an oral hearing, the Planning Scheme was modified by Board Order on 25th April 2014.

Amendment Applications

ABP 317574-23 - Proposed Amendment No. 9 of the Cherrywood Planning Scheme 2014 (as amended) - Relating to Residential Car Parking Standards (Section 4.2.10 of the Approved Planning Scheme, 2014 (as amended)). Awaiting decision.

ABP 310382-21 - Refusal to approve amendment to Cherrywood SDZ Planning Scheme, 2014 -proposed Amendment No. 8 – Building Height and Density Review.

ABP 308753-20 - On 14th April 2021 the Board approved amendments Proposed Amendment No. 7 of the Cherrywood Planning Scheme - Beckett Road Re-alignment and Ancillary Amendments.

ABP-305785-19 – On 8th January 2020 the Board approved amendments to Residential Car Parking Standards (Section 4.2.10 of the Approved Planning Scheme 2014, as amended) having regard to the updated ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (Amendment No. 6)

ABP ABP-302223-18. On 7th December 2018 the Board approved the making of the proposed amendments which effectively entailed the replacement of Chapter 7 of the Scheme with a new chapter updated to reflect the front loading of infrastructure that had happened “on the ground” and the implications of same for the timing of envisaged development. These amendments comprise Amendment No. 5 of the Cherrywood SDZ Planning Scheme.

ABP Ref. No. ZE06D.ZE0002 (Jan 2017) Proposed Amendments sought to update the Scheme by incorporating changes prompted by the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ and also to revise the sequencing of retail development within the town centre. The Board proceeded to approve the former changes (Proposed Amendment Nos. 1 – 4) under Section 170A(4)(a) of the Act on the basis that those amendments were not material and satisfied the criteria listed under Section 170A(3)(b). Proposed Amendment No. 5 was withdrawn by the PA.

Recent Planning History

To the north of the site

ABP SHD 313281-22 – Permission refused on 12/09/2024 for Demolition of 'Winterbrook', and the former dwelling attached to Barrington Tower (a protected structure), construction of 534 no. Build to Rent apartments, creche and associated site works.

DZ19A/0683 – Permission granted for a temporary (3 years) Park and Ride facility to serve Luas, previously granted under D10A/0164 and DZ16A/0585.

DZ17A/0114 – Permission granted to TII for a multi-storey car park and ancillary works to the serve Carrickmines Luas Park and Ride

In the vicinity (East of site)

DZ23A/0573– Permission granted on 19th October 2023 for Amendment application to DZ17A/0862 (as further amended by DZ18A/1058, DZ18A/1178, DZ19A/0148, DZ19A/0458, DZ19A/1024, DZ20A/0002 and DZ20A/0824, DZ21A/0569, DZ21A/0713, DZ21A/0807, DZ22A/0138, DZ22A/0690, DZ22A/0747 & DZ23A/0423.

**** DZ17A/0862** - A 10-year permission is sought. The proposed development relates to a mixed-use town centre development on plots TC1, TC2 and TC4 in accordance with the Cherrywood SDZ Planning Scheme 2014 (As Amended). The proposed development will comprise a total of 191,115sq.m (gross floor area - GFA) in 15 blocks including: 1,269 no. residential units (115,332 sqm), Retail Gross (20,284 sqm), High Intensity Employment (HIE) uses (22,946 sqm), Non-Retail uses (31,115 sqm), Community uses (1,437 sqm) and all associated roads, streets and public spaces, services infrastructure and all associated site and development works.

DZ23A/0468 – Permission granted on 9th May 2024 for amendments to development permitted under Reg. Ref. DZ21A/0334 residential development located in the Cherrywood Planning Scheme Area and forms part of Development Area 1 - Lehaunstown. The area of residential development of this application is approximately 3.73Ha and is generally bounded by Barrington's Road to the north, the Green Luas line and Grande Parade to the east, lands permitted under Planning Reg. Ref: DZ20A/0399 and DZ23A/0005 to the west and Castle Street and Lehaunstown Lane

to the south.

DZ23A/0354 – Declared invalid

ABP 316999-23 – RZLT

DZ23A/0120 – Declared Withdrawn.

DZ 23A/0106 – Permission granted on 22nd September 2023 for 139no. Build to rent residential units consisting of 2no Blocks of 3-5 storeys over basement.

DZ22A/1031 – Declared invalid

DZA21A/0664 - Permission granted for 47 no. dwellings in the Tully Development Area.

DZA21A/0334 - Permission granted for 482 no. dwellings in the Lehaunstown Development Area.

DZA21A/1069 – Permission granted for amendments to DZ20A/0399 to facilitate the construction and phased occupation of units already constructed.

DZA21A/1042 - Permission granted for 122 no. dwellings in the Tully Development Area.

DZA20A/0690 – Permission granted for 152 no. dwellings in the Lehaunstown Development Area.

DZ20A/0399 – Permission granted for 136 dwelling units and for a section of Castle Street (**Castle Street is required to allow access to the lands in Priorsland for construction and operational purposes**).

Relevant Infrastructure

DZ16A/0570 – Permission granted for Ticknick Park of c. 15 ha.

DZ15A/0814 – Permission granted for Beckett Park, c. 5ha.

DZ15A/0813 – Permission granted for Tully Park, c. 10ha.

DZ15A/0578 – Permission granted for development of roads and infrastructure, phase 1, consisting of c. 4.1km new road and c.1.3km of works to existing roads.

Subject Site

DZ21A/0677 - Permission refused on 15th September 2021 for a mixed-use Village

Centre and residential development consisting of 445 residential units. Reasons for refusal relate:

1. Flood risk mitigation design
2. Construction Access
3. Castle Street – PI14 of SDZ
4. Adjoining Res. Plot 2 – PI 14, Section 4.2.7 and Mop 6.3 of SDZ
5. Green Infrastructure
6. Scale and Massing and Height
7. Streetscape and Principal Frontages
8. Visual and Residential Amenity
9. Microclimate - does not provide satisfactory wind comfort
10. Land Uses - Location of community facility

ABP 307781-20 – Pre-Application Consultation – Proposal for 1,180 no. Build to Rent apartments, creche and associated site works. Opinion dated 26/0//2021 – Application Requires further consideration/amendment

5.0 Section 5 Pre-Application Consultation -307784-20

5.1. A Section 5 pre-application consultation took place on the 25th of November 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála participated in the meeting. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

1. Planning Policy Context – SDZ
2. Development Strategy – scale and design of blocks; open space; social infrastructure
3. Residential Amenity
4. Transportation - vehicular access and issues raised in PA report
5. Water Services – SSFRA and issues raised in PA report
6. Any Other Matters

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 26th January 2021 (ABP-307784-20) 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/justification of the documents as they relate to the **Cherrywood SDZ Planning Scheme and consistency with the planning scheme**, including zoning and land use provisions, quantum of development proposed, density at this location, height, car parking, plot ratio, unit mix, vehicular access arrangements, and all other aspects of the planning scheme which affects the development.
2. Further consideration/justification of the documents as they relate to the **carrying capacity of the Cherrywood SDZ Planning Scheme in relation to physical infrastructure, social infrastructure, and community infrastructure**.

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

1. Review of submitted Traffic and Transport Assessment and submission of detailed analysis on **interim vehicular access arrangements** proposed via Carrickmines, versus connection to Castle Street.
2. Review of impact of the development on the flood containment zone, surface water management proposals, and **site-specific flood risk assessment**, having particular regard to issues raised by the Development Agency Project Team (DAPT) and accompanying JBA report on 'Assessment of Stormwater Proposals', as submitted in Appendix B of the Planning Authority Report, received on 27th August 2020.
3. Overlay of **land use map** and proposed uses as specified in the SDZ.
4. Further consideration and / or justification of the documents as they relate to future **residential amenity**, having particular regard to the proportion of effective dual aspect units; number of north facing single aspect units; daylight and sunlight access to units and spaces; use of long internal corridors within some of the blocks; micro-climate / wind impacts; and inward noise impacts. The further consideration in respect of single and dual aspect units should have regard to the requirements and definitions of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018),

SPPR 4.

5. **Interface of Block F with the adjoining public realm**, in particular consideration of the impact of undercroft parking on the public realm.

6. Further consideration/justification of the **scale of childcare facility** proposed.

7. Further consideration/justification **of car parking** proposals against the SDZ Planning Scheme, specifically the recent amendment in relation to car parking standards.

8. A plan detailing the **hierarchy and function of public open space** across the site, including in the flood containment zone, and implications of the flood containment zone on the design, layout and usability of the open space in this area.

9. Detail and justification of **location and quantum of resident support facilities** and resident services and amenities as defined by the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018).

10. Further detail in relation to **school provision** and **confirmation that scale of the site** reserved meets the requirements of the Department of Education.

11. A **Housing Quality Assessment** that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments.

12. A **Materials Strategy** that details all materials proposed for buildings, open spaces, paved areas and boundaries. This strategy shall include details of the colour, tone and texture of materials and the modelling and profiling of the materials on each block. The documents should also have regard to the durability of materials and the long-term management and maintenance of the proposed development.

13. Details of **boundary treatment** across the site.

14. Review of **tree survey and Arboricultural** report submitted, to include consideration of existing trees/hedgerows to the east of the site, which are required to be retained and measures to ensure protection of those tree/hedgerows to be retained.

15. **Ecological Impact Assessment**.

16. Provide updated **Sunlight and Daylight Analysis** (based on a representative

sample of units that includes assessment of worst-case scenarios); updated **Wind and Microclimate Analysis** (including details of any proposed mitigation measures); and an **Inward Noise Assessment**

17. An updated **Visual Impact Assessment** that includes photomontages, cross sections, axonometric drawings and CGIs. The assessment should address key views from the M50, from the wider SDZ lands and from/toward protected structures proximate to the site.

18.A detailed **phasing plan** for the proposed development.

19.A **site layout plan** clearly indicating what areas are to be **taken in charge** by the Local Authority.

20.A detailed **Construction Environmental Management Plan**.

21.A **building life cycle report** shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long-term management and maintenance of the proposed development.

22.**Response to issues raised by the Development Agency Project Team (DAPT)** as per the report submitted in Appendix B of the Planning Authority Report received on 27th August 2020, including inter alia, water services, green infrastructure, and transportation issues.

23.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.

24.The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document, unless it is proposed to submit an EIAR at application stage.

25.An **Appropriate Assessment** screening report **and/or Natura Impact Statement**.

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

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Inland Fisheries Ireland
5. Minister for Culture, Heritage and the Gaeltacht (archaeology and nature conservation)
6. Heritage Council (nature conservation)
7. Commission for Railway Regulation
8. The relevant Childcare Committee
9. Department of Education and Skills

5.3. Applicant's Statement

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

6.0 Policy Context

6.1. Local

The site is part of an area identified as the Cherrywood SDZ. The Cherrywood SDZ Planning Scheme 2014 (as amended) sets out a detailed framework for the future development of the area.

Chapter 1 of the Planning Scheme states that 'the adopted Planning Scheme is a standalone planning document from the County Development Plan and is not superseded by future County Development Plans'. However, where the Planning

Scheme document does not address an aspect of a development proposals the policies and objectives of the County Development Plan 2022-2028 will apply.

The role of the Cherrywood Development Agency Project Team (DAPT) is to examine the planning applications and to assess whether it has addressed the relevant policies and objection of the adopted Cherrywood SDZ.

Cherrywood SDZ Planning Scheme 2014 (updated July 2023)

Chapter 1 relates to the Planning Scheme – inter alia Structure, Context, Background

Chapter 2 relates to the Proposed Development in Cherrywood

This Chapter addresses:

- A. The nature of development proposed describes the Primary Land Uses and supporting land uses.
- B. The scale of development proposed sets out the overall quantum of different land uses, density of development across the Plan Area, plot ratio for non-residential development and units per hectare for residential areas.
- C. The form of development describes urban form, building height, linkages, views and prospects

Section 2.2 relates to Primary Land Uses

Specific Objective:

PD 4 Where apartment development is proposed as part of mixed-use development in the Town Centre and the three Village Centres, the mix of apartment unit types should be in accordance with the following unit mix.

- 10% - Studio Units (as part of a build to let development)
- 20% - 1 Bed Units • 55% - 2 Bed Units
- 15% - 3 Bed Units

The apartment unit mix as noted above shall allow for a range of variation to include for 20% - 30% for 1 bed units (with the reallocation of the 10% studio units), 50% - 65% for 2 bed units and 15% - 20% for 3 bed units.

In Res3 and Res4 plots the mix of apartment unit types should be in accordance with the following unit mix.

- not more than 20% of units shall be 1 bed units,
- a range of min. 40% – max. 60% shall be 2-bed units, and
- a range of min. 20% - max. 40% shall be of a size to comprise of 3 or more bed units.

PD 5 The floor areas of the housing units shall comply with the current County Development Plan standards and requirements, or any relevant Specific Planning Policy Requirements (SPPR) contained in, Section 28, Ministerial Guidelines where these differ from the standards and requirements of the County Development Plan.

PD 7 refers to Design Statement

PD 9 refers to Principal Frontages and Streetscape

PD 13 refers to Massing and Scale

PD 12 to ensure sustainable built form with best practice sustainable design, construction methods and materials, which has regard to solar effect, wind tunnelling prevention and microclimate...

PD 14 refers to Materials and Detailing

PD 15 refers to Ancillary Structures

Map 2.1 – Primary Land Uses

Map 2.4 -Principal Frontages

Map 2.5 relates to Access and Movement

Chapter 3 relates to Cultural and Built Heritage

Map 3.1 relates to Archaeology

Map 3.2 relates to Protected Structures

Chapter 4 relates to Physical Infrastructure

The Physical Infrastructure for Cherrywood is broken down into 5 distinct types: 1) Environmental infrastructure – water and drainage. 2) Transportation – public

transport, cycling, walking and car. 3) Utilities and Telecoms – electricity, gas and telecoms. 4) Energy. 5) Waste management.

Objectives -

PI 4 – refers to water saving systems

PI 6 –objective to promote Sustainable Urban Drainage Systems (SuDS) to manage surface and groundwater regimes sustainably

PI 11 - It is an objective to ensure that predicted flooding in the Priorsland area does not pose an unacceptable risk to persons or property. In this regard a flood containment zone shall be constructed in the Priorsland area by raising adjacent ground levels approx. 500mm and by incorporating a large diameter (1650mm) bypass culvert.

PI 12 – refers to trunk sewer infrastructure

Section 4.2.6 Future Road Strategy Specific Objective:

PI 14 It is an objective to implement the road infrastructure (including segregated pedestrian / cycle routes) proposed in this Planning Scheme to facilitate access to and within the area by all travel modes (see Map 4.5).

PI 15 The Council will support the TII in consultation with the NTA in implementing measures to improve the functioning of the M50/ M-N11 road corridor.

Section 4.2.7 **Internal Road Proposals**

The required network of internal roads is shown on Map 4.5

PI 16 – support and facilitate the development of an integrated public transport network in the Planning Scheme

PI 18 - It is an objective to pump prime the extension of bus services and the provision of new bus services during the early stages of development in the Planning Scheme area.

PI 20 – refers to Prioritising walking and cycling

PI 21 – refers to control of car parking and promotion of sustainable travel modes

PI 22 – refers to compliance with DLR cycling standards

Chapter 5 relates to Green Infrastructure

Objectives –

GI 11 –level changes not to encroach of Open Space

GI 25 Priorsland Park - To require a local park with active and passive recreational facilities. Schedule of provision to be informed by the current Dún Laoghaire-Rathdown Open Space Strategy and local needs at planning application stage, but may include e.g. local kickabout, play lot, exercise equipment and seating.

Section 5.4.5 Greenways and Pedestrian Links

GI 34 - To require that a network of permeable pedestrian routes and greenways shall link all areas with the Planning Scheme including Luas stops, bus stops, employment areas, schools, village centres, Town Centre, open spaces and green infrastructure.

GI 41 – refers to landscaping strip alongside M50.

Section 5.4.7 Trees and Hedgerows

GI 42 – Approach to trees to be consistent with DLR tree strategy

GI 43 - To require the retention and protection (in accordance with BS5837) of trees and hedgerows

Map 5.2 relates to Retained Habitats

Section 5.8 Boundaries

GI 75 - require that where the boundaries of sites incorporate or are adjacent to existing trees and hedgerows to be retained

GI 76 – refers to boundary design including appropriate surveillance

Chapter 6 relates to Development Areas

Section 6.3 - Development Area 3: Priorsland (Map 6.3 relates)

The site is located in 'Development Area 3 Priorsland' of the SDZ. Land use within this Development Area (DA) is identified on the zoning map. The following land uses relating to the application site are identified: Education (Primary School); Residential 2 and 3; Mixed Use Village Centre; Physical Infrastructure; Green Infrastructure.

The SDZ lists the following as design challenges within the area of the site:

- Designing the development that abuts the M50 in a manner which improves the noise environment within the Plan Area to protect the residential amenity of the individual homes. (See Chapter 2 Proposed Development in Cherrywood).
- Incorporating the Flood Containment Zone into the public realm (see Map 4.3).
- Linking the school site to the Village Centre.
- Protecting the residential amenity of homes outside the Plan Area by means of landscaping and design considerations.
- Protect the character of the protected structures by according with the requirements set out in Chapter 3 Cultural and Built Heritage.
- Access to the area.
- Ensure the scale of development supports the economic viability of the Village.

The following **Specific Objectives as set out in the SDZ**

DA 19 Pedestrian and vehicular connections are to be provided across the flood containment zone by way of bridges.

DA 20 Development adjoining the M50 to provide sound mitigation for the remainder of the Development Area.

DA 21 There shall be a high quality of landscaping and visual amenity at the interface with Cherrywood when viewed from the M50.

DA 22 Lands adjacent to Carrickmines Luas stop to provide a transport interchange, and a park and ride facility with connections to the national road network. A local convenience retail outlet (of up to 200m² gross floor area) and a tea room/café use are permissible in principle on the lands adjacent to the Carrickmines Luas stop.

DA 23 Access to Brennanstown Luas stop to be achieved through design of the residential plot. **DA 24** To provide appropriate access to Druid's Glen from the open space.

DA 25 To develop Priorsland House and Carrickmines Station in accordance with the details set down in Chapter 3 Cultural and Built Heritage.

DA 26 Access to Carrickmines Interchange will be limited to: Priorsland House, Carrickmines Station including lands adjoining these structures identified in Map 3.3 and the transport facilities adjoining the Carrickmines Luas stop.

DA 27 A community facility in accordance with Section 2.3.4 will be provided in the Village Centre

The SDZ identifies for Residential Areas 2 and 3 (within the application site) a density range, height and overall number of dwelling to be located within the Village Centre.

Table 6.3.2: Infrastructure Requirements Development Area 3
Priorsland. See Maps 4.1-4.5.

Road Requirements
<ul style="list-style-type: none"> • Construct M – D. • Roads D-C-P-Q, A-B and B-C as specified for Development Area 1.
Construction Access
<ul style="list-style-type: none"> • Through single controlled access at Junction D on Barrington's Road.
Stormwater Requirements
<ul style="list-style-type: none"> • Flood containment zone. • Diversion of Ticknick Stream. • Flood flow bypass culvert parallel to Carrickmines River. • Detention basins and swales as shown on Map 4.2.
Foul Sewer Requirements
<ul style="list-style-type: none"> • 450mm approx. diameter sewer from E and D connecting into the Carrickmines Sewer.
Water Supply Requirements
<ul style="list-style-type: none"> • Upsizing [600mm] and re-route of existing 20" AC main. • 300mm branch main from the upsized 600mm diameter main to existing 300mm diameter at I. • Connection to DCC Stillorgan 24" main at Q. • 400mm diameter from 24" main to A, A', B, L, P2, C, D and at 300mm. via M and S to connect to existing 200mm watermain in Glenamuck Road. • 400mm diameter Luas crossing at C. • Abandon section of existing 33" Main and reroute through E to tie back into existing main near attenuation pond 1.

Chapter 7 relates to Implementation – Sequencing and Phasing of Development

Section 7.2 Overview

The overall Plan Area is divided into 8 Development Areas (Chapter 6). The 8 Development Areas are grouped together into 3 Growth Areas as follows:

- Growth Area 1: Development Areas 2, 4,5, and 6A
- Growth Area 2: Development Areas 1 and 3. (see specific objective H27)
- Growth Area 3: Development Areas 6B, 7 and 8.

Section 7.2.1 Sequencing & Implementation Growth Areas

Table 7.1: Provision of Schools

Table 7.2: Open Space/Green Infrastructure

Table 7.3: Transportation Infrastructure

Section 7.2.2 Infrastructure Delivery

Section 7.2.2 of the Planning Scheme states: ‘..... it is acknowledged that there may be exceptional or unforeseen circumstances beyond the reasonable control of an individual developer or the local authority, whereby a piece of infrastructure necessary to progress the development of a Growth Area cannot be provided in the short to medium term (circa 0-3 years). In such instances, there may be an appropriate alternative utilising other infrastructure as provided for under the Planning Scheme, as an interim measure to facilitate the early delivery of housing.....’

Construction Access The Planning Scheme also identifies construction access points/routes for the Development Areas. Where any such construction accesses as identified in Chapter 6, cannot be achieved and where alternatives are proposed, the Planning Authority will consider such proposals on their merits.....’

Table 7.5: Strategic Infrastructure and Services – *Phasing & Threshold*

The document also includes Appendices A- I

Appendix A – Primary Land Use Matrix Cherrywood Planning Scheme

Dún Laoghaire-Rathdown County Development Plan 2022-2028

Chapter 2- Core Strategy

2.6.1.1 Cherrywood Strategic Development Zone

Policy Objective CS9 - Strategic Development Zone - It is a Policy Objective to continue to implement the approved Planning Scheme for the Cherrywood Strategic Development Zone.

Chapter 13 – Land Use Zoning

Section 13.1.9 Cherrywood SDZ Planning states -

The Cherrywood SDZ Planning Scheme was approved by An Bord Pleanála in April 2014. There have been a number of amendments to the scheme as set out in the planning history above.

Within the Planning Scheme boundary there are lands that do not have a defined land use objective shown on Map 2.1 of the Scheme. These lands are included in the Scheme to provide necessary infrastructure to serve the area.

Other relevant CDP Policies/Objectives

Chapter 2 – Core Strategy

Section 2.6.2 relates to Active Land Management

Policy Objective CS11 – Compact Growth -It is a Policy Objective 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)

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.

Chapter 4 - Neighbourhood - People, Homes and Place

Chapter 5 – Transport and Mobility

Chapter 8 -Green Infrastructure and Biodiversity

Chapter 11 - Heritage and Conservation

Chapter 12 – Development Management

6.2. National

The National Planning Framework – Project Ireland 2040, (2018).

This document sets out the Governments strategic national plan for shaping the future growth and development of Ireland for the period up to 2040.

Of note National Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and

enable greater densities to be achieved, whilst achieving high quality and design standards.

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 within 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 following 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 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.

Housing for All – A New Housing Plan for Ireland to 2030, 2021.

The government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

National Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature".

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

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

Climate Action Plan, 2024.

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel

usage, significant increases in sustainable transport trips, and improved modal share.

Section 28 Ministerial Guidelines

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines 2023
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht 2011
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities', 2007.
- The Planning System and Flood Risk Management (including associated Technical Appendices) 2005
- Spatial Planning and National Roads Guidelines 2012
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018 (updated 2019)
- EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports 2022

6.3. Other

Design Manual for Urban Roads and Streets (DMURS) 2013 (as updated).

Greater Dublin Area Transport Strategy 2022-2042 (NTA)

This sets out a framework aiming to provide a sustainable, accessible and effective transport system for the area which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

6.4. Applicants Statement of Consistency

The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the Cherrywood SDZ 2014 (as amended) and as incorporated into the Dun Laoghaire Rathdown County Development Plan 2022-2028 and other regional and national planning policies. This has been examined and noted.

7.0 Third Party Submissions

7.1. 4 no. were received. The concerns raised are summarised below: -

1. Cllr Dave Quinn, Dún Laoghaire Area, Dún Laoghaire Rathdown County Council 20 Longford Terrace, Monkstown, Co. Dublin.

Summary of issues raised:

- Part V -The proposal includes a compromised and flawed Part V provision. All of the Part V units are located in a single block, Block D, thereby isolating those occupants from routine inclusion within the full breadth of the community of occupants of this development

2. Glendruid Dolmen Public Group, C/o Rachel MacGowan, The Grange Apt. 41 Sapphire, Brewery ROAD, Stillorgan, D18.

Summary of issues raised:

- An Bord Pleanála and the DLR County Council, including the Cherrywood SDZ planning section, should look at planning process again for the whole area. The system is broken, when applications are being made for densities of 140 units per hectare off Brennanstown Road, (Barrington's Tower SHD) while Res 2 and Res 3 densities within the SDZ are significantly lower.
- There should also be a review within the Cherrywood SDZ to revisit the overall plan. Cherrywood SDZ should permit higher densities within the new town centres and village centres and remove development from environmentally and heritage

sensitive lands of Glendruid.

- Build more apartments on the level flat land around the new roads and LUAS system.
- The Priorsland development should and could be higher and denser.
- The parkland areas could be reduced if compensated by removal of RES 1 development from the “Druids Glen West” development area.
- The Glendruid Dolmen has an alignment with Fairy Castle at Two Rock mountain. This alignment crosses over Priorsland. There is an opportunity to take note of this in the design of buildings or landscape.
- The area is noted to have considerable neolithic period activity and right through later periods. While much excavation and digs have been completed, it is essential that the works be proceeded and accompanied by the appropriate archaeological team. Significant finds to be considered for preservation in situ or in alternative form.

3. Quintain Developments Ireland Limited c/o Stephen Little & Associates.

Summary of issues raised:

- Compliance with the provisions of the SDZ required.

Access

- The applicant has indicated that the ultimate means of access is the Castle Street Extension and they have referred to the planning permission secured by our clients for same and to the option of URDF funding for same. However, the applicant has failed to acknowledge that the remaining roads in Cherrywood permitted under Reg. Ref. DZ15A/0758 are not complete, nor are they taken in charge, but rather remain in private ownership pending completion of the development as a whole and the completion of the normal taking in charge procedures. The applicant did not engage with our client, as the owner of the built portion of Castle Street, Barrington’s Road and Bishop Street to seek permission for use of same. As a result, the Applicant has no means of gaining access to a public road for access purposes, other than via a laneway which has already been deemed unacceptable by the Planning Authority.

Phase 1 Roads and Red Line Boundary

- The application provides for a section of Castle Street to connect to the permitted, and under construction Phase 1 Roads (Reg. Ref. DZ15A/0758), these have not been included in the application red line boundary and the appropriate letters of consent have not been sought or included as part of the application. Other applicants have been required to include the Phase 1 Roads within the red line boundary as they are not yet taken in charge.
- The applicant in this case has not included any of the services or roads within Cherrywood required to cater for their development. The Board are therefore invited to consider whether there is sufficient legal certainty in planning terms that within a period of 0-3 years the Applicant in this case will have the right to access/use the services currently under construction but not yet complete or taken in charge to facilitate their development in line with Section 7.2.2 of the Cherrywood Planning Scheme.

Drainage and Water Supply

- Insufficient information supplied by the applicant in order to comply with Objective PI 12 of the Planning Scheme.

Flood Risk

- Reason for Refusal 1 of the previous application in these lands related to flood risk issues. Concern raised that that there is insufficient information supplied by the Applicant in order to comply with Objective PI 11 of the Planning Scheme.
- Downstream modelling does not appear to have been assessed
- The applicants have not commented on the attenuated flows generated from the development site (5.0 l/s) on the Ticknick and Carrickmines Streams in the FRA on the bridging detail on the Ticknick Stream and if that has any effect on the upstream/ downstream flows during a storm event.

4. Richard Boyd Barrett TD and Cllr Melisa Halpin, 13 Lower Georges Street Dun Laoghaire Co Dublin.

Summary of issues raised:

Archaeology and Heritage

- Findings contained in the EIAR submitted with the Priorsland SHD application, Chapter 13 of Volume One noted.
- Given the proximity of the site to Neolithic structures such as the Glendruid Dolmen and of the more recent medieval Carrickmines Castle. It is highly likely that more archaeological items will be discovered.
- Concern that the proposed archaeological mitigation measures may be insufficient given the scale of historical discoveries made in the “test trenching” process.

Part V

- Unacceptable that the application proposes all Part 5 social housing units to be contained within the one singular block.

Flood Risks

- Noting previous refusal, it is set out that the issue of possible flooding and the lack of appropriate mitigation measures should give consideration for refusal.

Lack of democracy of the SHD Process

Conclusion

- Priorsland SHD should not be permitted. On the grounds of scale, over development, threat to the integrity of history and heritage of the area, and the unacceptable danger of the local road network that the SHD is reliant on.

8.0 Planning Authority Submission

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 6th of August 2022. The report includes a summary of the statutory context, pre-planning history, site location and description, planning history, 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 Dun Laoghaire HEPI ACM, on 11th May 2022 are summarised as follows: height, traffic and permeability, archaeology, flooding, Part V, and design.

Reports from the Cherrywood Development Agency Project Team (DAPT), Biodiversity Officer, Housing Department, Environmental Enforcement Officer, Public Lighting, EHO and Building Control have also been provided.

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

Background

The planning report is considered with reference to report received from the Cherrywood Development Agency Project Team (DAPT). The report is summarised in brief below. The application was considered under the following headings:

Accordance with the Ordering of Development

- Noting planning permitted and concurrent planning applications within the SDZ, it is noted that if all developments were permitted the total permitted dwellings in Cherrywood would be 4,226 no. dwellings, which is below the 6,414 no. dwellings threshold stated under table 7.5.
- The development is considered consistent with table 7.1 and school provision requirements of the Cherrywood Planning Scheme subject to making the Priorsland School site available to and in agreement with the DoES.
- It is set out that the table 7.2 of the scheme sets out the quantum of OS required. The planning scheme requires that the construction of Beckett Park and Ticknick Park (6ha.) to taking in charge standard prior to occupation of units including the subject site. While it is noted that written evidence from the relevant landowners has not been submitted. It is noted that the DAPT report sets out that they are satisfied 'that there is a reasonable prospect of the completion 'of both Parks in line with the requirements of the scheme.
- Regarding Priorsland Park the eastern portion of the lands are shown in the planning application but are not within the ownership of the applicant and the applicant has not submitted correspondence for the landowner in of the eastern portion of the park in relation to the design and delivery.
- The report sets out that the DAPT in their report concluded that the development fails to demonstrate consistency with section 7.2.1 Sequencing and Implementation of the Planning Scheme.

- The report sets out that the applicant has not provided sufficient information to adequately address criteria under section 7.2.2 to utilise alternative infrastructure for the project. DAPT consider that Section 7.2.2 cannot circumvent other Planning Scheme objectives, such as DA26.
- The planning report notes that the DAPT reports notes that temporary construction access utilising the Carrickmines Interchanges and an access roads to the west of the development as a temporary route for an interim period until such time as the permanent route via Castle Street can be utilised is unacceptable as not consistent with Section 4.2.6, section 4.2.7, P1 14, PI 15, DA 26 and Table 7.5 of the Planning Scheme.
- The report notes that the PA concur with the recommendation of the DAPT.

Accordance with Development Areas

- Objective DA19 (Pedestrian and vehicular connections across flood containment zone by way of bridges) – Noted that the DAPT report states that the design proposal for the road connection north to the Luas Part & Ride is incomplete. Pedestrian bridge connection is provided with written consent of relevant landowner.
- Objective DA 20 (sound mitigation adjoining M50) - the design, scale and alignment of the acoustic barrier and related noise mitigation measures, in conjunction with the proposed changes in ground levels and associated retaining wall structures would have a significant adverse impact on the residential amenity of the future residents.
- Objective DA 26 (limited access to Carrickmines interchange) - construction access proposals to access the development site on a temporary basis from the Carrickmines Interchange is unacceptable and not consistent with Section 4.2.6, Section 4.2.7, Objectives PI 14, PI 15, DA 26 and Table 7.5 of the Cherrywood Planning Scheme. Consent is required regarding Castle Street access.
- Objective DA 27 (Community Facility) -Proposed 252sqm facility at ground floor level of Plat A is acceptable.

Development Type and Quantum for Development Area 3 Priorsland

- Zone 1 Village Centre – DAPT satisfied all proposed villages uses are located within the area designed Village Centre. The quantum of supermarket, HIE and non-retail uses acceptable. However, it is noted that no retail service units have been identified. The proposed 143 apartments are acceptable having regard to the GFA range. It is also noted that the gym located in Plot E outside the village area should be retained for residents only.
- Zone 2, RES 3 Zoning – density of 69uph (F and G Plots) upper end of permissible density range 45-70uph.
- Zone 3, RES 2 Zoning – density of 100uph on the upper end of permissible density range 65-100uph/

Accordance with the Objectives Set out in the Planning Scheme

- Noted that the majority of apartment blocks and houses are located with Res 2 and Res 3 lands, however some of Plot G houses and residential amenity spaces are proposed within lands reserved for physical infrastructure (required detention basin) – not consistent with Section 2.2. and 2.2.2 of the scheme.
- Proposed creche considered acceptable
- Plot ratio 1:1.9 within scheme threshold of 1:2.
- Site coverage 60% acceptable and within scheme threshold
- It is noted that the proposed development would be considered generally consistent with specific objective PD 3 (Predominantly own door access), PD 4 (mix of apartment types), PD 5 (residential units standards*), PD 7 (distinct and legible new neighbourhood), PD 11 (building typologies), PD 12 (sustainable built form), PD 13 (frontage widths and massing), PD 14 (Materials)
- *The 36% dual /triple aspect provision is considered below the 50% required for this greenfield site.
- Regarding PD 8 (locally distinct neighbourhood). It is considered that the development does not incorporate focal points utilising views in and out of the development.
- Regarding PD 9 (strong frontages) the DAPT report considers the proposed built form, ground floor uses and elevational design proposed is not considered to create appropriately active street frontages.
- Sunlight/daylight analysis noted and deemed acceptable

- Wind Microclimate analysis noted and deemed generally acceptable
- Regarding PD 19 (services) it is considered that roof services should be reduced or relocated within the building envelop.
- Building height (ranging 2-5 storeys) is generally acceptable and consistent with the scheme.
- Construction Management Plan does not demonstrate consistency with section 2.14 of the Scheme as regards construction management plan and C&D waste management plan and it is not clear if the applicant has engaged with IFI regarding the construction of flood relief culverts to the north and south of Carrickmines Stream.
- Archaeology and Sunlight/daylight analysis noted and deemed acceptable subject to condition
- Priorsland house and its associated character considered to be a significant distance way and as such development is considered acceptable in this regard.

Accordance with The Physical Infrastructure and Green Infrastructure Requirements

Physical Infrastructure

- Whilst the submission from UE is noted. It is set out that it is unclear if UE are agreeable to the development proposals associated with this application including works over and within the existing 33" trunk watermain wayleave.
- Lack of information regarding green roof design noted.
- Concerns raised as regards the design and delivery of the detention basin, in so far as all lands are not in the ownership of the applicant and the basin will encroach on hedgerows required to be retained under section 5.4.7. It is unclear what is required to be delivered to adequately serve the development.
- It is also noted that an exceedance flow path drawing has not been submitted and the development fails to demonstrate consistency with Objective PI 7 (stormwater management).
- Noting the proposed design for mitigation of flood risk which incorporates a raise on existing ground levels across the development site by 1-2m, a flood containment zone and bypass culvert for the Carrickmines River concern is raised in so far as no information is provided as to how mitigation measures will

advance from the interim scenario to the permanent scenario to ensure long term adherence to the planning Guidelines and management of flood risk impact of the development.

- Lack of reference to other flood sources noted.
- As part of the application DAPT engaged JBA Consultants to review the Stage 3 SFRA (Appendix to CE report). JBA concluded that the conditions of the justification test had been met. Insufficient detail was provided within the SSFRA to conclude that flood risk to the site, including consideration of residual risk was appropriately managed or that there was no increase in risk elsewhere. Results provided within the SSFRA concluded an increase in flood risk upstream and downstream of the site. The application was determined not to have demonstrated compliance with PI 11 (to ensure predicated flooding in the Priorsland area does not pose an unacceptable risk.....)

Transportation

- Contrary to Specific Objective PI 13 to develop and support the culture of sustainable travel.
- The development as proposed is not consistent with PI 14, section 4.2.7 and Map 6.3 and will have an adverse impact on accessibility, connections to and the development potential of the adjoining Res 2 plot.
- Concerns raised about compliance with DMURS.
- Aecom were commissioned to undertake a review on behalf of the DAPT (Appendix to CE report).
- Insufficient information submitted as regards walking and cycle route to public transport. No details in the TTA in relation to proposed bus priority measures along Castle Street or the proposed bus stop facilities as per PI 16 and PI 18 of the Scheme.
- Greater consideration for pedestrian desire lines required. Potential safety issues noted and no evidence that these were reviewed by way of a quality audit.
- Minor overprovision of car parking proposed. Concerns raised with reference to design detail concerning the car park basement Plot A, Band C: Proposed Basement Floor Plan.

- Absence of site wide cycling masterplan noted and DAPT cannot conclude that the cycle parking design for the development is adequate.
- Insufficient information provided in the Travel Plan submitted.
- Concerns raised about the location of utilities, future connections and relevant agreements/consents as such scheme fails to demonstrate consistency with Section 4.3.1 and Objective PI 25 and PI 26.
- Detailed information on waste collection proposals required to determine suitability as such scheme fails to demonstrate consistency with Objective PI 32.

Green Infrastructure

- Noting the contents of the DAPT report it is set out that the flood containment measures as proposed, including significant changes to ground levels, impact negatively on the proposed park by reason of amenity value, functionality and useability, and permeability and accessibility. As such the proposed development does not facilitate the delivery of the Green Infrastructure requirements within Growth Area 2 / Development Area 3: Priorsland and is not consistent with Objectives GI 11, GI 25 and GI 34, of the Scheme.
- It is also noted that no proposals have been provided as regards taking in charge.
- Concerns raised about the raising of ground levels in terms of connectivity, protection of tree lines/hedgerows and the provision of public open spaces.
- Concerns raised as regards screening and acoustic measures and their ability to contribute to wildlife linkages, visual screening and perceived noise attenuation along the boundary parallel to the M50.
- Negative impact and protection of trees (including Turkish Oak Trees) and hedgerows noted.
- The Ecological surveys undertaken are not sufficient to determine the true extent of the existing ecological status of the site.
- Report notes lack of consistent information as regards landscape and boundary treatment making it difficult to assess.
- Proposals to located physical infrastructure in the form of pond for surface water attenuation within areas that then impact upon significant ecological and green

infrastructure features that are required to be retained and protected is not appropriate.

Public Lighting – It is noted that further information is needed to allow for full analysis.

Part V – Condition required

Appropriate Assessment and Environmental Impact Assessment

- Report notes the EIAR report submitted and refers to the comments of the Biodiversity Officer.
- It is set out that Dalkey Island SPA should be screened in for appropriate assessment based upon the potential impacts on mobile species.

Note: The Board will note a report from CAAS in the appendices to the CE report. The purpose of this report is to determine whether the information contained within the planning application documents is consistent with the relevant environmental parameters of the SEA undertaken alongside the preparation of the Cherrywood Planning Scheme (CPS).

Conclusion

The planning authority recommends refusal for the following reasons:

1. Insufficient Information has been submitted regarding the impact of the proposed development on the flood risk to the Priorsland Development Area 3 and to sensitive receptors downstream. In this regard, the applicant has not sufficiently demonstrated that the development proposals ensure that predicted flooding in the Priorsland Area does not pose an unacceptable risk to persons or property, as per the requirements of Planning Scheme Specific Objective PI 11. The applicant has also not demonstrated that the requirements of the Guidelines on the Planning System and Flood Risk Management, jointly developed by the Department of Environment, Community and Local Government (DECLG) and the OPW have been met, as required by section 4.1.2 of the Cherrywood Planning Scheme. Furthermore, the flood mitigation design as submitted is considered to have consequential adverse impacts on other specific objectives of the Planning Scheme, including PI 4, PI 6, PI 12, PI 14, Table 6.3.2, PI 20, PI 21, PI 22, GI 11, GI 25, GI 34, GI 41, GI42 and PD12. On this basis, the Planning Authority considers that the proposed flood mitigation design could not be implemented in its current

form and therefore, the development proposals are not consistent with the Cherrywood Planning Scheme, as amended.

2. It is considered that the submitted construction access proposals to access the development site on a temporary basis from the Carrickmines Interchange is unacceptable and not consistent with Section 4.2.6, Section 4.2.7, Objectives PI 14, PI 15, DA 26 and Table 7.5 of the Cherrywood Planning Scheme. There are capacity constraints at the Carrickmines Interchange and the addition of large volumes of construction traffic has the potential to be unsustainable and will negatively impact on the functioning, performance and safety of the strategic road network operated by Transport Infrastructure Ireland (TII). It is further considered that the proposals as submitted are not in accordance with National policy in relation to control of development on or affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and would adversely affect the operation and safety of the national road network and the operation of adjacent Luas infrastructure. The submitted proposals for alternative access do not meet the criteria as set out in Planning Scheme section 7.2.2 and the applicant has not adequately demonstrated a long-term solution beyond an interim period of 0-3 years. The submitted proposals would not be consistent with Planning Scheme Section 4.2.7 External Roads and Specific Objective PI 15. The submitted proposals would also not be consistent with the Cherrywood Planning Scheme Section 4.2.6 Future Road Strategy and Specific Objective PI 14 which requires access to the M50 from the Cherrywood Area to be limited to the Lehaunstown Interchange, which was upgraded at the time of construction to cater for the predicted demand. The Planning Authority also note that the Applicant does not appear to have sufficient legal interest to temporarily access the site from the west.
3. The development as proposed, is not consistent with specific objective PI 14, Section 4.2.7 and Map 6.3 of the Cherrywood Planning Scheme. The proposals, which include the raising of the ground levels by circa 1.6 metres and retaining walls along the boundary as a result of the flood containment measures, in conjunction with the Plot G layout, do not demonstrate that access to the adjoining Res 2 plot can be achieved through the subject development as indicated on Planning Scheme Map 6.3, which details a single access point from Castle Street to the entire Res 2

plot south of the Carrickmines Stream. The development as proposed will have an adverse impact on accessibility, connections to and the development potential of the adjoining Res 2 plot.

4. a) The portion of Priorsland Park included in this application that bounds Castle Street includes flood containment measures. These flood containment measures as proposed, including significant changes to ground levels, impact negatively on the proposed park by reason of amenity value, functionality and useability, and permeability and accessibility. As such the proposed development does not facilitate the delivery of the Green Infrastructure requirements within Growth Area 2 / Development Area 3: Priorsland and is not consistent with Objectives GI 11, GI 25 and GI 34, of the Cherrywood Planning Scheme, as amended.
 - b) The design of the proposed flood containment measures, surface water attenuation and proposals to raise the ground levels will have a consequential adverse negative impact on the requirements to deliver pedestrian and cycle routes as required by Maps 2.5 and 6.3 and Section 5.4.5 and Objective GI 34 of the Cherrywood Planning Scheme, as amended.
 - c) The proposed location of the surface water attenuation ponds, the structural retaining walls, the significant increase in the ground and the resultant impact to remove the protected hedgerow located along the eastern boundary, renders the proposed development not consistent with Section 5.4.7, Objective GI 43 and Map 5.2 of the Cherrywood Planning Scheme, as amended.
 - d) The design of the proposed flood containment measures, including the significant raising of the ground levels, the surface water drainage proposals and plot design, form and elevational treatment, has significant consequential impacts on the proposal meeting of the requirements of Objective GI 76 in terms of, appropriate delineation of boundaries, enabling passive surveillance and appropriate interface with public realm, an inability to reflect the neighbourhood character and streetscape, to be visually harmonious, and respond to ground levels. As such, the proposed development is not consistent with Section 5.8 'Boundaries' and GI 76 of the Cherrywood Planning Scheme, as amended.
5. The proposed development, as a result of the built form, ground floor uses and elevational design, treatment and materiality, is not considered to create appropriately active street and frontages and would not create appropriately defined

principal frontages or define strong streetscape elements as required by the Planning Scheme. As such, the proposed development is not consistent with the requirements of Section 2.8 Urban Form and Objectives PD 7, PD 9, PD 13, PD 14 and PD 15 of the Cherrywood Planning Scheme, as amended.

6. Having regard to the number of dual aspect apartments proposed and consideration of the site as being a greenfield and in a suburban or intermediate location, it is considered that the proposed development does not meet the requirements of Specific Planning Policy Requirements 4 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authority issued under Section 28 of the Planning and Development Act, 2000 (as amended) (dated December 2020) and as such would not be consistent with Specific Objective PD5 of the Cherrywood Planning Scheme.
7. It is considered that the design, scale and alignment of the acoustic barrier and related noise mitigation measures, in conjunction with the proposed changes in ground levels and associated retaining wall structures would have a significant adverse impact on the residential amenity of the future occupiers of the proposed scheme, in particular those within Plot D, E and G, and a significant adverse impact on the visual amenity of the area. In addition, having regard to the proposed surface water attenuation measures remaining unresolved, it is considered that the location of the proposed noise mitigation and associated ground level changes and planting would conflict with the requirement for the provisions of surface water attenuation (detention basis) in this location as per Maps 2.1 and 4.2 of the Cherrywood Planning Scheme. Therefore, the proposed development is not consistent with Section 2.2 and Objectives DA20, DA 21, P16 and GI 41 of the Cherrywood Planning Scheme, as amended.

8.1.1. Dun Laoghaire Rathdown Reports

Internal Departmental Reports

Cherrywood Development Agency Project Team (DAPT) (Report Approved date 27/02/2022) – Refusal Recommended. The content of the report is reflected in the planning report as set out and summarised in Section 8.1 above

Biodiversity officer report (dated 16/5/2022). The report sets out that the EIAR does not provide sufficient, clear and transparent information to provide a comprehensive evaluation, assessment, mitigation for biodiversity.

Housing (dated 10/5/2022) - Condition re. Part V agreement recommended.

EHO (dated 20/5/2022) - Proposal not acceptable due to noise levels from the M50.

Building Control Section - noted no comment

9.0 Prescribed Bodies

9.1.1. **Development of Housing, Local Government and Heritage (Report dated 17th May 2022)**- Nature Conservation and Archaeology conditions recommended.

9.1.2. **Department of Education (Report dated 19th May 2022)**– No objection subject to conditions.

9.1.3. **Inland Fisheries Ireland (IFI) (Report dated 29th April 2022)**

The Carrickmines river runs to the north of the proposed development, from west to east. The Ticknick stream runs along the eastern border of the site, from south to north. It then joins the Carrickmines river at a point adjacent to the northeast corner of the development site. The Ticknick Stream is associated with the surface waterbody 'Carrickmines Stream_010' (WFD code IE_EA_10C040350). The most recent WFD Status score (2013-2018) classifies this waterbody as 'Moderate' and 'At Risk of not achieving good status'. The most recent surface water quality data for the Carrickmines Stream (2020) indicate that it is 'Unpolluted, with the most recent Q values, indicated a welcome improvement to good ecological conditions in June 2020, however excessive siltation of the substratum was observed.

The report includes a number of Best Practise recommendations.

9.1.4. **Uisce Eireann (Report dated 1st December 2022)**

In respect of Water: Feasible without infrastructure upgrade by Irish Water.

In respect of Wastewater: Feasible without infrastructure upgrade by Irish Water.

Design Acceptance: The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of

the Development to Irish Water's network(s) (the "Self-Lay Works"), as reflected in the applicants Design Submission. A statement of Design Acceptance was issued by Irish Water on 1st April 2022.

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.

9.1.5. Transport Infrastructure Ireland (report dated 19th August 2021)

The Authority has examined the above application and considers that it is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network and also in regards to interface with TII Luas assets.

9.1.5.1 Transport Infrastructure Ireland (report dated 13th May 2022)

The application site is generally bounded by the M50 and Luas Green Line, with the temporary TII park and ride facility for Luas Carrickmines. The M50 and associated interchange at Carrickmines is a critical piece of national infrastructure, is the most heavily trafficked road in the country and particularly sensitive to unplanned traffic volume changes. While the Luas Stop and Park and Ride at Carrickmines provides access to public transport services for the area with a catchment for travellers from further afield to use the facility. Both infrastructures are part of the nation's transport network therefore protection by planning authorities is essential.

TII consider the current proposal is similar to a recent proposal under DZ21A/0677 for 445 no. residential units (404 no. apartments and 41 no. houses), supermarket, retail units, creche, and office uses. This application was submitted in July 2021 and refused by Dun Laoghaire Rathdown County Council in September 2021. It should also be noted with significance that Dun Laoghaire Rathdown County Council added reference to objective PI 15 in the refusal which states: **PI 15** The Council will support the TII in consultation with the NTA in implementing measures to improve the functioning of the M50/ M-N11 road corridor. A copy of TII's submission is attached for the Boards information.

The application site area now indicated differs only to Reg. Ref. DZ21A/0677 by the omission of the enclosure of a western return spur to the Carrickmines roundabout (Junction 15, M50) in the current application. In this particular regard, it is submitted that the omission of this western return spur from the application site is not a material difference to the proposal under Reg. Ref. DZ21A/0677 as in both that, and the current instance construction traffic is proposed to access the subject site via the Park and Ride site and the M50 Carrickmines Interchange.

Taking account of the above factors the Authority has examined the current proposal and consider it is at variance with official policy in relation to control of development on/affecting national roads and the protection of Luas assets as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the efficient operation and safety of both the national road network and light rail infrastructure.

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

- Residential Development Standards
- Development Area 3 – Specific Objectives, Quantum and Sequencing of Development.
- Infrastructure
- Other Matters
- Planning Authority Recommendation

Note: The Board will note that the Pre-Application Consultation Opinion dated 26th January 2021 (ABP-307784-20) was for 1,180 BTR units, creche etc. While the current proposal is for 443 no. residential units (41 no. houses, 402 no. apartments), creche and all associated site works, the An Bord Pleanála Opinion was that the documents submitted required further consideration/amendment to constitute a reasonable basis for an application for strategic housing development as regards the Cherrywood SDZ Planning Scheme and consistency with the planning scheme, including zoning and land use provisions, quantum of development etc and the carrying capacity of the Cherrywood SDZ Planning Scheme in relation to physical infrastructure, social infrastructure, and community infrastructure. The current application is a response to the Opinion issued.

10.2. Principle of Development

Compliance with Zoning - Cherrywood SDZ Land Uses

- 10.2.1. Chapter 2 of the Planning Scheme sets out the nature, type and extent of development that will be permitted in the Planning Scheme area and establishes a framework for the built form in Cherrywood. Map 2.1 sets out the Primary Land Uses within the Scheme. Of note the scheme recognises that other types of development that complement the primary land uses in Section 2.2.2 will be considered subject to compliance with other principles, policies and objectives of the Planning Scheme, and the County Development Plan.
- 10.2.2. The development will comprise a mixed-use Village Centre and residential development comprising (in brief) 41 no. houses, 402 no. apartments, a supermarket, 7 no. retail/retail services units, 2 no. non-retail/commercial units, creche, gym, community space, residential facilities and Office/High Intensity Employment. In addition, the provision of the first phase of Priorsland Public Park, a linear park along the Carrickmines Stream, an acoustic barrier along the southern/south-western edge

of the site adjacent the M50 and the construction of Castle Street on the subject lands and two road bridges across the Carrickmines Stream and all associated site development works.

- 10.2.3. The subject site is identified in the SDZ as Development Area 3: Priorsland. Section 6.3 of the Cherrywood Planning Scheme identifies at Map 6.3 the land-use zoning, key physical and green infrastructure requirements, essential routes and linkages, and principal frontages to be considered in any development proposal in Priorsland. Land uses relevant to the subject site include residential, village centre, education, green infrastructure and physical infrastructure
- 10.2.4. Table 6.3.1 set out the *Development Type and Quantum for Development Area 3* Priorsland. It is of relevance in this instance that the application site does not include all of the lands identified within Development Area 3 only those within the applicant's ownership. The scheme proposed provides for a Village Centre incorporating *Village Centre* uses and some High *Intensity Employment* into a combined Village Centre with residential overhead. I note the CE report which reflects the DAPT report is satisfied that all proposed villages uses are located within the area designed Village Centre and the quantum of supermarket, HIE and non-retail uses is acceptable, I would agree, and I am satisfied that the proposed village centre location and uses are generally consistent with the scheme. I have no concerns in this regard.
- 10.2.5. The proposed 402 apartments are located on lands zoned village centre (overhead the village centre commercial/retail/community units) and on the lands to the south and west of the village centre identified within the scheme for higher density development (Res 3) and therefore acceptable. Similarly, the 41 no. houses (Plot G) are located on lands zoned Res 2 and therefore consistent with the scheme and PD 3 which states that 'in Res2 plots the typology shall be predominantly own door units...' However, it is noted that some of Plot G houses are proposed within lands reserved for physical infrastructure (required detention basin). This is not consistent with Map 2.1 of the scheme as it relates to Primary Land Uses...'. And while I am satisfied that this is acceptable in accordance with Section 2.2.2 in this instance and in so far Physical Infrastructure is not identified as a land Use in Appendix A - *Primary Land Use Matrix* Cherrywood Planning Scheme. However, in the context of proximity to the M50 and the requirement within the scheme to provide an appropriate landscaping buffer (DA21) and reduce perceived noise impact associated with the M50, I consider

it appropriate that house units G22 and G41 be omitted from the scheme and an enhanced landscaping buffer provided at this location. This will also serve to improve the biodiversity corridor along this boundary. I am satisfied that this can be addressed by condition should the Board be minded to grant permission.

10.2.6. Within the proposed site boundary a site has been identified for a proposed school as per the requirements of the scheme. The development is therefore consistent with zoning Map 2.1 and Map 6.3 in this regard. The report received from the DoE raised no objection subject to conditions, therefore I am satisfied that the development is consistent with the zoning objective and table 7.1- school provision requirements of the Cherrywood Planning Scheme. Similarly, all proposed community facilities are located within the Village Centre zoning as required by Section 2.3.4 of the Planning Scheme. As a result, the proposed scheme is in line with Section 2.3.4 and Specific Objective DA 27 (community facilities) of the Cherrywood Planning Scheme, as amended.

10.2.7. The CE report raised some concern that no retail service units have been identified. I note the scheme provides for 7 no. retail/retail service units in addition to 2 no. non-retail/commercial units. I am satisfied that in the context of the Village Centre this is acceptable and future occupants/uses of the 7-no. retail/retail service units can be addressed by way condition to ensure appropriate services and amenities are provided for within the village centre. The gym located in Plot E is located outside the village area and as such the CE reports sets out that this should be retained for residents use only. This is consistent with the intended use and therefore acceptable.

Conclusion

The land uses and densities vary across the site providing a diversity in scale of building and activity type. They range from low to medium and then high density residential in the vicinity of the Village Centre. The Village Centre also provides a mix of uses enhanced by proximity to the site designated for the neighbourhood's primary school.

The Planning Scheme confirms that the proposed development uses are acceptable within the site zoning. In this regard, I am satisfied that the proposed development would be consistent with the land use land-use zoning objectives as set out in the Planning Scheme subject to detailed consideration below. Furthermore, I consider the

provision of a residential development consistent with the concept of urban sustainability and provides for increased residential density in an urban area in line with the objectives of the National Planning Framework, the RSES and County Development Plan.

10.3. Design strategy

Urban Form

- 10.3.1. The CE report recognises and I would agree that the proposed development is generally consistent with section 2.7 *Residential Development* and section 2.8 *Urban Form* of the scheme, including specific objective PD 3 (Predominantly own door access), PD 4 (mix of apartment types), PD 5 (residential units standards), PD 7 (distinct and legible new neighbourhood), PD 11 (building typologies), PD 12 (sustainable built form), PD 13 (frontage widths and massing), PD 14 (Materials).
- 10.3.2. Regarding PD 8 (locally distinct neighbourhood), the CE report considers that the development does not incorporate focal points utilising views in and out of the development. Similarly, regarding PD 9 (strong frontages) the CE report considers the proposed built form, ground floor uses and elevational design proposed is not considered to create appropriately active street frontages.
- 10.3.3. As set out above the highest density and greatest mix of uses is located in the lands designated “Village Centre” which provides for a range of medium to high density apartment buildings over ground floor retail and retail services, high Intensity employment, community and other associated or ancillary uses. Parking is provided at basement level thereby ensuring active street levels with shops restaurants and cafes; non-retail/retail services; entrances to apartments above and residential amenity space; a crèche and space designated for community uses.
- 10.3.4. The scheme is divided into seven blocks – Plot A, Plot B, Plot C, Plot D, Plot E, Plot F and Plot G. Zone 1 consists of the village centre- Plot Block A, B and C. Zone 2 residential (RES 3)– Plot D, E and F and Zone 3 (Res 2) -Plot 3 (Houses).
- 10.3.5. The Village Centre is defined by a plaza with a landmark corner addressing it from Castle Street Block B and varying brick tones across alternating across Blocks A and B, both 4 storeys in height. Castle Street forms the principal streetscape and frontage for the development along with a series of residential streets to the south all enclosed

with strong urban edges. The development along Castle Street overlooks the stream and public park, Green roofs are incorporated in the design of the proposed roof spaces within the proposed development. The proposed development provides linkages to and from the Village Centre, the public park. The riverside open space will be designed as a greenway for pedestrians and cyclists connecting to the Village Centre and the public park. Direct pedestrian access between the Village Centre, plazas, riverside park, the Luas Park & Ride, public park, and future school are provided in the scheme.

- 10.3.6. The articulation of building forms and the varying buildings heights across Zone 1 and 2 which range from 3,4 and 5 storeys serves to highlight and reinforce the village core. The 4 storeys apartments (Block F) adjacent to the Village Centre, reduce progressively in scale and density to 3 and then 2 storey semi-detached and terraced houses. The Village Centre plot is bisected by a funnel shaped public open space, The Village Square and provides a connection from the linear and public parks north of Castle Street through the commercial heart of the neighbourhood to the medium density residential development (Res 3) located along the southern boundary. I consider this approach acceptable in the context of the site and the need to define the village centre and provide critical mass.
- 10.3.7. The CE reports considers that the development should be refused for a number of reasons including that the built form, ground floor uses, and elevational design, treatment and materiality would not create appropriately active street and frontages and would not create appropriately defined principal frontages or define strong streetscape elements as required by the Planning Scheme. As such, the CE report states that the proposed development is not consistent with the requirements of Section 2.8 Urban Form and Objectives PD 7, PD 9, PD 13, PD 14 and PD 15 of the Cherrywood Planning Scheme.
- 10.3.8. As noted above, scale and massing is successfully broken down, in my opinion, through varying built forms, building height, roof profiles and external finishes. It is the applicant's contention that the Village centre blocks, and articulation of facades have been designed to break down the overall scale to appear as a collection of buildings within an overall composition of an urban block and that the public realm and treatment at the commercial and amenity areas at ground floor in the Village centre aims to address the unique character of this area within the overall masterplan, I would agree

and while the shopfronts/commercial units reflect a consistent contemporary modern approach across all facades fronted by wide footpaths, I do not think this is poor design approach in the context of this new and emerging modern development and is in keeping with the overall design of the scheme. The individual occupiers and associated signage will offer further variation and streetscape engagement.

- 10.3.9. Map 2.4 of the Scheme identifies 'Principal Frontages'. Particular concerns are made in the CE report to the eastern edge of Plots B and C which the DAPT report sets out is comprised of mainly c.40m of 'dead frontage' and accesses noting that the frontage is only c.65m. The 'dead frontage' referred to relates primarily to basement car park access, HGV retail services and undercroft parking screens. Whilst I note the concerns of the PA, the northeastern corner of Plot B is identified as a retail unit and the southeastern section (Plot C) provides for own door residential units all of which provide for 'active' street frontage, in my opinion. Furthermore, the provision of vehicle access to carparking and indeed the delivery access to the supermarket are necessary provisions of the scheme that can only be provided with access from the road network, and I agree with the applicant that the location will avoid large service vehicles and additional vehicular traffic travelling through the Village Centre. On balance I am satisfied that the layout combined with the active street frontage on Castle Street and the village square is acceptable in accordance with PD 9 *Principal Frontages and Streetscape* as set out in section 2.8 of the Planning Scheme

Budling Height

- 10.3.10. Regarding proposed building heights, Objective PD 21 states 'to allow building height within the range of storeys identified and set out on Map 2.3 subject to Section 2.9.1 Criteria for Assessing Building Height in the Planning Scheme. These heights have been informed by the characteristics of each site and are the maximum permissible on each development plot'. Section 2.9.1 Criteria for Assessing Building Height in the Planning Scheme Area sets out that applicants are required to submit a Design Statement (Specific Objective PD 7) as part of their planning application. The Design Statement shall demonstrate to the satisfaction of the Planning Authority that the proposed building heights have addressed the criteria set out in section 2.9.1 and are in accordance with the building height range for the application site as set out on Map 2.3.

10.3.11. An Architects Design Statement has been submitted in accordance with the above.

This is accompanied by a desktop wind study which determined that the general layout and height range is considered not to create adverse conditions at ground level or within balconies, subject to design mitigation for certain balconies and spaces. Further analysis is set out in section commencing 10.3.19 as the scheme relates to the recently published Compact Settlement Guidelines.

10.3.12. The scheme contains buildings with a height range of 3, 4 and 5 storeys. The building height associated with Priorsland are clearly defined in the scheme (Map 2.3). The proposed building height are in line with Map 2.3 of the Planning Scheme and consistent with section 2.9.1. The CE report raises no concerns in this regard.

10.3.13. I am satisfied that the requirements of Section 2.8 *Urban Form* and Objectives PD 7, PD 9, PD 13, PD 14 and PD 15 as they relate to the built form, ground floor uses, and elevational design, treatment and materiality and active street and frontages are acceptable. I refer the Board to section 10.3.19 below as regards compliance with the Compact Settlement Guidelines - 'key indicators of quality design and placemaking.'

Open Space

10.3.14. The range of spaces and parks that make up the public realm in Priorsland includes;

- The Village Square • Priorsland Park • The Carrickmines Stream Linear Park • Southern Perimeter Landscape Zone incorporating children's play areas, acoustic and surface water attenuating landscaping • Ticknick Stream Greenway • Garden Courtyard to Block A • Raised Podium Gardens to Blocks B, C, D and E.

10.3.15. The Design Statement submitted states that the composition, shape and location of public open spaces are arranged (as intended in Section 2.10 of the Planning Scheme) to create linkages, mark nodal points, street crossings and desire lines between specific destinations. The spaces have been designed to respond to and mitigate, where possible, the worst impacts of adverse climatic conditions taking into consideration in their design orientation, enclosure and the provision of shelter from wind and rain having regards to the Wind Study submitted. I am satisfied that the general composition of open space layout is acceptable and in line with the Planning Scheme.

Views

- 10.3.16. Regarding PD8- Distinctive *Neighbourhoods* and concerns raised in the CE report as regards views. Section 2.11 *Views and Prospects* sets out that all development within the scheme should ensure the incorporation of key vantage points and panoramas to create a sense of place, coherence and appreciation of the overall setting and context of Cherrywood (Policies PD 27-PD29). The list of specific external and internal views and local skyline views listed in Section 2.11 have been considered as part of the Landscape and Visual Assessment chapter prepared as part of the EIAR submitted with this application. None of the listed views are impacted by the proposed development. Views from the site to key local points have been considered within the design process.
- 10.3.17. The composition, shape and location of public open spaces are arranged (as intended in Section 2.10 of the Planning Scheme) to create linkages, mark nodal points, street crossings and desire lines between specific destinations. They respond to and mitigate, where possible, the worst impacts of adverse climatic conditions taking into consideration in their design orientation, enclosure and the provision of shelter from wind and rain having regard to the Wind and Microclimate assessment submitted. I further note that the layout presents the narrow axis to the M50 which reduces the scale and mass of the development when viewed from the M50 and serves to add variation and interest to the townscape from the M50.
- 10.3.18. The site is distinguished by a number of dominant physical features. Apart from the stand of mature Turkey Oaks, which stretch along the Carrickmines stream and some sections of hedgerow on the perimeter worthy of retention, the site is characterised by its open aspect and outward views. To the south and southwest is the Dublin Mountains with rolling countryside in the foreground, and to the north and northeast are areas of mature woodland. In my opinion, the various building forms allows for a variety of inward and outward views, in particular when combined with the open/green space provision and varied building height. Furthermore, I agree with the applicant's contention that the building facade and placement of balconies have been designed to respond to orientation and views while creating a variation across the streetscape. I am satisfied that the layout takes advantage of all available views.

National Policy

10.3.19. Chapter 4 of the Compact Settlement Guidelines focuses on planning and design at settlement, neighbourhood and site levels. An assessment of the proposed development against the stated 'key indicators of quality design and placemaking' is outlined in the following table.

Table 1 – Assessment of Key Indicators of Quality Design and Placemaking

(i) Sustainable and Efficient Movement	<p>(a) The development includes a hierarchical street network consisting of a primary vehicular route via Castle Street, secondary connections, basement parking related to each block and surface car parking for each house. The proposed network is permeable, legible, and easy to navigate. As outlined in section 10.5 of this report, I am satisfied that the proposal adequately optimises movement for sustainable modes and reflects Map 2.5 <i>Access & Movement</i> of the Planning Scheme.</p> <p>(b) The proposed development provides for connection to the permitted Castle Street to the east of the site (not in the applicant's ownership) and wider road network. I refer the Board to section 10.5 below. It will benefit from good connections to existing and planned bus services and the Carrickmines Luas Stop, as well as excellent pedestrian and cycle links in the form of the existing and proposed connections.</p> <p>(c) The application includes a DMURS Statement. The Planning Scheme actively promotes sustainable transport modes (PI 20 – refers to Prioritising walking and cycling). Section 5.4.5 Greenways and Pedestrian Links, GI 34 require that a network of permeable pedestrian routes and greenways shall link all areas with the Planning Scheme including Luas stops, bus stops, employment areas, schools, village centres, Town Centre, open spaces and green infrastructure. Active travel measures have been suitably prioritised in the proposed layout. Section 10.5 relates.</p> <p>(d) As outlined in section 10.6 of this report, the quantum of car parking as set out in the TTA submitted is deemed acceptable and in line with the Planning Scheme.</p>
(ii) Mix and Distribution of Uses	<p>(a) As outlined in section 10.2 of this report, I am satisfied with the proposed mix of uses.</p> <p>(b) City and town centre policy is not applicable. However, I note the village centre proposed is consistent with the Planning Scheme and will enhance the character and attractiveness of Priorsland as a place to live.</p>

	<p>(c) The proposed development suitably caters for local service/amenities which will complement the permitted town centre) and the wider scale and range of amenities in the Cherrywood SDZ area.</p> <p>(d) As outlined in section 10.3 of this report, the proposed quantum of development promotes intensification.</p> <p>(e) As outlined in section 10.6 of this report, the proposed development aligns with public transport services.</p> <p>(f) As outlined in section 10.4 of this report, I am satisfied with the proposed mix of house types.</p>
(iii) Green and Blue Infrastructure	<p>(a) Having regard to the nature of some of the landscaping works proposed namely the increase in site levels to the south of Castle Street further clarification as regards the associated impact on landscaping features to be retained along the eastern and southern boundaries is required to be clarified. However, as outlined in sections 11 and 12.3 of this report, I am satisfied that the proposal have sought to protect and enhance important natural features (habitats and species) within and around the site; avoids the degradation of ecosystems; and includes suitable measures to mitigate against any potential negative ecological impacts.</p> <p>(b) The proposal includes an integrated network of multifunctional and interlinked urban green spaces, including a portion of Priorsland Park (in the applicant's ownership), smaller public open spaces/plazas, and communal open spaces for each block.</p> <p>(c & d) The proposal SuDS features and components incorporated into the development include green roofs, rainwater harvesting, water butts, proprietary surface water treatment systems, permeable paving, and soft landscaping.</p>
(iv) Public Open Space	<p>(a) The development will benefit from proximity to Beckett Park and Ticknock Park. Table 7.2 requires construction to taking in charge standard of Ticknock Park prior to occupation of any dwellings within each of the Development Areas in Growth Areas 2 & 3 and to be made available to the public at a time to be agreed with the Local Authority (section 10.5 relates)</p>

	<p>(b) As outlined in section 10.5 and 10.6 of this report, I am satisfied that public open space proposals are satisfactory in terms both quantity and qualitative design.</p>
(v) Responsive Built Form	<p>(a & b) The proposed development should be viewed in the context of the overall Planning Scheme – Development Area 3 indicative masterplan. Residential developments have already been provided to the east of the site and are significantly progressed (see section 4.0 above) The village centre adheres to building heights as defined within the scheme with active frontage along the identified principal frontages inclusive of wide and engaging footpaths. A new village square is centrally located and the primary frontages along Castle Street overlook the linear park, school site and Priorsland park. I am satisfied that this will create a legible and coherent urban structure which responds in a positive way to the established pattern and form of development.</p> <p>(c) The proposal will strengthen the overall urban structure and will successfully link with existing and permitted development and provide for future opportunities to create significant new linkages for future development.</p> <p>(d) The proposed commercial blocks will provide activity along the principal frontages. The proposed development also includes active ground floor uses in the form of retail, convenience, offices, creche, residential amenity spaces, open spaces, and own-door units.</p> <p>(e) The proposal embraces modern architecture and urban design using simple architectural language for the residential blocks to act as a backdrop to the public realm. The proposed development will be complemented by the other permitted development to the east of the site and will enhance local distinctiveness.</p> <p>(f) A distinctive and resilient palette of materials has been chosen to compliment those of the existing and permitted buildings. Brick, render, and precast concrete have been chosen for their durability as well as visual interest, with different colours of brick being used to highlight and contrast specific blocks or respond to the local context. Metal balconies and balustrades will bring additional grain to the residential elevations. I note Wind Mitigation measures include the provision of full height screens to some balconies. In the event the board is minded to grant planning permission I would recommend a condition requiring design</p>

	details of same to be submitted for agreement prior to the commencement of any development works on site. I am satisfied that the materials and finishes will successfully respond to local character and will be highly durable as outlined in the Building Lifecycle Report.
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Conclusion

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.

A range of additional developments will occur throughout the Planning Scheme area, to support the development and integration of the emerging communities and the development of the village centre and associated uses will enhance the amenities of the area and are essential to accompany significant population growth in accordance with the for the proposed planning and sustainable development of this area. The proposed development adheres to the building heights, frontages, and design principles for Priorsland.

I refer the Board to section 7.0 of the applicants Design Statement which sets out responses to the 12 no. Urban Design Manual Criteria (2009). While the Sustainable Residential Development Guidelines 2009 have been superseded by the Compact Settlement Guidelines 2024, the accompanying manual has yet to be published. I have reviewed same and I have had regard to the contents of the Compact Settlement Guidelines 2024, table 1 above and I am satisfied that the proposed built form and finishes will create a distinctive sense of place and the provision of a wide range of residential and commercial amenity facilities, which will encourage social integration through the creation of a local sense of community enhanced by generous footpaths, and large pedestrianized public plaza to the core of the project which will allow for an attractive environment for residents and visitors to the area.

I am satisfied that the proposed development in this location is in accordance with the Cherrywood Planning Scheme 2014 (updated July 2023) and the DLR 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.

10.4. Residential Development Standards

Residential Density Range and Housing Mix

- 10.4.1. Section 2.7.2 *Residential Density Range and Housing Mix* of the Planning Scheme establishes the There are four density ranges for residential development within Cherrywood – Res1, Res2, Res3 and Res4 (see Map 2.2). Table 2.9 identifies the minimum and maximum density range and the area of land dedicated to each of these ranges. The proposed development proposes a density range in Zone 2, RES 3 zoning of 69uph (F and G Plots) which is within the permissible density range 45-70uph. Within Zone 3, RES 2 Zoning the scheme proposes a density of 100uph on the upper end of permissible density range 65-100uph. I note the third-party concerns raised as regards density and while I accept the scheme is on the upper end of the density range, the development is in accordance with Table 2.9 and therefore acceptable.
- 10.4.2. 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). Therefore, I am satisfied that the mix of density proposed is within the ranges established in the Compact Settlement Guidelines.
- 10.4.3. The proposed development will provide a range of apartment unit types including 1, 2, 3-bedroom units and both 4 and 3-bed houses which will allow for diversity of household types living with the proposed development. Specific Objection PD 4 relates to unit mix and stipulates that where apartment development is proposed as part of mixed-use development in the Town Centre and the three Village Centres, the mix of

apartment unit types should be in accordance with the following unit mix; • 10% - Studio Units (as part of a build to let development), • 20% - 1 Bed Units • 55% - 2 Bed Units, • 15% - 3 Bed Units (The apartment unit mix as noted above shall allow for a range of variation to include for 20% - 30% for 1 bed units (with the reallocation of the 10% studio units), 50% - 65% for 2 bed units and 15% - 20% for 3 bed units).

10.4.4. Of note Block F is located in Res3. In Res3 and Res4 plots the mix of apartment unit types should be in accordance with the following unit mix; • not more than 20% of units shall be 1 bed units, • a range of min. 40% – max. 60% shall be 2-bed units, and • a range of min. 20% - max. 40% shall be of a size to comprise of 3 or more bed units.

10.4.5. The Board will note that the Table 2 below sets out the design parameters for the apartments and houses. The proposed units mix is in accordance with Specific Objection PD 4 of the Planning Scheme. I note the CE report raised no concerns in this regard.

Table 2: Residential Standards

18029 - PRIORS LAND - AREA SCHEDULE													
APARTMENT TOTALS													
PLOT	NO. OF UNITS	1 BED APT.	2 BED 3p APT.	2 BED 4p APT.	3 BED APT.	UNITS AREA (GFA)	OVERSIZED UNIT	VIEW ASPECT DUAL / SINGLE		BALCONY / PRIVATE AMENITY AREA (m2)	COMMUNAL AMENITY SPACE REQUIRED BASED ON MINIMUM AREAS	COMMUNAL AMENITY SPACE PROVIDED	TOTAL INCLUDING BALCONY
A	72	30	0	42	0	4952.10	39	27	45	461.60	444.00	463.00	5413.70
B	71	34	4	33	0	4641.70	34	18	53	471.20	425.00	740.00	5112.90
C	71	29	3	32	7	4871.80	27	20	51	580.90	450.00	1438.80	5452.70
D	45	11	10	11	13	3472.50	20	20	25	416.60	309.00	517.37	3889.10
E	85	19	12	42	12	6303.80	37	39	46	748.60	569.00	1715.60	7052.40
F	58	23	5	24	6	4190.80	44	22	36	452.70	367.00	370.00	4643.50
TOTAL	402	146	34	184	38	28432.70	201	146	256	3131.60	2564.00	5244.77	31564.30
		36.3%	8.5%	45.8%	9.5%		50.0%	36.3%	63.7%				

18029 - PRIORS LAND - AREA SCHEDULE											
HOUSE TOTALS											
PLOT	NUMBER OF UNITS		HOUSE TYPE 1 4 BED END TERRACE (146M2)	HOUSE TYPE 2 4 BED SEMI-DETACHED (144M2)	HOUSE TYPE 3 4 BED MID TERRACE (144M2)	HOUSE TYPE 4 3 BED SEMI-DETACHED (115M2)	HOUSE TYPE 5 3 BED MID TERRACE (115M2)	4 BED TOTALS	3 BED TOTALS	TOTAL HOUSES (GFA)	CAR PARKING REQUIRED (2 PER UNIT)
G	41		5	15	2	10	9	22	19	41	82
GFA			730.00	2160.00	288.00	1150.00	1035.00	3178.00	2185.00	5363.00	
			12.2%	36.6%	4.9%	24.4%	22.0%	53.7%	46.3%		

Source: Applicant's Design Statement

Site Coverage /Plot Ratio

10.4.6. The total number of residential units in the Village Centre is 143no., with 72no. units

in Plot A and 71no. units in Plot B. The total site coverage in the Village Centre is 60% and is in line with Table 6.3.1 and Section 2.6.4 “Site Coverage” and Table 2.7 Site Coverage of Towns and Village Centres” of the Planning Scheme. The Plot ratio 1:1.9 is within scheme threshold of 1:2.

Standard of Accommodation/Internal Standards

10.4.7. 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 proposed apartments units comply with the Specific Planning Policy Requirements contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2023. 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. I note the DAPT report raises concerns that some units have restricted room width noting that these scenario could be improved by reduced bedroom sizes which exceed recommend standards. I am satisfied this matter can be addressed by condition to ensure compliance with the Apartment Guidelines 2023.
- SPPR 4 of the Apartment Guidelines 2023 and also Section 3.17 of the Guidelines establish that: *‘it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations, i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas...’*. Section 3.17 further states that where there is a greater freedom in design terms, such as in larger apartment developments on greenfield or standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments. The CE report raises significant concerns in relation

to the high proportion of single aspect units proposed on what is a greenfield site in an 'intermediate location' (recommended refusal reason no. 6). The applicant indicates 36% of units are dual aspect and this accords with SPPR4 on the basis that the site represents an "Accessible Urban Location" due to its proximity to the Luas station, Cherrywood Town Centre/Cherrywood Business Park, Carrickmines Neighbourhood Centre, and the planned high frequency bus route from Cherrywood Town Centre to Carrickmines Luas station along Castle Street. The DAPT assessment is that only 35% of units are dual or triple aspect in any event having regard to the SDZ designation and the 'accessible' site location, I am satisfied that the development is acceptable and in accordance with SPPR4.

- 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...". The scheme provides the required standard of internal storage for each unit and dedicated bicycle parking is provided throughout the scheme in line with the Design Standards for New Apartments and cycle standard.
- 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 5,244.74sq.m of

semi- private communal open space is provided for in courtyards and open spaces next to the proposed blocks within the scheme (I refer the Board to Table 2 above).

- A Life Cycle Report is submitted in accordance with section 6.12 of the guidelines.
- 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.
- 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

- 10.4.8. Section 5.3.7 of the Compact Settlement Guidelines 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.
- 10.4.9. 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.

- 10.4.10. The applicant submitted a Daylight, Sunlight and Overshadowing Report. 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

- 10.4.11. In relation to Daylight the overall daylight provision results for the total development under the various standards are summarised on pg. 104 of the Sunlight/Daylight report submitted. A 98% compliance rate is achieved in accordance with the BRE Guide / BS 8206:2008 when LKDs are assessed against a 2% ADF target. Under IS EN 17037:2018 Method 2, a compliance rate of 99% is achieved which increases to 99.9% under BS EN 17037:2018 Method 2 National Annex. The majority of rooms that are below the recommendations are located on the lower floors. However, overall, the quality of daylight provision across the development can be considered high.
- 10.4.12. In addition, design features which include increased glazing and reconfiguration of a number of apartments layouts to improve overall natural light have been incorporated into the development where rooms do not achieve the daylight provision targets in accordance with the standards they were assessed against. These design features again help to balance off and compensate the lower levels of daylight measured in the applicable spaces. I refer the Board to the compensatory design measures set out in section 8.4 of the Daylight, Sunlight and Overshadowing Study accompanying the planning application.
- 10.4.13. As the sunlight exposure assessment in accordance with IS EN 17037:2018 considers the orientation of the rooms similar to the BRE Guide / BS 8206-2:2008, the assessment concluded that rooms facing significantly north of due east or west sunlight exposure is unlikely to be met. Of the 441 no. points tested, 325 no. points (74%) meet the IS EN 17037:2018 sunlight exposure recommendations of greater than 1.5 hours on March 21st. Where windows do not meet this recommendation, this

is predominantly as a result of their orientation, i.e. windows facing “significantly north of due east or west” e.g. Block A View 3 North, Block B View 1 North, Block C View 2 North & Block E View 3 North or as a consequence of the impact of balcony projections. Overall, the sunlight provision results to the proposed development in accordance with IS EN 17037:23018 are considered satisfactory in the context of an urban environment, due to the fact that not all living rooms can face south and the inclusion of balconies.

- 10.4.14. Regarding the proposed houses, a 100% compliance rate is achieved in accordance with the BRE Guide / BS 8206:2008 when LKDs are assessed against a 2% ADF target. Under IS EN 17037:2018 Method 2 & BS EN 17037:2018 Method 2 National Annex, a compliance rate of 100% is achieved

Sunlight to Amenity Spaces

- 10.4.15. On March 21st, 90% of the combined proposed private communal and roof top areas situated within the development site will receive at least 2 hours of sunlight over their total combined area. In addition, all individual areas tested exceed the minimum recommendations noted in the BRE Guide, achieving at least 2 hours of sunlight over 50% of their area on the 21st of March. All amenity areas provided will be quality spaces in terms of sunlight. In addition to this the public areas provided perform to a high standard with 82% of the area provided complying with the BRE Guide.

Overshadowing

- 10.4.16. The shadow analysis illustrates different shadows being cast at key times of the year (March 21st, June 21st and December 21st) for the proposed scheme. As there are no existing neighbouring properties the results from the study are summarised based on the proposed site in isolation.
- 10.4.17. Block F and the neighbouring housing in Block G - Overshadowing from block F is kept to a minimum on the housing in Block G and only noted within the early mornings of December and March at 0800. Overshadowing is least noticeable during the winter months as there is a lot less sunlight available at this time of year and so the overall impact is vastly reduced. I have no concerns in this regard.

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 lands with an identified Strategic Development Zone 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. Development Area 3 – Specific Objectives, Quantum, and Sequencing of Development

Development Area 3: Priorsland

- 10.5.1. Chapter 6 Development Areas sets out the unique character, design challenges and future form of development in each of the eight identified areas. Section 6.3 *Development Area 3: Priorsland* notes the design challenges that need to be addressed in the design and layout of Priorsland including proximity to the M50,

incorporating flood contamination zone into the public realm, linking school to the village centre, accesses etc. Section 6.3 set out a number of specific objectives as regards the development of Priorsland. The table 3 below is a summary of these objectives.

Table 3: Compliance with Specific Objectives of Development Area 3

Specific Objective	Comment
DA 19 Pedestrian and vehicular connections are to be provided across the flood containment zone by way of bridges	The proposed development includes 2 bridge connections across the Carrickmines Stream – the eastern bridge to the future school site and residential lands; and the western bridge providing vehicular, pedestrian and cyclist connection to the Transport Interchange at Carrickmines Luas stop, and the adjoining 3rd party development lands to the north with a bus turnabout area on the site provided in the interim pending full delivery of Castle Street and bridge under URDF funding.
DA 20 Development adjoining the M50 to provide sound mitigation for the remainder of the Development Area	Noise attenuation barriers are proposed as part of this development. I refer the Board to section 10.6 below.
DA 21 There shall be a high quality of landscaping and visual amenity at the interface with Cherrywood when viewed from the M50.	A landscape buffer is proposed with interface along the M50 I refer the Board to section 10.2 and 10.6 below.
DA 22 Lands adjacent to Carrickmines Luas stop to provide a transport interchange, and a park and ride facility with connections to the national road network. A local convenience retail outlet (of up to 200m2 gross floor area) and a tea room/cáfe use are permissible in principle on the lands	These lands are not in the ownership/control of the applicant

adjacent to the Carrickmines Luas stop	
DA 23 Access to Brennanstown Luas stop to be achieved through design of the residential plot	The residential plot beside the Brennanstown Luas stop is in third party ownership. However, a greenway link through the portion of the Public Park within the applicant's ownership is proposed up to the adjoining landholding and which can continue through the remainder of the future park and residential development to the Luas stop in time
DA 24 To provide appropriate access to Druid's Glen from the open space	The lands that provide access to Druid's Glen is in third party ownership. However, a greenway link through the portion of the Public Park within the applicant's ownership is proposed up to the adjoining landholding and which can continue through the remainder of the future park and residential development to Druid's Glen in time.
DA 25 To develop Priorsland House and Carrickmines Station in accordance with the details set down in Chapter 3 Cultural and Built Heritage.	These lands are not in the ownership/control of the applicant
DA 26 Access to Carrickmines Interchange will be limited to: Priorsland House, Carrickmines Station including lands adjoining these structures identified in Map 3.3 and the transport facilities adjoining the Carrickmines Luas stop	It is proposed to provide interim access arrangement via the Carrickmines Interchange. I refer the Board to Table 4 below and section commencing 10.5.14
DA 27 A community facility in accordance with Section 2.3.4 will be provided in the Village Centre.	This is provided for within the Village Centre development

10.5.2. Table 6.3.2 of the Scheme sets out the *Infrastructure Requirements Development Area 3* including roads requirements, construction access, stormwater requirements, foul sewer requirements and water supply requirement. Table 4 sets out in brief the proposed design response. I will address each of these in more detail in the following sections.

Table 4: Infrastructure Requirements Development Area 3

Infrastructure Requirement	Comment
<u>Roads Requirements</u> Construct M – D. Roads D-C-P-Q, A-B and B-C as specified for Development Area 1	<p>M-D as it relates to works to Caste Street within the application site boundaries are proposed as part of this application. I refer the Board to section commencing 10.5.14 below.</p> <p>Primary roads infrastructure as set out have been completed. (Planning ref. DZ15A/0758)</p> <p>In accordance with Section 7.2.2 of the Cherrywood Planning Scheme, 2014 (as amended) it is proposed to utilise the bridge connection to facilitate pedestrian and cyclist access to Carrickmines Luas station to serve the proposed development for an interim period until such time as the permanent Castle Street/Transport Interchange arrangement is established.</p>
<u>Construction Access</u> Through single controlled access at Junction D on Barrington's Road	<p>In accordance with Section 7.2.2 of the Cherrywood Planning Scheme, 2014 (as amended), it is intended to provide construction access (for an interim period) to the Priorsland site via the existing access track to the west of the site which the applicant has a Right of Way over. I refer the Board to section commencing 10.5.14 below.</p>
<u>Stormwater Requirements</u> Flood containment zone. Diversion of Ticknick Stream. Flood flow bypass culvert	<p>SSFRA and a Stage 1 Storm Water Audit accompanied the planning application. I refer the Board or section 10.6 and section 12.0 below. Stage 1 Storm Water Audit</p> <p>In accordance with Section 7.2.2 of the Cherrywood</p>

<p>parallel to Carrickmines River.</p> <p>Detention basins and swales as shown on Map 4.2</p>	<p>Planning Scheme, 2014 (as amended), it is intended to provide an alternative flood flow bypass culvert parallel to, and south of the Carrickmines River all within our client's landholding.</p> <p>I note the diversion works to Ticknick Steeam set out on Map 4.2 are outside of the site.</p>
<p><u>Foul Sewer Requirements</u></p> <p>450mm approx. diameter sewer from E and D connecting into the Carrickmines Sewer</p>	<p>Foul sewer infrastructure for the proposed scheme will connect with the significant infrastructure provided/ to be provided on lands to the east. I refer the Board to section 10.6 and section 12.0</p>
<p><u>Water Supply Requirement</u></p> <p>Upsizing (600mm) and re-route of existing 20" AC main.</p> <ul style="list-style-type: none"> • 300mm branch main from the upsized 600mm diameter main to existing 300mm diameter at I. <p>Connection to DCC Stillorgan 24" main at Q.</p> <ul style="list-style-type: none"> • 400mm diameter from 24" main to A, A', B, L, P2, C, D and at 300mm. via M and S to connect to existing 200mm watermain in Glenamuck Road. • 400mm diameter Luas crossing at C. • Abandon section of existing 33" Main and reroute through E to tie back into existing main near attenuation pond 1. 	<p>In accordance with Section 7.2.2 of the Cherrywood Planning Scheme, 2014 (as amended), it is intended to leave the existing 33" Irish Water Main in situ for the interim pending the delivery of the remainder of the Priorsland Development Area on the adjoining third party lands to the east.</p> <p>I refer the Board to section 10.6 and section 12.0</p>

10.5.3. Having regard to the above the Board will note that Section 7.2.2 of the Planning Scheme states: ‘..... it is acknowledged that there may be exceptional or unforeseen circumstances beyond the reasonable control of an individual developer or the local authority, whereby a piece of infrastructure necessary to progress the development of a Growth Area cannot be provided in the short to medium term (circa 0-3 years). In such instances, there may be an appropriate alternative utilising other infrastructure as provided for under the Planning Scheme, as an interim measure to facilitate the early delivery of housing.....’ The applicant is progressing the application and certain Infrastructure Requirements identified in Table 6.3.2 and as noted in Table 4 above for Development Area 3 under section 7.2.2 of the scheme with ‘interim’ and/or ‘alternative’ proposals proposed. I will address each in more detail in the following sections having regard to the identified *Sequencing and Phasing* as set out in Chapter 7 of the Scheme which is of relevance to table 4 requirements.

Sequencing and Phasing

10.5.4. Chapter 7 of the Planning Scheme, as amended, refers to the *Sequencing and Phasing of Development* of the Planning Scheme, and the infrastructure and services required to be provided to facilitate same. The sequencing requirements allow for the delivery of residential units in Growth Areas 2 & 3 in tandem with Growth Area 1 subject to certain requirements which the Scheme states in certain instances may be required to be provided prior to permission being granted for a particular development, whilst in other instances, the infrastructure is required prior to occupation of the development. Tables 7.1 to 7.3 of the Planning Scheme set out the required infrastructure to serve each Development Area. As regards Development Area 3 the scheme set out the following:

Residential/Village Centre

10.5.5. The development site is located in Growth Area 2, Development Area 3 (Map 7.1 of the Planning Scheme). Section 7.2.1 of the Planning Scheme states that in addition to the residential development of Growth Area 1 (Development Areas 2, 4, 5, and 6A) development up to a maximum of 2,300 residential units in total in either Growth Area 2 (Development Areas 1 and 3) or 3 (Development Areas 6B, 7 and 8) may be permitted in tandem with Growth Area 1. Table 6.3.1: Development Type and Quantum defines the use-mix, permissible floor areas, building heights and densities

achievable throughout the Priorsland area. (I refer the Board to the foregoing sections)

- 10.5.6. Section 7.2.1 *Village Centres* sets out that to ensure their delivery in tandem with the new residential areas, each of the Village Centres must be permitted prior to the grant of permission for any development exceeding the minimum quantum of residential units in the associated Development Areas, i.e. Development Areas 1, 3 & 8.
- 10.5.7. Noting the planning history the first party estimate that the number of residential units granted to date within Growth Areas 2 & 3 totals c.1,652, 1662 including additional units permitted under amendment application DZ23A/0468 granted subsequent to this application being made. The proposed quantum of development in this instance (443 no. units – including the 143 apartments within the Village Centre) can therefore be facilitated within the unit threshold for Growth Area 2 (Development Areas 6B, 7 & 8) & Growth Area 3.
- 10.5.8. I further note the CE report sets out that if all developments were permitted the total permitted dwellings in Cherrywood would be 4,226 no. dwellings, which is below the 6,414 no. dwellings threshold stated under table 7.5. I am further satisfied that recent grants of planning permission as set out in Section 4.0 above will not exceed the identified threshold.

Infrastructure Delivery

- 10.5.9. Section 7.2 of the Planning Scheme sets out that the scheme has successfully promoted and facilitated the significant front-loading of key infrastructure elements, most notably, the internal road network and sustainable transport infrastructure, along with the construction of the three significant public parks (Tully, Ticknick and Beckett). To allow flexibility the plan is not prescriptive with regard to the timing of the delivery of infrastructure other than that infrastructure identified in Tables 7.1 to 7.3 save for in circumstances as provided for under Section 7.2.2.
- *Open Space/Schools*
- 10.5.10. Table 7.1 relates to Provision of Schools; in this regard I refer the Board to section 10.2 above.
- 10.5.11. Table 7.2 *Open Space/Green Infrastructure* of the scheme sets out the quantum of Open Space required. The planning scheme requires that the construction of Beckett Park and Ticknick Park (6ha.) to taking in charge standard prior to occupation of units

including the subject site. While it is noted that written evidence from the relevant landowners has not been submitted the CE report notes that the DAPT are satisfied 'that there is a reasonable prospect of the completion 'of both Parks in line with the requirements of the scheme'. In the intervening period since the application was made Beckett Park is now in active use currently with some playing pitches and walking loops provided for in Ticknock Park. I have no concerns in this regard.

10.5.12. The CE report raises concern about the delivery of Priorsland Park. It is noted that the eastern portion of the lands are shown in the planning application but are not within the ownership of the applicant and the applicant has not submitted correspondence from the landowner in relation to the design and delivery. In the absence of the necessary consent, the applicant has not demonstrated that Priorsland Park can be delivered in accordance with section 7.2.1 Sequencing and Implementation of the Planning Scheme. As such the proposed development does not facilitate the delivery of the Green Infrastructure requirements within Growth Area 2 / Development Area 3: Priorsland and is not consistent with Objectives GI 25 Priorsland Park and GI 34 - *To require that a network of permeable pedestrian routes and greenways shall link all areas with the Planning Scheme*

10.5.13. While the potential to deliver the green link connections provided via Priorsland Park to the wider SDZ lands are not guaranteed as part of the current application in the absence of the required consent with a resulting impact on the development as regards connectivity and placemaking, it is of relevance that onward segregated pedestrian and vehicular connection from the site via Castle Street and onto Barrington's Road has been identified in the interim pending full delivery of Priorsland Park. This will connect the development to the wider SDZ lands and urban areas beyond and the Druids Glen buffer. This provision will be temporary until such time Priorsland park can be completed; therefore I consider it reasonable that the development could proceed on this basis given that the portion of the park within the subject site can be completed independent of the adjoining lands at this stage. It is my opinion that a balanced approach needs to be taken in this regard in so far as the site and the lands to the east are also zoned and the proposed development is an independent phase in the wider development of the area. The connection is therefore temporary and the development of the lands to the east in due course will further enhance the quality of this connection through the completion of Priorsland Park.

- *Transport Infrastructure*

- 10.5.14. The site currently does not have direct highway vehicular access and relies on a series of roads primarily from Wyatville Road. The development's original intent was to provide construction traffic access via Castle Street (and its extension into the site) within the Cherrywood SDZ. Access via this road network is reliant on consent/approval from the adjacent developer and as the roads have not yet been taken in charge and remain in private ownership this option is currently unavailable. The applicant has therefore sought in accordance with the provision of section 7.2.2 of the scheme to seek an alternative access via Carrickmines Interchange that will enable construction to commence and proceed until such time as there is resolution of the land and construction issues with respect to the rest of the Cherrywood SDZ extent. Of relevance in this instance is Section 4.2.6 of the Scheme which states that *'Access to the M50 from the Cherrywood area will be limited to the Lehaunstown interchange, which was upgraded at the time of construction to cater for the predicted demand'*
- 10.5.15. As regards Transport Infrastructure Sequencing and Phasing requirements, I refer the Board to table 7.3 of the Planning Scheme. Relevant to the subject site table 7.3 seeks completion of Roads Phase 1: Junction at A, roads I1-A-A1-B-LP2- C-D-D1-K1-K-F1-J-A2- A1 and road B-A2 prior to the granting of permission within Growth Areas 2 and 3. I note the main roads infrastructure is provided within the Roads and Infrastructure Phase 1 permission (Reg. Ref. DZ15A/0758) and much of the internal road works reference above have been completed including Castle Street (with the exception of a portion linking to the subject site), Barrington's Road and Bishop Street.
- 10.5.16. Table 7.3 seeks work commenced on Castle Street D-M-TI (Transport Interchange at Priorsland)) prior to granting permission for any new development in Development Area DA3. The current application provides for the northern section of Castle Street (D-M) which connects to the Phase 1 Road. In accordance with Section 7.2.1 the proposal provides a bridge connection across the stream to the Transport Interchange at Carrickmines Luas station for pedestrian and cyclist connection and with a bus turnabout area on the subject site (western end) provided in the interim pending full delivery of Castle Street and bridge under URDF funding. Transport Interchange TI (DZ17A/0114) will not be provided as part of the development. However, I note that DLR has secured funding from the Urban Regeneration and Development Fund

(URDF) to deliver the 'Castle Street Link' to the Transport Interchange at Carrickmines Luas stop.

- 10.5.17. Concerns were raised in the CE report that The proposed TI connection location does not reflect Map 6.3 – Priorsland (among others). I would agree and the location is driven by the applicant's 'interim' access proposal. This has the potential to significantly impact the development of land to the north of the site adjacent to the Luas including identified linkages and principal frontages, walkways and cycleways such that the development of these land could be contrary to the adopted scheme. In the absence of further master planning of these lands and noting that they appear to be in separate ownership this is not an acceptable approach and would not be consistent with the Planning Scheme Map 6.3 (among others including Map 4.5 Road Hierarchy and Map 2.1 Primary Land Uses).
- 10.5.18. Table 7.3 also requires the provision of an internal Bus turn-back facility prior to occupation of any new development in either Growth Area 2 or 3. A note is included in table 7.3 which states that as an alternative the provision of temporary bus infrastructure, including a bus turnabout, may satisfy this requirement subject to the agreement of DLR and NTA. As noted above a bus turnabout is proposed as part of the 'interim' proposals. In this regard, I note the comments in the DAPT report appended to the CE report regarding clarification as to the design of the bus turnabout, I am satisfied at this matter can be addressed by condition and appropriate drawings provided for agreement of DLR and the NTA in the event the Board are minded to grant the current proposal.
- 10.5.19. The full road connection to Castle Street is via land not in the ownership of the applicant. Regarding the certainty of delivery of Castle Street, I note the first party refer to the planning application DZ20A/0399 which includes for the extension of Castle Street up to the proposed development site. The provision of the SDZ road network is provided for under DZ15A/0758 and as per the associated planning grant conditions, it is a requirement of the adjacent developer to complete the full extension of Castle Street to the applicants Priorsland site boundary. Site inspection confirmed that a road connection to the subject site in place although not currently to the required standard. Notwithstanding given the ongoing and advanced nature of the works, I am satisfied that the work will be completed in advance of development taking place and it is reasonable to assume that the development can be accessed via Castle Street in

accordance with the provisions of the SDZ scheme and having regard to section 10.5.15 above. In this regard, the enforcement of compliance with DZ15A/0758 and DZ20A/0399 is a matter for the LA and not the Board.

10.5.20. Notwithstanding the above, regarding consent requirements, I note the third parties contend that the Applicant has failed to acknowledge that the remaining roads in Cherrywood permitted under Reg. Ref. DZ15A/0758 are not taken in charge, but rather remain in private ownership pending completion of the development as a whole and the completion of the normal taking in charge procedures. It is set out that the Applicant did not engage with the relevant landowners of the built portion of Castle Street, Barrington's Road and Bishop Street to seek permission for use of same. Therefore while it might be feasible to access the site via Castle Street, Barrington's Road and Bishop Street as these have not been taken in charge by DLR, third party consent is required, in the absence of this consent the applicant has not demonstrated the site can be accessed.

10.5.21. Having regard to the above, the application cannot circumvent these primary access issues. In this regard, I agree with the concerns raised in the CE report and whilst I am satisfied that access can be facilitated via the existing 'signaled controlled access at Junction D on Barrington's Road' as per Table 6.3.2 of the Scheme and Castle Street, the applicant does not have sufficient consent to access this private road network and therefore, the development is not in accordance with the Roads Infrastructure Requirements for Development in Growth Area 2 and/or Growth Area 3 as per table 7.3. As such the development fails to demonstrate consistency with section 4.2.6 *Future Road Strategy*, section 7.2.1 *Sequencing and Implementation* of the Planning Scheme and Table 6.3.2 *Infrastructure Requirements Development Area 3*. In addition proposed 'interim' construction access arrangement and associated works does not reflect consistency with the Transport Infrastructure connection location as per Map 6.3 – Priorsland (among others) and does not demonstrate that access to the adjoining Res 2 plot can be achieved through the subject development as indicated on Planning Scheme Map 6.3, which details a single access point from Castle Street to the entire Res 2 plot south of the Carrickmines Stream rather than the two access points demonstrated as part of the proposed development. Furthermore, the location of the access points have the potential to impact on the development potential of the RES 2 lands to the north of the site and compliance with the objectives of the planning

scheme for this area.

10.5.22. I note TII consider the current proposal is similar to previous proposal under DZ21A/0677. This application was refused in September 2021. It is submitted that the omission of this western return spur from the application site is not a material difference to the proposal under Reg. Ref. DZ21A/0677 as in both that, and the current instance construction traffic is proposed to access the subject site via the Park and Ride site and the M50 Carrickmines Interchange and as such the development considered at variance with official policy in relation to control of development on/affecting national roads and the protection of Luas assets as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the efficient operation and safety of both the national road network and light rail infrastructure and the provisions of objective PI 15 which sets out that the Council will support the TII in consultation with the NTA in implementing measures to improve the functioning of the M50/ M-N11 road corridor.

10.5.23. In summary, I do not consider that in accordance with Section 7.2.2 of the Planning Scheme the applicant has demonstrated 'exceptional or unforeseen circumstances beyond the reasonable control of an individual developer or the local authority, whereby a piece of infrastructure necessary to progress the development of a Growth Area cannot be provided in the short to medium term (circa 0-3 years)' including those relating to construction access. In my opinion planning permission should be refused as the development fails to demonstrate consistency with section 7.2.1 Sequencing and Implementation of the Planning Scheme, Table 7.3, Map 6.3 and Table 6.3.2 Infrastructure Requirements Development Area 3, DA26 and PI 15 to improve the functioning of the M50/ M-N11 road corridor.

- Pedestrian/Cycle Network

10.5.24. I further note as per table 7.3 the requirement to provide for improved internal pedestrian and cycle facilities in Development Areas as per the objectives of the Planning scheme. The proposed layout provides for a network of pedestrian and cycle paths including within the indicative layout for Priorsland Park and 3 no. pedestrian and cycle links across the Carrickmines Stream, connecting to the existing (and permitted) Carrickmines Luas station to the north of the development and the school site. The current proposal provides that pedestrians and cyclists will have direct

access to the Carrickmines Luas stop via the new bridge and access to the adjoining 3rd party development lands to the north. A second bridge providing access to the future school to the north and Priorsland Park will also be provided. Overall, I am satisfied that the proposed 'internal' site pedestrian and cycle network is acceptable in principle and in accordance with Table 7.3. The Board will note section 10.5.13 above and section commencing 10.6.32 relates.

Conclusion

The development will be well connected to public transport services with the Luas stop at Carrickmines located less than 150m to the north. The existing Dublin Bus service 63 from Kilternan to City Centre will only be 400m walking distance on Glenamuck Road North. The completion of Castle Street through the site will enable the provision of a dedicated future bus service and cycling infrastructure through the Cherrywood Planning Scheme between the Luas stop at Carrickmines and Cherrywood Town Centre, the main retail and employment hub for the area.

However, the Planning Scheme places a strong emphasis on the up-front delivery of active transport modes in tandem with high levels of public transport accessibility and managing traffic demand onto the national road network. The Scheme acknowledges that the Green Line Luas has capacity to support an emerging town and residential community combined with the effective use of bus infrastructure and services, internal pedestrian and cycle facilities, as well as external walking and cycle links with the wider environs which are essential to ensure a sustainable modal share in Cherrywood. The Scheme stipulates that, development should not proceed in the absence of the infrastructure provision as identified in Tables 7.1-7.3, save for in the circumstances as provided for under Section 7.2.2. In my opinion, the applicant has not satisfied the criteria for 'exceptional or unforeseen circumstance' and the 'interim' arrangements proposed are not consistent with section 7.2.1 Sequencing and Implementation of the Planning Scheme, Table 7.3, Map 6.3 and Table 6.3.2 Infrastructure Requirements Development Area 3, DA26 and PI 15 to improve the functioning of the M50/ M-N11 road corridor. Planning permission should be refused for this reason.

10.6. Infrastructure

Physical Infrastructure

Water

10.6.1. The following existing public watermain infrastructure exists adjacent to the development

- 300mm nominal diameter HDPE watermain is located at Castle Street to the east of the Ticknock Stream.
- 33" trunk watermain running from south to north through the site boundary

10.6.2. It is proposed to provide a new 225mm OD diameter connection to the existing 300mm nominal diameter HDPE watermain located at Castle Street to the east of the Ticknock Stream, to facilitate the proposed development. The new connection is to be provided to cater for the proposed development and associated loading. The existing 33" watermain that runs from south to north along the eastern border of the Priorsland site will be cordoned off for protection during the development of the Priorsland site namely the proposed construction access route to the Priorsland site will be via the Luas Park & Ride Access Road (via the M50 Southbound Roundabout) and is an interim arrangement only. This interim access represents an 'alternative use of infrastructure' pursuant to the adopted amendment to the SDZ in Section 7.2.2 as set out above. In accordance with Section 7.2.2 it is intended to leave the existing 33" Irish Water Main in situ for the interim pending the delivery of the remainder of the Priorsland Development Area on the adjoining third party lands to the east.

10.6.3. In respect of water Uisce Eireann set out the connection is feasible without infrastructure upgrade by Irish Water. However, the CE report sets out that it is unclear if UE are agreeable to the development proposals associated with this application including works over and within the existing 33" trunk watermain wayleave. I am satisfied that UE have reviewed and reported on the application presented including works on and in the vicinity of the watermain and raised no concerns in this regard subject to conditions. I draw the Boards attention to the fact that once the Castle Street extension into the Priorsland site becomes viable, and the existing 33" watermain will be diverted. All works will be subject to agreement with UE.

Wastewater

10.6.4. Foul sewer infrastructure for the proposed scheme will connect with the significant infrastructure provided/ to be provided on lands to the east. It is proposed to connect

the development sewerage to the existing 750mm concrete sewer that traverses the site, from west to east. I note third party concerns that insufficient information has been submitted in this regard. However, I note EU have set out that connection is feasible without infrastructure upgrade. The CE report raised no concerns in this regard.

Surface Water

- 10.6.5. An Engineering Planning Report accompanied the planning application. As the Priorsland site is a greenfield site, there is no existing surface water drainage system within the site boundary. It is noted that a surface water drainage system has been developed to the east of the site, as per Planning Application Reference: DZ15A/0758. However, due to the flow path and levels of the Carrickmines River and Ticknick Stream it is not feasible to propose a connection to the existing drainage system to the east of the Priorsland site. A new surface water sewer network will be provided for the proposed development which will be entirely separated from the foul water sewer network.
- 10.6.6. Proposals include a detention basin along the southern boundary of the Priorsland site, bordering the M50 as identified in Map 4.2. Of relevance, the red-line boundary dissects the proposed detention basin location. Therefore, the full detention basin proposal cannot be delivered with this planning application. An alternative proposal of swales and a detention basin has been proposed to serve the Priorsland site. When the owner of the remaining section of the detention basin lands is in a position to develop the lands, it will be possible to link the detention basins in both areas to conform with the Planning Scheme requirements.
- 10.6.7. The Carrickmines River runs from east to west through the site and the Ticknick Stream borders the site to the east. Due to site topography and the locations of the Carrickmines River and the Ticknick Stream the detention basis associated with the proposed development will not be able to serve other adjacent developments. It would not be feasible to cross the Carrickmines River and the Ticknick Stream with a surface water network to connect to the proposed detention basin. Therefore, the detention basin proposed for the Priorsland site will only serve the Priorsland site. This is consistent with the scheme.
- 10.6.8. However, the CE report raised concerns as regards the design and delivery of the detention basin, in so far as all lands are not in the ownership of the applicant and the

basin will encroach on hedgerows required to be retained under section 5.4.7. It is unclear what is required to be delivered to adequately serve the development. It is also noted that an exceedance flow path drawing has not been submitted and the development fails to demonstrate consistency with Objective PI 7 (stormwater management). I would share these concerns and note that the Storm Water Audit submitted notes that 'there are no calculations or details to show how the detention pond sizing has been arrived at. Typical details of the ponds are provided. Punch should provide details of the detention pond proposal and clarity if these are to become part of the public realm'. Further clarification is required on this matter if the Board were minded to grant planning permission. Having regard to the provisions of the scheme as regards a detention basin within Area 3 Priorsland, I am satisfied that a refusal on this ground is not warranted in this instance.

SuDS

- 10.6.9. SuDS are being used throughout the development. Castle Street is being treated as a Public Realm area as it will ultimately be taken in charge. The following SuDS measures have been used on Castle Street: 1. Infiltration trenches 2. Engineered swales 3. Tree Root Structural Cell Systems.
- 10.6.10. The surface water network then connects to the private drainage within the development, to the south of Castle Street. This strategy was taken as Castle Street is "land locked", i.e. bordered to the north by the Carrickmines River and to the east by the Ticknick Stream. Therefore, the network could not be discharged by gravity to the public drainage network to the east of the Ticknick Stream and therefore cannot discharge to Pond 2A/2B. As the surface water could not be discharged to a watercourse without treatment the applicant notes that it was agreed with DLRCC that the best strategy was to connect to the networks to the south of Castle Street, which are deemed as Private Development.
- 10.6.11. The following SuDS measures are proposed within Private Development Site Boundaries, i.e. to the south of Castle Street: 1. Green Roofs 2. Pervious Paving, where water enters the storage sub-base layer via gullies/drainage channels 3. Infiltration Trenches 4. Engineered swales 5. Tree Root Structural Cell Systems. The networks will then outfall to a detention basin proposed along the southern boundary of the site. This will be within the public realm. The network will then ultimately outfall

to the Ticknick Stream to the east of the proposed development. The surface water proposals for the site incorporate SuDS and flow restrictions to restrict positive discharge from the development to 1l/s/ha. SuDS that allow infiltration to ground have been included in the design as far as possible.

- 10.6.12. Green roofs have been included in the residential blocks. Intensive green roofs have been incorporated to the designs at podium level in the apartment blocks and extensive green roofs have been incorporated in the apartment blocks at roof level. 60% roof coverage has been attained with the green roof proposal. Concerns raised in the CE report as regards lack of information regarding green roof design can be addressed by condition if the Board minded to grant planning permission.

Flood Risk

- 10.6.13. Specific Objective PI 11 states that 'it is an objective to ensure that predicted flooding in the Priorsland area does not pose an unacceptable risk to persons or property. In this regard a flood containment zone shall be constructed in the Priorsland area by raising adjacent ground levels approx. 500mm and by incorporating a large diameter (1650mm) bypass culvert'
- 10.6.14. A Stage 3 Site Specific Flood Risk Assessment accompanied the planning application. The site hydrogeology is characterised by the Carrickmines River which flows through the site from west to east. The smaller Ticknick Stream joins the Carrickmines River immediately downstream of the site. Topographical survey indicates that levels onsite range from 61.15mAOD along the northern perimeter to 64.5mAOD along the southern boundary adjacent to the M50 and as such the hydrology in the area is not impacted by tidal changes. The surrounding environment has extensive man-made drainage features. These include surface and foul sewers both through the site and along the M50 to the south. A portion of the 1650mm flood relief culvert has been constructed along the north of the site; however this has not been completed and currently serves no hydraulic purpose.
- 10.6.15. Groundwater was encountered during the site investigation works at various depths in the boreholes, rising to within 0.6m of the existing surface level in places. It should be noted that to facilitate the flood risk protection of the site, the site is proposed to be raised in level. Therefore, the proposed finished level of the site is circa 1m to 2m

greater than the existing site levels. Therefore, groundwater should not be an issue for proposed infiltration elements.

10.6.16. The SSFRA indicates that there have been reported incidences of flooding in the local area however, none of these records report a flooding incident at the site of the proposed development. There were four instances of flooding recorded upstream of the site of the proposed development (section 3.4 of the SSFRA). The SSFRA notes CFRAMS mapping determined that the site of the proposed development is located in the fluvial Flood Zone A (the 1 in 100-year flood zone). This flooding emanates from the Carrickmines River and flows across the site in a southerly direction. Flood depth mapping shows floodwaters to be less than 250 mm at the site during a 1 in 100-year event, and less than 500 mm for the 1 in 1000-year event. Consequently, a hydraulic model was prepared as part of this SSFRA to carry out a detailed assessment of the flood levels, extents and floodwater flow paths. In addition, a hydraulic model allows the assessment of any changes to flow paths and flood storage following completion of the proposed development. The model extends from upstream of the M50/Glenamuck Road Roundabout to 1.3km downstream of the watercourse crossing under the LUAS light rail culvert. The results determined a large portion of the site falls within Flood Zone A and B. The 1 in 1000 year levels within the site ranges from 62.054 mAOD to 64.331 mAOD (Fig. 26 Existing Scenario Flood Extents and Levels Maps Pg. 34 of SSFRA). Flooding at the site of the proposed development results from overland flow from the west travelling in an easterly direction before returning to the channel.

10.6.17. I refer the Board to section 5.8 *Proposed Permanent Scenario – Model Alterations* of the SSFRA. Two proposed scenarios are explored in this assessment: (a) The first involves the extension of the existing 1650mm dia. Flood Relief Culvert, north of the Carrickmines River, to a discharge point east of the site. This scenario is referred to as the “Proposed Permanent Scenario”. The final downstream portion of this culvert will need to be completed by others and for this reason a second scenario is proposed. (b) This “Proposed Interim Scenario” involves continuing the existing 1650mm culvert underneath the Carrickmines River and then eastwards before discharging back into the river within the site boundary. This will improve conveyance of floodwaters away from the site but will not alleviate flooding issues to the north of the watercourse. The proposed scenarios involve raising of the proposed development lands to the south of

the Carrickmines River, thus bringing the proposed development outside of Flood Zones A and B.

- 10.6.18. Section 5.8.1 *Proposed Permanent Scenario – Model Results* of the SSFRA shows the extent of Flood Zone A (1 in 100-year event) and Flood Zone B (1 in 1000-year event). The northern portion of the site is located in Flood Zone B while the remainder of the site of the proposed development is no longer located within Flood Zone A or B, and is considered to be within Flood Zone C. The area where any development will take place is located in Flood Zone C. There will be no development in the areas of the site located in Flood Zones A or B. The ground floor Finished Floor Levels (FFLs) of the proposed buildings on the site have been set above the 1 in 1000 year flood levels from the adjacent Carrickmines River. Basements are included in the development and entrance levels to these basements will also be set above the 1 in 1000-year flood level. The report states that the site is not at risk of pluvial, coastal or groundwater flooding.
- 10.6.19. The CE report notes that no information is provided as to how mitigation measures will advance from the interim scenario to the permanent scenario to ensure long term adherence to the planning Guidelines and management of flood risk impact of the development, concerns was also raised as regards the lack of reference to other flood sources. In this regard, it is of significance that as part of the application DAPT engaged JBA Consultants to review the Stage 3 SFRA (Appendix to CE report). JBA concluded that the conditions of the justification test had been met. However, insufficient detail was provided within the SSFRA to conclude that flood risk to the site, including consideration of residual risk was appropriately managed or that there was no increase in risk elsewhere. Results provided within the SSFRA concluded an increase in flood risk upstream and downstream of the site. The application was determined not to have demonstrated compliance with PI 11 (to ensure predicated flooding in the Priorsland area does not pose an unacceptable risk.....)
- 10.6.20. Third party concerns were raised that the applicant has not commented on the attenuated flows generated from the development site (5.0 l/s) on the Ticknick and Carrickmines Streams in the FRA on the bridging detail on the Ticknick Stream and if that has any effect on the upstream/ downstream flows during a storm event.

10.6.21. The JBA report (Appendix to CE report) sets out a number of shortcomings in the report including further details required of the public realm proposals to provide for final treatment volumes as this may impact on the pond, Climate Change allowance of 20% and not 10%, urban creep allowance of 10%, Blockage /Partial blockage analysis of the network noting that the SSFRA submitted states 'that due to the scale and nature of upstream culverts it is not considered necessary to assess the residual risk of blockage of these structures', drainage proposals for adjoining lands to the north, the extent of raised lands and how this might effect adjacent site. Whilst JBA noted that they did not see any 'major impediments' to the development of the site, some elements require further analysis to determine the impact.

10.6.22. I would agree and for that reason, I agree with the CE recommendation that insufficient information has been submitted regarding the impact of the proposed development on the flood risk to the Priorsland Development Area 3 and to sensitive receptors downstream. In this regard, the applicant has not sufficiently demonstrated that the development proposals ensure that predicted flooding in the Priorsland Area does not pose an unacceptable risk to persons or property, as per the requirements of Planning Scheme Specific Objective PI 11. The applicant has also not demonstrated that the requirements of the Guidelines on the Planning System and Flood Risk Management, jointly developed by the Department of Environment, Community and Local Government (DECLG) and the OPW have been met, as required by section 4.1.2 of the Cherrywood Planning Scheme. Permission should be refused for this reason.

Transportation

10.6.23. The subject site is situated adjacent from the existing Carrickmines Luas stop, located on the Green Luas line. There is also access to a number of bus routes located on the N11 and Bray Road at Cabinteely, including the 84, 84a, 84X, 84N, 143, 145, 181 and the 702. The stops are located within 3km via the car (7 min drive) or c. 2.6km (30min walk, 10 min cycle) walk or cycle through Cabinteely Park. The location of the site is within proximity to the M50, with access onto the M50 (north and south bound) provided via Glenamuck Road. Upon further completion of the Cherrywood development, access to the N11 and M50 will be made available through the Cherrywood development. The site is also within proximity to the N11 which provides cycle lanes into Dublin city centre and in a southerly direction.

- 10.6.24. A Traffic and Transport Assessment and Travel Plan accompanied the planning application. The site is well served by existing and planned public transport as set out above and the Travel Plan accompanying this application includes a suite of measures to promote active travel and sustainable transport modes. Subject to the implementation of same I have no concerns in this regard.
- 10.6.25. For the purposes of the TTA assessment, the SDZ approved trip rates were consulted to provide an equivalent trip rate for each type of development within the proposed development site. Capacity analysis was not carried out on the Cherrywood SDZ road network and surrounding local road network as it is assumed that the extensive preplanning studies and reports determined the junction and road layout to meet the anticipated traffic demand based on the prescribed zoning uses.
- 10.6.26. A total of 505 residential parking spaces are required to comply with the Planning Scheme. 512 no. car parking spaces and 106 non-residential car parking spaces have been provided to meet the requirements set out in the Cherrywood Planning Scheme and the Dun Laoghaire Rathdown County Council Development Plan and recent parking amendment to the SDZ. (I refer the Board to section 13.0 of the TTA submitted with this application). Secure cycle parking facilities have been provided within the development near the main access points. The total cycle parking requirement is estimated to be 595 no. cycle spaces and the layout provides for 605 no. cycle Space. Concerns raised as regard compliance with DLR standards can be addressed by way of condition should the board be minded to grant planning permission.
- 10.6.27. I refer the Board to section commencing 10.5 above regarding my concerns regarding access to the site and the requirements of the scheme in this regard.
- 10.6.28. The CE report sets out a number of shortcomings in the TTA and accompanying planning documentation submitted. I refer the Board to section 8.1 above (brief summary outlined). I am satisfied that most of these concerns can be addressed by way of condition should the Board be minded to grant permission. I note particular concern is raised the insufficient information has been submitted as regards walking and cycle routes to public transport. No details in the TTA in relation to proposed bus priority measures along Castle Street or the proposed bus stop facilities as per PI 16 and PI 18 of the Scheme. In this respect, I note the site layout plan provides for two

no. bus stop either side of Castle Street fronting the Village Centre and within easy access of the school site.

Concerns were also raised that the layout does not support the culture of sustainable travel, cycling, pedestrian desire lines and a potential safety issues noted and no evidence that these were reviewed by way of a quality audit. I am satisfied that the development provides safe and attractive public realm for pedestrians including pedestrian crossings across Castle Street for access to transport, amenity and green open space north of the including proposed and further pedestrian, cyclist and vehicular traffic. Furthermore, the layout provides a car free zone between blocks A and B which creates a large public Plaza and attractive retail experience for users. Vehicular traffic for Plots A and B is contained to the east of the site via access directly upon entry to a basement carpark. In line with the Design Manual for Urban Roads and Streets limiting car prioritization this has allowed for greater walkability and connection on foot and by bicycle with neighbouring communities along the southern site boundary landscape buffer. I am satisfied that the layout will promote a culture of sustainable transport and that this is well provided for within the development site. I am further satisfied that a Safety Audit can be completed, and any required amendments made by way of condition compliance should the Board consider this appropriate.

- 10.6.29. With respect to the PA's concerns as regards the continuation of connections beyond the site and I would refer to the Board to section 10.5 above as it relates to pedestrian and cycle connections and access to the adjoining Res 2 plot as indicated on Planning Scheme Map 6.3.

Green Infrastructure

- 10.6.30. The main ecologically sensitive areas – along the stream and the boundary hedgerows – will in the main be retained and will form part of a new network of open spaces which will ensure that these areas continue to contribute to the wider green infrastructure network of the areas, as elaborated in the SDZ Planning Scheme. The riverside open space will be designed as a greenway for pedestrians and cyclists connecting to the Village Centre and the public park. The proposed development incorporates a range of communal amenity spaces to serve the future population within the site representing a variety of multi-functional open spaces that accord with GI 7.

- 10.6.31. Table 7.2 also requires the provision of Green Infrastructure for development within each Development Area to be made publicly accessible. The current application includes the first half of the Priorsland public park along with a new greenway open space along the Carrickmines Stream. I refer the Board to section 10.5 above.
- 10.6.32. Notwithstanding the above, I note the CE report raises concerns that the flood containment measures as proposed, including significant changes to ground levels, impact negatively on the proposed park by reason of amenity value, functionality and useability, permeability and accessibility, protection of tree lines/hedgerows and the provision of public open spaces. As such the proposed development does not facilitate the delivery of the Green Infrastructure requirements within Growth Area 2 / Development Area 3: Priorsland and is not consistent with Objectives GI 11, GI 25 and GI 34, of the Scheme.
- 10.6.33. The existing site gradients are gentle, almost imperceptible and fairly constant across the site. A slight local increase in slope occurs where the lands fall towards the stream which the oak trees separate. The slope from west to east amounts to a fall of approximately 2.5 to 3.0 metres over the 450 metre long axis of the site, while a fall of 1.5 to 2.0 metres occurs from the M50 to the stream and from the stream to the northern boundary along the LUAS line.
- 10.6.34. Regarding the concerns raised in the CE report about the impact of the flood containment measures including changes to ground levels of open space amenity. In the context of the site, I do not consider the raising of ground levels by 1.0-2.0 on lands to the south of Castle Street, the Riverside Park and Priorsland Park to be detrimental to the quality of the landscaping proposed including accessibility. There is no significant alteration to ground levels to the north of the Carrickmines stream save for landscape design features and the landscaping between Castle Street the watercourse has been designed to address the level changes through the provision of gentle sloping paths, tiered seating elements soft landscaping. All of which add interest and character and provide to the necessary accessibility and permeability.
- 10.6.35. Regarding boundary and tree protection, I note the boundary plan drawing no. Li.05-DR-2004 provides for the retention, and enhancement of existing site boundaries where practicable and similarly the Arboriculture Impact Assessment provides for the retention of mature trees on site. I further note the Tree Protection Plan drawings

submitted identifies a construction exclusion zones and tree protection measures to ensure the protection of trees (including Turkish Oak Trees) and hedgerow boundaries. This is reinforced in Section 6.5 of the EIAR which sets out that 'topsoil removal will not be carried out in designated areas of protection as identified in Chapter 5 the Cherrywood Planning Scheme (CPS), including the mature tree line along Carrickmines River, the riparian habitat associated with the Carrickmines river and Ticknick Stream watercourses and the protected hedgerow in the southeast corner of the site'.

10.6.36. Hedgerows are located around the majority of the perimeter of the site. These hedgerows appear to not have been maintained in recent years and have a bramble scrub at their base in many locations. Identified species included in the hedgerows were bramble, elder, hawthorn, holly, oak, sycamore, European ash, beech, blackthorn, wych elm, dog-rose, gorse, honeysuckle, cleavers, Hart's-tongue and ivy. Whilst I note the comments of the Biodiversity Officer, the Arboricultural Report accompanying the application includes an analysis of hedgerows on site to include condition, amenity and associated biodiversity value. Hedge survey H1 relates to the southeastern section of the site and notes that the area appears as a defunct ditch embankment and the number of hawthorns were diminishing and broader continuity is provided by a more generalised thicket development. It is set out that 'effectively the hedgerow as was no longer exists however, a broad thicket like corridor of some visual significance does remain'. H2 relates to the eastern boundary and the report notes that a broad and spreading thicket like alignment now dominates what appears to have been an original Hawthorn hedge. The alignment exists in conjunction with what appears to be a dry ditch and embankment scenario and 'provides some ecological merit, the hedge would be considered of dubious value with regard to amenity retention'. Whilst the loss of hedgerow is noted, having regard to the above and the proposal to provide for new landscaping amenity and biodiversity corridors along the site boundaries to include native planting, I am satisfied that the loss of hedgerow although regrettable is justifiable in this instance.

10.6.37. Regarding the concerns of the PA as regards the proposals to locate physical infrastructure in the form of pond for surface water attenuation within areas that then impact upon ecological and green infrastructure features to the southeast of the site and that the Cherrywood Biodiversity Plan identifies this area as a Woodland Habitat.

While the construction exclusion zone extends to this area it does appear to have been aligned to accommodate the proposed attenuation features with a loss of trees and hedgerows and while also regrettable, I note the trees identified by the Arborist for protection have been retained and the landscaping plan provides for supplementary planting, I consider this a balanced approach to the development of the site at this location as in any case a complete ecological corridor has been severed at this location by the M50 slip road. However, I do agree with the Biodiversity Officer that the extent of hedgerow removal has not been clearly identified and this matter does require clarification, I am satisfied this can be addressed by way of condition should the Board consider this appropriate.

- 10.6.38. Overall, I am satisfied that the landscaping has been well considered and while I note the concerns raised as regard passive surveillance (GI76), I am satisfied that the omission of units G22 and G41 will address concerns where connection paths are proposed tight to the southern boundary and any continuous length of path will be broken-up by the residential block alignment and overlooking gable windows resulting in appropriate passive surveillance in my opinion.
- 10.6.39. With respect to concerns raised in the CE report about the retaining walls located along a portion of the southern and a small portion of the southeastern and western site boundaries. I note the max height of the retaining wall is identified at 1.6m accompanied by a 3m high noise barrier. It is inevitable in my opinion on site such as this where the existing ground levels vary across the site there will be an element of manipulation of site levels and in this instance the levels changes proposed are compounded by proposed flood risk prevention measures which would result in the introduction of retaining wall elements. In any case from an internal visual impact perspective, I am satisfied that with a few minor exceptions the applicant has provided a landscape design that will reduce any negative visual impact as a result of the retaining walls and noise barriers. I am further satisfied that subject to amendments including the omission of units G22 and G41 the layout is consistent with DA 21 as regards to the provision of a high quality of landscaping and visual amenity at the interface with Cherrywood when viewed from the M50.
- 10.6.40. As regards the visual impact of the retaining walls and noise barrier, I note the M50 and M50 slip road to the south of the site are higher than the site and screened by existing vegetation therefore the impact of the retaining wall will be negligible, in my

opinion. With respect to the section of western site boundary that include retaining wall elements, I consider there is a requirement to address the visual impact external of the site and revise the landscaping profile to taper the internal land levels to avoid an abrupt transition. Similarly, having regard to the sensitive nature of the eastern section of the site and the provision of chapter 5, Section 5.4.7 (GI 43, GI 75) to protect the hedgerow any works to raise the levels of the site shall first and foremost adhere to the construction exclusion zone and revised drawings be submitted providing for alternative proposals to retaining which provides for the protection and retention in situ of the existing hedgerow boundaries in addition to their enhancement. While this measure will alter the layout, I do not think this warrants a reason for refusal in this instance in light of the overriding traffic and flood risk concerns identified above.

- 10.6.41. A Habitat Management Plan has been prepared in accordance with the principles of the 'Green City Guidelines' and the Dun Laoghaire Rathdown Biodiversity Plan. A noise attenuation barrier is included as part of the proposed development to improve the noise environment for future residents. These are further assessed in more detail in section 12.0 below.

10.7. Other Matters

- 10.7.1. Taking in Charge - The CE report notes that no proposals have been provided as regards taking in charge. In this regard I refer the Board to Proposed Taking in Charge Plan -PLD18-MOLA-XX-XX-DR-A-10-XX103.
- 10.7.2. Part V Units – Concerns were raised that the proposal includes a compromised and flawed Part V provision in so far as all of the Part V units are located in a single block, Block D, thereby isolating those occupants from routine inclusion within the full breadth of the community of occupants of this development. I would agree, in the event that the Board is minded to grant planning permission a suitable condition requiring Part V agreement will be required.
- 10.7.3. One third party noted that the parkland areas could be reduced if compensated by removal of RES 1 development from the “Druids Glen West” development area. Matters relating to the wider Planning Scheme are not a matter for this planning determination.

10.8. Chief Executives Report

10.8.1. The planning authority's report recommended that permission be refused for seven no. reasons as set out in section 8.0 above. I have addressed issues raised in the Chief Executive Report in my assessment above. In brief:

1. Insufficient Information has been submitted regarding the impact of the proposed development on the flood risk to the Priorsland Development Area 3 and to sensitive receptors downstream.

Comment: I agree with the CE recommendation that Insufficient Information has been submitted regarding the impact of the proposed development on the flood risk to the Priorsland Development Area 3 and to sensitive receptors downstream. In this regard, the applicant has not sufficiently demonstrated that the development proposals ensure that predicted flooding in the Priorsland Area does not pose an unacceptable risk to persons or property, as per the requirements of Planning Scheme Specific Objective PI 11. The applicant has also not demonstrated that the requirements of the Guidelines on the Planning System and Flood Risk Management, jointly developed by the Department of Environment, Community and Local Government (DECLG) and the OPW have been met, as required by section 4.1.2 of the Cherrywood Planning Scheme.

2. It is considered that the submitted construction access proposals to access the development site on a temporary basis from the Carrickmines Interchange is unacceptable and not consistent with policy objectives.

Comment: I agree with the CE report in this instance that temporary construction access utilising the Carrickmines Interchanges and an access roads to the west of the development as a temporary route for an interim period until such time as the permanent route via Castle Street can be utilised is unacceptable as not consistent with Section 4.2.6, section 4.2.7, P1 14, PI 15, DA 26 and Table 7.5 of the Planning Scheme.

3. The proposals, which include the raising of the ground levels by circa 1.6 metres and retaining walls along the boundary as a result of the flood containment measures, in conjunction with the Plot G layout, do not demonstrate that access to the adjoining Res 2 plot can be achieved through the subject development as indicated on Planning Scheme Map 6.3, which details a single access point from Castle Street to the entire

Res 2 plot south of the Carrickmines Stream. The development as proposed will have an adverse impact on accessibility, connections to and the development potential of the adjoining Res 2 plot.

Comment: I refer the Board to section commencing 10.6 above. I am satisfied that the concerns raised above do not warrant a reason for refusal in this instance and matters of concern can be addressed by way of condition should the Board be minded to grant planning permission.

4. a) flood containment measures as proposed, including significant changes to ground levels, impact negatively on the proposed park by reason of amenity value, functionality and useability, and permeability and accessibility, b) adverse negative impact on the requirements to deliver pedestrian and cycle routes ,c) location of the surface water attenuation ponds, the structural retaining walls, the significant increase in the ground and the resultant impact to remove the protected hedgerow located along the eastern boundary and, d) has significant consequential impacts on the proposal meeting of the requirements of Objective GI 76 in terms of, appropriate delineation of boundaries, enabling passive surveillance and appropriate interface with public realm, an inability to reflect the neighbourhood character and streetscape, to be visually harmonious, and respond to ground levels.

Comment: I refer the Board to section commencing 10.5 and 10.6 above

5. The proposed development, as a result of the built form, ground floor uses and elevational design, treatment and materiality, is not considered to create appropriately active street and frontages and would not create appropriately defined principal frontages or define strong streetscape elements.

Comment: I refer the Board to section commencing 10.3 above.

6. It is considered that the proposed development does not meet the requirements of Specific Planning Policy Requirements 4 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines and as such would not be consistent with Specific Objective PD5 of the Cherrywood Planning Scheme.

Comment: I refer the Board to section 10.4 above. I am satisfied that the development is acceptable in accordance with SPPR4 of the Apartment Guidelines.

7. It is considered that the design, scale and alignment of the acoustic barrier and related

noise mitigation measures, in conjunction with the proposed changes in ground levels and associated retaining wall structures would have a significant adverse impact on the residential amenity of the future occupiers of the proposed scheme, in particular those within Plot D, E and G, and a significant adverse impact on the visual amenity of the area.

Comment: I refer the Board to section commencing 10.6 above

11.0 Appropriate Assessment

11.1. Introduction

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

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each European site.

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

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

11.3. Screening the need for Appropriate Assessment

An AA Screening exercise has been completed (see Appendix 1 of this report for further details). In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, it has been determined that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Lough Ree SAC and Lough Ree SPA cannot be excluded. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

This determination is based on:

- Objective information presented in the applicant's reports;
- The zone of influence of potential impacts;
- The potential for construction-related impacts on downstream water quality within the European Sites and related impacts on habitat loss and/or alteration; habitat / species fragmentation; disturbance / displacement of species; and changes in population density;
- The application of the precautionary approach;
- Proximity to European Sites and the potential for pathways to same; and
- The nature and extent of predicted impacts, which could affect the conservation objectives of the European Sites.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment:

Special Areas of Conservation - (000210) South Dublin Bay SAC (000206) North Dublin Bay SAC (000202) Howth Head SAC (002122) Wicklow Mountains SAC (001209) Glenasmole Valley SAC (000725) Knocksink Wood SAC (000713) Ballyman Glen SAC (000714) Bray Head SAC (000719) Glen of the Downs SAC

Special Protection Areas - (004024) South Dublin Bay and River Tolka Estuary SPA (004172) Dalkey Islands SPA (004040) Wicklow Mountains SPA (004006) North Bull Island SPA (004113) Howth Head Coast SPA

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

11.4. The Natura Impact Statement (NIS)

The application included an NIS prepared by Altamar Marine & Environmental Consultancy which examines and assesses potential adverse effects of the proposed development on Rockabill to Dalkey Island SAC (003000). The NIS outlines the qualifications and experience of the consultants, and I am satisfied that it has been prepared by competent experts. The NIS takes full account of the legislative and policy context. Pg. 3 *Stage of Appropriate Assessment* outlines that the NIS has been prepared in accordance with relevant guidance.

A desktop study was carried out to collate and review available information, datasets and documentation sources relevant for the completion of the NIS. A range of field surveys were completed between including ecological walkovers and wintering bird surveys.

The applicant's NIS was prepared in line with current best practice and includes an assessment of the direct and indirect effects on habitats and species, as well as an assessment of the cumulative impact of other plans and projects. It concluded that, beyond reasonable scientific doubt, once the avoidance and mitigation measures are implemented, the proposed development will have no significant adverse effects on the QIs, SCIs and on the integrity and extent of Rockabill to Dalkey Island SAC (003000). Accordingly, it concluded that the proposed development will not adversely affect the integrity of any relevant European site.

Having reviewed the documents, submissions and consultations included within the application and appeal file, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- Rockabill to Dalkey Island SAC (003000).

Appropriate Assessment of implications of the proposed development

- 11.4.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best

scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

In carrying out this assessment, I have adhered to relevant guidance including:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

European Sites

11.4.2. The following sites are subject to Appropriate Assessment:

- Rockabill to Dalkey Island SAC (003000).

11.4.3. A description of the European Site, Conservation Objectives and Qualifying Interests/Special Conservation Interests has been set out in the NIS and is summarised in Appendix 2 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

11.4.4. While the AA Screening exercise has acknowledged the potential source-pathway-receptor (SPR) hydrological link with the European Sites, Table 7 of the NIS outlines a more detailed examination of the potential for impacts on the individual QIs/SCIs of the European Site. This can be summarised in the following table.

Table 4 S-P-R Connection

QI/SCI	S-P-R Connection
Rockabill to Dalkey Island SAC	
Reefs [1170]	

	Yes - Hydrological connection via surface water run-off to the Ticknick Stream and Carrickmines Stream during the Construction and Operational Phase.
Phocoena (Harbour Porpoise) [1351]	

- 11.4.12. Having considered the above table, I am satisfied that the NIS adequately identifies the QIs/SCIs that could be significantly affected by the proposed development. Following on from this, the NIS then considers the potential significant effects of the proposed development on the attributes and targets associated with the conservation objectives for the relevant QIs/SCIs. This can be summarised as set out in the following table.

Table 5 QI's/SCI's

Rockabill to Dalkey Island SAC		
Reefs Conservation Objective - To maintain the favourable conservation condition of Reefs in Rockabill to Dalkey Island SAC, which is defined by the following list of attributes and targets:		
Attribute	Target	Assessment of Likely Significant Effects
Habitat Area	The permanent area is stable or increasing, subject to natural processes.	Site reprofiling, instream works, storage of topsoil or construction works in the vicinity of the watercourse or drains leading to the watercourse could lead to dust, soil, pollution, or silt laden runoff entering the watercourse with potential downstream impacts. Contaminated surface water runoff on site during construction or operation may lead to silt, cement or contaminated materials from the site entering the watercourse with downstream impacts on the SAC. If on-site concrete production is required or cement works are carried out in the
Habitat Distribution	Distribution is stable or increasing, subject to natural processes	
Community structure	Conserve the following community types in a natural	

	condition: Intertidal reef community complex; and Subtidal reef community complex	vicinity of watercourses/drains, there is potential for contamination of watercourses. The use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels and chemicals could lead to pollution on site or in adjacent watercourses. In the absence of mitigation measures impacts on the qualifying interests of this SAC, primarily due to potential siltation of the habitat, cannot be ruled out. Out of an abundance of caution, in the absence of mitigation measures there is the potential to impact on the habitat area, habitat distribution, and community structure
<p>Phocoena (Harbour Porpoise)</p> <p>Conservation Objective – To maintain the favourable conservation condition of Harbour porpoise in Rockabill to Dalkey Island SAC, which is defined by the following list of attributes and targets.</p>		
Attribute	Target	Assessment of Likely Significant Effects
Access to suitable habitat	Species range within the site should not be restricted by artificial barriers to site use	In the absence of mitigation measures there is the potential to impact the access to suitable habitat due to siltation and pollution and could result in the localised disturbance
Disturbance	Human activities should occur at levels that do not adversely affect the harbour porpoise community at the site	

11.4.13. Having considered the NIS and the table above, I am satisfied that the potential for significant effects on the attributes of the relevant QIs/SCIs has been adequately identified. I would concur that the potential for significant effects is limited to water quality attributes and their related effects, and that the potential for significant effects

on habitats and other attributes (i.e. those not affected by water quality) can be excluded.

- 11.4.14. Page. 70 of the NIS considers 'In-combination effects' and outlines a range of larger developments granted in the area. It concludes that the developments outlined would not be seemed to have an in-combination effect that could significantly effect European Sites. In particular, in relation to the Cherrywood SDZ AA Screening states that "There are no elements of the draft Planning Scheme that could, on their own, lead to a risk of significant impacts on Natura 2000 site" and that "None of these Natura 2000 sites are deemed to be at risk of likely significant effects of implementing the draft Planning Scheme.
- 11.4.15. Having regard to the foregoing and my review of the planning history of the area, I am satisfied that the proposed development has adequately considered the potential for in-combination effects with other plans and projects.

Mitigation Measures

- 11.4.16. Table 8 5 of the NIS outline avoidance, mitigation and monitoring measures to address the potential significant effects which include (inter alia): summarised under the following headings:

Construction Phase Mitigation

- All enabling, riparian, drainage and instream works are to be carried out in consultation with the project ecologist.
- A final CEMP and instream works methodology statement will be submitted to Inland Fisheries Ireland at least three weeks prior to the commencement of enabling works on site.
- All instream works methodologies will have prior approval of Inland Fisheries Ireland.
- An arborist will place a tree protection zone at the initial phase of the project prior to machinery commencing enabling works on site. This will assist in protecting the main watercourse on site from impacts.
- The Carrickmines Stream and Ticknick Stream will be protected from dust, silt and surface water throughout the works.

- Local silt traps established throughout site.
- Mitigation measures on site include dust control, stockpiling away from watercourse and drains • Stockpiling of loose materials will be kept to a minimum of 20m from watercourses and drains.
- Prior to discharge of water from excavations adequate filtration will be provided to ensure no deterioration of water quality.
- De-stocking of the Carrickmines Stream and Ticknick Stream are to be carried out prior to the commencement of works (if required by IFI) and upstream and downstream permeable barriers to remain in place until construction is completed.
- In stream works to be carried out in full consultation with and to the advice of Inland Fisheries Ireland and the project ecologist.
- Staging of project to initially stabilise, isolate, fence off watercourse on site.
- Any in-stream works are to be carried out “in the dry” with temporary diversions in place. Given the restricted nature of the site due to trees this may involve instream diversions through the use of flumes to allow for the culvert to be placed under the stream.
- During the construction works silt traps will be put in place in the vicinity of all runoff channels the stream to prevent sediment entering the watercourse.
- Planting in the vicinity of the stream crossings should be put in place as soon as possible to allow biodiversity corridors to establish.
- On-site inspections to be carried out by project ecologist.
- Daily turbidity monitoring of the Carrickmines Stream and Ticknick Stream should take place during works in consultation with the project ecologist.
- Landscaping of the Riparian corridor will be carried out to the satisfaction of IFI and the biodiversity officer of DLR.
- Air & Dust mitigation including Site Management, Monitoring, Operations, Waste, Storage/Use of Materials, Plant & Equipment

11.4.17. Of relevance to the above the Biodiversity Officers report notes that the threshold limits for turbidity have not been outlined in the proposed Fisheries Construction Method Statement. Also, this measure is not considered mitigation unless there is a mitigation

action as a result of the proposed monitoring of levels of turbidity. Details of the threshold limits that will trigger action and mitigation to avoid potential impacts have not been provided. I note the IFI raised no objection subject to conditions, I further note all in stream works are to be carried out in consultation with IFI and mitigation includes that daily turbidity monitoring of the Carrickmines Stream and Ticknick Stream should take place during works in consultation with the project ecologist. I am satisfied that these measures are acceptable, and works will be carried out in consultation and agreement with IFI and as reinforced in the EIAR mitigations which stipulate a detailed methodology statement to be submitted and agreed with the IFI 2 weeks prior to works commencing.

- 11.4.18. I have considered mitigation and monitoring measures outlined in Table 8.5. I consider that they are robust and comprehensive, and I am satisfied that they are adequate to ensure that there will be no significant water quality impacts associated with the proposed development, either alone or in combination with other developments.
- 11.4.19. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Rockabill to Dalkey Island SAC (003000) in view of the Conservation Objectives of the sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with other plans and projects.

11.5. Appropriate Assessment Conclusion

- 11.5.1. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 11.5.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that the likelihood of significant effects on Rockabill to Dalkey Island SAC (003000) could not be excluded. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. I am satisfied that an examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. Where potential significant effects on Natura 2000 sites have been identified, key design features and mitigation measures have been prescribed to remove risks to the integrity of the European sites. I am satisfied based on the information available, which I

consider to be adequate in order to carry out a Stage 2 Appropriate Assessment, that if the key design features and mitigation measures are undertaken, maintained and monitored as detailed in the NIS, adverse effects on the integrity of Natura 2000 sites will be avoided.

11.5.3. Therefore, following an Appropriate Assessment, it has been ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Rockabill to Dalkey Island SAC (003000), or any other European site, in view of the sites' Conservation Objectives. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of Rockabill to Dalkey Island SAC (003000).
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Rockabill to Dalkey Island SAC (003000)
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Rockabill to Dalkey Island SAC (003000)

12.0 Environmental Assessment

Statutory Provisions

12.1.1. The proposed development mainly involves the construction of a mixed-use Village Centre and residential development comprising 402 no. apartments, 41 no. houses. The site has a stated overall gross area of 8.5912ha.

12.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended, provides that an Environmental Impact Assessment (EIA) is required for projects that involve:

i) Construction of more than 500 dwelling units

iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

- 12.1.3. The proposal for 446 no. residential units does not exceed 500 units and would not be a class of development described at 10(b)(i). The application site is less than 10ha, although a portion of the site is zoned to provide a new Village Centre where the predominant use will be retail/commercial. Accordingly, the site area would not exceed the applicable threshold (10 hectares) outlined in sub-section 10(b)(iv) above.
- 12.1.4. Notwithstanding that the size of the site and proposed number of residential units are below the thresholds in Development Class 10 of Part 2 of Schedule 5, having regard to Development Class 15, Schedule 7 and Section 172 of the Act, and with regard to the size and scale of the proposed development, the proposed use of natural resources, the relative environmental sensitivity of the location, and the types of potential impacts, it was deemed prudent to prepare an EIAR for the proposed development to accompany the planning application in this instance.
- 12.1.5. Under Article 102 of the Planning and Development Regulations 2001, as amended, where an application for a sub-threshold development is accompanied by an EIAR, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act.

EIA Structure

- 12.1.6. This section of the report comprises the environmental impact assessment of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). It firstly assesses compliance with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001. It then provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on defined environmental parameters, having regard to the EIAR and relevant supplementary information. The assessment also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Boards decision, should they agree with the recommendation made.

Issues raised in respect of EIA

12.1.7. Any issues raised in third-party submissions, planning authority reports, and prescribed body submissions are considered later in this report under each relevant environmental parameter.

Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

12.1.8. The following table outlines my assessment of compliance with the requirements of Article 94 and Schedule 6 of the Regulations.

Table 6 - Requirements of Article 94 and Schedule 6 of the Regulations

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)	
Requirement	Assessment
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b)).	Chapter 3 of the EIAR describes the development, including a detailed description of the existing environment and locational context; an outline of the construction phase including the programme/phasing, methodology, and traffic/waste management plans; and an outline of the operational elements. The description is adequate to enable a decision on EIA.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).	Chapters 4-15 of the EIAR describe the likely significant direct, indirect, and cumulative effects on the environment, including the factors to be considered under Article 3 of Directive 2014/52/EU. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed	Each of the individual sections in the EIAR outlines the proposed mitigation and monitoring

<p>development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b)).</p>	<p>measures. They include ‘designed in’ measures and measures to address potential adverse effects at construction and operational stages, including a Construction and Environmental Management Plan (CEMP), a Mobility Management Plan (MMP), Noise Impact and Mitigation. The Mitigation measures comprise standard good practices and site-specific measures and are generally capable of offsetting any significant adverse effects identified in the EIAR. A summary of Mitigation Measures is provided in Chapter 16.0</p>
<p>A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b)).</p>	<p>Chapter 2 of the EIAR outlines the consideration of alternatives. In this regard we note that this Priorsland development is located within and subject to the Cherrywood SDZ Planning Scheme. The location, size, and scale of this project and indeed the entirety of the Priorsland Development Area has been pre-determined as part of the Planning Scheme. Furthermore, the Planning Scheme was itself subject to SEA and the consideration of alternatives.</p> <p>Alternative Design (& Uses) - The Cherrywood Planning Scheme has established very specific design parameters for the subject site as part of the Priorsland Development Area. These prescriptions include for land use mix, quantum of development and density, building heights and frontages, access points and internal roads, physical and social infrastructure location of main open spaces</p>

	<p>The 'do nothing' alternative is considered an inappropriate unsustainable and inefficient use of these serviced and zoned lands.</p> <p>I am satisfied, therefore, that the applicant has studied reasonable alternatives and has outlined the main reasons for opting for the current proposal before the Board and in doing so the applicant has taken into account the potential impacts on the environment.</p>
<p>Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).</p>	
<p>A description of the baseline environment and likely evolution in the absence of the development.</p>	<p>Each of the EIAR sections includes a detailed description of the baseline/receiving environment which enables a comparison with the predicted impacts of the proposed development.</p>
<p>A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.</p>	<p>The EIAR outlines the methodology employed, consultations carried out, desk/field studies carried out, and any difficulties encountered. I am satisfied that the forecasting methods are adequate, as will be discussed throughout this assessment.</p>

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.	The EIAR acknowledges the need to consider major accidents and/or disasters. Where relevant, an assessment of adverse effects has been included. Having regard to the nature, scale, and location of the project, I consider the approach to be reasonable.
Article 94 (c) A summary of the information in non-technical language.	This information has been submitted separately as Volume III of the EIAR. I have read this document and consider it satisfactory.
Article 94 (d) Sources used for the description and the assessments used in the report.	The sources used to inform the description, and the assessment of the potential environmental impact are set out in each section, including references. I consider the sources relied upon are appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report.	Section 1.9 of the EIAR outlines the EIAR Team, including the qualifications, experience, and expertise of the contributors.

Consultations

- 12.1.9. The application has been submitted in accordance with legislative requirements in respect of public notices. Submissions received from statutory bodies and third parties are considered in this report, in advance of decision making. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making (1.12 of EIAR relates)
- 12.1.10. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

Assessment of the likely significant direct and indirect effects

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

12.2. Population and Human Health

12.2.1. Issues Raised

Impact of proposed access arrangements.

12.2.2. Examination, analysis and evaluation of the EIAR

- Chapter 4.0 of the EIAR deals with Population and Human Health and outlines a detailed description of the existing environment and context, including demographics, land use, and community and social infrastructure.
- Section 4.5 outlines the potential impacts of the proposed development. It includes numerous references to other EIAR topics, and these effects will be addressed in more detail in the relevant sections of this report. The main construction effects are predicted to be related to noise (proximity to M50), air quality and climate, water services, landscape and visual impact, economic and employment activity, social patterns, land use and settlement patterns, health and safety and Risk of Major accidents or disasters. The operational phase is predicted to result in several significant long-term positive impacts relating to housing supply, mixed-use services and amenities, employment, and public transport and active travel improvements.
- The EIAR notes that the operation of the development is unlikely to contribute to any significant negative impacts to the surrounding population and human health. The design of the development in terms of street layout, access into the site, pedestrian links and streetlights will be in accordance with the applicable guidelines and ensures the safety and wellbeing of residents during the operation of the mixed-use development. I refer the Board to section commencing 10.5.2 above regarding proposed interim access arrangements and the unsuitable nature of the proposal

presented in terms of traffic safety at the Carrickmines Interchange and failure to adhere to the requirement of the Planning Scheme.

- Regarding Noise impact from the M50, the operation of the development will also see the installation of a soundproof safety barrier along the southern boundary of the development, located between the subject site and the M50 Motorway. This will be of significant benefit to the local residents, not only reducing the significant noise generated from the M50 Motorway, but also providing an element of safety to the residents. I note the concerns raised in the CE report as regards the design of the noise barriers. I refer the Board to section commencing 10.6.40 above.
- As regards Economic & Employment Activity the operation of the mixed-use development will provide 443 no. of residential units which will enhance local spending power and will assist with the delivery of a critical mass of population which will support a wide range of additional local businesses, services, transport infrastructure and employment opportunities and subsequent spending further boosting economic activity within the local area.
- The EIAR also considers the potential impacts on other social and community infrastructure and amenities. This includes positive impacts in the form of The Village Centre which will also serve the wider community as it will be accessible through the Cherrywood road infrastructure and while demand of the new community for school places will be initially met by other school developments being progressed in Cherrywood by the Department of Education in time the Department will deliver a further school on the subject lands north of the Carrickmines Stream.
- Section 4.7 outlines mitigation and monitoring measures. The construction stage measures are based on the CEMP provisions including a Dust Minimisation Plan, noise/vibration control, water protection, traffic management, and a monitoring regime. The operational stage measures relate to the proposed replacement landscaping and the improvement of walking, cycling, and public transport options.
- The EIAR predicts that subject to the implementation of the remedial and mitigation measures proposed throughout the EIAR, then any adverse likely and significant environmental impacts will be avoided. Positive impacts are likely to arise due to an increase in employment and economic activity associated with the construction of the proposed development. The overall predicted likely and significant impact of the construction phase will be short term, temporary and neutral.

- Upon completion of the mixed-use development at Priorsland, the predicted impacts will be a positive contribution to new residential community and the surrounding environment. The new residential population will be served by a new Village Centre with a range of services and facilities, new open spaces, and connections to public transport and schools in the area. The predicted impacts of the operation phase of the proposed development is considered to be long-term, permanent and positive to population and human health.
- The EIAR also considers the overall cumulative impact of the proposed development on population and human health will be positive.

12.2.3. Assessment: Direct, Indirect, and Cumulative Effects

I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors as discussed in sections. I consider that the predicted impacts and the associated mitigation measures are adequate to prevent any unacceptable impacts.

The concerns raised in submissions from the planning authority and prescribed bodies (TII & NTA) about access arrangements, traffic congestion and safety have/will be addressed in sections commencing 10.5.2 of this report.

12.2.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Population and Human Health are, and will be mitigated as follows:

- The Board will note that the proposed interim access arrangements are deemed unacceptable in this instance. However, I acknowledge that construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, including a Dust Minimisation Plan.
- Positive socioeconomic effects at operational stage through the availability of additional housing, employment, services and amenities, open space and recreational improvements, and sustainable transport options.

12.3. Biodiversity

12.3.1. Issues Raised

The DLR Biodiversity officers report considers the EIAR deficient in relation to analysis of protected species of amphibians and reptiles, badger species, hedgerow assessment, breeding bird species including important Red, Amber or Annexed bird species, bat species, impacts of the bridge crossings on the watercourse and associated habitats, lighting plan impacts and trees. It is considered that the proposed mitigation measures aimed at addressing significant impacts on protected habitats and species are not provided in sufficient detail to determine whether they are realistic and achievable.

12.3.2. Examination, analysis and evaluation of the EIAR

Chapter 5 of the EIAR deals with Biodiversity. It highlights that the potential impact on European sites is set out in the Natura Impact Statement (NIS), and I have addressed this in section 11 of my report. A pre-survey biodiversity data search was carried out in August 2020 and updated in April 2022. This included examining records and data from the National Parks and Wildlife Service (NPWS), National Biological Data Centre (NBDC) and the Environmental Protection Agency (EPA), in addition to aerial, 6-inch maps and satellite imagery. A habitat survey of the site was undertaken within the appropriate seasonal timeframe for terrestrial fieldwork. Field surveys were carried out as outlined in Table 7 below All surveys were carried out in the appropriate seasons. It should be noted however that a habitat survey was also conducted on 15th January 2019. In addition, a Bushnell HD trail camera was installed to monitor activity at an adjacent badger sett on 21st February 2019, and collected on 1st March 2019. A fauna survey was conducted concurrent with the habitats and flora survey on 15th January 2019 by Scott Cawley. I note the timeline of surveys carried out ranges from 2019-2022 and based on the documentation submitted and the pattern of development immediate to the site in the intervening period, I am satisfied that the surveys submitted are acceptable.

Table 7 -Biodiversity Field Surveys

Survey	Surveyors	Survey Dates
<i>Terrestrial Ecology/ Aquatic Ecology/Avian Ecology</i>	Bryan Deegan (MCIEEM) of Altamar	20 th September 2020, 9 th July 2021, 2 nd April 2022
<i>Bat Survey</i>	Bryan Deegan (MCIEEM) of Altamar	20 th September 2020, 9 th July 2021
<i>Mammal</i>	Scott Cawley	15 th January 2019
<i>Mammal / Amphibian Survey</i>	Bryan Deegan (MCIEEM) of Altamar	10 th February 2021, 2 nd April 2022
<i>Wintering Bird Assessment</i>	Hugh Delaney Ornithologist	22 nd October 2020, 31 st October 2020, 13 th November 2020, 25 th November 2020, 2 nd December 2020, 18 th December 2020, 6 th January 2021, 19 th January 2021, 4 th February 2021, 22 nd February 2021, 1 st March 2021, 15 th March 2021, 18 th November 2021, 29 th November 2021, 11 th December 2021, 23 rd December 2021, 6 th January 2022, 22 nd January 2022, 6 th February 2022, 27 th February 2022, 6 th March 2022, 26 th March 2022

The EIAR acknowledges the biodiversity importance of the surrounding environment, including the Carrickmines River that traverses through the subject site (flowing west to east) within the treeline and the Ticknick Stream that flows along the southeastern portion of the subject site. These watercourses ultimately outfall to the Shanganagh River, which leads to the marine environment within Killiney Bay, proximate to Rockabill to Dalkey SAC.

Overview: The proposed development site consists primarily of Improved Agricultural Grassland (GA1), Hedgerow (WL1), Treelines (WL2), Scrub (WS1). Of significant importance are the watercourses and the associated riparian corridors and woodland. This importance is primarily as these areas form important biodiversity corridors for biodiversity. It should be noted however that no flora species of conservation importance or invasive species were noted on site by the NPWS or NBDC or during site surveys. No amphibians or reptiles were noted on site, but the site is likely to have frogs on site due to the presence of watercourses. No resting or breeding places of terrestrial mammals of conservation importance were noted on site. However, a badger sett is located proximate to the site, and it is likely that the badgers utilise the northern field for foraging as distinct trails were noted in the grassland proximate to the woodland. The site would be considered to be locally important for bats with two species being noted on site and several trees of bat roosting potential are noted on site. Bat roosts were not confirmed on site.

Hedgerows: I refer the Board to section 10.6 above. The assessment of hedgerows must be read in conjunction with the Arboricultural Report submitted. I am satisfied that the loss of hedgerow although regrettable is justifiable in this instance. Regarding

specific reference to confusion in the EIAR regarding the translocation or protection of the eastern hedgerow. I agree that the text in Section 3.8 of the EIAR is inconsistent. However, I am satisfied the no 'translocation' is proposed as part of the landscaping plan. The biodiversity value of the eastern and southeastern hedgerows has been deemed to be limited comprising significant sections of brambles and in my opinion subject to a condition requiring clarification as to the extent of existing site boundary removal (noting the construction exclusion zoned identified) and measures to supplements the boundaries with native planting, I am satisfied that the development is acceptable.

Tree lines: A single treeline forms a prominent biodiversity feature on the site. This treeline which bisects the two fields, is dominated by mature Turkey Oaks (*Quercus cerris*) where the ground flora is limited. Importantly this treeline also contains the Carrickmines River and would be considered to be the most important habitat area within the proposed development site. To the east of the northern field (on the site boundary) is a small area of woodland. As per the Arboricultural Report 104no. trees or tree groups, as well as 3no. multi-plant groups such as woodlands or hedges were surveyed. The individually described trees include- • 1no. category A trees • 24 no. category B trees • 56 no. category C trees • 23 no. category U trees. Minimal tree removal is proposed as part of the development with only 22 trees identified for removal. Of note of the above trees, 9 no. are located at positions directly adjoining but outside of the site red line. A Habitat Management Plan has been prepared to accompany a planning application (Volume II of EIAR).

Birds: 44 bird species were recorded in the survey area covered. A good proportion of the species utilizing the mature hedgerow habitat bordering the fields on the site. In the context of wintering bird species that are red listed as species of conservation concern in the revised Birdwatch Ireland List of birds of conservation concern in Ireland (2020-2026) Redwing, Snipe and Lapwing were recorded. Four gull species listed in the amber wintering species category were recorded, these being Herring, Lesser black-backed, Common and Black-headed Gull. As set out in section 11.0 above the results from the surveys suggest that the site is not an ex-situ foraging or roosting site for species of qualifying interest from nearby Special protection areas (SPA's). Site clearance will result in a reduction in the vegetation cover and removal of trees and hedgerows would result in a nesting and foraging resource loss for the bird species

noted on site. Clearance works on site during bird nesting season could impact on bird population within the proposed development site. Dust from reprofiling works could potentially impact on vegetation and nesting birds on site within the remaining hedgerows

With regards to the height and location of the buildings, the site is not an important area for breeding birds. It is not located along an important migratory route for bird species, and the proposed development does not pose a significant collision risk for bird species. Bird collision with buildings is generally associated with reflective material (primarily glass) and potential fly through situations. The design of the proposed buildings includes portions of glazing and with additional materials including concrete. The design includes landscaped areas that may be proximate to the glazed areas. This may result in a low level of mortality at a local level but, this is not deemed to be of significance. The removal of scrub and trees on site will result in the removal of nesting and foraging habitat for birds. The landscape plan has been designed in consultation with the ecologists to provide additional nesting and foraging resources for birds on site. 30 no. nest boxes have been included into the building design where feasible on site. Potential Effects: negative; minor adverse, short term, not significant. Mitigation is needed in the form of a pre-construction survey in relation to nesting birds if constructed during nesting season.

Terrestrial Ecology: No mammals of conservation importance would be significantly impacted by the proposed development. Loss of habitat and habitat fragmentation may temporarily affect badgers in the adjacent woodland and common mammalian species. However, it should be noted that the works will not impact on the badger sett in the adjacent woodland and significant open space is located within the northern field. However, the foraging areas of the badgers in the adjacent woodland may be temporarily impacted by works on site. Lighting and increased human presence/disturbance may impact on the potential for the site to accommodate terrestrial mammals of conservation importance. It should be noted that significant dialogue has gone into retaining biodiversity corridors on site and minimising light spill into open space areas, hedgerows and treelines on site. Landscaping on site will improve the biodiversity value of the site. Mitigation measures are outlined in section 5.11. Impacts in the absence of mitigation are deemed: negative; slight, site, short term, not significant.

Amphibians and reptiles. Frogs and reptiles were not observed on site. However, frogs are likely to occur on site. The common lizard may occur on site but was not observed. There is potential for the works to impact on the habitats on site that could potentially support frogs either by direct destruction of the habitats or by onsite pollution or silt ingress. Mitigation measures are outlined in section 5.11. Impacts in the absence of mitigation: negative; slight; short term, not significant.

Bats. The Bat Survey undertaken within the active bat season in good weather conditions with surveying temperatures of greater than 10oC. Soprano Pipistrelle and Leisler's bats were noted on site. No definitive bat roosts were noted on site and no bats were observed emerging from onsite trees. However, the Turkey Oaks on site are considered to have moderate bat roosting potential Without bat mitigation measures, the proposed development will potentially impact on bats through the increased lighting on site. Numerous trees of bat roosting potential are located within the main treeline on site and the majority of these trees are to be retained. Lighting during construction has the potential to impact on bat foraging. Impacts in the absence of mitigation: negative; minor adverse, site, short term, not significant. The mitigation measures outlined in Section 5.11. A pre-construction inspection for bats will be carried out on any tress to be felled. If bats are found roosting on site during the pre-construction inspection a derogation licence will be required from the NPWS. With the implementation of appropriate mitigation measures no significant impacts on are likely.

Aquatic Ecology: The Carrickmines Stream traverses through the subject site and the Ticknick Stream flows along the eastern boundary of the subject site. In the absence of mitigation runoff during site clearance, re-profiling, the construction of project elements could impact on the watercourse, with potential downstream impacts on instream biodiversity including otter and trout, in addition to aquatic biodiversity in the marine environment. The contamination of the watercourse could potentially impact negatively on the biodiversity within the watercourses and within the shallow marine environment. A Fisheries Protection/Construction Method Statement has been prepared to accompany a planning application. The proposed works in the vicinity of the watercourses on site are detailed in this statement and a schedule of mitigation measures outlined.

The following methodology will apply to all works within 10m of the watercourses on site:

- The onsite aquatic ecologist will be informed of all works within 10m of the watercourses at least 1 month in advance of works.
- Submit detailed methodology statement to IFI 2 weeks prior to works.
- Notify IFI one week in advance of each culvert works commencing. - Electrofish the water within the full extent of the works location at the start of the project (if required). Remove any fish and transport downstream
- For large instream works e.g. the culvert, a diversion will be required. It is considered likely at this stage that due to the trees on site that an instream flume system will be required to allow for the works to take place without the need for digging a temporary diversion, as this would impact on the trees.
- Prior to works commencing a net will be installed upstream and downstream of the works to prevent fish from entering the works location and will be maintained for the entire length of works.

I note the specific concerns of the Biodiversity as regards the nature of the works in proximity to the watercourse on site. However subject preparation and submission for agreement of a detailed methodology statement to IFI 2 weeks prior to works commencing I am satisfied that the development is acceptable.

Construction stage impacts on habitats include direct loss/damage. The potential for pollution of surface/ground water will be addressed through mitigation measures.

Significant operational impacts are not predicted having regard to the proposed measures relating to replacement landscaping and water quality protection, as well as the absence of any significant connections to faunal species. The risk of a major accident and/or disaster on site is considered extremely low but suitable mitigation measures have been included to address any such events.

The mitigation measures for the construction stage include the retention of existing vegetation and proposed planting. Any in-stream works are to be carried out “in the dry” with temporary diversions in place. Given the restricted nature of the site due to trees this may involve instream diversions through the use of flumes to allow for the culvert to be placed under the stream. Lighting shall be directed away from areas of semi-natural habitat and with sensitivity for local wildlife. Removal of vegetation will be carried out outside the breeding bird season. The EIAR also outlines a comprehensive range of CEMP and environmental good practice measures to be implemented..

Monitoring measures will include the checking of the CEMP implementation and the ongoing monitoring of landscaping implementation to achieve ecological enhancement.

Regarding the lighting concerns raised by the Biodiversity Officer, I refer the Board to the lighting Plan accompanying this planning application and section 6 Ecological Impact Design Considerations which states that 'careful consideration has been given to the design of Public Lighting with regard to the existing natural habitat and the wildlife along the water way banks. The chosen luminaire We-ef VFL540 has a full cut off lantern type, that offers with a G6 Glare rating and no upward light making it dark sky friendly', furthermore the scheme provides an inbuilt multi step dimming program within this luminaire allows for nighttime hours to be dimmed by up to 25%. This means during peak hours of nocturnal foraging, feeding and activity the adjacent public lighting can be further designed to minimize impact on the local wildlife.

The residual impacts are predicted to be slight negative at site level in the short-term, and neutral to slight positive impact at a local level in the short to medium term as vegetation on site matures.

With regard to potential cumulative effects, the EIAR outlines that a Strategic Environmental Assessment (SEA) and Natura Impact Report (NIR) was prepared as part of the cps and DLRCDP, which assessed the potential to adversely affect the integrity of Natura 2000 sites and biodiversity in general. Developments permitted in the area have also been outlined and I have considered the planning register in light of the significant passage of time since the making of the application. The EIAR does not identify the potential for any significant cumulative impacts on biodiversity.

12.3.3. Assessment: Direct, Indirect, and Cumulative Effects

I would concur with the EIAR that no significant effects are likely from any cumulative impacts.

12.3.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Biodiversity are, and will be mitigated as follows:

- Construction stage loss and/or damage of habitat which will be mitigated by the protection of existing habitats, the carrying out of new planting.

- Construction and operational impacts on water quality which will be mitigated by a Construction and Environmental Management Plan and operational surface water drainage system and the preparation and the implementation of detailed methodology statement for works in the vicinity of watercourses on site.
- Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, lighting design, existing and proposed landscaping, the appropriate timing of works.

12.4. Soils and Geology

12.4.1. Issues Raised

None.

12.4.2. Examination, analysis and evaluation of the EIAR

Chapter 6 of the EIAR deals with land, soils, and geology and has been prepared having regard to the Institute of Geologists of Ireland (IGI) guidance/methodology, EPA water quality monitoring data in the area; EPA Geoportal website; and Site Investigation, IGSL Limited, Lands at Priorsland, Cherrywood, Report Reference No. 21319 dated 1st January 2019. It outlines that there are 2no. soil types noted at the proposed development site, as per Teagasc soil classification mapping accessible from Geological Survey Ireland Spatial Resources. These are Alluvial (mineral) and Deep well drained mineral (Mainly acidic). The site investigation records for the site also indicate that the natural soils on site are generally clay, with a mixture of gravelly silts and clays underlain by sandy gravel with cobbles and boulders. The national draft generalised bedrock map shows that the underlying bedrock for the majority of the site is fine to coarse-grained Granite. The eastern-most point of the lands extends into bedrock consisting of Granite with microcline phenocrysts. The lands are not located in a GSI or Environmental Protection Agency (EPA) source protection area.

Given the two watercourses within the Priorsland site, GSI data show that the Priorsland site is within an area of high groundwater vulnerability. This indicates that the area has a high likelihood of groundwater contamination.

The predicted impact at construction phase is limited to Stripping of Topsoil, Excavation of Subsoil Layers, Imported Fill Construction Traffic Construction. Accidental Spills and Leaks. Any temporary storage of soil required will be carefully

managed in such a way as to prevent any potential negative impact on the receiving environment; the material will also be stored away from any surface water drains. Movement of material will be minimised in order to reduce degradation of soil structure and generation of dust. The soil will be stored in accordance with TII's Specification for Road Works Series 600. All excavated materials will be visually assessed for signs of possible contamination such as staining or strong odours. Should any unusual staining or odour be noticed, samples of this soil will be analysed for the presence of possible contaminants in order to ensure that historical pollution of the soil has not occurred at the proposed development site. Should it be determined that any of the soil excavated is contaminated, this will be managed according to best practice and disposed of accordingly by a licensed waste disposal contractor. Imported fill for the site is expected to be approximately 36,470m³. All fill materials will be visually assessed for signs of possible contamination such as staining or strong odours. Construction traffic effects on the underlying soils can be controlled through the use of stabilisation of soils to mitigate any significant effect on the ground. Soil strengthening geogrids and soil separating geotextiles will be used as required. To minimise any impact on the underlying subsurface strata from material spillages, all oils, solvents and paints used during construction will be stored within temporary bunded areas. Oil and fuel storage tanks shall be stored in designated areas, and these areas shall be bunded to a volume of 110% of the capacity of the largest tank/container within the bunded area(s) (plus an allowance of 30mm for rainwater ingress). Drainage from the bunded area(s) shall be diverted for collection and safe disposal. Refuelling of construction vehicles and the addition of hydraulic oils or lubricants to vehicles, will take place in a designated area (or where possible off the site) which will be away from nearby surface water gulleys or drains. In the event of a machine requiring refuelling outside of this area, fuel will be transported in a mobile double skinned tank. An adequate supply of spill kits and hydrocarbon adsorbent packs will be stored in this area.

Potentially contaminated groundwater and polluted surface water generated during construction activities will not be discharged directly to ground or surface drainage. Welfare facilities will be provided for construction operatives but are only likely to comprise individual 'portaloo's' with no connection to the foul sewer expected. With respect to excavations required to construct the Castle Street connection and the

associated Ticknick Stream bridge structure I note the form of construction of the Ticknick Stream bridge crossing is a clear spanning bridge with appropriate freeboard and riparian setback in accordance with Inland Fisheries Ireland requirements. The implementation of the construction phase mitigation measures highlighted in section 6.6 will ensure that the soils geology and hydrogeological environment is not adversely impacted during normal and/ or emergency conditions during the operational phase

The interactions and cumulative impacts of the other adjoining developments have also been considered and no significant cumulative effects are anticipated subject to good construction practice and the mitigation measures proposed.

The construction stage mitigation measures include protected storage of stockpiled material; management of ground water during excavation; measures employed to prevent spillages from concrete delivery trucks and associated works; and provision of a designated fuel transfer area. No significant effects are predicted during the operational phase. With the implementation of the proposed mitigation measures, no significant construction effects are anticipated.

12.4.3. Assessment: Direct, Indirect, and Cumulative Effects

In relation to land as a resource, I have considered the principle and density of the proposed development in section 10 of this report, and I am satisfied that the proposal would make efficient use of the land resource.

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

12.4.4. Conclusion: Direct, Indirect, and Cumulative Effects

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

- The loss of land, soil, and geology which would be acceptable given the proposed delivery of appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.

- Construction stage impacts relating to dust/dirt pollution, groundwater interference, and soil contamination, which would be mitigated by the Construction and Environmental Management Plan and other measures proposed in the EIAR.

12.5. Material Assets: Water Services, Drainage and Flood Risk

12.5.1. Issues Raised

- A submission from Irish Water outlines that the proposed water/wastewater connections are acceptable subject to conditions.
- The CE report recommend refusal due concerns as regards Flood Risk and floors risk mitigation measures proposed.

12.5.2. Examination, analysis and evaluation of the EIAR

Chapter 8 of the EIAR assesses the potential impact on the drainage and water supply material assets, as well as identifying proposed mitigation measures to minimise any impacts. Impact on the flood regime is also addressed. The methodology for assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Engineering Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems and the Site-Specific Flood Risk Assessment was also submitted.

The following connections to existing public drainage and water supply services works are proposed:

- 1) A new 300mm diameter foul water connection is proposed to connect to the existing 750mm diameter foul water sewer that runs from east to west through the site parallel to the Carrickmines River
- 2) A new 225mm diameter surface water outfall is proposed to discharge surface water to the Ticknick Stream to the east of the site.
- 3) A new 225mm diameter potable water service connection is proposed to connect to the existing 300mm diameter water main on Castle Street to the east of the proposed development site.

The potential construction stage impacts are identified as including, Topsoil stripping and cut/fill earthworks activities may cause an elevated silt load to the adjacent

watercourses, Hydrocarbons may be released into networks from accidental spills, Construction of 2 no. vehicular bridge structures over the Carrickmines River/Flood Containment Zone, permanent floodwater culvert north of the stream will be constructed in the Interim period as far as the boundary with the third-party lands to the east only, an alternative floodwater culvert south of the river will be constructed and will operate in the interim, Construction of 1 no. vehicular bridge structure over the Ticknick Stream forming the extension of Castle Street into the Priorsland Area.

The Carrickmines River and Ticknick Stream watercourses will be protected during the operational phase through the implementation of sustainable drainage systems (SuDS) on site conforming to the various Cherrywood Planning Scheme (CPS) requirements as outlined in the Specific Objectives set out in Chapter 4 Section 4.1.2 of the CPS. These SuDS measures will intercept and attenuate surface water on site. The surface water will be passed through petrol interceptors and other SuDS measures that will clean the surface water. The water will be discharged to the Ticknick Stream at a rate of 1l/s/ha. The material assets (surface water, foul water and watermain networks) will be pressure tested to relevant Dun Laoghaire Rathdown County Council and Irish Water standards prior to completion of the works. The drainage networks will also be CCTV surveyed and reviewed to ensure there are no defects. These test measures will ensure to a reasonable degree that the pipes have been installed to the required standard and the risk of leakage will be greatly reduced. Given the proposals to connect to existing water services, the operational impacts are rated as neutral, brief, and of imperceptible significance.

I refer the Board to section commencing 10.6.13 as regards Flood Risk analysis. In summary, I do not consider the applicant has adequately addressed and/or identified the impact of the proposed mitigation measure proposed, insufficient detail was provided within the SSFRA to conclude that flood risk to the site, including consideration of residual risk was appropriately managed or that there was no increase in risk elsewhere.

A wide range of mitigation measures have been specified for the construction and operational phases of the project. These mitigation methods seek to ensure that construction and operational discharges are controlled to prevent potential pollution impacts to all receiving surface water systems and their downstream catchment areas. Consequently, the mitigation measures detailed in section 7.6 are also intended to

prevent potential impacts to the ecosystem of the Carrickmines river and the Ticknick stream.

In terms of cumulative impacts, the EIAR outlines that the proposed surface water network for the development has been designed to cater for the 1% AEP (1:100-year storm return period) storm, with 10% additional rainfall to allow for climate change. Discharge from the overall development will be limited to 1l/s/ha. The stormwater from the site will be treated and attenuated via the SuDS measures outlined in the Engineering Planning Report and drainage drawings, in accordance with the requirements of the CPS, ensuring adequate water quality at the discharge point to Ticknick Stream. Given the adherence to the CPS Specific Objectives relating to SuDS principles, there is no anticipated cumulative effect. Similarly, interaction between hydrology and the proposed foul or potable water supply is not applicable or controlled. As such, there is no anticipated cumulative effect.

The construction stage mitigation measures refer to the CEMP and best practices to avoid water pollution, and water quality will be monitored throughout. The operational measures relate to the monitoring of the drainage system. After the implementation of mitigation measures, no significant water impacts are predicted.

12.5.3. Assessment: Direct, Indirect, and Cumulative Effects

I consider this chapter weak as regards the format of the information presented, the information can only be deduced from an understanding of the wider project documentation including the relevant Engineering Planning Report, Storm Water Audit and Stage 3 SSFRA. However, I have considered the construction stage mitigation measures, and I am satisfied that they are suitably designed to address the potential risk of pollutant releases to the groundwater and surface water network. At operational stage, I am satisfied that there will be no significant discharge to groundwater and that the surface water discharge to the existing network will be designed in accordance with best practice requirements to satisfactorily address potential impacts. Wastewater will be connected to the Uisce Eireann (UE) network and treated at Shanganagh WWTP. I note that UE has confirmed that connection to the system is feasible without upgrades.

12.5.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Water

are, and will be mitigated as follows:

- Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.
- Operational stage surface water discharges, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.

I have highlighted above and in section commencing 10.6.13 my concerns as regards Flood Risk.

12.6. Noise & Vibration

12.6.1. Issues Raised

The CE report raises concerns as regards noise mitigation measures proposed.

12.6.2. Examination, analysis and evaluation of the EIAR

Chapter 8 of the EIAR deals with noise and vibration. The methodology for assessment is described. There is no published statutory Irish guidance relating to the maximum permissible noise level that may be generated during the construction phase of a project. Local authorities normally control construction activities by imposing limits on the hours of operation and may consider noise limits at their discretion. In the absence of specific noise limits, appropriate criteria relating to permissible construction noise levels for a development of this scale may be found in the British Standard BS 5228-1:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1: Noise

The construction phase will involve intrusive works and high noise activities, utilities and structural works, substructure and lower noise activities and there is the potential for some temporary significant noise impacts. While it is acknowledged that the proposed construction phase would cause noise and disturbance the works would be temporary, and it is noted that the majority of the construction works will take place at significant distances from the receptors and within controlled hours. Therefore, no significant impacts are predicted. The use of best practice noise control measures, hours of operation, scheduling of works within appropriate time periods, strict construction noise limits and noise monitoring during this phase will ensure impacts

are controlled to within the adopted criteria.

As regard general traffic the differences between predicted traffic flows with and without the site are such that the resulting increase in noise levels is $\leq 2\text{dB}$ on all surrounding road networks. The impact on cumulative noise levels is therefore considered to be imperceptible and negligible.

With respect to vibration impact, the potential for vibration at the majority of neighbouring sensitive locations during construction is typically limited to excavation works and lorry movements on uneven road surfaces (I note that there is no blasting planned in the site preparation for the development). The more significant of these is the vibration from excavation operations; the method of which will need to be selected and controlled to ensure there is no likelihood of structural or even cosmetic damage to existing neighbouring dwellings. However, the relative distance between the excavation areas and the existing residences is such that any ground borne vibration should be well below threshold limits.

A Traffic Noise and Inward Noise Impact Assessment has been conducted at the site to assess the likely inward traffic noise impact expected to be experienced by the development and to provide appropriate recommendations for reducing M50 road emissions to acceptable limits in both internal and external development locations (Volume II EIAR) order to quantify the existing noise environment.

Traffic Noise and Inward Noise Impact Assessment (Volume II)

Given that the M50 is the only noise source of any significance located in the vicinity of the residential area of the site, it was desired to conduct noise measurements as close to the motorway as possible with a direct line of sight to the road.

Survey Periods -Noise measurements were conducted over the course of three survey periods as follows:

- Morning Rush Hour on 27 September 2018
- Evening Rush Hour on 26 September 2018
- Night-time on 26 / 27 September 2018

The morning and evening rush hour measurements were conducted over typical daytime rush hour periods during periods of high traffic volumes on the M50 in order to capture worst case noise level. During all measurement periods, the ambient noise

levels in the vicinity of the development were completely dominated by local traffic noise along the M50. The only other noise source of any significance that was identified during the surveys was occasional aircraft flyover noise. However, it was not of a magnitude to have any significant contribution to the noise levels. The M50 noise emission measurement results can therefore be summarised as follows:

- Morning rush hour noise levels: 64 - 71dB LAeq and 65 - 72dB LA10.
- Evening rush hour noise levels: 64 - 68dB LAeq and 66 - 70dB LA10.
- Night time period noise levels: 61 - 64dB LAeq and 65 - 67dB LA10

The report sets out that guideline criteria for external noise levels in residential gardens / patios can be found in both the BS 8233 Guidance On Sound Insulation And Noise Reduction For Buildings and ProPG: Planning & Noise (Professional Guidance on Planning & Noise For New Residential Developments) guidance documents. Both of these documents state that ambient noise levels in external residential areas should ideally not be above 50 - 55dB LAeq. Given the significantly high ambient noise environment in the vicinity of the development due to the M50, it is acknowledged from the outset of this assessment that these external noise level targets are not likely to be achieved due to the practical limitations of the M50 roadway noise level emissions and the impracticality involved in appropriately attenuating them (without the ability to provide a noise barrier or berm immediately beside the roadway).

Internal Noise Level Impact

It was determined as part of an external noise level modelling prediction exercise that noise levels along the south facing first floor façades of dwellings facing onto the M50 will be as high as 72dB LAeq during daytime periods and as high as 64dB LAeq during the earliest portion of night time periods. Noise levels (perpendicularly incident) on the east / west facing first floor facades that are exposed to the road are predicted to be in the range of 66 - 69dB LAeq during daytime periods and 61dB LAeq during a worst case night time period. Noise levels incident on north facing first and second floor facades are predicted to be ≤50dB LAeq during all time periods.

Appropriate guidance for internal noise levels within residential spaces was taken from BS 8233 (2014): Guidance on Sound Insulation and Noise Reduction for Buildings as follows:

- Daytime (07:00 to 23:00 hours) 35dB LAeq,16hr
- Night-time (23:00 to 07:00 hours) 30dB LAeq,8hr

Given the above requirements together with the expected external noise levels, the following mitigation measures were developed for both dwelling and apartment blocks:

- Provision of minimum 50dB Rw external walls.
- Provision of minimum 40dB Rw roof constructions (dwellings only).
- Provision of high performing glazing specifications
- Provision of acoustic external entry doors
- Provision of acoustic trickle vents

Assuming the above developed mitigation measures are properly incorporated into the development design, the BS 8233 criteria should be achieved, and the magnitude of the inward noise impact would be considered negligible.

External Noise Level Impact

Given the significantly high ambient noise environment in the vicinity of the proposed development due to the M50 motorway, a noise impact consideration approach consistent with the BS 8233 and ProPG guidance documents was adopted in order to ensure an acceptable external ambient noise environment could be provided. This approach is summarised as follows:

- The 50 - 55dB LAeq external criteria will be designed for in all instances where it is practically possible to be achieved.
- Where this external criteria is not achievable, external noise levels will be attenuated as far as practicable.
- Relatively quiet, publicly accessible, external amenity spaces will be provided that are located within 5min walking distance of all residential spaces in the development.
- The façade design of all residential spaces will incorporate superior sound insulation glazing / façade elements to achieve a quiet internal acoustic environment that will comply with criteria applicable to low level residential bedroom environments (considered as part of the Internal Noise Level Impact).

Given that both currently measured and predicted ambient noise levels (with the development as built) are in excess of these levels, a number of mitigation measures were developed. These are summarised as follows:

Residential Dwellings

- Provision of a 3.0m high barrier wall provided along the southern development boundary adjacent to the dwelling zone.
- Provision of public parkland area within a 5min walk of all development dwellings.

Apartment Blocks

- Provision of a 1.5m high perimeter wall provided along the Block E1/E2 central amenity area southern boundary.
- Provision of a 3.0m high barrier wall along the southern and eastern development boundary (effectively an extension of the residential zone barrier wall).
- Provision of landscaping measures such as trees and hedging along garden perimeters.
- Either design of balconies in all other areas for direct and oblique views to the M50 by locating them within the façade perimeter envelope and extending balcony perimeter walls as high possible or provision of glazed enclosures with no openable glazed elements.
- Provision of public parkland area within a 5min walk of all apartment blocks. In addition to the above, landscaping measures (e.g. trees, hedges, etc) should be provided as densely as possible along the southern boundary areas

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

12.6.3. Assessment: Direct, Indirect, and Cumulative Effects

Similar to the foregoing chapter, I consider this chapter weak as regards the format of the information presented, the information can only be deduced from an understanding of the wider project documentation including the Traffic Noise and Inward Noise Impact Assessment (Volume II) which was not summarised as part of this chapter. The

chapter would have benefitted from a summary of this assessment.

I have considered the construction stage mitigation measures, and I am satisfied that they are suitably designed to address the noise and vibration potential. At operational stage, I acknowledge that significant design mitigation measures are proposed with respect to noise, however these lands have been zoned for residential development and from the outset the applicant has acknowledged the noise impact of the M50. On balance, I am satisfied that the proposed mitigation measures are acceptable and through suitable conditions impacts would be avoided, managed and mitigated. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

12.6.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Noise and Vibration are, and will be mitigated as follows:

- Construction stage, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.
- Operational stage Noise from the adjacent M50 and general vehicular, which will be mitigated by the design of the building, noise barriers and landscaping.

12.7. Climate & Air Quality

12.7.1. Issues Raised

None

12.7.2. Examination, analysis and evaluation of the EIAR

Chapter 9 of the EIAR assesses air quality and climate impacts. The methodology is set out in section 9.2. The existing ambient air quality in the vicinity of the site has been characterised with information obtained from a number of sources as follows:

- EPA Annual Air Quality in Ireland Reports;
- Site specific air quality monitoring.

The ambient air quality data collected and reviewed for the purpose of this study focused on the principal substances (dust, vehicle exhaust emissions and boiler emissions) which may be released from the site during the construction and operation phases and which may exert an influence on local air quality.

A site specific short-term monitoring study was conducted for Nitrogen oxides, Sulphur dioxide and BTEX and Particulates (Benzene, Toluene, Ethylbenzene and Xylene). All pollutants were measured at the boundary locations (AQM1, AQM3, AQM7, AQM10 and AQM13) using passive diffusion tubes over a two week period. The results from the monitoring surveys indicate that concentrations of NO₂, SO₂ and Benzene measured during the short term measurement survey were significantly below their respective annual limit values and comparable with levels reported by the EPA. Based on published air quality data for the Zone A Dublin city area in the vicinity of the subject site together with site specific monitoring data, it may be concluded that the existing baseline air quality at the subject site may be characterised as being good with no exceedances of the Air Quality Regulations 2011 limit values of individual pollutants

The greatest potential impact on air quality during the construction phase is stated to be from construction dust emissions and the potential for nuisance dust and PM₁₀/PM_{2.5} emissions impacting on human health and the residential properties to the south. Construction stage traffic and plant is predicted to have an imperceptible, neutral, and short-term impact on air quality and climate.

The impact of the proposed scheme upon the macro-climate is assessed through the consideration of the change in CO₂ emissions that will occur due to the changes in traffic flow that occur in response to the proposed scheme. The operational phase of the proposed development will result in a slight impact on local air quality primarily as a result of the requirements of new buildings to be heated and with the increased traffic movements associated with the development. The Cherrywood SDZ planning permission granted in 2014 included an assessment of traffic impacts on the air quality. Therefore, the Priorsland development does not require an individual DMRB screening Model as part of this application. A flood risk assessment has included mitigation measures for minimum floor/site levels and adequate attenuation/drainage means the impact on climate will be imperceptible. Energy efficient building design measures have also been included to minimise climate impacts.

In terms of cumulative impacts, the EIAR outlines that air and climatic factors have been considered as part of the SEA for the DLRCDP 2022-2028 and that the proposal would be consistent with the SEA's preferred 'Compact Liveable Growth Scenario'. Other projects in the area have also been considered and no significant cumulative air and climate impacts are predicted.

The construction stage mitigation measures include a C&D Waste Management Plan which include that A dust minimisation plan and monitoring to be incorporated into the CEMP; efficient use of vehicle engines; and minimisation of waste. The operational mitigation will be achieved by design as outlined in the Building Lifecycle Report. Following the implementation of these measures, any residual impacts are predicted to be imperceptible.

12.7.3. Assessment: Direct, Indirect, and Cumulative Effects

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

12.7.4. Conclusion: Direct, Indirect, and Cumulative Effects

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

- Construction stage dust emissions, which will be mitigated by a Dust Management Plan and standard good practice construction stage measures outlined in the Construction Environmental Management Plan.

12.8. Landscape and Visual

12.8.1. Issues Raised

The CE report raised concerns as regards the overall landscaping strategy and that the development does not incorporate focal points utilising views in and out of the development.

12.8.2. Examination, analysis and evaluation of the EIAR

- 12.8.1. Chapter 10 assesses the potential effects on the landscape and visual impact. The methodology for assessment is described and the receiving environment is described. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the Design Strategy including scale and height of the proposed development on the urban

environs of the site from an urban design and planning context in addition to 'Views' in the planning assessment of my report section 10.3.

The lands are not recorded as a high value landscape. They are located within the designated Cherrywood SDZ. A series of 14 photomontages have been prepared to assess the visual amenity impact of the proposed development (including proposed landscaping) from a variety of locations in the wider landscape. At local level the proposed residential development will constitute a significant intervention in the local setting replacing existing vacant field with a large residential and Village Centre development. However, in most cases the impact on local views is significantly mitigated by existing/planned development and vegetation. Immediate to the site, particularly from the Cherrywood lands, the visual change will be significant but ameliorated by the quality of the building design and landscaping. Within the wider landscape, views of the proposed development site are generally constrained by a combination of variation in topography and existing mature vegetation. Where views of the proposed development are significant the design qualities associated with the proposed development in terms of positioning and heights of buildings and landscape treatments, will serve to reduce the impact. I refer the Board to table 10.3 of the EIAR

During the construction stage of development any development on a large greenfield site would naturally result in significant visual impact and material change to the landscape character of the site. The construction phase of the development would be visually unappealing during the initial stages and as the development progresses the visual impacts would be lessened. However such impact as temporary. Mitigation measures to the construction phase will be dealt with in the construction management plan.

On completion the residential development will significantly alter the landscape from a vacant agricultural site to a large mixed residential estate. The character of the area will change from semi-rural to urban and which will integrate with the adjoining suburban areas existing and planned. The scheme will be visible along the M50 and from certain vantage points in the wider landscape. The residential units and landscaping will create new vertical emphasis throughout the currently vacant site. The provision of streets and open spaces will create a variety of views into and across the development. New levels of planting and landscaping will be proposed although some vegetation will also be lost. The development of a high-quality residential

development will accord with the specific requirements of the Cherrywood SDZ Planning Scheme in relation to building scale, layout, open space provision and landscaping

12.8.2. Assessment: Direct, Indirect, and Cumulative Effects

I have considered all of the written submissions made in relation to landscape and visual impact and considered in detail the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.

12.8.3. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Landscape are, and will be mitigated as follows:

- Changes to the landscape character associated with the development of this greenfield site, which will be mitigated by the design and layout of the proposed development, including the retention of existing vegetation and the provision of additional landscaping and open spaces.

12.9. Traffic and Transport

12.9.1. Issues Raised

The submissions from the planning authority and prescribed bodies (TII & NTA) raise concerns about traffic congestion and safety on the national road network.

12.9.2. Examination, analysis and evaluation of the EIAR

Chapters 11 of the EIAR considers the impact of the development on the traffic and transport environment. It is based on the applicant's TTA (as previously discussed in section 10.5 and 10.6 of this report).

The proposed mitigation measures include best practice measures for construction stage. The site as proposed would be expected to require approximately 3 years to complete from commencement of works. Parking for site operatives will be a

requirement throughout the contract. It would be expected that a site of this size would generate a requirement for in the region of up to 300 site operatives during the peak period of construction and would lead to a parking requirement for up to about 100 vehicles. This could be accommodated within the curtilage of the site. Construction traffic approaching the site will travel via the existing Right of Way to the west of the site in the interim and the internal SDZ road system if the Castle Street extension is delivered and access made available via Cherrywood lands to the east in the short term. Again, the Traffic Management Plan for the construction stage would identify haulage routes and restrictions as appropriate in discussion with the Local Authority.

Trip Generation rates taken from the proposed Roads and Infrastructure Phase 1 Cherrywood (Planning Application Ref: DZ15A/0758) noted in ARUP's Traffic and Transportation Assessment which were applied pro-rata to the relevant type and GFA of development. The figures do not allow for the effect of bypass traffic inherent in the Village Centre usage adjacent to residential development. This is a conservative approach showing the worst-case scenario for the proposed development. The table below details the estimated volume of trips at the peak hours are assessed as:

Table 8: Trip Generation

Land use	Number of External Trips			
	08.00 - 09.00		17.00 - 18.00	
	AM Arrivals	AM Departures	PM Arrivals	PM Departures
Total Residential	49	244	189	73
Total Non-Residential	110	69	189	207
Total	159	313	378	280

The proposed development is located at the western end of the Cherrywood SDZ. In the interim scenario, where the construction vehicle (only) access to the proposed development is proposed to the west, the additional traffic will have negligible impact

on the existing road network. In the permanent scenario, the cumulative effects are understood to have been addressed in the overall Cherrywood SDZ planning assessment. The TTA states that 'the impact on the local road network within the Cherrywood SDZ area has not been assessed, as the projected traffic flows were accounted for in the overall design of the development. The volume of future traffic emanating to and from the proposed development would have been calculated and included in traffic assessments approved within planning permission DZ 18A/0208'. The design of the site layout, roads and accesses in accordance with the relevant guidelines and codes of practice is likely to mitigate any potential impacts during the operational phase of the development. With the combination of the LUAS system and car reduction measures such as cycle lanes and bus lanes then as they become widely used, the volumes of traffic for the surrounding highway network, generated from the proposed development, will have a minimal effect on the overall traffic volumes. The volumes of traffic generated from the currently proposed development will have a negligible effect on the highway network traffic volumes and can be considered within the norms for urban developments

12.9.3. Assessment: Direct, Indirect, and Cumulative Effects

The assessment is predicated on the Cherrywood SDZ designation that has already been subject to SEA as regards the capacity of the area to accommodate the increased demand.

12.9.4. Conclusion: Direct, Indirect, and Cumulative Effects

I have previously addressed the 'interim' access arrangements in section 10.5 and 10.6 of this report, and I acknowledge that these proposals would not be consistent with the provision of the Planning Scheme and would have the potential to be determinantal to the operating capacity of the Carrickmines interchange noting that the EIAR refers to 'up to 300 site operatives during the peak period of construction and would lead to a parking requirement for up to about 100 vehicle' reflecting a significant volume of traffic and for these reasons I consider planning permission should be refused.

12.10. Waste Management

12.10.1. Issues Raised

CE report notes the Construction Management Plan does not demonstrate consistency with section 2.14 of the Scheme as regards construction management plan and C&D waste management plan.

12.10.2. Examination, analysis and evaluation of the EIAR

Chapter 12 of the EIAR addresses Waste Management. The methodology for assessment is described and the receiving environment is outlined. An Outline Construction and Demolition Waste Management Plan has been prepared for the excavation and construction phase of the development. In addition, an Operational Waste Management Plan has been prepared for the operational phase of development. These are attached in Volume II of the EIAR.

12.10.3. During the construction phase it is estimated that the total volume of material to be excavated will be c. 15,000m³. It is expected a fill quantity of 47,000m³ will be required. However, in the unlikely event that there is surplus material that requires removal from site and it is deemed to be a waste, removal and reuse/recycling/recovery/disposal of the material will be carried out in accordance with the Waste Management Act 1996 (as amended), the Waste Management (Collection Permit) Regulations 2007 (as amended) and the Waste Management (Facility Permit & Registration) Regulations 2007 (as amended). The volume of waste requiring recovery/disposal will dictate whether a Certificate of Registration (COR), permit or license is required by the receiving facility. The spoil generated from the basement construction must be disposed at an appropriate licensed facility.

An Operational Waste Management Plan has been prepared which provides a structured approach to waste management and promotes resource efficiency and waste minimisation. Provided the mitigation measures outlined in Section 12.7 of the EIAR will ensure the waste arising from the proposed development during the operational phase is dealt with in compliance with the provisions of the Waste Management Act 1996 as amended, associated regulations, the Litter Pollution Act 1997, the EMR Waste Management Plan 2015 – 2021, and the DCC Waste Bye-Laws. It will also ensure optimum levels of waste reduction, reuse, recycling and recovery are achieved.

Assuming the full and proper implementation of the mitigation measures set out in the EIAR, and, in the OWMP (Volume II), no likely significant negative effects are

predicted to occur as a result of the construction or operational of the proposed development.

12.10.4. Assessment: Direct, Indirect, and Cumulative Effects

Other developments in the area will be required to manage waste in compliance with national and local legislation, policies and plans which will mitigate against any potential cumulative effects associated with waste generation and waste management.

12.10.5. Conclusion: Direct, Indirect, and Cumulative Effects

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

12.11. Cultural Heritage

12.11.1. Issues Raised

Third party concerns were raised that archaeological mitigation might not be sufficient.

12.11.2. Examination, analysis and evaluation of the EIAR

Chapter 13 of the submitted EIAR addresses archaeology, architectural and cultural heritage. Architectural Heritage. Volume II the EIAR includes:

- Geophysical Survey Report
- Archaeological Testing Report
- Built Heritage Assessment Of Carrickmines Stream And Mill Site
- SMR/RMP Sites Within The Surrounding Area
- Stray Finds Within The Surrounding Area
- RPS/Niah Sites Within The Surrounding Area
- Heritage Legislation Protecting The Archaeological Resource
- Heritage Legislation Protecting The Architectural Resource
- Impact Assessment And The Cultural Heritage Resource

- Mitigation Measures And The Cultural Heritage Resource Priorsland Cherrywood SHD - Environmental Impact Assessment Report

The environmental impacts from the proposed development are detailed in the EIAR. The site is within the zone of notification for mill and enclosure DU026-080 to the east of the site. There are no protected structures within the site and the site is not located within an ACA. The nearest protected structure is Priorsland House located C. 1km to the north-west of the site. The site is not located within the curtilage or attendant grounds of same and is well screened by mature planting. It is not considered that there will be any significant impact on the setting or character of the protected structure.

Archaeology: The zone of notification for mill and enclosure DU026-080 has been investigated through geophysical survey and targeted by 11 test trenches. This area had been heavily disturbed by 19th and 20th century services (foul and water) and drainage. A review of the documentary sources and field inspection has indicated that the only evidence for the site of a mill at this location is based on the sketch maps from the 1830s and that these are not reliable in terms of scale and accuracy. While it cannot be entirely dismissed, current evidence suggests that the location of the mill was misidentified, and the actual location could be situated further to the northeast beyond the application site boundary. There is a low possibility that truncated remains of the former mill may be preserved in areas not suitable for geophysical survey or testing to the northeast however the extensive ground works carried out for the previous services in this area will have significantly impacted on any surviving sub-surface remains. Notwithstanding this there may be a negative direct impact on any surviving elements of the mill or enclosure DU026-080, if present, caused by the construction works associated with the proposed extension of Castle Street, diversion of trunk water mains, village centre and the green infrastructure. I further note the concerns raised about neolithic period activity and preservation of any findings in situ or in alternative form. However, I am satisfied that the implementation of mitigation measures as set out in Section 5.2 of the Archaeological Assessment which include the motioning of all ground works by a suitable quality archaeologist will provide appropriate mitigation.

There are no predicted impacts upon the architectural or cultural heritage including Druids Glen as a result of the operation of the proposed development. This is due to

the distance of separation between the site and recorded sites within the study area, the already developed nature of the landscape to the north and south and existing woodland to the northeast of the site.

12.11.3. Assessment: Direct, Indirect, and Cumulative Effects

Archaeological remains have been identified and excavated as part of the recently constructed Phase 1 Cherrywood Infrastructure and Beckett Park to the immediate east and southeast (Reg. Ref. DZ15A/0758 and DZ15A/0814) and future development of the Cherrywood SDZ lands may reveal further archaeological remains. These remains, and any other archaeological remains identified as part of surrounding future development, will be identified and preserved either in-situ or by record. As such, no negative cumulative impacts have been identified.

12.11.4. Conclusion: Direct, Indirect, and Cumulative Effects

From an environmental viewpoint, I am satisfied that Cultural Heritage – Archaeology and Built Heritage has been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects are likely to arise.

12.12. **Material Assets: Built services and infrastructure** (traffic is included within Material Assets due to the relationship between traffic and roads infrastructure).

12.12.1. Issues Raised

None

12.12.2. Examination, analysis and evaluation of the EIAR

Chapter 14 of the EIAR deals with Material-Utilities and Infrastructure. The methodology for assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Engineering Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems.

Access & Ownership: The Board will note that the lands comprising of the planning application site are predominantly owned by the applicant. The red line boundary of the proposed development also takes in lands under the ownership of an additional property owner to the north, with a letter of consent from said party accompanying the application. Construction access to the application is proposed via an existing access

road to the west of the application site which the applicant has a Right of Way across and which also connects with the Glenamuck Road Roundabout. Operational access will be via the completed and taken in charge Castle Street connecting to the Cherrywood road network to the east.

Transport Infrastructure: I have addressed this in 12.9 above and in section 10.0 of this assessment.

Power & Gas Supply: The construction phase will require temporary connection to the local electrical supply network. The potential impact from the construction phase of the proposed development on the local electrical supply network is likely to be short-term and low. Due to the surrounding environment the short term impacts will not be of detriment to the existing residents, primarily being those within Carrickmines to the south and Brennanstown to the north. The operation of the proposed mixed use development will see a significant increase in the demand for the electricity supply network in comparison to when the lands were agricultural. The potential impact from the operational phase on the electricity supply network is likely to be long term and moderate, however will not be of detriment to the surrounding developments which vary from the M50, Green Luas line and residential development.

There is no gas connection required during the construction phase. The development will be connected to the Gas Networks Ireland national gas supply network. There will be an increased demand for the gas supply network as a result of the proposed development. The potential impact from the operational phase on the gas supply network is likely to be long term and moderate, however will not be of detriment to the surrounding environment.

Telecommunication: The Telecommunications will not be operational during the construction phase. At operational stage the impact of the operation of the mixed use development will see an increase in the demand for the telecoms network. The potential impact from the operational phase on the telecoms network is likely to be long term and low and is not anticipated to have any detrimental impacts to the surrounding environment.

Surface Water Infrastructure: During the construction processes the disposal of water (rainfall run-off and shallow groundwater) from the site will be required. Depending on the construction stage and the quality of this water the discharge will occur to either;

ground (via percolation bed or ground water wells); to surface water (via the storm water network to the Tolka River); or to Ringsend WWTP (via the combined foul wastewater network). Treatment and monitoring of this water prior to disposal will occur within the construction site. It is proposed to separate the surface water and wastewater drainage networks, which will serve the proposed development, and provide independent connections to the local public surface water and wastewater sewer networks respectively. The proposed development is to be served by a sustainable drainage system that is to be integrated with the developments landscaping features.

Waste: The proposed development will generate a range of non-hazardous and hazardous waste materials during demolition and construction. General housekeeping and packaging will also generate waste materials as well as typical municipal wastes generated by construction employees including food waste. Waste materials will be required to be temporarily stored on site pending collection by a waste contractor. Dedicated areas for waste skips and bins will need to be identified across the site. These areas will need to be easily accessible to waste collection vehicles. The nature of the development means the generation of waste materials during the operational phase is unavoidable. A project specific CDWMP has been prepared in line with the requirements of the guidance document issued by the DoEHLG. Adherence to the high-level strategy presented in this CDWMP will ensure effective waste management and minimisation, reuse, recycling, recovery and disposal of waste material generated during the construction phase of the proposed development.

Foul water: I refer the Board to section 12.5 above. Foul wastewater from the operational phase of the proposed development would discharge to the public network for treatment at the Shanganagh WWTP

Surface Water: I refer the Board to section 12.5 above and section commencing 10.6.5 of this assessment. The surface water will be passed through petrol interceptors and

other SuDS measures that will clean the surface water. The water will be discharged to the Ticknick Stream at a rate of 1l/s/ha.

Potable Water: I refer the Board to section 12.5 above. It is proposed to connect to the existing UE water supply serving the area. The proposed connection is to be carried out in accordance with Irish Water's Code of Practice for Water Infrastructure.

12.12.3. Assessment: Direct, Indirect, and Cumulative Effects

The final connection details are subject to agreement with the relevant provider. The connections would be conducted in parallel with other services. The implementation of mitigation measures within each chapter will ensure that the residual impacts on the material assets during the operational phase will be neutral, not significant and long term. The overall impact associated with land use and property for the operational phase will be a localised, positive, imperceptible and long term.

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

12.12.4. Conclusion: Direct, Indirect, and Cumulative Effects

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

12.13. Interactions

12.13.1. Chapter 15 addresses interactions and highlights those interactions which are considered to potentially be of a significant nature. The interactions are summarised in the following table as presented in the EIAR:

Table 9 -EIAR - Potential Interaction of Effects Matrix for the proposed development

	Biodiversity	Soils/Geology	Water	Noise	Air Climate	Landscape	Cultural Heritage
Biodiversity	*	1	*	2	3	4	*
Soils/Geology	1	*	5	*	6	7	*
Water	*	5	*	*	*	*	*
Noise	2	*	*	*	*	*	*
Air Climate	3	6	*	*	*	*	*
Landscape	4	7	*	*	*	*	*
Cultural Heritage	*	*	*	*	*	*	*

Overall, the interactions between the proposed development and the various environmental factors are generally considered to be not significant or negative but short-term in duration. Mitigation measures are proposed throughout this EIA Report to minimise any potentially negative impacts.

12.13.2. Examination, analysis and evaluation of the EIAR

The EIAR considers the potential for interactions between environmental factors as part of the assessment in each Chapter, and these are consolidated in Chapter 15 of the EIAR. The potential for interactions is summarised in table 9 above.

12.13.3. Assessment: Direct, Indirect, and Cumulative Effects

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

12.13.4. Conclusion: Direct, Indirect, and Cumulative Effects

I am satisfied that the potential for interactive impacts has been adequately considered and identified. I consider that, subject to the proposed mitigation measures and the recommended conditions of any permission, there would be no significant direct, indirect, or cumulative interactive effects as a result of the proposed development.

12.14. Cumulative Impacts

12.14.1. Each individual chapter provides an assessment of the cumulative impact of the development.

12.14.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the county development which has been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans and national policy. The proposed development is not likely to give rise to environmental effects that were not envisaged in the development plan that was subject to SEA. It is, therefore, concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

12.15. Schedule of Mitigation Measures

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

12.16. Reasoned Conclusion on the Significant Effects

12.16.1. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in the individual EIAR chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

- Population and Human Health: Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Dust Minimisation Plan and a traffic management plan.
- Population and Human Health: Positive socioeconomic effects at operational stage through the availability of additional housing, village centre and employment space,

together with the provision of additional services, amenities, open space, recreational improvements, and sustainable transport options.

- Biodiversity: Construction stage loss and/or damage of habitat which will be mitigated by the protection of existing habitats, the carrying out of new planting, and biosecurity protocols.
- Biodiversity: Potential construction and operational impacts on water quality which will be mitigated by a Construction and Environmental Management Plan and the operational surface water drainage system.
- Biodiversity: Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, lighting design, existing and proposed landscaping, the appropriate timing of works, and the installation of bat boxes.
- Land & Soil: Loss of land, soil, and geology, which would be replaced by appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.
- Land & Soil: Construction stage impacts relating to dust/dirt pollution, groundwater interference, and soil contamination, which would be mitigated by the Construction and Environmental Management Plan and other measures proposed in the EIAR.
- Water: Impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan, and by the implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures.
- Air: Construction stage dust emissions, which will be mitigated by a Dust Management Plan and standard good practice construction stage measures outlined in a Construction Environmental Management Plan.
- Material Assets: While the construction mitigation measures are acceptable, the principle of the proposed construction access route remains a fundamental stumbling block to the development of this site. Operational traffic impacts on the capacity of the road network which will be mitigated by access to the Cherrywood road network; proposals to improve active/sustainable travel options; the reduction of office car-parking; and the implementation of a Mobility Management Plan.

- Landscape: Changes to landscape character which will be mitigated by the design and layout of the proposal, including the retention of existing vegetation and the provision of additional landscaping and open space.
- Archaeology and Architectural Heritage: Construction and operational impacts would be mitigated by archaeological supervision, landscaping and design. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise

Having regard to the foregoing, I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment

13.0 Conclusion and Recommendation

Having regard to the foregoing assessments, I recommend that permission be REFUSED for the proposed development, for the reasons and considerations set out in the following Draft Order.

14.0 Recommended Order

Application: for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 13th August 2022 by McGill Planning, on behalf of 1 Carrickmines Land Limited.

Proposed Development: The application comprises development at a site located at Priorsland, within the townlands of Carrickmines Great and Brennanstown, Dublin 18. The site comprises lands adjacent the Carrickmines Stream and Carrickmines Luas Park & Ride. The application relates to development within the Cherrywood Strategic Development Zone (SDZ) and is subject to the Cherrywood Planning Scheme, 2014 (as amended) and comprises a mixed-use Village Centre and residential development as follows:

- 402 no. apartments (comprising 146 no. 1-beds; 218 no. 2-beds and 38 no. 3-beds) within 6 no. blocks (Blocks A-F) ranging in height up to 5 storeys with basement/undercroft parking areas.

- 41 no. terraced/semi-detached/detached houses (comprising 19 no. 3-beds and 22 no. 4-beds).
- A supermarket (c.1,306 sq.m), 7 no. retail/retail services units (c.715 sq.m total gross floor area); 2 no. non-retail/commercial units (c.213 sq.m total gross floor area); creche (c.513 sq.m), gym (c.155 sq.m), community space (c.252 sq.m), residential facilities (c.551.8 sq.m total gross floor area), Office/High Intensity Employment use (c.708 sq.m).
- Provision of car/ bicycle/ motorcycle parking at basement/ undercroft/ ground level. ESB sub-stations/switchrooms/kiosks, waste storage areas, plant areas.
- Provision of the first phase of Priorsland Public Park, a linear park along the Carrickmines Stream and additional public and communal open spaces.
- Provision of an acoustic barrier along the southern/south-western edge of the site adjacent the M50. • Construction of Castle Street on the subject lands and two road bridges across the Carrickmines Stream, one to serve a future school site, the second to provide interim pedestrian and cyclist access to the Carrickmines Luas station and future Transport Interchange. Provision of a pedestrian bridge from the Village Centre to Priorsland Park.
- The proposed development includes for all associated site development works, landscaping, boundary treatments and services provision.

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

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

15.0 Reasons and Considerations

1. Insufficient Information has been submitted regarding the impact of the proposed development on the flood risk to the Priorsland Development Area 3

and to sensitive receptors downstream. In this regard, the applicant has not sufficiently demonstrated that the development proposals ensure that predicted flooding in the Priorsland Area does not pose an unacceptable risk to persons or property, as per the requirements of Planning Scheme Specific Objective PI 11. Insufficient has been submitted as regards detention pond proposals as required by section 4.1.2 as it relates to Storm Water Management. It is considered that the applicant has not demonstrated that the requirements of the Guidelines on the Planning System and Flood Risk Management, jointly developed by the Department of Environment, Community and Local Government (DECLG) and the OPW have been met.

The Board is not satisfied, on the basis of the information lodged with the planning application that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

2. There are capacity constraints at the Carrickmines Interchange and the addition of large volumes of construction traffic has the potential to be unsustainable and will negatively impact on the functioning, performance and safety of the strategic road network operated by Transport Infrastructure Ireland (TII). It is further considered that the proposals as submitted are not in accordance with National policy in relation to control of development on or affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and would adversely affect the operation and safety of the national road network and the operation of adjacent Luas infrastructure. The submitted proposals for alternative access do not meet the criteria as a set out in Planning Scheme section 7.2.2 and the applicant has not adequately demonstrated a long-term solution beyond an interim period of 0-3 years. The submitted proposals would not be consistent with Planning Scheme Section 4.2.6, section 7.2.1, Table 7.3 and Table 6.3.2, Objective DA 26 and Objective PI 15. In addition, proposed 'interim' construction access arrangement and associated works does not reflect consistency with the Transport Infrastructure connection location as per Map 6.3 – Priorsland and

does not demonstrate that access to the adjoining Res 2 plot can be achieved through the subject development as indicated on Planning Scheme Map 6.3.

The proposed development, by itself or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a national road or other major road by traffic and would not be consistent with the Cherrywood Planning Scheme 2014 (as amended) and contrary to the proper planning and sustainable development of the area.

Irené McCormack

Senior Planning Inspector

22nd October 2024

Appendix 1

AA Screening Determination

Screening for Appropriate Assessment

Screening Determination

1: Description of the project

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

Permission is sought for 443 no. residential units (41 no. houses, 402 no. apartments), creche and all associated site works.

The site primarily consists of grassland and hedgerows with a treeline within the site. The habitats recorded on site, as listed in Biodiversity chapter of the EIAR, comprise improved Agricultural Grassland (GA1) • Hedgerow (WL1) • Treelines (WL2) • Spoil and Bare Ground (ED2) • Recolonising Bare Ground (ED3) • Watercourses (FW) • Amenity Grassland (GA2) • Scrub (WS1). No Annex I habitats were recorded within the site during the habitat surveys and no species listed for protection under the Habitats Directive or the Wildlife Act were recorded as using the site. Invasive species were not recorded on the site during surveys.

The Carrickmines River runs from east to west through the site flowing east towards Dublin Bay within the Dargle River subcatchments. The Ticknick Stream borders the site to the east. As the Priorsland site is a greenfield site, there is no existing surface water drainage system within the site boundary. A surface water drainage system has been developed to the east of the site, as per Planning Application Reference: DZ15A/0758. However, due to the flow path and levels of the Carrickmines River and Ticknick Stream it is not feasible to propose a connection to the existing drainage system to the east of the Priorsland site. A new surface water sewer network is proposed for the development which will be entirely separated from the foul water sewer network. Therefore, the detention basin proposed for the Priorsland site will only serve the Priorsland site.

Details of the construction phase of the development are provided throughout the subject application documentation, including the Outline Construction and Demolition Waste Mgmt. Plan, Outline Construction Management Plan and the Site Investigation Reports. According to the

applicant, foul wastewater from the operational phase of the proposed development would discharge to the public network for treatment at the Shanganagh WWTP. Following various standard practice construction site environmental management measures, as well as SUDS measures, surface waters would be discharged from an outfall into the Ticknick Stream River. Ultimately the resultant treated wastewaters and surface waters from the proposed development would discharge to Killiney Bay.

Submissions and Observations

The submissions and observations from observers, the Planning Authority and prescribed bodies are summarised in sections 8 and 9 of this report. I have had regard to other relevant documentation included with the application. The Planning Authorities Biodiversity Officer notes that Dalkey Island SPA should be screened in for appropriate assessment based upon the potential impacts on the marine feeding areas of tern species. Terns are principally a marine piscivorous species, and the terns of Dalkey Island SPA would forage for sand eels and other marine fish in the area around Dalkey Island during the breeding season and migratory period. The Planning Authority refer to the Board as being the competent authority for AA in this case.

2. Potential impact mechanisms from the project

There are no European sites in the immediate vicinity of the proposed development site. The nearest European sites to the application site comprise the following

Table 1. European Sites

Site Code	NATURA 2000 Site	Distance
Special Areas of Conservation		
IE000713	Ballyman Glen SAC	4.7 km
IE000210	South Dublin Bay SAC	4.7 km
IE000725	Knocksink Wood SAC	4.9 km
IE003000	Rockabill to Dalkey Island SAC	4.9 km
IE002122	Wicklow Mountains SAC	6.6 km
IE000714	Bray Head SAC	7.8 km
IE000206	North Dublin Bay SAC	10.2 km
IE000719	Glen of the Downs SAC	12.1 km
IE001209	Glenasmole Valley SAC	12.2 km
IE000202	Howth Head SAC	13.2 km
Special Protection Area		
IE004024	South Dublin Bay and River Tolka Estuary SPA	4.7 km
IE004172	Dalkey Islands SPA	5.3 km
IE004040	Wicklow Mountains SPA	6.6 km
IE004006	North Bull Island SPA	10.2 km
IE004016	Howth Head Coast SPA	14.1 km
IE004236	North-Weast Irish Sea SPA	10.3km

Potential Effects

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), as well as by the information on file, and I have also visited the site.

Habitat Impact

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality/disturbance.).

Furthermore and while I note the comments of the Biodiversity officer as regards Dalkey Islands SPA 004172, I agree with the applicant that given the minimum distance to this SPA (4.7 km) across a substantial marine environment and around Sorrento Point and Dun Laoghaire Harbour, any silt or pollutants that may enter the watercourse would settle, be dispersed, or diluted within the marine environment. Given the minimum distance to this SPA (4.7 km)₁ across a densely populated area, in the absence of mitigation, no significant noise or vibration effects on the bird species protected as Qualifying Interests of this SPA are likely. As regards concerns raised with respect to Bird Surveys. A Wintering Bird Survey Report was prepared to accompany this planning application (Appendix I AA-NIS). 44 bird species were recorded in the survey area covered by these 22 winter bird surveys. A good proportion of the species were recorded utilizing the mature hedgerow habitat bordering the fields on the site. In the context of wintering bird species that are red listed as species of conservation concern in the revised Birdwatch Ireland List of birds of conservation concern in Ireland (2020-2026) Redwing, Snipe and Lapwing were recorded. Four gull species listed in the amber wintering species category were recorded, these being Herring, Lesser blackbacked, Common and Black-headed Gull. However, results from the surveys suggest that the site is not an ex-situ foraging or roosting site for species of qualifying interest from nearby Special protection areas (SPA's). In the absence of mitigation measures, no significant effects on the conservation objectives of the Qualifying Interests of this SPA are likely.

The Carrickmines Stream traverses through the subject site. The Ticknick Stream traverses along the eastern boundary of the site. As a result, there is a direct hydrological pathway from the proposed development site to the marine environment. Out of an abundance of caution, even though this SAC is c.3.5km from the mouth of where the watercourse enters Kiliney Bay, it is considered that Harbour Porpoise, being a mobile species could be in the vicinity of where the

watercourse enters Killiney Bay and that in the unlikely event of a significant sediment influx entering the watercourses as a result of works, there could potentially be deposition of silt within the marine environment and on reef habitat.

Hydrology

There is a remote indirect hydrological pathway to Rockabill to Dalkey Island SAC (003000) via the proposed foul and surface water drainage strategy (both Interim and Permanent Proposals). There is a pathway via surface water drainage to the Ticknick Stream located to the east of the subject site. This watercourse outfalls to the Carrickmines Stream, which in turn outfalls to the Shanganagh River, and ultimately outfalls to the marine environment at Killiney Bay. There are potential impacts at construction stage relating to construction-related pollutions, as well as operational impacts in terms of the quantity and quality of surface water discharge.

Disturbance

The construction and operational phases have the potential for disturbance related to increased dust, noise, lighting, and human activity. However, given the distance between the site and the nearest designated sites (4.4 km) and the location of the site adjoining the expanding urban area, I consider that the potential for any such disturbance can be excluded.

Wastewater

Foul wastewater will be directed to the existing concrete sewer that runs through the subject site, which in turn discharges to Shanganagh WwTP. All foul wastewater drainage will be treated along this public network. 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.

Water

Fresh water supply for the development will be via a mains supply.

:-NPWS Website notes -Dalkey Islands SPA 004172 comprises Dalkey Island, Lamb Island and Maiden Rock, the intervening rocks and reefs, and the surrounding sea to a distance of 200 m. Dalkey Island, which is the largest in the group, lies c. 400 m off Sorrento Point on the Co. Dublin mainland from which it is separated by a deep channel.

Conclusion on the extent of the Zone of Influence

Out of an abundance of caution, it is considered that there is a remote indirect hydrological pathway to Rockabill to Dalkey Island SAC (003000) via the proposed foul and surface water drainage strategy (both Interim and Permanent Proposals). Foul wastewater will be directed to the existing concrete sewer that runs through the subject site, which in turn discharges to Shanganagh WwTP. All foul wastewater drainage will be treated along this public network. After attenuation on-site, surface water drainage will be directed to the Ticknick Stream located to the east of the subject site. This watercourse outfalls to the Carrickmines Stream, which in turn outfalls to the Shanganagh River, and ultimately outfalls to the marine environment at Killiney Bay.

Therefore, the European site with qualifying interests, which are potentially linked to the proposed development is Rockabill to Dalkey Island SAC (003000) Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- surface water drainage from the proposed development site during construction and operational phases;
- increased wastewater being sent to Shanganagh WWTP during the operational phase of the proposed development;
- Habitat degradation as a result of Hydrological connections

In determining the zone of influence for the proposed development I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site. Table 2 of the application screening report identifies the potential links from European sites to the application site. Distances from the site to European sites are listed in table 1 above. I do not consider that any other European Sites other than those identified in table 2 below potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the results of ecological surveys for the site, the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

3. European Sites at risk

Having regard to the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk are outlined in the following table.

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	European Site(s)	Qualifying interest features at risk	Impact pathway/Zone of influence
Surface / groundwater drainage	Rockabill to Dalkey Island SAC 003000	1170 Reefs 1351 Harbour porpoise	Hydrological link via Ticknick Stream located to the east of the subject site. This watercourse outfalls to the Carrickmines Stream, which in turn outfalls to the Shanganagh River, and ultimately outfalls to the marine environment at Killiney Bay.
Wastewater discharge	Rockabill to Dalkey Island SAC 003000	None – (1170 Reefs, 1351 Harbour porpoise)	Wastewater discharge via the Shanganagh-Bray wastewater treatment. However, the potential for significant effects can be excluded given the capacity and treatment standard at the plant.

Having regard to the above table, Rockabill to Dalkey Island SAC 003000 is considered to be the only Natura 2000 sites at risk from the proposed development.

Rockabill to Dalkey Island SAC 003000 includes a range of dynamic inshore and coastal waters in the western Irish Sea. These include sandy and muddy seabed, reefs, sandbanks and islands. This site extends southwards, in a strip approximately 7 km wide and 40 km in length, from Rockabill, running adjacent to Howth Head, and crosses Dublin Bay to Frazer Bank in south Co. Dublin. The site encompasses Dalkey, Muglins and Rockabill islands. Reef habitat is uncommon along the eastern seaboard of Ireland due to prevailing geology and hydrographical conditions. The area selected for designation represents a key habitat for the Annex II species Harbour Porpoise within the Irish Sea.

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

Taking account of baseline conditions and the effects of ongoing operational plans and projects, this section considers whether there is a likely significant effect 'alone'.

The Carrickmines Stream traverses through the subject site. The Ticknick Stream traverses along the eastern boundary of the site. As a result, there is a direct hydrological pathway from the proposed development site to the marine environment. Out of an abundance of caution, even though this SAC is 1km from the mouth of where the watercourse enters Killiney Bay, it is considered that Harbour Porpoise, being a mobile species could be in the vicinity of where the watercourse enters Killiney Bay and that in the unlikely event of a significant sediment influx entering the watercourses as a result of works, there could potentially be deposition of silt within the marine environment and on reef habitat.

Interim Proposals

During the construction phase of development, construction works are proposed in close proximity to the Carrickmines Stream and Ticknick Stream, including the construction of new surface water headwalls at the Carrickmines Stream. Further, in-stream works to the Carrickmines Stream are proposed in the proposed extension of the existing surface water culvert underneath the Carrickmines Stream. Additionally, a number of bridges (both vehicular and pedestrian) will be constructed across the Carrickmines Stream. The construction of the western bridge may include pilling works proximate to the watercourse. In the absence of mitigation measures, significant effects on the conservation objectives of this SAC are likely via contaminated surface water runoff and dust that may enter the Carrickmines Stream and Ticknick Stream during the construction phase of development. Mitigation measures are required to ensure that there are no downstream impacts on this SAC.

During the operational phase of development, it is considered that there is a direct hydrological pathway to this SAC via surface water drainage. It is proposed to attenuate surface water drainage within the site outline through the implementation of the proposed SuDS measures. However, surface water drainage will be directed to the Ticknick Stream watercourse located to the east of the subject site after attenuation. This watercourse outfalls to the Carrickmines Stream, which in turn outfalls to the Shanganagh River, and ultimately outfalls to the marine environment at Killiney Bay. Given that the Shanganagh River outfalls to the marine environment at a minimum of 1.4km from this SAC, it is considered that there is the potential for downstream impacts on this Natura 2000 site. Further, the Carrickmines Stream traverses through the subject site. In the absence of mitigation measures, significant effects on the conservation objectives of this SAC are likely via contaminated surface water runoff that may enter the Carrickmines Stream and Ticknick Stream

during the operational phase of development. Mitigation measures are required to ensure that there are no downstream impacts on this SAC

There is an indirect hydrological pathway to this SAC via foul wastewater. During the construction phase of development, foul wastewater will be connected to the Local Authority sewage system with local authority approval. Foul wastewater will then be treated along this public network. In the absence of mitigation, no significant effects on the Qualifying Interests of this SAC are likely during the construction phase of development. During operation, foul wastewater from the subject site will be directed to the existing foul network that traverses through the site, which in turn outfalls to Shanganagh WwTP for treatment before ultimately discharging to the marine environment. Given that foul wastewater will be treated along this network, in the absence of mitigation, no significant effects on the Qualifying Interests of this SAC are likely.

Permanent Proposals

During the construction phase of development, construction works are proposed in close proximity to the Carrickmines Stream and Ticknick Stream, including the construction of new surface water headwalls at the Carrickmines Stream. Further, in-stream works to the Carrickmines Stream are proposed in the proposed extension of the existing surface water culvert underneath the Carrickmines Stream. Additionally, a number of bridges (both vehicular and pedestrian) will be constructed across the Carrickmines Stream and Ticknick Stream. The construction of the western bridge may include piling works proximate to the watercourse. In the absence of mitigation measures, significant effects on the conservation objectives of this SAC are likely via contaminated surface water runoff and dust that may enter the Carrickmines Stream and Ticknick Stream during the construction phase of development. Mitigation measures are required to ensure that there are no downstream impacts on this SAC.

During the operational phase of development, it is considered that there is a direct hydrological pathway to this SAC via surface water drainage. It is proposed to attenuate surface water drainage within the site outline through the implementation of the proposed SuDS measures. However, surface water drainage will be directed to the Ticknick Stream watercourse located to the east of the subject site after attenuation. This watercourse outfalls to the Carrickmines Stream, which in turn outfalls to the Shanganagh River, and ultimately outfalls to the marine environment at Killiney Bay. Given that the Shanganagh River outfalls to the marine environment at a minimum of 1.4km from this SAC, it is considered that there is the potential for downstream impacts on this Natura 2000 site. Further, the Carrickmines Stream traverses through the subject site. In the absence of

mitigation measures, significant effects on the conservation objectives of this SAC are likely via contaminated surface water runoff that may enter the Carrickmines Stream and Ticknick Stream during the operational phase of development. Mitigation measures are required to ensure that there are no downstream impacts on this SAC.

There is an indirect hydrological pathway to this SAC via foul wastewater. During the construction phase of development, foul wastewater will be connected to the Local Authority sewage system with local authority approval. Foul wastewater will then be treated along this public network. In the absence of mitigation, no significant effects on the Qualifying Interests of this SAC are likely during the construction phase of development. During operation, foul wastewater from the subject site will be directed to the existing foul network that traverses through the site, which in turn outfalls to Shanganagh WwTP for treatment before ultimately discharging to the marine environment. Given that foul wastewater will be treated along this network, in the absence of mitigation, no significant effects on the Qualifying Interests of this SAC are likely.

Conclusion

During the construction and operation phase of development, foul wastewater from the subject site will be directed to the existing foul network that traverses through the site, which in turn outfalls to Shanganagh WwTP for treatment before ultimately discharging to the marine environment. Given that foul wastewater will be treated along this network, in the absence of mitigation, no significant effects on the Qualifying Interests of this SAC are likely.

Mitigation measures will need to be in place to prevent silt, dust, contamination and petrochemicals from entering the Carrickmines Stream and the surface water network leading to the Ticknick Stream, which has a direct pathway to this SAC. For these reasons (mitigation measures are required for the prevention of significant effects on a Natura 2000 site), it is necessary to proceed to a NIS on the effects of the project on this site in view of its conservation objectives. Significant effects are likely - Natura Impact Statement required

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?

Rockabill to Dalkey Island SAC (Site Code 003000)		
Reefs	To maintain or restore favourable conservation condition.	Yes
Harbour porpoise <i>Phocoena phocoena</i>		
<p><u>Conclusion</u></p> <p>I conclude that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Rockabill to Dalkey Island SAC (Site Code 003000) from construction and operational stage effects associated with water quality cannot be excluded. In accordance with the precautionary principle, an Appropriate Assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.</p>		
<p>Overall Conclusion- Screening Determination</p> <p>In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Rockabill to Dalkey Island SAC (003000) cannot be excluded. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.</p> <p>This conclusion is based on:</p> <ul style="list-style-type: none"> • Objective information presented in the applicant's reports; • The zone of influence of potential impacts; • The potential for construction-related impacts on downstream water quality within the European Sites and related impacts on habitat loss and/or alteration; habitat / species fragmentation; disturbance / displacement of species; and changes in population density; • The application of the precautionary approach; • Proximity to European Sites and the potential for pathways to same; and • The nature and extent of predicted impacts, which could affect the conservation objectives of the European Sites. 		