



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-313341-22**

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#### **Strategic Housing Development**

118 no. apartments and all associated  
site works

#### **Location**

Glenamuck Road North, Carrickmines,  
Dublin 18.

#### **Planning Authority**

Dun Laoghaire-Rathdown County  
Council

#### **Applicant**

Moran Park Homebuilders Limited.

#### **Prescribed Bodies**

Inland Fisheries Ireland

Uisce Eireann

Transport Infrastructure Ireland

#### **Observers**

Aidrian Daly

Gary & Grainne Coburn

Huw Spiers

Johanne & Neil Guinan

John and Ann Armstrong  
John and Ann Martin  
John Kennedy  
Liam and Mary Murray  
Paul Cotter and David Hynes  
Peter and Aveen Gray  
Rhona O'Shea  
Richard and Anna Whelehan  
Robin McGhee

**Date of Site Inspection**

27<sup>th</sup> November 2024

**Inspector**

Irené McCormack

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## **1.0 Introduction**

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

## **2.0 Site Location and Description**

- 2.1. The application site extends to approximately 0.92ha in area (c. 0.74ha relates to the main development site and c. 0.18ha relates to additional lands for drainage and access proposals) and is located in a mature suburban residential area at a site on Glenamuck Road North, Carrickmines, Dublin 18 to the south of Foxrock and Cabinteely.
- 2.2. The subject site is located within a distance of approximately 150m of the Green Luas Line with the Carrickmines stop located to the south of the site. The site is well serviced by the M50 motorway, which is located 400m to the southwest and by cycle lanes on North Glenamuck Road. The site is also directly serviced by the Route 63 on Glenamuck Road.
- 2.3. The established character of the surrounding area is mature and comprises large detached two-storey family houses set on generous plots. Residential densities are characterised as low within the immediate context. Carrickmines Croquet and Lawn Tennis Club is located opposite the site. There is also an existing access point serving the site from Glenamuck Road North.
- 2.4. The site slopes approx. 3m from north to south, towards the M50 motorway and the lands are bounded to the north, south and east by existing mature dwellings of 2-storeys in height on large plots. However, site inspection determined that the site has recently been cleared and levelled and is being used as a builder’s compound associated with the on-going construction of a four-storey apartment complex to the south of the site.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development shall provide for the construction of (a) **118 no. residential apartment units** in the form of **3 no. residential blocks** of apartments ranging in **height from 4 storey's and transitioning to 6-7 storeys overall**. The overall development proposal shall provide for the following:

- Block A (7 storeys) comprising 44 no. units (13 no. 1 bed units, 28 no. 2 bed. units and 3 no. 3 bed units);
- Block B (6-7 storeys overall) comprising 38 no. units (11 no. 1 bed units, 26 no. 2 bed units and 1 no. 3 bed units); and
- Block C (6 storeys overall) comprising 36 units (10 no. 1 bed units; 22 no. 2 bed units and 4 no. 3 bed units);

Each new residential unit has an associated area of private open space in the form of balcony / terrace area and set back upper floor levels.

Open space (approx. 2,071 sqm) is provided by one major centrally located public open space (1,158.4 sqm) between blocks A and B which include a play area of 63.2 sqm, two further communal open space areas are provided adjoining Blocks B (471.8 sqm) & Block C (440.8 sqm).

Communal Area located at the ground floor of Block B (approx. 161.3 sqm) comprising of a shared working space (35.6 sqm), meeting rooms (42.2 sqm.), a gym (36.6 sqm) and changing/tea stations (46.7 sqm) is also proposed.

2 no. basement level areas (approx. 2,340.9 sqm) are also proposed at lower ground / ground floor level of Blocks A, B (1,470.0 sqm) and C (834.9 sqm) and include car parking, bicycle parking, refuse storage areas, plant areas and ESB Substation which is located between Block B and C.

A total of 103 no. car parking spaces (67 no. at basement level and 36 no. at surface level to include 17 no. electric power points and 5 no. accessible parking spaces) are proposed. In addition, 5 no. motorcycle parking spaces (3 no. at basement level A and B, and 2 no. at basement level C). A total of 280 no. bicycle parking spaces (254 no. at basement level and 26 no. at surface level) are also proposed.

Proposals for vehicular and pedestrian access comprise via Glenamuck Road North and all associated upgrade works; The access point to the south (via Carracáil) is for pedestrians and cyclists only.

Associated site and infrastructural works including the provision for water services, foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works to include new tree and hedge planting; green roofs; boundary treatments; internal roads and footpaths; and electrical services.

- 3.2. The following tables set out the key standards for the proposed strategic housing development:

Proposed Development				
Site Area	0.92ha (c. 0.74ha relates to the main development site and c. 0.18ha relates to additional lands for drainage and access proposals).			
No. of Units	118 units arranged in 3 no. blocks as follows:			
		1 Bedroom (Avg. Size 57.1m <sup>2</sup> )	2 Bedroom (Avg. Size 81.3m <sup>2</sup> )	3 Bedroom (Avg. Size 111.9m <sup>2</sup> )
	Block A	13	28	3
	Block B	11	26	1
	Block C	10	22	4
	Total	34	76	8
		28.8%	64.4%	6.8%
	Gross Floor Area	1941.6	6176.7	895.1
Building Height	4-7 Storeys			
Dual Aspect	67.8%			
Density	159 units per ha			
Plot Ratio	1.50			
Site Coverage	25.17%			
Public and Communal Open Space	Open space provision is identified as 2,071 sq. m. Communal Open Space – 774 sqm			
Car Parking	103 no. spaces			
Cycle Parking	280no. Bicycle Spaces			

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

- Planning Application Report and Statement of Consistency with Dun Loaghaire Rathdown Development Plan 2016-2022. SOC Addendum Draft DLRDP 22-2028.
- ABP Opinion Response
- Community Infrastructure Statement
- Architectural and Masterplanning Design Statement to include ABP Opinion Response, Housing Quality Assessment & Schedule of Accommodation
- Part V Booklet
- Landscape Design Rationale
- Architectural Drawings
- Engineering Drawings
- Site Specific Flood Risk Assessment
- Engineering Assessment Report
- Preliminary Construction Management Plan
- Traffic and Transport Assessment
- DMURS Statement
- Car Parking Strategy/Mobility Management Plan
- Surface Water Audit
- Quality Audit
- AA Screening Report
- EIA Screening Report, Regulation 299B Statement
- EcIA Impact Assessment Report
- Arboriculture Impact Assessment
- Lighting Report
- Sustainability and Energy Statement
- Photomontages/CGI's
- Daylight and Sunlight Analysis
- Assessment of the Visual Impact on the Built Environment
- Resource and Waste Management Plan
- Operational Waste Management Plan
- Building Lifecycle Report
- Property Management Strategy Plan
- Wind Desktop Study and CFD Analysis

## 4.0 Planning History

### Application Site

**D16A/0260 & ABP Ref. PL06D.247822** - planning permission granted for residential development consisting of 42 no. dwellings in the form of 36 no. apartments and 6 no. houses. The permitted development provided for (a) apartment blocks A (18 no. units) and B (18 no. units), both 3 storeys with set back at fourth floor level, over basement level; and (b) 6 no. 4-bed house units (3 storeys), all with associated rear gardens and balconies. Permission was also granted for basement and surface car parking spaces; bicycle parking spaces; plant areas; storage areas; bin storage areas; and access via Glenamuck Road North.

**D14A/0649 and ABP Ref. PL.06D.244272** refers to a May 2015 decision to refuse permission for 17 houses, 34 car parking spaces and associated site works on the lands to the north of the subject site. Two reasons for refusal were issued and in summary were due to the inappropriate low density of development and insufficient public open space and secondly the design of the development would negatively impact on adjoining residential amenity.

### South of Site

**D18A/1187 & ABP Ref. PL06D.304995** - Permission granted for a residential development to the south of the subject site for the demolition of a two-storey dwelling on site (c. 326 sqm GFA) and the construction of 30 no. residential units (8 no. apartments and 22 no. duplex units) in the form of **1 no. 4 storey residential block**. Vehicular access is proposed from Glenamuck Road North via the alignment permitted in the development to the north (Reg. Ref.: D16A/0260 and An Bord Pleanála PL06D.247822 refers).

Note: There is some overlap with the application site and this application as regards connections. Site inspection confirmed work has commenced on this development.

### Surrounding Area

4.1.1. The following applications relate to lands adjoining the application site:

- DLRCC ref. PC/CSDZ/013/2022 – in June 2022 the Elected Members of the Planning Authority decided to vote to grant permission for a Part 8 project titled the ‘Cherrywood Green Routes Network’, comprising over 4km of greenways and



walkways, including use of an existing underpass to the Luas between the application site southern boundary and the Brennanstown Luas stop, connecting into a 1.2m-wide greenway / walkway route leading eastwards running through Glendruoid woodland towards Lehaunstown Road following the southern side of the Carickmines river.

4.1.2. The following are the closest applications to the application site for strategic housing or large-scale residential developments:

- ABP ref. 313281 – 22- a strategic housing development was refused by the Board in September 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 at Barrington Tower, Brennanstown Road, Dublin 18, approximately 360m to the east of the application site on Brennanstown Road.
- ABP ref. 301614-18 – a strategic housing development was granted by the Board in August 2018 providing for the construction of 98 apartments in three blocks of two to four storeys (over basement) and 38 two to three-storey houses, constructed as the Brennanstown Woods development approximately 130m to the northwest of the application site on Brennanstown Road.
- ABP ref. 305859-19 – a strategic housing development was granted by the Board in June 2020 providing for the demolition of a house and the construction of 234 apartments in three blocks of one to eight storeys at the Doyle nurseries site approximately 500m to the east of the application site on Brennanstown Road.
- ABP ref. 313322-22 – in April 2022 a strategic housing development was lodged to the Board seeking permission for the construction of 41 houses and 402 apartments, a supermarket, seven retail / retail service units, two non-retail / commercial units, a childcare facility, community space, residential facilities, office / high-intensity employment use, reserved site for a school and all associated site works, comprising six blocks up to five storeys in height to the south of the application site on the opposite side of the Luas Greenline corridor. Awaiting decision.

## 5.0 Section 5 Pre-application Consultation

### 5.1. Pre-application Consultation

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 7<sup>th</sup> October 2021, in respect of a development comprising 120 no. apartment and associated site works. Copies of the record of this consultation meeting and the Inspector's report arising from this consultation are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- Design Strategy (including inter alia design, height, layout and open space provision).
- Residential Amenities (existing and proposed).
- Issues raised by DLR Transportation Planning Section.
- Issues raised by DLR Drainage Division & Irish Water.
- Any Other Business

### 5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion dated 28<sup>th</sup> November 2021 (ABP-310772-21) 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.

#### **Development Strategy**

a) The **interface with the lands to the southeast and the development permitted under An Bord Pleanála Reference No. PL.06D.304995, the public realm at Glenamuck Road North and the interface with adjoining lands**, as they relate to the design and layout of the proposed development and the desire to ensure that the proposal provides a high quality, positive intervention at this location. Particular regard should also be had to creating suitable visual relief in the treatment of elevations and interface with adjacent lands. An architectural report, urban design statement and additional CGIs/visualisations should be submitted with the application.

b) A contextual layout plan which indicates the layout of adjoining developments, **photomontages and cross sections** at appropriate levels, including details of how

the proposed development interfaces with contiguous uses/lands and adjoining roads

c) Detailed **rationale/justification regarding the suitability of the proposed site to accommodate the proposed height, density and housing mix** with regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).

d) In addition to the consideration of local statutory policy and national policy and guidelines, particular regard should be had to demonstrating that the proposal **satisfies the criteria set out inter alia in section 3.2 and SPPR3 of the Urban Development and Building Heights**, Guidelines for Planning Authorities (December 2018). The applicant should satisfy themselves that the design strategy for the site, as outlined in red, provides the optimal outcome for the subject lands.

The response should also include a report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development. A Building Life Cycle report shall also be submitted in accordance with section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).

The further consideration / justification should have regard to, inter alia, the guidance contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020, the Urban Development and Building Height Guidelines for Planning Authorities 2018; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; the Design Manual for Urban Roads and Streets 2013; and the Dun Laoghaire Rathdown Development Plan 2016-2022.

### **Traffic and Transportation**

Further consideration and/or justification of the documents as they relate to the:

(a) Proposed works to the **Glenamuck Road North** and proposed **traffic management measures**.

- (b) Provide a **justification** for the level of **car parking proposed**. The justification should include an analysis of car parking demand taking account of the site's location and the level of connectivity (by all modes) to services and employment
- (c) The **Car Parking Strategy** for the proposed development, having particular regard to the quantum of residential parking proposed, how it is intended to be assigned and managed.
- (d) **Pedestrian and cycle links** to adjoining lands and connections to public transport routes and cycle/pedestrian **infrastructure**.
- (e) A response to the **issues raised in the report of the Transportation Division** of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion dated 4th August 2021.

### **Potential Impacts on Residential Amenities & adjoining lands**

Further consideration/justification of the documents as they relate to potential impacts on residential amenities of adjoining residential properties and impacts on adjacent lands to include:

- a) **Daylight, Sunlight and Overshadowing analysis**, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within individual rooms within the development, in communal open spaces and in public areas within the development. The impact on adjoining lands and residential properties and uses should also form part of the assessment.
- b) Further consideration of the details and mitigation proposed, to ensure that the proposed development has been designed to avoid direct **overlooking of adjacent residential** properties and units within the scheme. The response should include a report that addresses issues of residential amenity (both of adjoining developments and future occupants), specifically with regards to overlooking, visual dominance and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development (permitted or built).
- c) The development should be designed so as not to have a negative impact on any potential redevelopment of adjacent lands.

d) Consideration of the impact on the development/redevelopment potential of adjoining lands, having regard to, inter alia, the limited **separation distances** proposed between the development and site boundaries.

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

A housing quality assessment.

2. Justification/rationale for approach to childcare provision

3. A Landscape Impact Assessment and a Visual Impact Assessment including CGIs and details of proposed materials and finishes that would address the impact of the proposed development on Glenamuck Road North and when viewed from adjoining properties and neighbouring residential areas and roads, as well as the environment provided within the scheme. The assessment should include long views of the site from all approaches given the prominent location of the site due to the topography of the area.

4. Respond to issues raised in the Planning Authority Opinion received by An Bord Pleanála on the 4<sup>th</sup> August 2021.

5. Address issues raised in the Irish Water submission dated 9<sup>th</sup> August 2021.

6. An Ecological Impact Assessment.

7. A Tree survey, Tree Retention Plan, Tree Constraints and Arboricultural Assessment.

8. A draft Construction Waste Management Plan, draft Construction and Environmental Management Plan and a draft Operational Waste Management Plan.

9. Where the prospective 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.

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

5.2.3. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

- Uisce Éireann
- Transport Infrastructure Ireland (TII)
- the National Transport Authority
- Relevant Childcare Committee

### 5.3. **Applicant's Response to Opinion**

5.3.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation would require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is required.

5.3.2. I note a Statement of Response to ABP's Opinion has been submitted. I note the items raised in the Opinion have been addressed.

## 6.0 **Planning Policy**

### 6.1. **Local Planning Policy**

This SHD was lodged on 14<sup>th</sup> April 2022. The Dun Laoghaire-Rathdown County Development Plan 2022-2028 was approved by the Elected Members on 10<sup>th</sup> March 2022 and came into force on 21<sup>st</sup> April 2022.

#### Dun Laoghaire-Rathdown County Development Plan 2022-2028

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

The application site is not identified in the Development Plan as being within an area at risk of flooding.

## **Chapter 2 – Core Strategy**

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

## **Chapter 3 – Climate Action**

Policy Objective CA18: Urban Greening.

## **Chapter 4 – Neighbourhood- People, Homes and Place**

### **Policy Objective PHP6: Childcare Facilities**

**Policy Objective PHP 18: Residential Density:** It is a Policy Objective to:

Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.

Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

**Section 4.3.1.1 sets out further guidance on density.**

**Policy Objective PHP20: Protection of Existing Residential Amenity.** It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

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

**Section 4.4.1** relates to Quality Design and Placemaking.

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

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

The Council policy in relation to building height throughout the County is detailed in three policy objectives as set out in the Building Height Strategy (BHS) (Appendix 5):

- Policy Objective BHS 1 – Increased Height.
- Policy Objective BHS2 – Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan).
- Policy Objective BHS 3 – Building Height in Residual Suburban Areas.

## **Chapter 8 -Green Infrastructure and Biodiversity**

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

**GIB5: Historic Landscape Character Areas** - In assessing development proposals and in the preparation of plans, it is a Policy Objective to have regard to the recommendations and findings of the Historic Landscape Character Assessments (HLCA), already undertaken for a number of the urban-rural fringe areas of the County most likely to come under development pressure.

## **GIB18: Protection of Natural Heritage and the Environment**



## GIB19: Habitats Directive

## GIB22: Non-Designated Areas of Biodiversity Importance

## GIB23: County- Wide Ecological Network

## Chapter 9 Open Space, Parks and Recreation

**Policy Objective OSR5: Public Health, Open Space and Healthy Placemaking** -It is a Policy Objective to support the objectives of public health policy including Healthy Ireland and the National Physical Activity Plan (NPAP) 2016, to increase physical activity levels across the whole population thus creating a society, which facilitates people whether at home, at work or at play to lead a more active way of life (consistent with RPO 9.16).

## Chapter 11 – Heritage and Conservation

Policy Objective **HER21**: Nineteenth and Twentieth Century Buildings, Estates and Features - iii. *Ensure the design of developments lands located immediately adjacent to such groupings of buildings addresses the visual impact on any established setting.*

Policy Objective HER13: Architectural Conservation Areas.

## Chapter 12 -Development Management

### Section 12.2.6 Urban Greening

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

Table 12.1 Apartment Mix Requirements

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

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

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

Section 12.9.9 Development and Overhead Power Lines.

Section 13.1 Land Use Zoning Objectives.

**Appendix 5** – Building Height Strategy - section 4.4 Policy Approach, section 5 – Performance Based Criteria.

## 6.2. **National Planning Policy**

### Project Ireland 2040 - National Planning Framework

- 6.2.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)', in order to ensure the provision of a social and affordable supply of housing in appropriate locations.

National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Other NPOs of relevance to this application include NPOs 3(a) (40% of homes in existing settlement footprints), 3(b) (50% of new homes in the five largest cities, including Dublin), 4 (attractive, liveable and well-designed urban places), 13 (development standards), 27 (transport alternatives) and 35 (increased densities) all relating to densification and compact urban growth.

### 6.2.2. 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.

#### 6.2.3. 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

#### Ministerial Guidelines

6.2.4. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines comprise:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter the ‘Sustainable Settlements Guidelines’);
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (hereinafter the ‘New Apartment Guidelines’);
- Design Manual for Urban Roads and Streets (DMURS) (2019);

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

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

- Cycle Design Manual (2023);
- Transport Strategy for the Greater Dublin Area 2022-2042;
- Housing for All – A New Housing Plan for Ireland (2021);
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- Road Safety Audits (TII, 2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (TII, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (2<sup>nd</sup> Edition 2011, 3<sup>rd</sup> Edition 2022);
- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0);
- Framework and Principles for the Protection of the Archaeological Heritage (1999).

### 6.3. **Regional Planning Policy**

- 6.3.1. The 'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. The following regional policy objective (RPO) of the RSES is considered relevant to this application:
- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas.
- 6.3.2. According to the RSES, the site lies within the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth and accelerated housing delivery, integrated transport and land use, and the alignment of growth with enabling infrastructure.

## **7.0 Statement of Consistency**

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

## **8.0 Material Contravention Statement**

- 8.1. The applicant has submitted Material Contravention Statements, as provided for under Section 8(1)(iv)(II) of the Act of 2016, addressing both the Dun Laoghaire-Rathdown Development Plan 2016-2022 and the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The applicant states that these statements are submitted with the application in the event that An Bord Pleanála consider the proposed development to materially contravene specific objectives of the Development Plans. As regards the 2016 Development Plan, this Plan has been revoked and is no longer the operational Plan for the County. The relevant Plan is the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

8.2. With respect to the Development Plan for the 2022-2028 period, the applicant's Material Contravention Statement addresses various matters, including provisions relating to:

1. Building Height
2. Residential Mix
3. Residential Density
4. Car Parking

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

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

## **9.0 Observers' Submissions**

9.1. A total of 16 submissions were received by the Board from observers within the statutory period, and these were primarily from residents of the immediate area, local residents' associations, environmental groups, Transport Infrastructure Ireland (TII), Uisce Eireann (UE) and Inland Fisheries Ireland (IFI). The relevant planning concerns raised are summarised below: -

### Principle of Development

- Site has been vacant for a number of years with the benefit of planning – unacceptable planning precedent.
- Not compliant with Policy HER 21 (iii) – retention of Nineteenth and Twentieth Century Buildings, Estates and Features.
- Materially contravenes the Development Plan in terms of density, height and local amenity.
- Noted that the site has been previously cleared and some hard core laid.
- Development will prohibit future development of adjoining sites.

- Insufficient local amenities to support additional development.

#### Design and Layout

- Dominance of surface car parking.
- Contrary to infill development in respect of character.
- Contents of Visual Impact Assessment including reference to Pg. 10 which notes slight to significant change to the visual environment.
- Open Space deficient.
- Separation distance of c. 19m from Block B to Stafford Lodge closer to 14m
- Design not tapered as claimed.
- Landscaping should address privacy to adjoining sites.
- Impact on public realm noting roadside boundary works.
- Previous permission omitted roof gardens by condition.
- Permeability link misrepresent as planning permission to the south previously secured this connection.

#### Negative Impact on Surrounding Residential Amenity

- Substantiable diminution of visual amenity.
- Loss of privacy.
- Overlooking from balconies including overlooking of Chigwell from Block C and visually intrusive from Brennanstown Vale.
- Photomontages do not show perspectives for key areas such as Brennanstown and Stafford Lodge.
- Overbearing impacts - within 5m to 8m from boundaries.
- Out of character for the area - The development will not make a positive contribution to the neighbourhood and streetscape.
- Rights to light - building will cast a shadow over neighbouring properties.
- Overshadowing impacts due to excessive scale and bulk.
- Negative impact on property values.

- Adverse impact on Pavilion Gate

#### Density and Height

- Overdevelopment of the site, excessive bulk and scale – downward modifiers should apply.
- Building height not supported by Ministerial Guidelines on Height .
- Scale out of character for the area.
- Building height unprecedented. Nearest development only four storeys over basement.
- Density of 118units p/ha. unprecedented in this area and no justification for the proposed density.

#### Traffic & Transportation

- Existing traffic congestion the area will be compounded
- Cycle lane only goes from the M50 to the junction of Glenamuck Road and Brighton Road
- Glenamuck Road not wide enough to accommodate a right-hand turning lane to enter/exit the development result in backup of traffic.
- The no. 63 bus is not as frequent as suggested- only three time a day when the bus frequency is below 30 mins.
- Safety issues for children
- Insufficient parking provided

#### Built Heritage

- The site is within an Architectural Conservation Area (ACA) surrounded by Protected Structures
- Impact on sylvan setting of the area, close to Foxrock ACA.

#### Drainage

- Water pressure in the area already poor
- Loss of green space could lead to flooding



- Query why route of surface and foul drains shown beyond adjoining site of Carracáil in previous adjacent site applications not commenced, to Brennanstown Vale, not shown.

#### Biodiversity

- Loss of established local habitat.

## **10.0 Planning Authority Submission**

- 10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted their Chief Executive Officer's report in relation to the proposal, summarising the prescribed bodies and observers' submissions, and providing planning and technical assessments of the proposed development. The views of the Chief Executive Officer of the Planning Authority can be summarised as follows:

#### Principle and Density

- As per table 13.1.2 of the CDP 2022-2028, residential use is permitted in principle of Objective 'A' zoned lands.

#### Demolition

- The site does not include any existing structures.

#### Residential Density

- Policy objective PHP18 noted and while it noted that the site has good access to Cherrywood and Dundrum on balance the proposed density of c. 159 units per hectare is considered excessive when combined with other aspects of the development.
- Density is considerably higher than that of the adjoining and as per Policy Objective PHP18 it is necessary to consider where the proposal does not determinately impact on the existing residential amenity and established character of the surrounding area.

#### Residential Amenity

- The report notes that residential amenity is a key consideration for Objective 'A' zoned lands.

### *Overlooking*

- Adequate separation distances have been provided as per section 12.3.5.2 of the CDP. However, it is noted that over half of the identified separation distances are occupied by the private rear gardens of the relevant adjoining houses.
- The proposal is considered in terms of size/height to have adequate separation distance to the specific site boundaries, noting c. 5.5m -6m distances to its northern boundary, c. 4m – 6m distance to its main front (west) elevation facing Glenamuck Road North, c. 5.6m - c. 16.5m maximum distances to the east side boundaries (with basement levels closes) and c. 10m -15m to the southern boundary (for blocks B and A).
- Minimum separation distance between block B and C at c.17m noted. Proximity of Block C to the permitted 4-storey Carracáil apartments noted (17.1m). Distances to directly opposing adjoining property windows noted as 20m -27m to the two-storey house of Tullybeg to the north of Block A and B and distances of c. 40m-42m from Block C to the nearest two-storey houses to the east.
- Distances for overlooking purposes are noted as broadly acceptable. It is noted that roof space while not proposed should not be used for amenity purposes.

### *Noise*

- While EHO and DLRCC Waste Management (Enforcement) Planning reports seek further information regarding noise, it is not considered that the operational phase of the development would give rise to noise levels that would be inappropriate.

### *Sunlight and Daylight to Existing Properties*

- Specific properties Tullybeg, Chigwell, 4 Brennanstown Vale and the proposed apartments, Carracáil will experience minor reductions to daylight but all windows retain a VSC in excess of 27%, or the VSC is not reduced below 80% of its former value.
- The amenity spaces of existing neighbouring properties will retain 2 hours of sunlight to an excess of 50% of the amenity space and will not reduce the existing availability of sunlight below 80% of the current levels.

- The apartment block layout is optimised to received sunlight with 59.3% of units to have a window wall within 90 degrees of due south and that 56.8% of apartments will exceed the target values set out for sunlight. It is also noted that amenity areas will meet and exceed BRE guidelines.
- It is considered that the development would cause material/significant negative and undue impacts in terms of shadowing impacts on the surrounding properties to the north, and the nearest properties to the northeast (Brennanstown Vale) on their gardens and part and/or all of the house structures themselves for much of the day times in March, September to December. Much overshadowing is also indicated in the communal and public open spaces proposed.
- The proposal will not satisfactorily protect existing residential amenities as per zoning objective 'A' and Policy Objectives PHP 18 and PHP 20. Refusal recommended

#### Building Height

- The report notes policy objectives PHP42. It is set out that the site is deemed to be in a residual suburban area as per the definition in the Building Height Strategy.
- Policy objectives BHS1 and BHS3 noted of relevance, in particular BHS 3.
- Considering the overall proposed predominant height of 7 storeys, the considered significant massing of the proposed blocks and the topography of the site, the heights of the proposed blocks are not in keeping with the prevailing character and profile of the area, i.e. ca. 2-storey detached dwelling houses, and the proposed heights do not comply with policy objective BHS3.
- The assessment determined that the development did not comply with the performance-based criteria set out in section 5 of the County Development Plan's Building Height Strategy (which is consistent with section 3.2 of the Urban Development and Building Height Guidelines, 2008).
- Limited separation distances from shared boundaries also noted.
- The report notes that if the Board is minded grant permission a condition to reduce building heights (to 5 storeys) is recommended.

## Standard of Accommodation

### *Unit Mix*

- It is considered that the development does not comply with the unit mix as set out in the Plan and would be contrary to Policy Objective PHP27.

### *Size*

- All units meet or exceed standards

### *Dual Aspect*

- 67.8% of units are dual aspect in accordance with section 12.3.5.1 of CDP.

### *Floor to Ceiling Heights*

- All floor-to-ceiling heights 2.7 m and in accordance with section 12.3.5.6 of CDP.

### *Life to Stair Cores*

- 12 apartments per core in accordance with CDP.

### *Internal Storage*

- Internal storage requirements have been met as per section 12.3.2.3 and Table 12.3 of the CDP.

### *External Storage*

- No external storage has been provided as per section 12.3.5.3 of the CDP. Recommended this is addressed by condition.

### *Private Open Space*

- Minimum standards have been met as per Table 12.11 of CDP and Apartment Guidelines (2020).

## Public and Communal Open Space

### *Public Open Space*

- Only the 'Central Area' at 1158sqm is considered useable public open space. Areas to the east of Blocks B and C not fully publicly accessible. The Plan requires 15% of site area which equates to 1100sqm.

- Quantum of public open space acceptable and in accordance with table 12.8 of the CDP and Policy Objective OSR5.
- Play area in the middle of open space noted.

#### *Communal Open Space*

- Communal open space required identified as 774sqm.
- The PA consider communal open space provision has been provided by way of the two separate open space areas of over 400sqwm each to the east side of Block B and C. This is considered acceptable.

#### Impacts on Existing Vegetation

- Limited vegetation and no trees on site. Findings of Ecological Assessment and Arboricultural Assessment noted and accepted.

#### Access, Car and Bicycle Parking

##### *Access*

- Access via Glenamuck Road North noted via signalised T-junction and new right turning lane.

##### *Car and Cycle Parking*

- The scheme provides 103no. spaces at a ratio of 0.87 spaces/unit.
- According to Map T2 the site is located in Zone 2. Table 12.5 of the CDP sets out a requirement of 1 car parking space per units for 1–2-bedroom units and 2 spaces for 3-bedroom units. 126 spaces are required for the proposed scheme as per the CDP requirements.
- Reduced car parking provision is provided for in section 12.4.5.2 of the CDP. However, it is set out that the characteristics and the capacity of the surrounding road network are not adequate to support potential parking spill-over of 23 cars.
- Reference is made to the Transportation Planning report noting that minimum requirements should be met.

#### *Taking in Charge Standards*

- It is noted that development should be completed to taking in charge standards regardless of areas to be taken in charge (or not)

### *Glenamuck Road North Access/Road Changes*

It is set out that DLR's Traffic Section indicated that the proposed signalised junction at Glenamuck Road North is premature and should be implemented if/when the need arises.

The applicant shall liaise with the DLR's Traffic and Road Maintenance Section to agree on a Priority T-Junction design.

### *Parking, Basement and Loading Bays*

- No loading bays have been provided; No car club parking has been provided.
- Autotrack drawing required to demonstrate that large vehicles (bin truck) do not have to drive onto the footpath to access the site.
- A condition is required to demonstrate a minimum of 10% of the proposed car parking spaces represent operational charging points for electric vehicles. It is noted that the 17 no. charging points proposed exceed the 10% requirement.

### *Cycle Parking*

- The 280 no. spaces do not satisfy DLR requirements. DLR seek 1 space per units for long stay and 1 space per 5 units for short stay nor is the quality, location and accessibility deemed acceptable.

### Surface Water Drainage and Flood Risk

- Site Specific Flood Risk Assessment noted, and conclusion accepted.
- Drainage Section concerns in relation to surface water management strategy can be addressed by way of condition. Noting the route of surface water infrastructure through third party lands, the Drainage Dept. note that this not an acceptable arrangement for taking in charge and should be conditioned to be a private development maintained by the Owners' Management Company.
- 67% green roof coverage noted. Plan indicated 70% for extensive or 50% for intensive
- Attenuation system for Catchment B located against the boundary of the adjacent site, it is unclear how maintenance access can be provided, with no offset from the site boundary.

## Part V/Social Housing

- 24 no. units proposed - condition recommended

## Childcare

- Proposed development above the 75 units threshold to trigger a creche. The ongoing growth in the area noted and the failure to provide a childcare facility is not acceptable to the PA notwithstanding the 'Community Infrastructure Statement' submitted.

## Construction Management and Construction and Operational Waste Management

- Concerns noted as detail for noise and waste issues. Conditions recommended

## Building Life Cycle

- Proposed measures noted.

## Archaeology

- Report notes that no Archaeological Assessment submitted.

## Ecological Impacts

- Findings of the Ecological Impact Assessment noted including findings that there is limed vegetation on site.
- It is note that the Arboriculture Assessment states that there are no trees on site.
- Biodiversity officer recommends conditions.
- It is further noted the Inland Fisheries Ireland (IFI) make reference to mitigation measures.

## Public Lighting

- Public lighting proposed noted. Concern raised as regards two lights on the walkway between blocks A and B.

## Environmental Health Officer

- The report notes the EHO is seeking a noise survey in advance of any development taking place including mitigation measures.

## Development Contributions

- S49 LUAS Scheme development Contribution required.

#### Taking in Charge

- It is noted that the applicant states that development will not be taken in charge.
- It is set out that any areas to be Taken in Charge will need to comply with Council policy.

#### Environmental Impact Assessment

- The report notes the An Bord Pleanála is the competent authority.

#### Appropriate Assessment

- The report notes the An Bord Pleanála is the competent authority.

#### **Conclusion**

The PA welcome the redevelopment of an underutilised, and vacant site. However, refusal is recommended for the following reasons:

1. The proposed development, by reason of its height, scale, massing and layout in close proximity with inadequate separation distances to all surrounding site boundaries, fails to have sufficient regard to its surrounding context and receiving environment, and would have a detrimental impact on the amenities, character and streetscape of the surrounding area. The proposal is considered to constitute overdevelopment of the site and is considered to be contrary to the Dun Laoghaire-Rathdown County Development Plan, 2022-2028, insofar as it will seriously injure the residential and visual amenities of the properties located within its immediate vicinity by reason of overbearing, visually incongruous and overshadowing. The proposed development is considered to be contrary to Policy Objective PHP20, the Building Height Strategy of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, and the Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regards to the proposed unit mix, which provides for 8 no. (7%) 3-bed units, it is considered that the proposed development would not accord with Policy Objective PHP27 and Section 12.3.3.1 of the Dun Laoghaire-Rathdown County



Development Plan 2022-2028, which indicate that a minimum of 20% of 3-bed units be provided in this instance. It is therefore considered that the proposed development materially contravenes the 2022-2028 Dun Laoghaire-Rathdown County Development Plan regarding unit mix. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

10.1.1. In the event that permission is granted for the proposed strategic housing development, the Planning Authority set out 58 conditions that they consider necessary to attach, the following of which are of note:

**Condition 2** – revised design 1. omission of 2no. floors from each block, 2. Compliance with housing mix requirements, 3. External storage to be provided.

**Condition 12** – details of attenuation system to be located within 5m of boundary.

**Condition 13** – Management and maintenance responsibility of a legally constituted management company.

**Condition's 14-20** – relate to drainage requirements.

**Condition 22** – baseline noise survey.

**Condition 24**– relates to undertaking additional ecological surveys.

**Condition 25** – habitat species management plan.

**Condition 36** – noise management plan.

**Condition's 38 - 51**– relate to agreement on roads details.

**Condition 57** – a section 49 contribution applies.

## 10.2. Inter-Departmental Reports

- **Drainage Planning Section** – The contents of the report have been referenced in the planning officers report as set out above, the inclusion of 10 no. conditions is recommended.
- **Environmental Health Office** – baseline noise survey required.
- **Transportation Department** – The contents of the report have been referenced in the planning officers report as set out above, the inclusion of 17 no. conditions is recommended.

- **Biodiversity Officer** – 14 no. conditions recommended including, that the applicant engage the services of a suitable quality ecologist, additional ecological surveys be undertaken including habitat and botanical surveys, non-volant mammal survey, active bat survey and breeding bird survey and a Habitat and Species Management Plan to be submitted, in addition to implementing other mitigation measures identified in the accompanying reports.
- **Housing Department** – submission noted, and condition recommended.
- **Public Lighting Section** – Lighting design acceptable, it is noted that the two lights on the walking between block A and B will need baffles installed.
- **Waste Section** – generally happy with the submitted documentation subject to the inclusion of standard conditions as regards noise management, environmental monitoring construction waste, liaison with public, operational waste management and pest control.

### 10.3. **Elected Members**

10.3.1. The proposed development was presented to the Elected Members from the Local Authority. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as part of the Chief Executive's Report and these comments can be summarised as follows:

- Density, overdevelopment of the site having regard to the site levels.
- Negative impact on adjoining properties, in particular Block C will have an overbearing impact on Chigwell.
- Height – 7 Storey's out of character for the area and not recessed enough from the public road.
- Generally overbearing development and there is a contravention of the CDP in relation to height, density, housing mix and car parking.
- Concerns as regards the visual impact of the development along Glenamuck Road.
- Concern housing mix is a material contravention of the Development Plan.
- Concern regarding outfall of storm water into Carrickmines River and flood risk issues downstream.
- Pedestrian crossing should be provided on Glenamuck Road.

- A detailed traffic assessment should be provided on Glenamuck Road, this road is already heavily trafficked.
- It is acknowledged that there are no existing trees on the site.
- No 3-beds included on Part V proposal.

## **11.0 Prescribed Bodies**

11.1. The following comments were received from prescribed bodies:

### Inland Fisheries Ireland (IFI)

The report dated 13<sup>th</sup> May 2022 includes the following:

IFI have concerns that because of the proposed development in combination with other developments within the catchment, which are using the Carrickmines River and tributaries as the final discharge point for treated and attenuated surface water generated pre and post construction, that there will be a probability that Ireland will not be able to comply with their legal obligations as set out in the EU Water Framework Directive in these catchments. 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.

IFI have noted a lack of appropriate maintenance on interceptors and attenuation infrastructure on some developments in the operational phases and would recommend that there is a requirement that the appointed property management company is required to retain the services of an authorised company to service and maintain all the attenuation infrastructure that may be installed.

Good ecological status must be maintained within the Carrickmines River with appropriate and specific mitigation measures being implemented on all construction sites within the catchment to ensure that there are no uncontrolled discharges of deleterious materials directly or indirectly into surface waters that may result in a deterioration in water quality.

IFI are opposed to any culverting or re-routing of any surface water course, temporary or otherwise, pre or post construction phases, except for in extreme or emergency situations. We would also encourage that the application of nature-based solutions be incorporated as part of the drainage attenuation design for surface water management

as opposed to the usual default to hard engineering solutions, such as underground attenuation tanks.

The report includes a number of recommendations including that there is a designated, suitably experienced, and qualified person is assigned during the construction phase, to monitor and ensure all conditioned and agreed environmental mitigation measures are implemented and functioning correctly. The contact details of this appointed person should be provided to all relevant agencies, including IFI.

**\*\***The Board will note the recommendations include reference to mitigation measure set out in EIAR. No EIAR accompanied this planning application.

#### Uisce Éireann (UE)

- *water supply* – is feasible without an infrastructure upgrade.
- *wastewater* – is feasible without an infrastructure upgrade.

The connection to the Irish Water network(s) may be through third party infrastructure and/or lands. The applicant will be required to obtain and provide the following ahead of any connection agreement:

- a) The customer has permission to connect to the third-party infrastructure/land.
- b) Any third-party infrastructure has sufficient capacity to cater for the additional load
- c) Any third-party infrastructure is of sufficient integrity to take the connection and the additional load.
- d) Identify and procure transfer to Irish Water of arterial infrastructure within the third-party infrastructure.
- e) Demonstrate that the arterial infrastructure is in compliance with requirements of Irish Water Code of Practice and Standard Details and in adequate condition and capacity to cater for the additional load from the Development.

Storm water from the site cannot be discharged to the Irish Water network. The proposed basement car park should be designed such that surface water from the site and / or surrounding areas cannot flow down to the car park.

- conditions are recommended, including those relating to connections and agreements, and compliance with Uisce Éireann standards, codes, and practices.

#### Transport Infrastructure Ireland (TII)

In the case of this planning application, Transport Infrastructure Ireland recommends the following conditions:

- The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme - Extension of LUAS Line B1 (Sandyford to Cherrywood) under S.49 Planning and Development Act 2000, as amended.

## **12.0 Assessment**

### **12.1. Introduction**

12.1.1. This assessment considers the proposed development in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines.

12.1.2. From the outset I note that the applicant lodged the subject application to An Bord Pleanála on the 14<sup>th</sup> day of April, 2022, prior to the Dun Laoghaire-Rathdown County Development Plan 2022-2028 coming into effect on the 21<sup>st</sup> day of April, 2022. The application documentation, including the Material Contravention Statement, addresses the provisions of the previous 2016-2022 Development Plan for this area and the Dun Laoghaire-Rathdown County Development Plan 2022-2028, which was in final draft format at the time of lodging the application to the Board. The five-week public consultation period in which responses could be received by the Board regarding the application overlapped with the period in which the Dun Laoghaire-Rathdown County Development Plan 2022-2028 was in effect and, accordingly, this allowed all parties to make submissions based on the provisions of the current statutory plan for this area. The Chief Executive Officer's report, observers' submissions and prescribed bodies' submissions refer to various provisions in the Dun Laoghaire-Rathdown County Development Plan 2022-2028. I am satisfied that all parties to the application and the general public had sufficient scope to address the current Development Plan for this area in submissions to the Board regarding the application.

12.1.3. Having regard to the documentation on file, including the application submitted, the contents of the Chief Executive Officer's report received from the Planning Authority, issues raised in the observations to the application, the planning and environmental context for the site, and my visit to the site and its environs, I am satisfied that the

substantive planning issues arising for this assessment can be addressed under the following headings:

- Principle of Development
- Design Strategy – Placemaking and Impact on Established Residential Amenity and Built Heritage
- Density, Building Height and Visual Impact
- Residential Development Standards
- Traffic and Transportation
- Drainage
- CE Report
- Material Contravention

NOTE: The applicant has submitted a Material Contravention Statement in relation to (i) Building Height, (ii) Unit Mix, (iii) Density and (iv) Car Parking. The relevant technical matters and related development plan policies and objectives are addressed in each section, with the details of Material Contravention dealt with separately below.

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

## **12.2. Development Principles**

### *Zoning*

- 12.2.1. The proposed development comprises the construction of 118 no. residential apartment units in the form of 3 no. residential blocks of apartments ranging in height from 4 storey's transitioning to 6-7 storeys and associated site works.
- 12.2.2. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned Objective A - 'To provide residential development and improve residential amenity while protecting the existing residential amenities' in the Dun Laoghaire Rathdown County Development Plan 2022-2028. Residential use is permitted in principle under this zoning designation.
- 12.2.3. In addition, the provision of residential development on lands zoned 'Objective A' would be consistent with the policies of the Planning Authority as set out in section

2.6.2 *Active Land Management* of the Development Plan and Policy Objective CS11 – *Compact Growth* to deliver 100% of all new homes, that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary. (Consistent with RPO 3.2 of the RSES) and to encourage the development of underutilised and brownfield sites, with a view to consolidating and adding vitality to existing centres and ensuring the efficient use of urban lands.

- 12.2.4. Therefore, having considered the available information, including the site context, I am satisfied that the overall principle of residential development is considered in accordance with the zoning objectives. I note the CE report raised no concerns in this regard.
- 12.2.5. I acknowledge the Observer's and Elected Member concerns as regards compliance with the zoning objective, in particular 'protecting existing residential amenities'. I note the PA share some concerns in this regard. I will address this matter in more detail in section 12.3 and 12.4 below.
- 12.2.6. In summary, the Development Plan confirms that 'Residential' is permitted in principle and in this zoning. In this regard, I am satisfied that the proposed development would be consistent with the land use land-use zoning objectives 'A' as set out in the Development Plan 2022-2028 subject to detailed consideration below.

#### *Housing Mix*

- 12.2.7. It is the policy of the council as set out in section 4.3.2.3 and Policy Objective PHP27 to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA. SPPR 1 of the Apartment Guidelines (2023) provide for development plans to specify a mix for apartments or other housing developments based on an evidenced HNDA. Table 12.9 of the Development Plan relates to Apartment Mix Requirements. Section 12.3.3.1 of the Development Plan sets out quantitative standards for residential size and mix. The CE report recommends planning permission be refused on the basis that the proposed development does not comply with PHP27 of the Development Plan
- 12.2.8. The subject site is located in an area designated as 'Urban'; figure 2.9 of the Core Strategy Map. In existing built-up areas schemes of 50+ units, Table 12.1 sets out that

apartment developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios with a minimum 20% 3+ bedroom units.

- 12.2.9. The applicant submits that the proposed mix would be a material contravention of the Development Plan requirements as the apartment unit mix does not meet the criteria set out in table 12.1. While the overall unit mix comprises 34 x 1-bedroom units (29%), 76 x 2 bed units (64%) and 8 x 3 bed units (7%), the provision of 7% 3-bedroom apartments falls significantly short of the criteria for a minimum of 20% as set out in Table 12.1 of the Development Plan.
- 12.2.10. The applicant has addressed the proposed unit mix in the submitted material contravention and notes that the unit mix is in accordance with the provisions of the Apartment Guidelines (2020) which contains a Specific Planning Policy Requirement in relation to dwelling mix requirements (SPPR 1), which takes precedence over any conflicting policies and objectives of the 2022-2088 County Development Plan.
- 12.2.11. SPPR 1 states that housing developments may include up to 50% 1-bed or studio type units (with no more than 20 – 25% of the total proposed development as studio's) and there shall be no minimum requirement for apartments with three or more bedrooms. While it is acknowledged that the proposed unit mix is in accordance with the provisions of SPPR1. It is noted that SPPR1 also states that statutory Development Plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s). SPPR1 remains the same in the 2023 Apartment Guidelines.
- 12.2.12. Appendix 2 of the Development Plan sets out the HNDA for the county. The recommended unit mix is reflective of the standards set out in Table 12.1. The unit mix outlined in Table 12.1 relates to a standard and not a policy of the Plan. Notwithstanding this, the information provided in the HNDA, in particular, Section 2.9.2 Housing Type and Mix is evidence based and robust, The Housing Strategy and HNDA have informed policy PHP27 in relation to mix. In order to demonstrate compliance with Policy Objective PHP27 and based on the findings of the Housing Strategy and HNDA, planning applications received for 50+ residential units either



individually or cumulatively with lands located within the neighbourhood (10-minute walk) will be required to incorporate a variety and choice of housing units by type and size so as to meet the differing household need in the County.

12.2.13. Based on the findings of Housing Strategy and HNDA, I agree with the concerns of the planning authority that there is a demand for larger units within the county. It is noted that the applicant has not submitted any justification for the unit mix or a demand assessment for the proposed unit mix and relies solely on SPPR1. It is my opinion the applicant has not given due consideration to the HNDA. While a target of a minimum of 20% of 3+bed apartment units is justified by the NHDA and reinforced under Policy Objective PHP27, it is my view that due to the design and layout of the scheme, it may not be possible to provide this 20% target without significant alterations to the design and layout and the overall quantum of units to be provided. I am not satisfied that this matter can be addressed by way of condition. Having regard to HNDA and the provision of policy objective PHP27, I consider the application should be refused for this reason.

#### *Community Infrastructure*

12.2.14. The Observer's contend that the site does not benefit from good accessibility, and the area lacks the required services and amenities to accommodate further development. Regarding accessibility, the site is directly served by an existing bus route running along the Glenamuck Road North. In addition, the Carrickmines Luas stop is located directly south of the proposed development (approx. 160m).

12.2.15. The CE report in turn notes that the application does not include a childcare facility as triggered by the fact that the number of proposed units exceeds the 75 units threshold to trigger a creche. The ongoing growth in the wider area is noted and the failure to provide a childcare facility is not acceptable to the Planning Authority (PA) notwithstanding the 'Community Infrastructure Statement' submitted.

12.2.16. Section 4.2.1 Sustainable Communities and Neighbourhood Infrastructure and PHP 6 of the Development Plan 2022-2028 establishes that, where a new residential development is proposed – with 75+ dwellings (or as otherwise required by the Planning Authority) – one childcare facility shall be provided on site in accordance with Sections 2.4, 3.3.1 and Appendix 2 of the 'Childcare Facilities Guidelines for Planning Authorities' (2001). 'The provision of childcare facilities within new, and indeed

existing, residential areas shall have regard to the geographical distribution and capacity of established childcare facilities in the locale and the emerging demographic profile of the area’.

12.2.17. A Community Infrastructure Audit accompanied the planning application. The report contends that there is sufficient crèche capacity, between the existing facilities in the area to meet the estimated demand for the current proposal of 118 units. Of those 20 childcare facilities that were contactable, the Childcare Audit carried out determined the total estimated capacity in facilities within a 2km radius of the site is 62 childcare spaces minimum. The 62 no. spaces consist of 15 no. spaces available in sessions at two facilities and 47 no. full time spaces.

12.2.18. The Community Infrastructure Audit argues that as the development proposes 34 one-bedroomed apartments, which reduces the number of children or families that will reside in the development and that in addition to this, the census data shows that only 5% of these families will have children eligible for childcare facilities which greatly reduces the need for a childcare facility onsite. It is the applicant’s contention that based on a review of local population, the proposed unit type (1, 2 and 3- bed), that would typically include young professionals and small families and the location of the site in close proximity to childcare facilities combined greatly reduces the need for a childcare facility onsite.

12.2.19. However, this must be considered in the context of the proposed unit mix and compliance with Development Plan standards in this respect (I refer that Board to section commencing 12.2.7 above). Similarly, I note the PA concerns as regards the demand generated by continued residential growth in the wider area and the associated need to ensure adequate capacity. Therefore, I am of the opinion that while the Community Infrastructure Audit demonstrates childcare capacity within the vicinity of the site, I am mindful that the report is dated April 2022 and available capacity may have changed in the intervening period and the fact that the proposed housing mix does not reflect compliance with Development Plan standards and the requirement to provide additional 3-bedroom units would increase the demand for childcare places. Accordingly, I am not satisfied that the provision of childcare spaces has been adequately addressed. However, I do not consider a refusal on this basis is warranted in light of the overriding unit mix concerns raised in section commencing 12.2.7 above.

12.2.20. As regards, accessibility to wider amenities and services, I refer the Board to section 8.3 the Community Infrastructure Audit accompanying the planning application demonstrating that there is sufficient social and community infrastructure within 1.5km of the site to cater for the development, including further education, community facilities, sports clubs all within close proximity. The subject site is located near the existing 'The Park' which contains a wide variety of shops, restaurant and bulky goods retail. In addition, the development includes shared workspace (35.6sqm), meeting rooms (42.4sqm), a gym (36.6sqm) and changing/tea stations (46.7sqm) in Block B. I am satisfied that the site is accessible to relevant services and amenities.

### **Conclusion**

12.2.21. I note the policies and objectives within *Housing For All* and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site. I am satisfied that the principle of the proposed development is in accordance with the zoning objective for the site.

12.2.22. Notwithstanding, in accordance with PHP27: Housing Mix and Table 12.1, informed by the demographic and housing analysis carried out as part of the HNDA, it is a policy objective of DLRCC that all residential developments, including apartment developments, in the existing built up area and new residential communities (as set out in Figure 2.9, Core Strategy Map) should provide for a mix of unit types and sizes (Section 12.3.3.1). The proposed unit mix would fail to meet a priority needs of the DLR demographic as informed by the demographic and housing analysis carried out as part of the HNDA. There is no substantive evidence to show that the priority need identified in policy has diminished and so the lack of an appropriate mix within the development would fail to meet housing need. Provisions around SPPR1 do not apply in this instance having regard to the evidence based HNDA.

12.2.23. In my view this development would not contribute to the variety of dwelling types and as such the proposal cannot be considered consistent with Policy PHP27 which seeks to ensure "*a wide variety of housing and apartment types, sizes and tenures is provided throughout the County*". The proposed unit mix fails to comply with Table 12.1 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and would

be contrary to Policy Objective PHP27 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and should be refused for this reason.

### **12.3. Design Strategy - Placemaking and Impact on Established Residential Amenity and Built Heritage**

#### *Context*

- 12.3.1. The Board will note that the CE report recommends refusal on the grounds of the height, scale, massing and layout with inadequate separation distances to all surrounding site boundaries and that the development fails to have sufficient regard to its surrounding context and receiving environment, and would seriously injure the residential and visual amenities of the properties located within its immediate vicinity by reason of overbearing, visually incongruous and overshadowing and would be contrary to Policy Objective PHP20 (Protection of Existing Residential Amenity).
- 12.3.2. The general area is characterised by relatively large single-family houses set in gardens to more mature modern housing estates. Building heights are predominantly 2 storeys. A number of 3/4/5 storey apartment blocks exist to north of Brennanstown Road to the northeast of the site, but the locality is generally characterised by large family houses. Residential properties of Tullybeg and Chigwell sit to the north and northeast of the site, Stafford Lodge sites to the south of Block A and B and west of Block C and Brennanstown Vale sits to the east of Block C. The residential 4-storey Carracáil (ABP 304995) is located to the south of Block C. This development is currently under construction.
- 12.3.3. It is the applicant's contention that the proposed development is considered to make a positive contribution in terms of place-making through the provision of new pedestrian connections, a new residential amenity area (Block B), a new play area, and significantly improved frontage along Glenamuck Road. The main open space by virtue of its sense of enclosure and orientation creates a strong sense of place, security, and privacy for all residents of the development. Section 4.4.1 of the Development Plan relates to Quality Design and Placemaking including adhering to good urban design principles, the promotion of high standards of architectural design for new buildings and the reinforcement of local identity, pride and 'sense of place'.
- 12.3.4. The Design Statement sets out that the proposed scale, massing and height of the development has been informed by the emerging built environment in the surrounding

area. It is set out that the development presents a series of new residential blocks which are focused on placemaking and a central area of open space. It is argued that there is sufficient variety in scale and form of the blocks using a variety of building layouts, sizes and heights and that care has been given to height sensitive areas along the boundaries with Tullybeg, Chignell, and Stafford Lodge to ensure no undue impact on established residential amenity.

- 12.3.5. Having regard to Section 4.4.1 of the Development Plan, I am satisfied that the Development Plan criteria can be appropriately assessed under the 'key indicators of quality design and placemaking' as set out in Chapter 4 of the Compact Settlement Guidelines. I further consider that the impact of the development on established residential development is a key consideration in quality placemaking.

*Design and Contribution to Placemaking*

- 12.3.6. 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 permeability around and through the scheme and includes both vehicular and pedestrian links through to Carracáil to the south where onward future pedestrian connection to Brennanstown Road has been identified.</p> <p>(b) The proposed development will access directly onto Glenamuck Road North where road improvement/realignment works are proposed to facilitate safe access. I refer the Board to section 12.6 below.</p> <p>The site will benefit from good connections to existing and planned bus services and the Carrickmines Luas Stop, as well as excellent pedestrian and cycle links located along Glenamuck Road fronting the site. There are currently cycle lanes travelling both directions along Glenamuck Road North. Both cycle lanes are separated from the road by a small curb for the majority of the road. The cycle lanes</p>
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	<p>continue for the full length of Glenamuck Road North and ends at both the signalised junction to the north and the roundabout to the south.</p> <p>(c) The application includes a DMURS Statement. The proposed development has been carefully designed to promote strong levels of connectivity in favour of pedestrians and cyclists with vehicular movement taking a secondary role in line with the objectives of DMURS. Connectivity throughout the scheme is heavily weighted towards the pedestrian with only 1 car park access point to the basement's car parks. Direct pedestrian access from the proposed development to the Glenamuck Road is provided and the permeability between the subject development and Carracáil Development located directly south will permit the use the pedestrian/cyclist access onto Glenamuck Road proposed as part of Carracáil development. Permeability between the two developments has been considered by creating a share surface road that connects both developments, allowing cyclist and pedestrians to move freely from one to another. Active travel measures have been suitably prioritised in the proposed layout.</p> <p>Regarding the Observer's concerns that permeability is misleading as linkage to Brennanstown Road was included as part of the Carracáil application (ABP 304995), I am satisfied that this is not a relevant consideration.</p> <p>(d) The quantum of car parking is deemed unacceptable by the PA. I refer the Board to section 12.6 of this report.</p>
(ii) Mix and Distribution of Uses	<p>(a) The proposal comprises the redevelopment of underutilised, brownfield land to implement a residential apartment development and will add to the housing stock in Dublin.</p> <p>(b) City and town centre policy is not applicable.</p> <p>(c) The proposed development includes a communal area located at the ground floor of Block B (approx. 161.3 sqm) comprising of a shared working space (35.6 sqm), meeting rooms (42.2 sqm.), a</p>

	<p>gym (36.6 sqm) and changing/tea stations (46.7 sqm). However, as per section commencing 12.2.14 above adequate childcare provision has not been addressed in accordance with Sections 2.4, 3.3.1 and Appendix 2 of the 'Childcare Facilities Guidelines for Planning Authorities' (2001).</p> <p>(d) As outlined in section 10.4 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 10.2 of this report, I am not satisfied that the proposed mix of units is in accordance with the Development Plan.</p>
(iii) Green and Blue Infrastructure	<p>(a &amp; b) The Sustainable Residential Development and Compact Settlements <i>Guidelines for Planning Authorities</i> promote interlinked public open spaces designed to cater for a range of active and passive recreational needs (including play, physical activity, active travel).and to conserve and restore nature and biodiversity. A play area has been provided in the public open space between Block A and B and footpaths proposed connecting the various open space areas. A number of pocket parks are proposed throughout the development to add to the amenity for the residents and provide additional opportunities for biodiversity. The pocket parks shall be natural and organic in form, using plants from the All-Ireland Pollinator plan.</p> <p>Regarding concerns raised about the impact of the proposed development on local biodiversity, while I note the Ecological Impact Assessment submitted with the application and the mitigation measures identified, it is of significance that in the intervening period since this application was lodged the site has been cleared and is currently in use as a builder's compound/storage area associated with the construction of Carracáil.</p>

	<p>The subject site is an infill site, and the proposed development provides for enhanced urban greening as part of the application through the incorporation of green elements into urban environment and infrastructure, such a green spaces and roofs. Greenifying urban spaces can offer numerous benefits for both the environment and its inhabitants, including creating new habitats, offsets carbon emissions, improve wellbeing and air quality and the potential to reduce noise pollution. I am satisfied that the landscaping is acceptable and consistent with the broad theme of the NBPA 2023-2030 and in accordance with the Guidelines.</p> <p>(c &amp; d) The proposal SuDS features and components incorporated into the development include green roofs permeable paving, filter strips/swales, bioretention area and rain gardens (Table 4 - Engineering Assessment Report).</p> <p>I am satisfied that the Green Infrastructure proposed is consistent with Policy Objective CA18: Urban Greening and Section 12.2.6 Urban Greening of the Development Plan.</p>
(iv) Public Open Space	<p>(a) In line with policy and objective 5.1 of the Sustainable Settlements Guidelines, table 12.8 of the Development Plan sets out a requirement for 15% of sites to be provided as public open space in new residential developments. Open space (approx. 2,071 sqm) is provided by one major centrally located public open space (1158.4 sqm) between blocks A and B which include, a play area of 63.2 sqm, two further communal open space areas are provided adjoining Blocks B (471.8 sqm) &amp; Block C (440.8 sqm). The PA consider and I would agree that only the 'Central Area' at 1,158sqm is considered useable public open space areas to the east of Blocks B and C not fully publicly accessibly. While some Observer's raise concerns that open space provision is deficient, the Development Plan requires 15% of site area which equates to 1100sqm. Therefore, the quantum of public open space is acceptable and in accordance with table 12.8 of the Development Plan.</p>



	<p>Regarding Observers concerns about roofs being used as amenity spaces. It is noted that roof space is not proposed for amenity purposes. This matter can be addressed by way of condition in the event the Board is minded to grant planning permission. Similarly, the Lighting Report submitted is noted and concerns raised in the CE report about lighting between Block A and B needing baffles can be addressed by condition in the event the Board is minded to grant planning permission.</p> <p>(b) The public spaces as proposed are well distributed across the site. I am satisfied that public open space proposals are satisfactory in terms both quantity and qualitative design.</p> <p>I further note that the applicant's Daylight, Sunlight &amp; Overshadowing Report illustrates and calculates that the proposed public open space would receive sufficient sunlight levels based on the minimum targets set in the BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice'.</p>
(v) Responsive Built Form	<p>(a &amp; b) Policy objective PHP44 of the Development Plan requires a statement to outline how the subject proposals respond to urban design criteria. A detailed Architectural Design Statement is submitted with the application which sets out clearly the overall architectural rationale and approach. The proposed development should be viewed in the context of the receiving environment. In the regard the building heights do not adhere to the requirements and the Development Plan Policy Objective PHP42: <i>Building Design and Height</i> of the Development Plan requirements (see Table 2 below). Block A fronting Glenamuck Road North fails to provide an engaging public realm which responds in a positive way to the established form of development.</p> <p>(c) Regarding the impact on the overall urban structure. I do not consider that the development proposals will strengthen the urban structure given the scale of the development relative to the receiving environment (two-storey detached family homes).</p>

	<p>(d) Regarding the provision of well-defined edges to streets and public spaces to ensure that the public realm is well-overlooked with active frontage. I am conscious that no formal streetscape exists presently, and the proposed location of Block A located at c.4.2-6.4m from the roadside boundary combined with an overall building height of 7 storeys would represent an abrupt transition in scale, height and mass at this location for which there is no context. In my opinion, the proposed design has no regard to the site context and would fail to assimilate appropriately into the area.</p> <p>In relation to the proposed buildings, I note that they would feature elevations for passive surveillance purpose.</p> <p>(e) The applicants contend that the elevation of all blocks has been designed to provide variation in the visual plane by the creation of strong balcony elements. I do not agree, I consider the proposed design reflects a confused architectural language that serves to emphasise the contrast in built form in the context of the site.</p> <p>Furthermore, there is little to distinguish one block from the other as regards design principles, finishes and height and this, in my opinion combined with the strong balcony elements serve to compound the scale and massing of the development in the context of this location surrounded by detached houses on large plots. The uniform pattern and block design offer little in terms of design variation and/or architectural innovation so as to reduce the impact and appropriately integrate the scheme at this location resulting in a visually prominent development.</p> <p>I refer the Board to section 12.4 below</p> <p>(f) Proposed finishes include a variety of materials consisting of brick, plaster render, stone cladding and zinc metal cladding to the top floor. As regards finishes, while the use of brick is proposed this is limited, and I am conscious that the extensive use of render would not be significantly robust and would require regular maintenance.</p>
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*Summary*

I do not consider that the proposed scheme responds to the 'established built form' and while I do consider the redevelopment of this infill site consistent with the zoning provision as set out in the Development Plan appropriate, the redevelopment of the site must be considered in the context of the site and the adjoining pattern of development. The proposed development, in particular, the abrupt transition in scale along Glenamuck Road North has no regard to the site context and would result in a visually prominent insertion at this location.

#### *Impact on Established Residential Amenity*

- 12.3.7. A number of observers and the elected members have raised particular concerns about the impact of the development on specific dwelling houses, wider concerns also include overlooking, overbearing appearance, overshadowing and loss of amenity.
- 12.3.8. Chapter 4 of the Development Plan, including policy objective PHP20 aiming to protect existing residential amenity, sets out that applications for developments featuring a net density of greater than 50 units per hectare must include an assessment of how the density, scale, size and proposed building form does not represent overdevelopment of the site. The applicant has provided a variety of assessments to attempt to demonstrate same. While policy objective PHP18 of the Development Plan encourages higher densities, this is subject to the protection of the residential amenities and established character of an area. The Observer's and Elected Members assert that existing homes need to be protected, the Planning Authority are in agreement. Policy Objective PHP20: Protection of Existing Residential Amenity states that it is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.
- 12.3.9. There are a number of factors to be considered in respect of the impact of the development on established residential amenities, including:

#### Separation Distances, Overlooking and Overbearing Impact

- 12.3.10. The Design Statement sets out that the distance of Block B from the northern boundary is 5.5m-6m, Block A is c. 5-6m from the northern boundary and c. 4m – 6m distance to its main front (west) elevation facing Glenamuck Road North. Block B is c. 5.6m - c. 16.5m maximum distances to the east side boundaries (with basement levels closes) and c. 10m -15m to the southern boundary (for blocks B and A) at the closest point.

Block C is at its closest point c. 7m from the eastern boundary and 13.8m from the western site. Taking the associated garden spaces into account the resulting minimum separation distance to Tully Beg to the north is to 27.5m, 35.1m to Chigwell to the northeast, 40.6m to properties in Brennanstown Vale of the west of Block C and 19.3m minimum from Block B to Stafford Lodge of the southwest of the site. The separation distance between Block A & Block B is ranging from 38m to the north, to 41.9m to the south. Proximity of Block C to the permitted 4-storey Carracáil apartments is 17.1m. I refer the Board to drawing No. 2102PD05B.

12.3.11. Policy objective PHP3 of the Development Plan refers to the revoked Sustainable Residential Development Guidelines and the associated Urban Design Manual when planning for sustainable residential communities, including any amendment thereof, therefore the Sustainable Settlements Guidelines are applicable to this element of my assessment. The Development Plan refers to the traditional minimum separation distance of 22m between new and existing blocks, including opposing first-floor windows in two-storey housing. Dependent on positioning and detailed design, reduced separation distances may be acceptable based on the Development Plan, and in residential developments over three storeys, the Development Plan states that minimum separation distances may need to be increased having regard to layout, size and design. SPPR 1 of the Sustainable Settlements Guidelines states that Development Plans should not include minimum separation distances that exceed 16m and that a separation distance of at least 16m between opposing windows above ground-floor level serving habitable rooms at the rear or side of houses, duplex units and apartment units, should be maintained. The overall separation distances between the blocks comply with these standards.

12.3.12. The Observer's assert that the balconies will overlook their properties and result in loss of privacy.

12.3.13. As regards **overlooking**, distances to directly opposing adjoining property windows noted as 20m -27m to the two-storey house of Tullybeg to the north of Block A and B and distances of c. 40m-42m from Block C to the nearest two-storey houses to the east. Distances for overlooking purposes are noted as broadly acceptable by the PA. I would agree.

12.3.14. Accordingly, a refusal of permission or modifications to the proposed development for reasons relating to overlooking of neighbouring properties would not be warranted. I

consider the impacts on the privacy of future residents of the proposed apartments separately under section 13.5 below.

12.3.15. The proposed development would be visible from the public realm and the external and internal areas of properties neighbouring the site. With respect to Observer's concerns as regards **overbearing** impacts, the development would change the **outlook** from these neighbouring properties and while site inspection indicated that the adjoining sites consists of extensive semi mature screening along the shared boundaries with the exception of Tullybeg, much of the separation distances identified above includes the rear gardens of the adjacent properties. Whilst I note some attempt has been made in the design to off-set the buildings from direct alignment with the opposing house, I do not consider this reduces the overbearing impact of the proposed 7-storey development given the very limited separation distances from the shared site boundaries to the south, north, northeast and east.

12.3.16. In my opinion, the overall scale, form and mass of Blocks A, B and C, in particular, the extent of building mass and increased building height forming the side elevations in close proximity to the site boundaries of the adjoining properties would represent an overbearing feature when viewed from the adjacent properties reflecting a visually dominant and obtrusive development on the site. The relative enormity of the tiered Blocks and the significant enclosing effect and the varied building heights, modulation and articulation of the individual blocks to try and break up the massing of the building is unsuccessful and is compounded by the number of blocks proposed and the width of each block. I am not satisfied that the mass and height of the development will not have an overbearing impact in this context and would not have a detrimental impact on the residential amenity of the adjacent development.

12.3.17. Regarding reference in the Observations to adverse impacts on Pavilion Gate. While the site is located directly opposite the entrance to Pavilion Gate the site is located on the opposite side of Glenamuck Road North, and I am satisfied that the proposed development will not have an adverse effect on the established residential amenities of Pavilion Gate.

#### *Neighbouring Daylight, Sunlight and Overshadowing Effects*

12.3.18. The Sustainable Settlements Guidelines refer to the various technical standards that can be used in considering the impacts of a development on daylight to neighbouring

properties. These Guidelines refer to the 2022 third edition of the BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice', whereas the applicant's Daylight, Sunlight & Overshadowing Report refers to the 2011 second edition version of the BRE 209 Guide. The applicant's report and the Guidelines both refer to the Daylighting to Buildings standards, IS EN17037:2018.

12.3.19. The results of the technical analysis indicate high levels of compliance with the target criteria set out in the BRE guidelines, There will be a minor reduction in available daylight to some of the windows to Tullybeg, Chigwell, 4 Brennanstown Vale and the proposed apartments but all windows retain a VSC in excess of 27% or the VSC is not reduced below 80% of its former value and there will be no perceived reduction in available daylight. The proposed development meets the requirements of the BRE Guidelines, and any impact will be negligible.

12.3.20. The sunlight (APSH) results show that all the windows assessed to main living spaces have an APSH percentage greater than the recommended 25% (414 hours) and 5% (75 hours) from 21 September to 21 March and meets the BRE guidelines.

12.3.21. I note that all the amenity spaces in the neighbouring properties will retain 2 hours sunlight to an area in excess of 50% of the amenity space. The proposed development will not reduce the existing availability of sunlight below 80% of the current levels. However, the PA in the CE report raised serious concerns as regards **shadow cast**. I refer the Board to section 9 of the Daylight and Sunlight Assessment submitted. The results show that the proposed development would result in significant shadow cast on properties and rear garden of the surrounding properties to the north, and the nearest properties to the northeast (Brennanstown Vale) for much of the day times in March, September to December. I further note that much overshadowing is also indicated in the communal and public open spaces proposed. Accordingly, the development will have a detrimental impact on the established amenities of the adjoining properties, and I agree with the PA that the proposal will not satisfactorily protect existing residential amenities as per zoning objective 'A' and PHP 20. Refusal recommended.

#### *Impact on Built Heritage*

12.3.22. I note the Observer's and Elected Members consider the development contrary to Policy Objective HER21 (iii) to 'ensure the design of developments lands located

immediately adjacent to such groupings of buildings addresses the visual impact on any established setting'. This policy objective relates to urban and suburban areas that contain groupings of nineteenth and twentieth century buildings that are recognised for their distinctive planned layout and collective interest. The Development Plan does not highlight anything particularly unique or distinctive about the character of this area which appears to have developed organically rather than in a specifically planned manner. Therefore, I do not consider Policy Objective HER21 applies in this instance.

12.3.23. Some Observers argue that the site is within an Architectural Conservation Area (ACA) surrounded by Protected Structures while other sets out that the development will impact on the impact on the sylvan setting of the area, close to Foxrock ACA. As regards proximity to the ACA, the site is located some 230m south of the ACA. Therefore, I am satisfied that the proposed development removed from the ACA will not impact on the character and special interest of the ACA (Policy Objective HER13 of the Development Plan). Furthermore, I am satisfied that the development will not impact on the sylvan setting of the wider area (in particular, Brennanstown Road as identified in the Development Plan) as similarly, the development is removed from same and no part of the development will impact on existing trees in the area. I further note that the Tree Survey submitted states that there are no trees on the site and no Tree Preservation Orders on the trees on adjoining sites.

12.3.24. With respect to built heritage, Section 11.4.1.6 Policy Objective HER12: National Inventory of Architectural Heritage (NIAH) of the Development Plan sets out that it is a policy objective to review and update the RPS on foot of any Ministerial recommendations. The 'Ministerial Recommendations', made under Section 53 of the Planning Acts, will be taken into account when the Planning Authority is considering proposals for development that would affect the historic or architectural interest of these structures. Tullybeg to the immediate north of the site is listed on the NIAH and considered to be of 'regional' importance for its Architectural and Artistic value. I note the PA in the CE report raised no concerns are regards the impact of the development on the built heritage of Tullybeg. While I am satisfied that development will not compromise the built form of Tullybeg in so far as the development will not encroach or overhang the property boundary, I note the NIAH appraisal refers to 'the deliberate alignment maximising on scenic vistas overlooking rolling grounds with a mountainous backdrop in the distance..'. Any views from Tullybeg will be restricted by the

development and while the property may have been designed to take advantage of the vista towards the mountains the intervening years and subsequent development have eroded some of these views. Therefore, I am satisfied that the development will not have a significant impact on built heritage. I refer the Board to the foregoing section as it relates to the impact of established residential amenities including outlook.

#### *Depreciation In the Value of Property*

- 12.3.25. Observers assert that the proposed development would lead to a depreciation in the value of property in the vicinity. I do not consider that sufficient substantive and objective evidence has not been provided to support claims that the proposed development would be likely to result in a depreciation of property values in the vicinity.

#### **Conclusion**

- 12.3.26. Section 12.3 *Neighbourhood - People, Homes and Place* of the Development Plan sets out guidance on qualitative, quantitative, and development management criteria for sustainable neighbourhood infrastructure and residential developments. These requirements form the basis for evaluating planning applications for residential development and their respective supporting neighbourhood infrastructure. These principles are reinforced in section 4 of the Sustainable Settlements Guidelines which state that 'achieving quality urban design and creating a sense of place is contingent on the provision of an authentic identity that is specific to the settlement, neighbourhood or site in question'.

Section 12.3.1.1 establishes *Design Criteria*, including: - Levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices, context and the impact of any proposed development on the development potential of adjoining sites. It is in this context that the current proposal must be considered.

The proposed site is an infill site and as such there is scope to ensure any proposed design has regard to site context including the impact of overlooking, overshadowing and views out (outlook) and ensure quality and sustainable placemaking. It is my view that the design and alignment of the apartment blocks significantly impacts and detract from the established residential amenities resulting in undue overshadowing and overbearing impacts by reason of building height, massing and layout with inadequate separation distances to all surrounding site boundaries. The development fails to have



sufficient regard to its surrounding context and would seriously injure the residential and visual amenities of the properties located within its immediate vicinity by reason of overbearing impact, outlook (visually incongruous) and overshadowing and inappropriate streetscape insertion and would be contrary to Policy Objective PHP20 (Protection Of Existing Residential Amenity), Policy Objective PHP35: Healthy Placemaking to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design and section 4.4 of the Compact Settlement Guidelines by failing to place ‘an emphasis on the creation of a coherent urban structure and design approach that responds to local character and is attractive’.

#### **12.4. Density, Building Height & Visual Impact**

##### *Overview*

- 12.4.1. As set out above the Board will note that the CE report recommend refusal on the grounds of the height, scale, massing. The Observer's and Elected Members consider the proposed density excessive and contrary to the prevailing density in the area and constitutes overdevelopment, in addition to significant concerns as regards the proposed building heights and associated impacts.

##### *Density*

- 12.4.2. The development provides for a residential density of 159 units per ha based on the substantive development area of 0.74ha, and a proposal for 118 units on site.
- 12.4.3. The Board will note that the Development Plan does not set out any numerical limitations on density. Policy Objective PHP18 encourages higher residential densities and the associated text in Section 4.3.1.1 of the Development Plan states that as a general rule the minimum default density for new residential developments in the County shall be 35 units per hectare. Section 4.3.1.3 of the Development Plan also states that for all developments with a density over 50 units per ha, the applicant must address how the density, scale, size and proposed building form does not represent overdevelopment of the site.
- 12.4.4. I consider the site to be an ‘Central and/or Accessible Urban Location’ as per Section 2.4 of the Apartments Guidelines 2023 which state that ‘such sites are generally suitable for small- to large-scale (will vary subject to location) and higher density

development (will also vary), that may wholly comprise apartments’.

- 12.4.5. 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 City - Urban Neighbourhoods location -(iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area) as per table 3.1 of the guidelines. Table 3.1 set out that it is a policy and objective of the Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. The proposed residential density of 159 units per ha. is therefore consistent with the Compact Settlement Guidelines.
- 12.4.6. As regards accessibility as noted above the site is directly served by an existing bus route running along the Glenamuck Road North approximately a 150m walk (c. 1-minute walk) from the proposed site. The subject bus stops - which are located on Glenamuck Road North, are served by Route 63. This bus route connects Kilternan to Dun Laoghaire via different itineraries. There are additional bus routes along the N11 corridor which provide access to Dublin City centre via bus routes 84A, 84x, 145 and 155. The walking distance to the closest bus stop on N11 is approximately 2.1 km (c. 26-minutes). The Carrickmines Luas stop is located directly south of the proposed development approximately 2-minute (160m walk). There are dedicated footpaths connecting the proposed development to the Carrickmines Luas Station and the bus routes above. There are some 100 services per day in each direction between Brides Glen to Sandyford, which increases to some 200 per day per direction on the Sandyford – City Centre section.
- 12.4.7. The Observer’s and Elected Members consider the site is not sufficiently well served by public transport to justify the density proposed. Regarding the specific reference in the observations to the frequency of the no. 63 bus, I refer the Board to section 9.2 of the Traffic and Transport Assessment (TTA) submitted which sets out a weekday frequency of 30mins and weekend frequency of 45mins. Combined with the Luas to the south of the site, I am satisfied that the site is suitably served by public transport.
- 12.4.8. I do not consider the density of 152uph excessive in the context of the site and the availability of transport services immediate to the site with onward connections to the wider transport network. Furthermore, I note that the area is continuing to transition, and the development of lands zoned ‘A’ in an efficient manner at adequate densities

makes sustainable use of zoned lands in accordance with national and local policy.

- 12.4.9. I am satisfied that the density 159 uph net is acceptable and consistent with the Development Plan, the Apartment Guidelines and Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- 12.4.10. The applicant submits that the proposed density would be a material contravention of the Development Plan. However, this material contravention has not been quantified in the Material Contravention Addendum Report submitted with this application. In any case having regard to the above, I am satisfied that there is no material contravention of the Development Plan 2022-2028 as regards density.

*Building Height – Visual Impact*

- 12.4.11. The appellant has prepared a variety of drawings, studies and photomontage images to illustrate the development and its surroundings. The development will present a new form and height of development for this area and the proposal would change the outlook, from neighbouring properties and areas.
- 12.4.12. The appellant contends that the building height proposed is justified on the basis of the location of the site, access to public transport with high capacity and good links to other modes of transport, services, amenities and employment locations and the principle of compact growth on zoned serviced lands. It is argued that the building height strategy has been designed to mitigate significant adverse impact upon neighbouring amenity, with the height tapering from 7 storeys to 4 storeys.
- 12.4.13. An Assessment of the Visual Impact on the Built Environment accompanies this application. The report sets out that the impact of the proposed development on the visual environment is likely to be largely restricted to the local area surrounding the application site. However, having regard to the elevation of the application site, the proposed development may be visible from some more distant locations on the M50 and south of the M50. There may also be views of the proposed development from distant elevated locations, across open foregrounds or at the ends of streets aligned towards the application site.
- 12.4.14. The LVIA considers the Verified Views from 11 points in the surrounding area. Additional CGIs were submitted as part of the planning application. From the 11 view locations assessed it is established that the proposed development is a noticeable element in 5 views, views V2, V3, V4 and V11. Views from Carrickmines Luas Park &

Ride (View 1) range from none to “imperceptible”. The potential visual impact of the proposed development on views from Glenamuck Road North is assessed as ranging from none to “moderate” to “significant” (V2, V3, V8 and V11 relate). Views from Pavilion Gate (View 4) range from none to “moderate” to “significant”. Views from Brennanstown Vale (Views 9 & 10) range from “slight” to “moderate”. (Views 9 & 10). Views from residential estates to the west (Views 5, 6 and 7) range from none to “imperceptible” to “moderate” limited by intervening trees and development. I further note the observers highlight the “significant” to “moderate” impacts identified.

12.4.15. Of relevance to building height and visual impact is topography and adjoining context. Having regard to the topography whereby the land rises sharply from the M50 to the junction of Glenamuck Road North with Brighton Road, there are a number of locations from where there is the potential for the proposed development to be visible, such as from the M50 motorway itself and from its associated slip roads at Junction. Where visible, the Assessment of the Visual Impact on the Built Environment report states that the proposed development is likely to form a relatively small element in views and is likely to be visible in the context of infrastructural development associated with the M50 and the Luas. The potential impact of the proposed development on views from these locations is assessed as ranging from none to “not significant” to “slight” to “moderate”.

12.4.16. I do not agree, and while the applicant argues that the context of the general Carrickmines area is evolving, this predominately relates to lands to the south of the M50 which are removed from the site by the M50 and the SDZ lands to the southeast of this site which are at lower level than the subject site. The site and lands adjoining the site have maintained traditional low density suburban characteristics. In any case, the proposed residential development is significantly and materially different from the M50 and Luas infrastructure and as per V2, V3 and V11, the proposed development is clearly distinguishable and would represent a dominant intervention in the skyline over and above the established building heights and tree canopies. This is compounded, in my opinion, by the uniform pattern and design of the three blocks which offer little in terms of design variation or architectural innovation (I refer the Board to table 1 above). Similarly, as set out above the proposed building line is set back only c. 4.2-6.2m from the roadside boundary and the introduction of a 7-storey apartment block which presents as 6-storey with a limited tiered 7<sup>th</sup> floor recess would

represent a significant departure from the 2-storey detached homes set behind boundary walls and represent a significant and abrupt transition in scale where there is no streetscape context. No attempt has been made to reduce the impact of the development from the streetscape so as to appropriately integrate the scheme.

12.4.17. On completion the proposed development would represent a marked and comprehensive change to the site from a former vacant/infill site to a significant urban development comprising 3 no. blocks ranging in height from 4-7 storeys with associated development. It is unavoidable that a high-density development on a site of c. 0.92 ha in a predominantly low density urban area will have some effects on the landscape and views. The Design Statement sets out that that the development will from a 'landmark in views along the M50, Glenamuck Road North..'. I do not agree, in my opinion, the scale and height of the development proposed would represent a significant and determinantal negative visual impact on the area in terms of streetscape and wider views, in particular, from the southern approach to the site, and would be contrary to Policy Objective PHP 20 as set out above and Appendix 13 of the Development Plan 2022-2028 which states 'Any new development shall maintain the rural character of the area and should not be obtrusive on the horizon'.

#### *Building Height*

12.4.18. In terms of national policy, the '*Urban Development and Building Heights Guidelines*' promotes Development Plan policy which supports increased building height and density in locations with good transport accessibility and prohibits blanket numerical limitations on building height. Section 3 of the Guidelines deals with the assessment of individual applications and appeals and states that there is a presumption in favour of buildings of increased height in city cores and urban locations with good public transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings taller than prevailing heights.

12.4.19. Section 13.1.2 *Transitional Zonal Areas* of the Development Plan sets out that it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones and to avoid developments which 'would be detrimental to the amenities of the more environmentally sensitive zone including zones abutting residential areas or abutting residential development within mixed-use zones, particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of these residential properties'.

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

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

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

12.4.21. The Building Height Strategy (Appendix 5) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 was prepared in the context of the Urban Development and Building Height Guidelines for Planning Authorities, 2018. The Building Height Guidelines acknowledge that building heights must be generally increased in appropriate urban areas. I note the PA consider BHS 1 and BHS 3 relevant in this instance.

12.4.22. Policy Objective BHS 1 supports consideration of increased heights and taller buildings at appropriate locations, including, inter alia, suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route). Policy Objective BHS 3 applies to 'Residual Suburban Areas' and promotes general building heights of 3 to 4- storeys in these locations, BHS3 also states having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the residual suburban areas. In any case, I am satisfied that there is policy support for increased height at this location subject to suitable controls and where the applicant can demonstrate compliance with the performance-based criteria set out in Table 5.1, contained in Section 5 of the Building Height Strategy (Appendix 5).

12.4.23. It is acknowledged that building heights of up to 7-storeys constitute 'taller buildings' as defined in the Plan. The applicant submits that the proposed building height may be deemed to materially contravene the policy approach set out under section 4.4 of Appendix 5. The CE report does not raise any concerns with respect to material contravention.

12.4.24. I am satisfied that national guidance or County Development Plan policy does not place any specific maximum limit of building height or density for this site. The Development Plan BHS has been prepared having regard to the provisions of the national Building Height Guidelines and the performance criteria outlined in Table 5.1 satisfactorily incorporates the criteria associated with SPPR 3 and section 3.1 of the Guidelines. Accordingly, I am satisfied that questions relating to building height and visual amenity will be suitably addressed with reference to the BHS; section 2: Understanding Building Height and Table 5.1 criteria:

*TABLE 2 - Table 5.1 – Building Height Strategy*

<b>At County Level</b>	
<b>Criterion</b>	<b>Assessment</b>
NPF Objectives	I consider that the principle of the proposal within an existing built-up area, close to high frequency public transportation and on lands zoned for residential development would assist in securing objectives regarding key urban centres, infill development, and compact growth.
Public Transport	As outlined in sections 12.4. and 12.6 of this report, I am satisfied that the site is well served by public transport with high capacity, frequent service, and good links to other modes of public transport.
Character and Public Realm	<p>I refer the Board to the foregoing sections and Table 1 above.</p> <p>The site is an infill site and has direct frontage on Glenamuck Road North. The applicant sets out that careful consideration has been given to the successful integration of the proposal into the existing character and topography of the site and area. The layout and public realm elements of the development prioritise pedestrian linkages, connectivity, and amenity in order to best utilise the transport and open space amenities in the immediate facility. Having regard to the drawings and documentation submitted and the nature of the receiving environment, I am not satisfied that the proposals will successfully integrate into character and public realm of the area by reason of height and massing, inappropriate urban streetscape frontage and proximity to adjacent site boundaries. I note the CE report shares these concerns.</p>

	Regarding the other requirements of Table 5.1, I note that the application was accompanied by an Architectural Design Statement, and that the applicant's DMURS Statement, Quality Audit, and associated drawings address the requirements of DMURS.
Views and Prospects	Table 8.1 of the Development Plan outlines the views and prospects to be preserved. The proposed development would not interfere with any of these. There are instances where the development would break the skyline and/or form a significant presence in the context of another feature. I have addressed these above.
Infrastructural Capacity	<p>As per sections 12.2, 12.4 and 12.6 of this report, I am satisfied with the capacity of transport infrastructure and social/community infrastructure in the wider area with the exception of childcare provision (I refer the Board to section 12.2 above).</p> <p>The planning authority has not raised any objections with regard to drainage and water services and I note that Irish Water correspondence has confirmed the feasibility of the proposal in respect of water supply and wastewater disposal. I address this matter in more detail in section 12.7 below.</p>
<b>At District/Neighbourhood/Street Level</b>	
Response to natural and built environment and contribution to neighbourhood / streetscape	<p>Table 5.1 of the BHS outlines the need to demonstrate compliance with the 12 criteria set out in the Urban Design Manual of the Sustainable Residential Development Guidelines 2009, as well as DMURS.</p> <p><b>** While the Sustainable Residential Development Guidelines 2009 have been superseded by the Compact Settlement Guidelines 2024, the accompanying manual has yet to be published. The Urban Design &amp; Architectural Report accompanying the planning application addresses the 12 criteria set out in the Urban Design Manual (2009)</b></p> <p><u>Context:</u> I refer the Board to table 1 above.</p> <p><u>Connections:</u> Provision of pedestrian linkage via the site and Carracáil to Brennanstown Road would improve local connections.</p>



Inclusivity: The proposed development introduces 118 apartments in a part of the city consisting predominately of conventional houses, the site is suitable for this form of development due to its proximity to the Luas. The proposed development results in a new form of tenure in the locality and would add diversity to the existing housing stock.

Variety: I refer the board to section 12.2 of this report as regards unit mix. The proposed unit mix is contrary to Development Plan requirements.

Efficiency: The proposed higher density would be a more efficient use of this underutilised site in an accessible intermediate urban location. The proposal incorporates SuDS drainage principles, and the Operational Waste Management Plan outlines suitable recycling proposals. The communal areas would be landscaped for amenity/biodiversity purposes and to protect from elements such as wind.

Distinctiveness: While the proposals would be significantly different to the mature housing in the area, I consider that the development would represent a visually prominent development over and above the prevailing predominately two-storey character of the area and would not represent a positive contribution to the urban neighbourhood and streetscape for reasons outlined above.

Layout: The proposed development provides for 3 no. apartment blocks in a L-shape. I refer the Board to section 12.3 above as regards the impacts of the layout in established residential amenities.

Public Realm: The applicant contends that the proposal offers significant enhancement to the local public realm by way of a new pedestrian connections, a new residential amenity area (Block B), a new play area, and significantly improved frontage along Glenamuck Road. It is argued that the layout and public realm elements of the development prioritise pedestrian linkages, connectivity, and amenity in order to best utilise the transport and open space amenities in the immediate facility. While I agree in some respects, the relative proximity of Block A to the roadside boundary fails to provide any meaningful public realm along Glenamuck Road North.

	<p><u>Adaptability:</u> I note that the apartments would be fully accessible, and all exceed the minimum size standards as per the Apartments Guidelines. They would be energy-efficient and designed in compliance with Technical Guidance Document L - Conservation of Fuel and Energy – Dwellings (2022) in response to the challenges anticipated from a changing climate. A Sustainable&amp; Energy Planning Report accompanied the application.</p> <p><u>Privacy &amp; Amenity:</u> I am satisfied that the apartments would be provided with suitable standards of private amenity space, dual aspect, acoustic insulation, privacy, and storage for the proposed development. I refer the Board to section 12.5 below. However, I am not satisfied that the scheme adequately addresses the protection of the established residential amenity of neighbouring properties (section 12.2 above).</p> <p><u>Parking:</u> I refer the Board to section 12.6 below.</p> <p><u>Detailed Design:</u> I refer the Board to table 1 and the foregoing sections above. As set out, I have concerns as regards the architectural integrity of the development, the height, bulk and extent of horizontal and vertical building profiles relative to the site boundaries, the intervisibility of the proposed development by virtue of the height of the 3 no. blocks above the established skyline and the abrupt transition in scale and form relative to the immediate adjoining development.</p> <p>I note the Observer's suggest that the building height is not tiered as claimed. I accept that the design reflects a tiered building height approach. However, I do not consider this sufficient in terms of reducing the overall scale, mass and impact of the development as is evident in the CGI's submitted.</p>
Building Form	I refer the Board to table 1 above.
Materials	I refer the Board to table 1 above. The extensive use of render and the durability and maintenance of same is noted.

Public spaces, thoroughfares, and water frontage.	I refer the Board to table 1 above. The proposed Block A at 7 storeys addressing Glenamuck Road North would be the tallest building along the road and while the public realm works along the road may result in improvements in terms of traffic management these will not alleviate or soften the impact of the development at streetscape level.
Legibility	Having regard to the foregoing I agree with the PA that the development does not make a positive contribution to legibility.
Mix of Uses / Buildings	The introduction of apartment units will introduce a new type of tenure to the area; however this must be balanced with the need to ensure an appropriate design solution for the site.
Enclosure	The PA in the CE report note that on the basis of the relationship of Block A with Glenamuck Road North they are not satisfied that the proposal provides an appropriate level of enclosure of street and spaces in the context of the site. I would agree
Urban Grain	I refer the Board to section 12. 3 and table 1 above. I am not satisfied that the development makes a positive contribution to placemaking and makes any meaningful contribution to the streetscape, character and/or identify of the area.
Character and Identity	As outlined above, the proposed development will open the site up to public access, allowing the public to enjoy the amenities of the central open space. As such the development will reflect a distinctive and unique sense of character and identity relative to the immediately adjoining development. However, owing to the limited separation distances between the development and the site boundaries and the proposed layout, design and scale of the development, it is not considered that the site can sufficiently absorb the increased height when compared with the adjoining two-storey houses.
Neighbouring Properties	I refer the Board to section 12.3 above.
<b>At Site/Building Scale</b>	

Daylight, ventilation, views, and sunlight	As outlined in section 12.3 and 12.5 of this report, I note the PA raised no concerns in relation to daylight impacts, I would have no objections regarding ventilation or the dual aspect arrangements/views within the apartments.
BRE Guidance on Daylight and Sunlight	See above.
Overlooking, overbearing, overshadowing	I refer the Board to section 12.3 above. I consider that there would be unacceptable effects on adjoining properties by reason of proximity and overbearing impact.
Built Heritage	I refer the Board to section 12.2 above. The proposed development is not in close proximity to any Architectural Conservation Area or within the setting of a protected structure. The proposal does not affect any strategic protected views or prospects.
Carbon Emissions	The application includes a Sustainability Report/Energy Statement. This states that the development will achieve TGD Part L 2017-2018 Nearly Zero Energy Buildings (NZEB) for the proposed development. A preliminary DEAP analysis has been completed to inform the design strategy, to demonstrate compliance with domestic building regulations Part L and to ensure that targeted building energy ratings (BER) of A2/A3 will be achieved.
<b>County Specific Criteria</b>	
Coastal Character	No concerns were raised as regards impact on the 'Coastal Fringe' as defined in the CDP. Owing to the intervening lands uses and distance from the coast, I have no concerns in his regard.
Mountain Landscape	No impact on Mountain Landscape has been highlighted
Specific Requirements	The application contains sufficient information for the purposes of this appeal and pre-planning requirements have been addressed.

Microclimatic Impacts	In addition to the sunlight/daylight assessment, a Wind Impact Assessment has been completed. It demonstrates that the wind environment will be suitable for the intended use of each area/building and would not introduce any critical impact on surrounding buildings/areas.
Flight Lines	Consistent with the applicant's Ecological Assessment, I would accept that the site is not located within a sensitive area in terms of bird flight paths. The buildings are of limited height compared to migratory flight paths and the facades are varied to minimise collision risk.
Telecommunication Channels	The proposed development is not anticipated to have any impact on telecommunication channels or microwave links due to its location
Safe air navigation	I would accept that the site is not located within any public safety or noise zones and that the proposed development would not impact on the safe navigation of aircraft.
Environmental Assessments	As addressed elsewhere in this report, the application includes an AA Screening Report and an EclA. I refer the Board to sections 13.0 and 14.0 of this report.
<b>Additional criteria for larger redevelopment sites with taller buildings</b>	
Place Making	I refer the Board to table 1 above.

### *Summary*

As noted above there is policy support for increased height at this location subject to controls, therefore I do not consider the proposed building height a material contravention of the Development Plan.

However, I am mindful that the building heights will contribute to a significant increase in the scale of residential development in the area over and above the predominantly 2 storey established heights and that there will be a relatively high intervisibility between the existing and proposed development by virtue of the height proposed and the potential for cumulative effects are compounded by site levels and the combination of the three no. blocks. Accordingly, I am not satisfied that the proposed building height and impact on visual amenity complies the BHS; section 2: Understanding Building Height and Table 5.1 criteria as set out above. Permission should be refused for this

reason.

I note however, the PA in the CE report recommend the omission of two no. floors from the development if the Board is minded to grant planning permission. However, in light of the concerns raised in foregoing sections, I am not satisfied that the omission of two no. floors will not address concerns as regard relationship to site context and public realm.

## **Conclusion**

12.4.25. The proposed development, by virtue of the design, height, bulk and extent of horizontal and vertical building profiles would be out of character with the context of the site and would represent a visually prominent form of the development relative to its immediate environment and, in particular, the wider cityscape, would constitute overdevelopment of the site and would be contrary to BHS; section 2: Understanding Building Height and Table 5.1 criteria of the Development Plan and Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) in terms of standards of urban design, architectural quality and place making outcomes at the scale relevant to site context. The proposed development provides an inadequate design response to this sensitive infill site, would be of insufficient architectural quality, would reflect a visually dominant feature in the wider cityscape and would detract from the character and be contrary to the proper planning and sustainable development of the area.

## **12.5. Residential Amenity and Development Standards**

### *Standard of Accommodation/Internal Standards*

12.5.1. The application is accompanied by a Schedule of Accommodation document. The Schedule of Accommodation document outlines compliance of the proposed apartments with the relevant quantitative standards required under the Apartment Guidelines as incorporated into the Development Plan 2022-2028. The drawings have also been prepared with regard to the requirements of Section 6 of the Apartment Guidelines (the same standards apply in the 2023 Apartment Guidelines), summary of the key points from this is set out below detailing how the scheme complies with the Specific Planning Policy Requirements set out in the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities (2023):

- SPPR 3 refers to minimum apartment sizes. The range proposed within the scheme will meet or exceed the minimum size standards. The guidelines also set out standards for the minimum widths of living/dining rooms and bedrooms and the minimum floor areas of certain rooms within the apartment. According to the drawing submitted, the development complies with all the relevant standards.
- SPPR 4 of the Apartment Guidelines 2023 establishes that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The applicant states that a total of 80no. units are dual aspect apartments. This is 67.8% of the overall development. The PA is satisfied that scheme achieves 50% dual aspect in accordance with Section 12.3.5.1 of the Development Plan. I would agree.
- SPPR 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres. The development proposes a ceiling height of 2.7 metres at ground floor level.
- SPPR 6 states that a maximum of 12 apartments per core may be provided in apartment schemes. All apartments' blocks will comprise no more than 12 units per core in accordance with Section 12.3.5.6 of Development Plan and SPPR 6 of Apartment Guidelines.
- Paragraph 3.30 relates to Internal Storage, in addition section 12.3.5.3 of the CDP, states "*Apartment schemes should provide external storage for bulky items outside individual units (i.e., at ground or basement level), in addition to the minimum apartment storage requirements...*" No quantitative standards for the external storage areas have been included in the Development Plan. The scheme provides the required standard of internal storage for each unit and undercroft storage for the parking of bicycles and bin storage, additional external storage for the storage of bulky items has not been provided within the scheme. The CE report recommends this matter is addressed by way of condition should the Board be minded to grant.
- 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 are provided.

- In terms of communal open space, as noted in table 1 above the development provides 912.6sqm (774sqm required) of semi- private communal open space is provided in two separate spaces to the east sides of Block B and C.
- A Life Cycle Report is submitted in accordance with section 6.12 of the guidelines.

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

*Daylight, Sunlight and Overshadowing*

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

12.5.4. 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.

12.5.5. The applicant submitted a Daylight, Sunlight and Overshadowing Report. This report was undertaken with regard to Dun Laoghaire Rathdown County Council (DLRCC) planning policy and, the advice and recommendations set out in the Building Research Establishment (BRE) report entitled 'Site layout planning for daylight and sunlight: A guide to good practice - 2011' (referred to in this report as the "BRE guidelines"). Climate-based daylight modelling against European Standard EN 17037 and British Standard BS EN 17037 has also been completed.

12.5.6. 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*

12.5.7. Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BS8206 – Part 2 sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The proposed apartment block provides 118 no. residential units. Of these 328 rooms assessed, 100% have met or exceeded the recommended minimum ADF value as per the BRE Guidelines giving a compliance rate of 100%.

12.5.8. All windows to living rooms in the apartment blocks have been assessed with regards to sunlight. The BRE Guidelines recommend maximising the number of units that have a window within 90° due South but does not have set targets. Additionally windows with an aspect of greater than 90° due South, like West or North East, will still receive sunlight, but it is likely to be lesser amounts especially in the winter period. In the apartment blocks, A, B & C there are 49 No. Living / Dining spaces that have windows facing within 90° of due South. 53.7% of the apartments meet the criteria to have both an APSH percentage greater than the recommended 25% (414 hours) and 5% (75 hours) from September 21st to March 21st. Of note, the majority of the main living spaces to the apartments have an overhanging balcony due to the requirement for private external space which restricts the availability of direct sunlight.

12.5.9. I further note all proposed communal amenity areas will meet the BRE guidelines by achieving 2 hours of sun on ground to over 50% of the assessed area on 21st March, thereby comfortably meeting the BRE target criteria (see extract from Sunlight/Daylight Assessment below)

Sunlight on the Ground - Proposed Development			
Location ID	Description	Proposed: % Area receiving 2 hours sunlight on 21st March	Meets criteria if >50% area receives 2 hours sunlight on 21st March
S1	Block A & B - Public Open Space with Playground	98.0%	Y
S2	Block B - Public Open Space	93.7%	Y
S3	Block C - Public Open Space	94.3%	Y

### Conclusion

12.5.10. In my opinion, this is considered a good level of compliance for a proposed scheme of this size and increasing density. However and notwithstanding the above, the Shadow Analysis determined that much of the amenity spaces associated with the development are overshadowed in March, September and December. This in my opinion is a direct impact of the height, mass and building alignment proposed and will decrease the amenity value of the communal open spaces proposed.

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. However, 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. Whilst I am satisfied that the scheme adheres to the standards as applicable this does not negate the resulting detrimental impacts and must be considered in the context of section 12.3 and 12.4 above.

## 12.6. **Traffic and Transportation**

## *Access*

- 12.6.1. The proposed development will be accessed via a single vehicle access point off Glenamuck Road North. Glenamuck Road North is located in a 50 km/h zone. A 2.4m x 49m sightline, which is in compliance with the requirements of the Department of Transport 'Design Manual for Urban Roads and Streets' recommendation for a road of design speed of 50 km/h, can provide safe access/egress at the access road junction onto Glenamuck Road. No development works will infringe upon this existing sightline provision. While a signalised junction at the entrance was considered. Dun Laoghaire Rathdown County Council Traffic section indicated that a signalised junction at the entrance is premature and should only be implemented if/when the need arises. As a result, the junction entrance has been designed in accordance with Dun Laoghaire Rathdown County Council Traffic's request for a priority T junction. This design is provided on accompanying drawing 13-125- P280 (Proposed Junction Layouts).
- 12.6.2. The Observer's contend that Glenamuck Road is not wide enough to accommodate a right-hand turning lane to enter/exit the development and this will result in backup of traffic. However the CE report raised no concerns in this regard and referring to the Transportation Planning report which sets out that the applicant should liaise with DRL's Traffic and Road Maintenance Section to agree on a design of a Priority T-junction, with infrastructure for the future provision for a signalised junction. I am satisfied that this matter can be addressed by way of condition should the Board be minded to grant planning permission. I have no concerns regarding the proposed access onto Glenamuck Road North.

## *Traffic Impact*

- 12.6.3. A Traffic & Transport Assessment accompanied the application. The impact of the proposed development traffic generation assessed for junctions:
1. Junction 1 (Priority T-junction): Glenamuck Road North / Pavilion Gate;
  2. Junction 2 (Proposed Priority T-junction): Glenamuck Road North / Proposed Development Access Road,
- are expected to receive a traffic increase lower than 5% and therefore no further assessment is warranted. However, as Junction 2 is a new junction proposed as part of the subject application and will be the only vehicular access to both the proposed

and Carracáil impacts on the surrounding road network is predicted to be negligible. This deduction is based on the modest level of development traffic predicted during the AM and PM peak hours (i.e., 42 & 49 two-way trips respectively). I refer the Board to section 6 of the TTA submitted with this application. Owing to the trip numbers predicated, I would agree.

- 12.6.4. Regarding the impact the wider road network, I note the Observer's argue that the existing traffic in the area will be compounded by the proposed development. The TTA sets out that while the survey was completed in 2016, it is assumed as part of the report that, by 2024 (anticipated Opening Year of proposed development), the traffic levels along Glenamuck Road North will be similar to the ones surveyed in 2016. This assumption is mainly due to a new link road in the surrounding network which includes an alternative link to the Cherrywood development opening west of the proposed development. While I note the time elapsed since the survey was completed, I am satisfied that the proposed development is sustainable in transportation terms and the trip resulting generation volumes are low owing to the non-car-based alternative modes available to residents and visitors at the subject site. I am satisfied that the general layout is consistent with DMURS, the Transportation Planning Dept. have raised no specific objections. A DMURS statement of Compliance is submitted in Appendix A of the Infrastructure Design Report.

#### *Car Parking*

- 12.6.5. Table 12.5 of the Development Plan sets out a requirement of 1 space per 1-bed & 2-bed and 2 spaces per 3+ bed for land located in Zone 2 (near public transport). This equates to 126 spaces for the proposed 118 no. units. The scheme provides for 103 no. spaces, resulting in a ratio of 0.87 spaces/units. 5% of all spaces will be disabled carparking spaces and 16.7% will have electric power charging points. There is no GoCar station located within the proposed development, however, there is one GoCar station within the vicinity of the proposed development at Carrickmines Park Shopping Centre. This is 1km away (c. 14-minute walk).
- 12.6.6. The issue of car parking is addressed in the applicant's Material Contravention Statement. Section 12.4.5.2 Parking Zones of the Development Plan states that within parking zone 2 maximum standards shall apply for all uses except for residential where the standard is required. Section 12.4.5.2 *Application of Standards* of the Development Plan provides for the relaxation of maximum standards subject to certain criteria

including proximity to public transport, walking and cycling accessibility/permeability etc. This approach is consistent with SPPR 3 of the Compact settlement Guidelines

- 12.6.7. I have set out in section 12.4 above the accessibility of the site relative to public transport including the Luas and Dublin Bus network. In addition, a Public Transport Capacity analysis was submitted as part of the TTA and concluded that the existing bus and rail services are currently operating within capacity. In addition, mobility management will be a key operational feature of the development. A Travel Plan will be implemented and developed on an ongoing basis with the triple objectives of promoting sustainability, enhancing public transport and reducing dependency on the use of the private car. To this end, the strategy will be to encourage residents to reduce dependency on the private car and instead encouraging travel by public transport, by cycle, on foot or car sharing.
- 12.6.8. I note the CE report considers the car parking proposed is unacceptable and the adjoining road network is not considered adequate to support potential parking over-spill. Similarly, I note the Observer's raise concerns are regards car parking including the extent of surface car parking. Car parking is located predominately at undercroft level and therefore limited surface car parking is proposed, I have no concerns as regards surface car parking provision. A car parking co-ordinator will be responsible for the management of inappropriate parking within the development. This parking management will ensure that spaces are reserved for those who have rented the space and will be accessible only to those users. I further note the CE report raises concerns about the allocation of car parking and how this could result in overspill. However, I note the Car Parking Strategy and a Mobility Management Plan accompanying the planning application sets out that all residents and visitors will have 100% awareness of the Plan, therefore front loading the car parking status on site. I consider this an acceptable approach.
- 12.6.9. The Sustainable Urban Housing: Design Standards for New Apartments advocates reduced levels of parking in certain instances. The Sustainable Urban Housing: Design Standards for New Apartments specifically note that for peripheral and/or less accessible locations that as a benchmark, one car parking space per unit, together with an element of visitor parking such as one space for every 3-4 apartments should generally be required. Having regard to this guidance, the public transport offering serving the site and the proposed mobility management measures to be implemented,

I am satisfied that the quantum of parking proposed is sufficient to serve the proposed development.

12.6.10. Therefore, I am satisfied that the provision of 0.87 car parking spaces per residential unit would be appropriate for the proposed development. This is supported by the Residential Travel Plan accompanying the application.

12.6.11. Policy Objective T1 seeks to “actively support sustainable modes of transport and ensure that land use and zoning are aligned with the provision and development of high-quality public transport systems. This is consistent with NSO 1, NPO 26 of the NPF, 64, RPO 4.40, 5.3, 8.1 and Guiding Principles on Integration of Land Use and Transport of the RSES. The reduced level of car parking provision is also consistent with the mobility targets for the greater Dublin area as detailed within the Dublin City Transport Plan and also consistent both with minimising the traffic impact of the proposal and with maximising patronage of the extensive public transport and soft mode options available.

#### *Cycle Parking*

12.6.12. Section 12.4.6 of the Development Plan set out the standards for cycle parking and accords with the ‘Standards for Cycle Parking and Associated Cycling Facilities for New Development’ (2018). It is a requirement that, new residential developments of 5 residential units or more or non-residential type developments of 400 sq. m. or over, submit a Cycle Audit as part of the planning application. These standards require the following provision for residential use:

- Long Stay: 1 space per unit.
- Short Stay: 1 space per 5 units

According to the parking standards a total of 141.6 no. cycle spaces are required to comply with the Development Plan. A total of 280 no. bicycle spaces are proposed for the proposed development, 254 no. spaces at basement level and 26 no. spaces at surface level. I am satisfied that the quantum of cycle parking is acceptable.

12.6.13. However concerns were raised by the Transportation Planning section as regards the quantum, quality, location and accessibility of the cycle parking and that no long term cycle parking provision has been provided in Block A. It is further noted that the short term cycle spaces are not covered or designed as such. The CE report indicates that

these matters be addressed by way of condition should the Board be minded to grant permission. I would agree.

*Basement, Loading Bays, Pedestrian Safety*

12.6.14. The CE report highlights that no loading bays have been provided and that an auto track drawing is required to demonstrate that large vehicles (bin trucks) do not have to drive onto the footpath to access the site. I am satisfied that these matters can be addressed by condition should in the event that the Board is minded to grant planning permission.

12.6.15. The Elected Members suggest that a pedestrian crossing should be provided on Glenamuck Road. I note a pedestrian crossing is located to the north of the site at the junction of Brighton Road and Brennanstown Road with Glenamuck Road North within 200m of the site. I am satisfied that this is acceptable. Nothing the concerns raised by the Observers as regards the safety of children. I am satisfied that all the components are in place to ensure adequate pedestrian (including children) safety.

*Taking in Charge Standards*

12.6.16. The applicant has indicated that the scheme will not be take in charge. The PA in the CE report set out that the development should be completed to Taking In Charge standards regardless of areas to be taken in charge (or not). I would agree. I am satisfied that these matters can be addressed by condition should in the event that the Board is minded to grant planning permission.

Conclusion

12.6.17. On balance, the proposed development is located at a well-served urban location close to a variety of amenities and facilities. Mobility Management has been provided for in the development master planning, and the development will be dominated by sustainable transport modes. The Development Plan contains policies and objectives which promote measures that have the potential to reduce the climate impact of transport by encouraging a shift from private motorised transport to walking, cycling and public transport including Policy Objective T11: Walking and Cycling. There are good pedestrian and cycle facilities in the area.

I am satisfied that the components are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of

transport and this can be achieved by the implementation of the Car Parking Strategy and a Mobility Management Plan submitted by the applicant. Any disturbance as a result of construction will be temporary in nature.

I have considered all of the written submissions made in relation to Traffic and Transportation. I note the reports of the planning authority raised no objection in principle. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable impacts in terms of Roads and Traffic safety.

## **12.7. Drainage**

- 12.7.1. An Engineering Assessment Report and a Site-Specific Flood Risk Assessment accompany the planning application.
- 12.7.2. By way of information for the Board in order to construct the outfall foul and surface water sewers, it is necessary to cross a portion of lands forming a wayleave to the south of the site via 'Carracáil' and Brennanstown Vale. The portion of lands for this wayleave is identified as forming c. 0.18 ha of land, bringing the overall main development site area to 0.92ha.
- 12.7.3. The drainage system from the subject site will not be offered for Taking in Charge to Dun Laoghaire Rathdown County Council nor Irish Water. The development shall be a private development maintained by an owner's management company.

### *Foul Water Drainage*

- 12.7.4. It is proposed that the foul water from Blocks A, B and C discharge by gravity to the existing foul sewer located at the southern boundary of Carracáil site, to the south of the subject site. The proposed foul water outfall from the development is a 225mm diameter pipe laid at a minimum gradient of 1:40, giving a minimum capacity of 72 l/s. Therefore, the proposed outfall has adequate capacity to cater for the flows from the development
- 12.7.5. A Pre-Connection Enquiry form was submitted to Irish Water on 12th of January 2021 which outlined the foul water discharge proposal as described above, and it was assessed under Irish Water Reference No. CDS21001100. Confirmation of feasibility



has been received from Irish Water, and connection of water and wastewater can be facilitated with no upgrade works needed on the existing network. I refer the Board to section 11.0 of this report.

- 12.7.6. Uisce Eireann have raised no objection to the proposed development and future connection will be subject agreement with UE. Therefore, any impact from the increased wastewater flows on the existing drainage network are considered acceptable.

#### *Storm and Surface Water Drainage*

- 12.7.7. The total site area is c. 0.92 ha, of which c. 0.74ha comprise the subject site, where the 3 no. apartment blocks are located. From this area, hardstanding area comprises c. 0.546ha, which includes roof, roads, parking spaces and podium area, that is drained through the surface water system. The remaining c.0.18ha comprise area from Glenamuck Road that will be subject to a road upgrade and the area to the south of the development that will be used for the outfall of surface and foul water. This area has not been taken into consideration for surface water calculations.
- 12.7.8. Strict separation of surface water and wastewater will be implemented within the development. Drains will be laid out to minimise the risk of inadvertent connection of waste pipes to the surface water system.
- 12.7.9. Due to site topography, it is proposed to split the subject site into two sub-catchments. Catchment A will include Blocks A and B and associated infrastructure, and Catchment B will include Block C and associated infrastructure. Separate Underground attenuation storage will be provided for each Catchment.
- 12.7.10. It is proposed that, as part of this planning application, a new surface water sewer will be laid from the subject site and will drain by gravity at a restricted rate to an existing 225mm diameter surface water sewer located at the southern boundary of the Carracáil site. The development site will drain by gravity. Excess storm water will be stored in an underground attenuation area which will be provided under parking area in front of Block B and under the road in front of Block C. Surface water runoff shall be restricted via a hydrobrake or similar approved
- 12.7.11. Site investigations have determined, infiltration techniques cannot be utilised on site. In accordance with the GDSDS, it is proposed to provide sustainable urban drainage systems (SUDs) for managing stormwater from the development. Run-off will be

restricted to 3.81 l/s/Ha. It will be necessary to treat and then store excess storm water within the site. This will be achieved by using a sustainable drainage network of green roofs, tree pits and permeable paving all discharging the treated water to underground storage tanks. Surface water run-off will be restricted by two separate hydrobrakes, which equate to a total outfall rate for the proposed development of 2.1 l/s.

- 12.7.12. The storm water system will be designed to cater for the 1 in 100-year storm plus a 30% allowance for climate change. The proposed sustainable urban drainage system will treat runoff and remove pollutants to improve quality, restrict outflow and to control quantity and increase amenity value.
- 12.7.13. To prevent surface water to enter the basement, ramps to access both basements, slope toward the road, so the water naturally will drain outside the basement. As an additional measure ACO drains have been proposed at the top of the ramps. These ACO drains are then connected to the nearest tree pit for treatment prior to enter the surface water network. While it is set out that the ground conditions are not suitable for infiltration to the ground, however, wherever the elements are located at least 5m from foundations and 3m from boundaries, the design allows for infiltration.
- 12.7.14. Regarding green roof provision the CE report notes 67% green roof coverage. This is within the range indicated within the Development Plan - 70% for extensive or 50% for intensive and therefore acceptable.
- 12.7.15. The proposed surface water system has therefore been designed to incorporate SuDS techniques which naturally reduce pollutants and improve water quality. In addition a Surface Water Audit has been carried out on the proposed design.
- 12.7.16. It is noted that the documentation submitted as part of the Surface Water Audit included for an extended red line boundary for the drainage outfall through adjacent 3rd party lands. This was a query raised by the Observer's. This drainage outfall route through 3rd party lands has been installed under the residential development to the south Carracáil (PL06D.304995) with all necessary 3rd party consents in place. As such, the final drawings and reports submitted as part of this subject application have been adjusted to reflect the final point of connection to the existing drainage network. I refer the Board to Waterman Moylan Drawings Nos 13-125-P220 and P221 showing the final agreed red line that forms part of this application. I note the Drainage Section concerns in relation to surface water management strategy regarding the route of

surface water infrastructure through third party lands. The Drainage Dept. note that this not an acceptable arrangement for taking in charge and should be conditioned to be a private development maintained by the Owners' Management Company. As noted above, it is intended to maintain the development in private ownership.

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

#### *Water*

12.7.18. The total water requirement from the public supply, for the development, is estimated at 48.6 m<sup>3</sup> /day. It is proposed to connect to the existing 210 mm diameter MOPVC main on Glenamuck Road to the west of the subject site. A Pre-Connection Enquiry form was submitted to Irish Water on 12<sup>th</sup> January 2021 which outlined the proposals for the provision of water supply and the response received from Irish Water states that a new connection from the 210mm diameter MOPVC main on Glenamuck Road, is feasible without infrastructure upgrade by Irish Water. I refer the Board to section 11.0 of this report.

12.7.19. Whilst I note the concerns raised by the Observer's that water pressure in the area is already poor, UE have raised no concerns in this regard and in any case this is a matter for UE to address and not the applicant.

12.7.20. I am satisfied that the site can be served by suitable water supply.

#### Flood Risk

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

12.7.22. The subject site falls within Flood Zone Map No. 9 of the Development Plan (2022-2028), similarly indicating that the subject site falls well outside of the fluvial flood extents of the Shanganagh-Carrickmines River to the southwest of the site.

12.7.23. The subject site has been analysed for risks from tidal flooding from the Irish Sea,

fluvial flooding from the Shanganagh-Carrickmines River, pluvial flooding, groundwater and drainage system failures due to human error or mechanical system failure and surmised as follows:

Source	Pathway	Receptor	Likelihood	Consequence	Risk	Mitigation Measure	Residual Risk
<b>Tidal</b>	Irish Sea Coastal zone	Proposed Development	Low	High. Flooding of building and the basements	Very Low	None required	<b>Very Low</b>
<b>Fluvial</b>	Shanganagh Carrickmines River	Proposed Development	Low	Moderate. Water ingress into the building and basements	Very Low	None required	<b>Very Low</b>
<b>Pluvial</b>	Private and Public Drainage Network	Proposed Development	High	High. Flooding of the building and basements	High risk of damage to the building and basements	Appropriate drainage design, over land flood routing and setting of appropriate floor levels	<b>Low</b>
<b>Ground Water</b>	Groundwater present in the ground seeping through basement walls and floor	Proposed Development	High	Moderate. Ground water ingress into basement	Low	Adequately waterproofing of basement structure if found necessary	<b>Low</b>
<b>Human / Mechanical Error</b>	Drainage network	Proposed Development	High	Moderate. Water ingress into the building and basements	Moderate risk of damage to the building	Maintenance strategy	<b>Low</b>

12.7.24. As the flood risk from all sources can be mitigated, reducing the flood risk to low or very low, the proposed development is considered acceptable in terms of flood risk.

12.7.25. Regarding the Observer's concerns that the loss of green space could lead to flooding. Run-off will be limited to greenfield run-off rates and will therefore not increase the risk of flooding.

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

### Conclusion

12.7.27. I note that no objection to the proposals have been raised by Dun Laoghaire Rathdown County Council. I note the third parties raised some concerns as regards the flood risk and water pressure. However, the submission by Uisce Eireann raised no objection to the water supply and foul drainage proposals. I further note that the Infrastructure

Design Report identified no hazards to development on the site. I consider the proposed site services and surface water proposals satisfactory in this regard. I am also satisfied that the residential units are not at risk of flooding and there is no potential flood risk in the vicinity of the proposed site.

## **12.8. CE Report**

12.8.1. The planning authority's report recommended that permission be refused for 2 no. reasons as set out in section 10.0 above. I have addressed issues raised in the Chief Executive Report in my assessment above. In brief:

1. The proposed development, by reason of its height, scale, massing and layout in close proximity with inadequate separation distances to all surrounding site boundaries, fails to have sufficient regard to its surrounding context and receiving environment and considered to be contrary to Policy Objective PHP20, the Building Height Strategy of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, and the Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG).

Comment: I agree with the CE recommendation. I refer the Board to section 12.3 and 12.4 of this report.

2. The proposed unit mix, which provides for 8 no. (7%) 3-bed units, it is considered that the proposed development would not accord with Policy Objective PHP27 and Section 12.3.3.1 of the Dun Laoghaire-Rathdown County Development Plan 2022 -2028.

Comment: I agree with the CE recommendation. I refer the Board to section 12.2 and 12.4 of this report.

## **12.9. Material Contravention**

12.9.1. The applicant's Material Contravention Statement refers to four separate grounds of material contravention comprising (i) height; (ii) housing mix and (iii) density and (iv) car parking.

### **12.9.2. Building Height**

I refer the Board to section 12.4 of this assessment. I consider that the proposed building is supported by Policy Objective BHS 1 and BHS3 of the CDP including assessment against performance-based criteria set out in table 5.1. Therefore, I am

satisfied that the development is not a material contravention of the CDP as it relates to building height.

#### 12.9.3. Housing Mix

Section 12.3.3.1 of the CDP states that in order to demonstrate compliance with Policy Objective PHP27 and based on the findings of the Housing Strategy and HNDA, planning applications received for 50+ residential units either individually or cumulatively with lands located within the neighbourhood (10-minute walk) will be required to incorporate a variety and choice of housing units by type and size so as to meet the differing household need in the County. Table 12.1 sets out the mix requirements for apartment developments, including a minimum 20% 3+ bedroom units for schemes of 50+ units in existing built up area. The proposed development provides for 7% three-bed units only.

While the unit mix outlined in Table 12.1 relates to a standard and not a policy of the Plan, I note table 12.1 *Apartment Mix Requirements* is supported by Policy Objective PHP 27 of the Development Plan which in turn is supported by the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA). It is my opinion the applicant has not given due consideration to the HNDA. Section 12.2 of this report addresses this matter in more detail.

#### 12.9.4. Density

Section 4.3.1 of the Development Plan supports higher densities at a minimum of 50 uph at sites located within circa 1-kilometre pedestrian catchment / 10 minute walking time of a rail station, Luas line, Core/Quality Bus Corridor and/or 500 metres / 5 minute walking time of a Bus Priority Route, with a minimum default density of 35 uph for new residential developments. The application site is located 120m from Carrickmines Luas Station.

I refer the Board to section 12.4. of this assessment. I consider that the higher density of 159 uph can be accommodated at this location in accordance with PHP18 and RPO 3.3 and 4.3 of the RSES. Therefore, I am satisfied that the development is not a material contravention of the CDP as it relates to density. Furthermore, I consider the development density is consistent with recently published Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and will realise wider planning policy objectives of the National Planning Framework.

#### 12.9.5. Car Parking

Section 12.4.5.3 and Table 12.5 of the Development Plan relates to car parking. The proposed car parking provision is not in accordance with the standards indicated in development plan table 12.5. The Applicant's decision has been to adopt a conservative approach and accordingly, a justification is provided in the context of section 37(2)(b).

I refer the Bord to section 10.6. of this assessment.

Policy Objective T19: Carparking Standards sets out that it is a Policy Objective to manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5., having regards to the provisions of Section 12.4.5.2 *Application of Standards* of the Development Plan which provides for the relaxation of maximum standards subject to certain criteria including proximity to public transport, walking and cycling accessibility/permeability etc. This approach is consistent with SPPR 3 of the Compact settlement Guidelines. I am satisfied that it is not a material contravention of the Development Plan, and it is noted that the planning authority have not included this in any reason for refusal.

Notwithstanding this, the Board may consider that the proposed development gives rise to a Material Contravention of the Development Plan in respect of car parking.

### 13.0 Environmental Impact Assessment

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

- Construction of more than 500 dwelling units
- Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.

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

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

- Class 15 of Schedule 5 relates to any project listed in Part 2 of Schedule 5 which does not exceed a quantity, area or other limit specified in Part 2 in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

13.1.2. The total number of units to be constructed for the proposed development has been confirmed as 118 no. dwelling units. Therefore, it is less than the 500-dwelling unit threshold and accordingly a mandatory EIA is not required. The proposed development will include the provision of 103 no. car parking spaces (67 no. at basement level and 36 no. at surface level to include 17 no. electric power points and 5 no. accessible parking spaces) and 5 motorcycle parking spaces. It is below the 400-space threshold. Furthermore, as the car parking is incidental to the primary purpose of the proposed development, which is residential, therefore a mandatory EIA is not required. The proposed development does constitute an 'urban development' as it is located within a built-up area on land which has been zoned for development by Dun Laoghaire and Rathdown County Council. However, as the total area of the site for development has been confirmed as c. 0.92 hectares, it is less than the 10-hectare threshold and accordingly a mandatory EIA is not required.

13.1.3. The criteria within Schedule 7 to the Planning Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential use proposed would be similar to the surrounding land uses in the area, particularly the apartment development currently under construction to the south. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The development would be served by municipal foul wastewater drainage and water supplies.



- 13.1.4. I note that the site is not designated for the protection of the landscape or of natural heritage. I further note the Observer's concerns as regard impacts on the biodiversity of the site and wider area as a result of the proposed development. However, it is of significance that the site has been cleared as part of the construction of the apartment development to the south. Originally the site consistent of meadow and recolonising/bare ground habitats. These habitats were not considered to be of significant conservation or biodiversity value, and their loss will not constitute a significant negative impact. The proposed works will result in minimal loss of sections of largely non-native Hedgerow (WL1) and Treeline (WL2) along the margins of the site. The majority of habitat features are planted within adjoining private gardens and are therefore outside of the area of proposed works. There will likely be some pruning back required to bring the canopies of these features back to the site boundary fences in places, however, it is not proposed that the trees and hedges themselves will be removed. The Arboricultural Assessment provides recommendations in this regard.
- 13.1.5. The site does not support substantive habitats or species of conservation significance, as highlighted in the Ecological Impact Assessment submitted with the application. The site does not contain any species listed on the flora (protection) order 2015. No records of rare flora, e.g., those classified as 'critically endangered', 'endangered', or 'vulnerable' on the Ireland Red List were identified during surveys of the site. The proposed development does not have the potential to affect habitats indirectly as a result of Third schedule non-native invasive species impacts due to lack of Third schedule non-native invasive species within the site.
- 13.1.6. The Ecological Impact Assessment (EclA) Report states that while bats may utilise the area in the vicinity of the site there are no potential roosting opportunities for bats on site and while a bat activity survey was not carried out it is set out that the site provides little in the way of foraging opportunities, and in any case all existing boundary vegetation at the site is being retained. Bird species recorded in the vicinity were common hedgerow species either flying overhead or foraging within the limited vegetated habitats present on site. No signs of protected mammal fauna were noted within the lands. A pair of mammal burrows likely to be fox were recorded in the east of the site. A pre-construction mammal survey is recommended to ensure a current assessment is made of the usage of the site by mammals prior to construction commencing. Based on the successful implementation of the proposed works and

control measures, carried out in accordance with the proposed landscape plan; it is deemed that there will be no significant negative ecological impacts; to any valued habitats, designated sites or individual or group of species, arising from construction and operational phases of the proposed development. The subject lands contain no habitats for which any European site is designated, and therefore there will no loss of such habitats.

- 13.1.7. I note that the Biodiversity Officer recommends the applicant engage the services of a suitable quality ecologist, additional ecological surveys be undertaken including habitat and botanical surveys, non-volant mammal survey, active bat survey and breeding bird survey and a Habitat and Species Management Plan be submitted, in addition to implementing other mitigation measures identified in the accompanying reports. I have reviewed the Mitigation and Enhancement Measures as set out in section 7 of the Ecological Impact Assessment and I am satisfied that in the context of the site and the recent site clearance works that subject to the implementation of the mitigation and enhancement measures identified in Ecological Impact Assessment the development is acceptable.
- 13.1.8. I am satisfied that the development will not result in a loss of built or cultural heritage as a result of the development. I refer the Board to section 12.3 above.
- 13.1.9. The site is located in Flood Zone C and not at risk of flooding. The site of the proposed development is located within the Avoca-Vartry river catchment, the Dargle River sub catchment (Dargle\_SC\_010) and the Carrickmines stream sub basin (CARRICKMINES STREAM\_010) (EPA, 2022). There are no waterbodies located within the site of the proposed development. No European Sites are located within, or directly adjacent to, the site of the proposed development. One European Site: the Rockabill to Dalkey Island SAC, has been identified as having an indirect source-pathway-receptor connection with the proposed development, via the receiving surface water network. According to the Appropriate Assessment (AA) Screening Report the proposed development either alone or in-combination with other plans or projects, will not adversely affect (either directly or indirectly) the integrity any European site. This conclusion is based on best scientific knowledge. I refer the Board to section 14.0 and Appendix B of this report.
- 13.1.10. I draw the Boards attention to the report from Inlands Fisheries Ireland dated 13<sup>th</sup> May 2022. I have reviewed the contents of the report and note that some of the contents

would not appear relevant to the subject site including culverting of watercourse and reference to EIAR. In any case, I am satisfied that good ecological status will be maintained within the Carrickmines River with appropriate and specific mitigation measures being implemented as identified in the documentation submitted including the Preliminary Construction Management Plan submitted to ensure that there are no uncontrolled discharges of deleterious materials directly or indirectly into surface waters that may result in a deterioration in water quality.

13.1.11. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. Sections 6, 7 and 8 of the EIAR Screening Report addresses the criteria set out in Schedule 7 and 7A. It is my view that sufficient information has been provided within the report and submitted documentation to determine whether the development would or would not be likely to have a significant effect on the environment.

13.1.12. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia those listed in section 3.2.1 above.

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

been taken into account inter alia:

- An AA Screening have been submitted with the application, in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- A Preliminary Construction Management Plan, Operational & Waste Management Plan and Resource Waste Management Plan have been submitted that address the requirements under the EU Waste Framework Directive and EC Environmental Noise Directive and Clean Air for Europe Directive and the Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites.
- As per the EIA Screening Report, the subject lands are not proximate to any Seveso/COMAH designated sites and therefore the Seveso III Directive is not directly relevant. In addition, it is noted that the Industrial Emissions Directive is not directly relevant to the proposed housing development, and the proposed development will not directly involve industrial activities under the Directive. As a housing development project, Regulation 1315/2013 Trans-European Networks in Transport, Energy and Telecommunication Regulations is not directly relevant to the project.
- A Site-Specific Flood Risk Assessment has been submitted, which ensures effective management of flood risk, and which has had regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (DoEHLG & OPW, 2009), and was undertaken in response to the EU Floods Directive.
- A Sustainability & Energy Reports, NZEB Compliance and DEAP Assessment) have all been submitted with the application undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings.

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

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

(a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 10 (b) and Class 13 of Schedule 2, Part 5 of the Planning and Development Regulations, 2001 (as amended);

(b) the location of the development on land zoned Objective A – *'To provide residential*

*development and improve residential amenity while protecting the existing residential amenities.'*

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

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

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

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

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

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

#### **14.0 Appropriate Assessment**

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

##### *Screening Determination Conclusion*

14.2. I am satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 site (Rockabill to Dalkey Island SAC (003000)) can be excluded having regard to the following:

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

I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the following:

- During the construction stage, surface water will be attenuated/part treated within the site and the nature of any discharges is temporary/of a relatively low volume relative to the recovering surface water and marine environments.

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

14.2.1. No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

14.3. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on Rockabill to Dalkey Island SAC (003000) or an European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

14.4. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project,

no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

## **15.0 Conclusion and Recommendation**

Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied, and that permission be refused to be granted for the proposed development, for the reasons and considerations set out in the draft Order below.

## **16.0 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 14<sup>th</sup> day of April 2022 by Brock McClure Planning and Development Consultants on behalf of Moran Park Homebuilders Limited.

**Proposed Development:** The application comprises:

**the construction of 118 no. residential apartment units in the form of 3 no. residential blocks of apartments ranging in height from 4 storey's and transitioning to 6-7 storeys overall.**

The overall development proposal shall provide for the following:

- Block A (7 storeys) comprising 44 no. units (13 no. 1 bed units, 28 no. 2 bed. units and 3 no. 3 bed units);
- Block B (6-7 storeys overall) comprising 38 no. units (11 no. 1 bed units, 26 no. 2 bed units and 1 no. 3 bed units); and
- Block C (6 storeys overall) comprising 36 units (10 no. 1 bed units; 22 no. 2 bed units and 4 no. 3 bed units);

Each new residential unit has an associated area of private open space in the form of balcony / terrace area and set back upper floor levels.

Open space (approx. 2,071 sqm) is provided by one major centrally located public open space (1158.4 sqm) between blocks A and B which include a play area of 63.2 sqm, two further communal open space areas are provided adjoining Blocks B (471.8 sqm) & Block C (440.8 sqm).

Communal Area located at the ground floor of Block B (approx. 161.3 sqm) comprising of a shared working space (35.6 sqm), meeting rooms (42.2 sqm.), a gym (36.6 sqm) and changing/tea stations (46.7 sqm) is also proposed.

2 no. basement level areas (approx. 2,340.9 sqm) are also proposed at lower ground / ground floor level of Blocks A, B (1,470.0 sqm) and C (834.9 sqm) and include car parking, bicycle parking, refuse storage areas, plant areas and ESB Substation which is located between Block B and C.

A total of 103 no. car parking spaces (67 no. at basement level and 36 no. at surface level to include 17 no. electric power points and 5 no. accessible parking spaces) are proposed. In addition, 5 no. motorcycle parking spaces (3 no. at basement level A and B, and 2 no. at basement level C). A total of 280 no. bicycle parking spaces (254 no. at basement level and 26 no. at surface level) are also proposed.

Proposals for vehicular and pedestrian access comprise via Glenamuck Road North and all associated upgrade works; The access point to the south (via Carracáil) is for pedestrians and cyclists only.

Associated site and infrastructural works including the provision for water services, foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works to include new tree and hedge planting; green roofs; boundary treatments; internal roads and footpaths; and electrical services

At Glenamuck Road North, Carrickmines, Dublin 18.

**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.

## **17.0 Reasons and Considerations**

1. The proposed development, by reason of its excessive height relative to surrounding buildings, its bulk including the extent of horizontal and vertical building profile of Blocks A, B and C, provides an inadequate design response to this sensitive infill site, would be of insufficient architectural quality, would be out of character with the pattern of development in the vicinity and would constitute a visually discordant feature in the landscape. The proposal is considered to constitute overdevelopment of the site and would be contrary to the Building Height Strategy Table 5.1 Criteria of the Dun Laoghaire Rathdown Development Plan 2022-2028 and section 4.4 of the Compact Settlement Guidelines by failing to place 'an emphasis on the creation of a coherent urban structure and design approach that responds to local character and is attractive' The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied on the basis of the Sunlight/Daylight and Overshadowing analysis submitted that the proposed development would not be detrimental to the established residential amenity of the adjoining residential properties adjacent to the site. It is considered that the height, bulk and scale of the proposed Blocks A, B and C given their proximity to and extent along the northern and eastern site boundaries, in particular, would limit the outlook of the adjoining properties, appear visually overbearing and would result in overshadowing of the adjoining sites as such would be contrary to Policy Objective PHP20 (Protection of Existing Residential Amenity) and Policy Objective PHP35 (Healthy Placemaking) of the Dun Laoghaire Rathdown Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed unit mix fails to comply with Table 12.1 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and would be contrary to Policy

Objective PHP27 and Section 12.3.3.1 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, which indicate that a minimum of 20% of 3-bed units be provided in this instance. It is therefore considered that the proposed development materially contravenes the 2022-2028 Dun Laoghaire-Rathdown County Development Plan regarding unit mix. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

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Irené McCormack

Senior Planning Inspector

9<sup>th</sup> December 2024

## Appendix A - EIA- Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference (313341-22)		
Development Summary	118 no. apartments and all associated site works	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?		An Appropriate Assessment Screening Report was submitted with the application. An Ecological Impact Assessment was also submitted with the application.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		SEA and AA were undertaken in respect of the Dun Loaghair Rathdown County Development Plan 2022-2028

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts ( i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment?  Yes/ No/ Uncertain
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The proposed development would provide for a new residential development at an urban location that exceeds the predominately building height immediate to the site. The scale and character of which is significantly at odds with the surrounding pattern of development.	<b>No</b>
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed residential development has been designed with standard measures to address potential impacts on surface water and groundwaters in the locality.	<b>No</b>
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical for an urban development of this nature and scale.	<b>No</b>
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the Outline CEMP would satisfactorily mitigate potential	<b>No</b>

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

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

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

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



- the availability of mains water and wastewater services to serve the proposed development;
  - the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as revised.
  - the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
  - the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
  - the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Preliminary Construction Management Plan, the Operational & Waste Management Plan, Resource & Waste Management Plan, Building Life Cycle Report, Ecological Impact Assessment and the Engineering Services Report.
- It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

**Inspector** \_\_\_\_\_

**Date** \_\_\_\_\_

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_

## Appendix B – Appropriate Assessment Screening Determination

### Screening for Appropriate Assessment Screening Determination

#### 1: Description of the project

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

**There are no European sites in the immediate vicinity of the proposed development site. Table 3 and Figure 4 of the AA screening report establishes Ten SACs and five SPAs were identified within a 15km radius of the Site.**

The closest European sites to the proposed development are South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024); both c. 4.5 km to the north, in Dublin Bay.

In brief the development comprises the 118 no. apartments and all associated site works.

Section 3.3 of the AA screening report sets out the description of the receiving environments. The site is underlain by the Type 2e equigranular (Northern and Upper Liffey Valley Plutons) bedrock formation, comprising of Pale grey fine to coarse-grained granite (GSI, 2022). The groundwater rock units underlying the area are classified as Granites & other Igneous Intrusive rocks (GSI, 2022). The quaternary sediments are described by the GSI as Till derived from limestones (TLs), and the sub-soil at the site of the Proposed Development is classified as Man made (EPA, 2022).

In relation to hydrogeology, the AA Screening Report notes the site and the surrounding area are located within the Wicklow groundwater body, which has an overall Water Framework (WFD) status of Good according to the EPA. The site of the proposed development is located on a Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones (PI), with groundwater vulnerability in the area listed as High (GSI, 2022). The habitat types are described in greater detail in the Ecological Impact Assessment Report accompanying this application.

In relation to hydrology, There are no waterbodies located within the site of the proposed development. The nearest watercourse is the Carrickmines Stream (EPA Code: 10C04), which flows due east ca.330m to the east of the Site. The Carrickmines Stream flows approximately 4.km from its nearest point to the Site, before outflowing as the Shanganagh

River into Killiney Bay. The Carrickmines Stream is cited as 'Moderate' and 'At Risk' under the Water Framework Directive (EPA,2022). The nearest EPA monitoring station is located on the Carrickmines Stream as it crosses the N11 dual carriageway ca.200m south of the Site. This station (station code: RS10C040200) reports a Q-value of 3, Poor. Further downstream along the Carrickmines river water quality improves to Q-value 3-4, Moderate (station code:RS10C040300) and Q-value 4, Good (station code:RS10C040350) (EPA, 2022)

Foul waters from the proposed development will discharge off site to existing foul water systems, eventually being treated at Shanganagh WWTP prior to outflow to Killiney Bay. Therefore, there is an indirect hydrological link between the Site and Rockabill to Dalkey Island SAC via discharges from the above WWTP during the Operational Phase. The surface water from the site will be discharged to the existing surface water network, which in turn outfalls to the Carrickmines Stream, before flowing approximately 4 river km to Killiney Bay; ca.1.5km from the SAC as mapped by the EPA (EPA, 2022).

#### Submissions and Observations

I refer the Board to section 11.0 of the main report.

## **2. Potential impact mechanisms from the project**

### Zone of Influence

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

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

There are no Natura 2000 sites within the immediate vicinity of the site. A weak indirect hydrological connection exists between the site and Rockabill to Dalkey Island SAC (003000) via the receiving surface water network, which drains to the Carrickmines Stream and outflows at Killiney Bay ca.3.7 km east of the site and ca.1.5km west of the SAC itself (EPA, 2022).

Although unlikely to be significant, there is the potential for construction related contaminants to enter the receiving drainage network during the Construction Phase, and potentially reach the SAC via the Carrickmines Stream

The AA screening states that there is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.

#### Conclusion on the extent of the Zone of Influence

The development is for a residential scheme and given the nature of the works within the applicants existing site and outside the Natura 2000 sites, it is not expected that any habitat fragmentation would take place. The already established pattern of urban development in this location would mean that any limited periods of disturbance caused by the works would not add to any disturbance or displacement effects that would result in lessening of species density.

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

The Site of the Proposed Development is located within the S1108 – Carrickmines River Storm Level 1 Catchment (GDSDS, 2005), with surface water in this catchment draining to the Carrickmines River and the Shanganagh River prior to eventual outflow into Killiney Bay 3.7km east of the Site.

Using the source-pathway-receptor model, foul waters and surface water from the proposed development will ultimately drain to Dublin Bay, one European Site: Rockabill to Dalkey Island SAC, has been identified as having a tentative source-pathway-receptor connection with the proposed development, via the receiving surface water drainage network and Carrickmines Stream, which outflows at Killiney Bay. Rockabill to Dalkey Island SAC is therefore considered to fall within the ZOI of the Proposed Development and is assessed further in this screening report. It is noted that the Dalkey Islands SPA (004172) itself is not deemed to fall within the ZOI of the Proposed Development; due to the extent of the marine buffer separating the Site from the outfall of the Shanganagh River into Killiney Bay.

I concur with the AA Screening Report that all other European Sites can be screened out, due to a lack of any source-pathway-receptor connection with the proposed development. The Site of the Proposed Development supports no suitable ex-situ habitat for SCI bird species listed for any of the SPAs located within the precautionary ZOI of the Site. Furthermore, it is not deemed to be located in proximity to any important ex-situ feeding sites; being located within a built-up residential area. The proposed development consists of structures of max 7 storeys in height and will not pose any risk of collisions to any bird species, as detailed in the EclA which accompanies this application under separate cover.

In applying the 'source-pathway-receptor' model, in respect of potential indirect effects, I would accept that all sites outside of Dublin Bay including the North West Irish Sea SPA can be screened out for further assessment at the preliminary stage based on a combination of factors including the minimal effluent discharge from the proposed development works (to be treated at Shanganagh WWTP and discussed further below), the intervening minimum distances and the lack of direct hydrological pathway or biodiversity corridor link to these conservation sites and the dilution effect with surface water runoff and following this, sweater. Furthermore, in relation to the potential connection to sites in the outer Dublin Bay area, I am satisfied that the distance to the boundary of the North Dublin Bay SAC, the North Bull Island SPA, South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA are not within the downstream receiving environment of the proposed development given the nature and scale of the proposed development, the insignificant loading in terms of either surface water or wastewater, the intervening distances and the significant marine buffer and dilution factor that exists between the sites. I conclude that it is reasonable to conclude on the basis of the available information that the potential for likely significant effects on these sites can be excluded at the preliminary stage.

Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of the European Sites and their qualifying interests as summarised in the table 1 below. I am satisfied that no other European Sites fall within the possible zone of influence.

### **3. European Sites at risk**

Having regard to the potential ZOI and the submitted AA document, the following Natura 2000 sites are identified as requiring further consideration for potential impacts due to possible indirect hydrological connections between the development and the European Sites in Dublin Bay via the surface water drainage network and the foul sewer network:

- Rockabill to Dalkey Island SAC (003000)

The Qualifying Interests of Rockabill to Dalkey Island SAC (003000) are described under Table 1 below. A brief description is also provided.

Their current conservation status, attributes, measures and targets are expanded upon in Appendix 1 the applicant's submitted document.

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

<b>Effect mechanism</b>	<b>Impact pathway/Zone of influence</b>	<b>European Site(s)</b>	<b>Qualifying interest features at risk</b>
Habitat Loss and Fragmentation  Habitat degradation as a result of hydrological impacts	indirect hydrological connection via the receiving surface water network, which drains to the Carrickmines Stream and outflows at Killiney Bay ca.3.7 km east of the Site and ca.1.5km west of the SAC	Rockabill to Dalkey Island SAC (003000)	Reefs [1170]  Phocoena phocoena (Harbour Porpoise) [1351]

#### **Rockabill to Dalkey Island SAC (003000)**

This site 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 island.

Reef habitat is uncommon along the eastern seaboard of Ireland due to prevailing geology and hydrographical conditions. Expansive surveys of the Irish coast have indicated that the greatest resource of this habitat within the Irish Sea is found fringing offshore islands which are concentrated along the Dublin coast.

The area selected for designation represents a key habitat for the Annex II species Harbour Porpoise within the Irish Sea. Population survey data show that porpoise occurrence within the site boundary meets suitable reference values for other designated sites in Ireland.

#### 4.. Likely significant effects on the European site(s) ‘alone’

I refer the Board to Section 3.5 of the AA which details the *Assessment of Likely Significant Effects*

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 Rockabill to Dalkey Island SAC (003000) relate to:

- Habitat loss or alteration.
- Habitat/species fragmentation
- Disturbance and/or displacement of species
- Changes in population density
- Changes in water quality and resource

It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.

**Table 2: Could the project undermine the conservation objectives ‘alone’**

European Site and qualifying feature	Conservation objective (summary) [provide link/ refer back to AA Screening Report]	Could the conservation objectives be undermined (Y/N)?	
		Habitat degradation as a result of Hydrological Impacts	Habitat Loss and Fragmentation
Rockabill to Dalkey Island SAC (003000)	<a href="#">Rockabill to Dalkey Island SAC   National Parks &amp; Wildlife Service</a>		
Reefs	MFC	N	N

	The permanent area is stable or increasing, subject to natural processes.		
Phocoena phocoena (Harbour Porpoise)	MFC	N	N

#### Habitat degradation as a result of Hydrological Impacts

I note that standard **construction** practices and best practice construction measures, as relates to the prevention of surface water pollution at construction stage, as outlined in detail in the Preliminary Construction Management Plan, would prevent polluted surface water from entering the surface water drainage network.

The potential for surface waters generated at the site of the proposed development to reach Rockabill to Dalkey Island SAC (Or any other European Site) and cause significant effects during the Construction and/or Operational Phases is deemed negligible due to the following:

- The potential for dilution and mixing within the receiving drainage network, Carrickmines Stream, Shanganagh River and Killiney Bay itself.
- The Proposed Development will have no additional stormwater run-off compared to the current surface water discharge from the Site during a stormwater event.
- The distance between the Proposed Development and the existing surface water drainage network along Brennanstown Vale.

In relation to **surface water impacts at operational stage**, I am satisfied that the proposed surface water drainage measures as outlined in the 'Engineering Assessment Report, Stage 1- Surface Water Audit and within the 'Site Specific Flood Risk Assessment' will serve to limit the quantity and improve the quality of surface water runoff. These include interception storage measures with on site-attenuation during heavy rainfall events. It is also proposed to restrict outflows from the site. These SuDS measures are proposed to reduce the quantity of surface water discharge from the site, and to improve discharge water quality. These installations have not been introduced to avoid or reduce an effect on any effect on any Natura site and would be introduced as a standard measure on such housing developments, regardless of any direct or indirect hydrological connection to a Natura 2000 site. They constitute the standard approach for construction works in an



urban area. I am satisfied that the surface water design features proposed at operational stage will ensure the quality of surface water run-off will be sufficient so as not to result in any likely significant effects on any Natura 2000 within Dublin Bay, or any other Natura 2000 sites, having regard to the sites' conservation objectives. Notwithstanding, and even if these standard work practices were not employed, or should they fail for any reason, and pollutants enter Dublin Bay indirectly via the public surface water network, I am satisfied that any such contaminants would be sufficiently dispersed and diluted within the surface water network and within the estuarine/marine environment of Dublin Bay, such that likely significant effects on those Natura 2000 sites within and adjacent to Dublin Bay can be ruled out.

In conclusion therefore, while there is an indirect connection to Rockabill to Dalkey Island SAC (003000) via the surface water network, I am of the view that any particulates or pollutants will be diluted within the surface water network and the marine /estuarine environment of Dublin Bay and would not be seen to be at levels that would cause significant effects on Rockabill to Dalkey Island SAC (003000) can be ruled out

**Water:** The development will be supplied with fresh water via a mains supply. The foul effluent associated with the proposed apartments will drain, via an existing combined sewer to the Shanganagh Wastewater Treatment Plant for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Shanganagh Wastewater Treatment Plant, and thus its impact on the overall discharge would be negligible.

#### Habitat Loss and Fragmentation

Specifically in relation to habitat loss and fragmentation, I note the site does not overlap with the boundary of any European Site. There will be no direct habitat loss and no habitat fragmentation will arise as a result of the Proposed Development.

The hydrological link between the Site and Rockabill to Dalkey Island SAC will not result in significant effects on the key indicator: 'water quality and resource' during either the Construction or Operational Phases. As such, SCI species within Killiney Bay will not be affected by water quality impacts. In addition, the Site is not deemed to provide any suitable ex-situ habitat for SCI species of any SPA, nor is it deemed to be located in proximity to any important ex-situ sites for SCI species of any SPA; the Site of the Proposed Development is located within a built-up residential area, surrounded by private dwellings and gardens on all sides, and the M50 motorway to the south. For the same

reasons outlined in section 3.5.4 above, the Proposed Development does not have the capacity to cause any significant changes in the population density of any species within any European Site.

I refer the Board to Table 5: . Identification and assessment of likely significant effects on European Sites within the precautionary ZOI of the Proposed Development of the AA screening report. I agree with the conclusion presented therein.

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

In combination or Cumulative Effects

The applicant’s AA Screening Report has considered cumulative / in-combination impacts, including other permitted developments in the vicinity of the site, relevant plans and policies, and the potential cumulative impact on Shanganagh WWTP. It concludes that no projects or plans would act in-combination with the proposed development to cause any likely significant effects on any European sites.

I acknowledge that there would be a cumulative effect with other developments as a result of increased wastewater loading on the Shanganagh WWTP. However, The 2023 Irish Water Annual Environmental Report (AER) for this facility (reviewed 4/12/2024), indicates surplus treatment capacity. As such, it is not envisaged that the Proposed Development has the potential to act in combination with other developments and lead to overloading at the WWTP based on its current treatment capacity.

There would also be a cumulative effect in relation to surface water discharge. However, all other developments will be required to incorporate appropriate construction management measures and to incorporate GDSDS requirements to suitably manage the quantity and quality of surface water discharge. Accordingly, I am satisfied that there would be no potential for significant cumulative / in-combination effects on the relevant European Sites within Dublin Bay as a result of surface water.

The Dun Laoghaire Rathdown Development Plan 2022-2028 and the Development Plans for other areas in the Greater Dublin Area include a range of objectives intended to protect and enhance the natural environment, including those relating to European Sites, wastewater management, and surface water management. These objectives have themselves been subject to Appropriate Assessments, which have concluded that their implementation would not adversely affect the integrity of European sites.

It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on Rockabill to Dalkey Island SAC (003000) or any European site, in view of the sites' conservation objectives.

### **Overall Conclusion- Screening Determination**

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

I am satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 site (Rockabill to Dalkey Island SAC (003000) can be excluded having regard to the following:

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

I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the following:

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

No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

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