



An
Bord
Pleanála

Inspector's Report ABP 313430-22

Development

Permission for the construction of a shared pedestrian/cycle path to connect the existing Cruagh Greenway with Stepside Park and Enniskerry Road. The development includes all associated site works, including landscaping, public lighting, and drainage.

Location

Lands of area 0.62ha bounding Stepside Park, Wingfield, Enniskerry Road, and no. 30 Enniskerry Road.

Planning Authority

Dún Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D21A/0439

Applicant(s)

McGarrell Reilly Homes

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third-Party

Appellant(s)

Frank Lewis on behalf of Residents.

Observer(s)

None

Date of Site Inspection

June 21st 2023

Inspector

Brendan Coyne

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1.0 Site Location and Description

1.1. The appeal site is situated on the eastern side of Enniskerry Road (R117) and is surrounded by several residential estates. To the north, Stepside Park is located, while Cairnfort is situated to the southeast and Wingfield to the northeast. Adjacent to the site's southeastern corner is a single-storey building occupied by emergency services, Cannon Fire Safety Group. Additionally, the northeastern corner of the site adjoins the Cruagh Greenway. The site itself has an irregular shape and consists of greenfield land / open space. Along Enniskerry Road, the roadside boundary is marked by a c.2m high stone wall. This boundary is adjoined by a public footpath, a grass margin, and a row of mature deciduous trees. Presently, there is no direct access to the site from the Enniskerry Road. On the opposite side of the Enniskerry Road, adjacent lands remain undeveloped and consist of greenfield land. The southeastern boundaries of the site, adjoining Cairnfort and Wingfield, are defined by mature trees and hedgerows. The northwestern boundary, however, is undefined for significant sections, with the remaining areas marked by hedging, trees and c. 1.8m high boundary walls serving dwellings in Stepside Park. The site gently slopes from its centre towards the northeast and southwest. Key locations in proximity to the site include Stepside Village c. 250 metres to the northwest, Stepside Golf Course c. 300 meters to the northeast and Kiltarnan c.1.5km to the southeast.

2.0 Proposed Development

2.1. Application as lodged to the Planning Authority on the 17/05/2021

Permission sought for the following (as described in public notices);

- The construction of a shared pedestrian/cycle path to connect the existing Cruagh Greenway with Stepside Park and Enniskerry Road.
- All associated site works, including landscaping, public lighting, and drainage.

3.0 Planning Authority Decision

3.1. Decision

Dún Laoghaire-Rathdown County Council GRANTED permission for the proposed development subject to 16 no. Conditions, which are summarised as follows;

1. The development shall be carried out in accordance with the plans, specifications, and particulars submitted, including the Further Information received on the November 10th, 2021, and the Clarification of Further Information received on March 03rd, 2021, unless otherwise mandated by other conditions.
2. The surface water drainage network shall be constructed according to the specifications on DBFL Consulting Engineers drawing '092090-9300 A - Path Through Landscape Area', submitted as further information.
3. The developer shall facilitate an archaeological appraisal of the site and ensure the protection and preservation of potential archaeological materials. Procedures required include notifying the Planning Authority 4 weeks prior to any site work and employing an archaeologist to assess and monitor the site. Results shall be reported to the Planning Authority, and any further archaeological requirements agreed upon.
4. The Applicant shall erect signs to signal the unlit section of the green route, informing users of the ecological reasons behind it. The content, wording, and placement of these signs shall be agreed upon with the Planning Authority prior to the commencement of development.
5. The developer shall implement the tree retention and protection recommendations from the submitted tree report and keep an Arboricultural Consultant during site development. The consultant shall sign off on a completion certificate to submit to the Planning Authority for written agreement upon completion of the works.
6. The developer shall complete all landscaping work during the first planting season after occupancy or project completion. Any trees or plants dying or damaged within five years of completion shall be replaced unless otherwise agreed with the Planning Authority.

7. All works to be taken in charge by the Council shall meet the standards in the Council's Taking in Charge Development Standards Guidance Document and the requirements of the Department of Environment, Community and Local Government.
8. An ecological consultant shall be engaged prior to the commencement of development to ensure the execution of all mitigation measures and recommendations in the EclA, Final CEMP, Final Landscape Plan, and planning documents.
9. Prior to any site investigations or development, the developer shall engage an Invasive Alien Species (IAS) Specialist to advise on and monitor the treatment and removal of the Japanese Knotweed (JKW) on site. Post-treatment, the developer shall submit a letter from the IAS consultant confirming successful removal and biosecurity measures. A monitoring program, with annual reporting for up to 5 years, shall be set up by the IAS specialist. A detailed method statement for IAS will be provided to the Planning Authority. Reason: To eradicate IAS Japanese Knotweed and prevent its further spread.
10. All biodiversity mitigation measures detailed in the EclA, Final CEMP, Final Landscape Plan, and planning documents shall be implemented and reported by a suitably qualified ecologist to the Planning Authority.
11. The program for monitoring and implementing the mitigation measures during construction and operation shall be submitted to the Planning Authority 5 weeks prior to site clearance and site works commencing.
12. Vegetation clearance or tree removal shall not occur during bird breeding season (March 1st to August 31st).
13. No lighting infrastructure shall be installed along the Greenway due to potential significant negative impacts on bat species. Reason: To mitigate the impact of nocturnal illumination on bats, protected under the European Habitats Directive.
14. A site-specific Final Construction and Environment Management Plan (CEMP) shall be submitted to the Planning Authority at least 5 weeks prior to the commencement of proposed works. The CEMP will encompass measures to protect biodiversity, including input from an ecologist and an IAS specialist.

15. A final Landscape Plan, developed with input from the project ecologist, shall exclude *Crococsmia* 'Lucifer' and Laurel from the proposed species mixes. Reason: To protect biodiversity and avoid planting invasive non-native species.

16. The applicant shall submit monitoring reports from their ecologist to the Planning Authority at intervals agreed upon prior to the commencement of development, demonstrating the successful implementation of mitigation measures.

3.2. Planning Authority Reports

3.2.1. First Report (08/07/2021)

- The site is subject to zoning objective F, which seeks 'to preserve and provide for open space with ancillary active recreational amenities'.
- The proposed shared pedestrian/cycle path connecting to the Cruagh Greenway aligns with the zoning objective of providing active recreational amenities on public open space lands.
- The proposed development would contribute to the establishment of a greenway network between Enniskerry Road and Ballyogan and Leopardstown, in accordance with Policy OSR8 of the Development Plan 2016-2022.
- The proposed change in pathway alignment to that permitted under parent permission D13A/0190 is supported by the Planning Authority and the Transportation Planning Department.
- The previous permission D13A/0190 already allowed for a pathway connecting Enniskerry Road with Ballyogan Park, with specific width requirements.
- The proposed shared pedestrian/cycle route meets the minimum 3m width requirement and is consistent with the terms of the previous permission.
- The development complies with the zoning objective, development plan policy, and previous permissions on the site.

3.2.2. Re. Residential Amenity

- The proposed path will have a winding alignment in the southwestern section to accommodate the site's levels and maintain an adequate slope.

- Along the central and northeast sections, the path will be closer to the boundary with Stepside Park.
- Existing boundaries to the east and west will be maintained, with new planting (hedging and shrubbery) provided along both boundaries to ensure residential amenity is maintained.
- The expected increase in movements (primarily pedestrians and cyclists) on the site is not considered to be a significant nuisance that would negatively impact neighbouring amenities.
- The location of the proposed path, surrounded by residential areas, allows for satisfactory levels of passive surveillance day and night.
- The path would contribute to enhancing the existing active recreation options in the area and improve the quality of life for the local community.

3.2.3. Re. Visual Impact

- The proposed development and landscape strategy are not expected to have a negative visual impact on close or distant views. However, no details have been provided regarding the entrance treatment along Enniskerry Road or other access points.
- The Planning Authority agrees with the recommendation from the Council's Parks Dept. report that further information should be provided regarding the entrance/gateways of the site.
- The additional information should demonstrate how the proposal will aesthetically connect with the surrounding environment in terms of materials, appearance, form, and character.

3.2.4. Re. Archaeology

- The subject site is situated in close proximity to a structure listed in the Records of Monuments and Places (Ref. 026-128), classified as an enclosure.
- The applicant has not provided any information regarding the potential impact of the proposed works on this Recorded Monument (Ref. 026-128).

- It is deemed necessary to request an archaeological report as further information to ensure that the proposed development will not have a negative impact on the Protected Structure (Ref. 026-128).

3.2.5. Re. Ecological Impacts - Flora

- No specific arboricultural information or assessment has been submitted as part of the application.
- It is unclear from the submitted landscape plans (Dwg No. L-1) if any existing trees require removal to facilitate the proposed development.
- The landscape plans do provide details of new planting and landscape proposals.
- Based on recommendations from the Council's Parks Department, it is appropriate to request an arboricultural report as further information.
- The Arboricultural report should clarify the proposed extent of tree and/or hedge removal, tree species, and quality.
- Details should be provided to ensure that existing trees and hedges are adequately protected during construction according to best practices.
- The Planning Authority notes the recommendation from the Council's Parks Dept. report regarding tree survey information but considers it unnecessary given the scale of the proposed works.

3.2.6. Re. Ecological Impacts - Fauna

- No ecological survey has been submitted as part of the proposal.
- The location of the site, adjacent to rural lands to the west, the presence of vegetation on site, and the greenfield nature of the land necessitate a baseline ecological survey.
- The purpose of the survey is to ensure that the proposed development will not have a detrimental impact on any protected species.
- It is recommended to request further information regarding the ecological survey to address this concern.

3.2.7. Re. Drainage

- The applicant has provided a proposal for managing surface water.

- The report from the Drainage Section regarding the proposal is acknowledged.
- It is deemed necessary to seek further information in accordance with the recommendations made by the Drainage Section.

Re. Taking in charge

- The applicant has not provided a taking-in-charge plan or any information regarding whether the proposed development will be taken in charge by Dun Laoghaire Rathdown County Council.
- The application form question related to this matter (Q.24) has not been answered.
- It is necessary to request the applicant to confirm their intention regarding the management of the proposed development once it meets the relevant standards, in accordance with the Council's Taking in Charge Policy.

3.2.8. Re. Public lighting

- The proposed location of light poles has been indicated on the submitted plans, but no additional lighting information has been provided.
- The report from the Public Lighting Section is acknowledged.
- It is recommended to request further information regarding the lighting design.
- If any protected species are found on site, the applicant is advised to have the lighting design reviewed by the project ecologist to ensure that it does not negatively impact the existing fauna.

3.2.9. Transportation

- The reports from the Transportation Section and the National Transport Authority have been reviewed and acknowledged.
- The Transportation Report indicates that the proposal is a collaborative effort to create a shared pedestrian and cycle path that contributes to the existing greenway network.
- The proposed width and alignment of the path are considered acceptable based on this perspective.
- While a Toucan crossing at Enniskerry Road is desirable for connectivity, it is determined to be beyond the scope of the current application.

3.2.10. Appropriate Assessment Screening

- The proposed development would not, individually or in combination, significantly impact a Natura 2000 Site.

3.2.11. Environmental Impact Assessment (EIA) Screening

- The proposed development, which is a shared pedestrian/cycle path, is of a nature and scale that is unlikely to have significant environmental effects.
- Due to this assessment, it is determined that there is no need for an environmental impact assessment during the preliminary examination.
- Therefore, a screening determination is not required for this project.

3.2.12. Development Contributions

- The subject development does not involve the construction of any structures, resulting in no increase in floor area.
- As a result, the development is deemed exempt from the payment of development contributions.
- This exemption is in accordance with the 2016-2020 Section 48 Development Contributions Scheme and the Section 49 Supplementary Development Contribution Scheme - Extension of LUAS Line B1 - Sandyford to Cherrywood.

3.2.13. **Further information was requested requiring the following:**

1. The Applicant is requested to provide an Archaeological survey, prepared by a suitably qualified, licensed archaeologist, to ensure that all proposed ground disturbance works do not adverse impact protected structure/enclosure Ref. 026-128, as listed in the Records of Monuments and Places.
2. The Applicant is requested to provide the following:
 - i. A comprehensive Tree Report, comprised of a detailed Tree Survey and Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement, all in accordance with BS 5837: 2012 | Trees in relation to design, demolition and construction - recommendations. The report

shall be prepared by a qualified Arborist and include a Tree Survey Plan & Schedule, Schedule of works, Tree Constraints Plan, Arboricultural Impact Assessment, Tree Protection Plan, Arboricultural Method Statement;

ii. Tree Survey Plan & Schedule: all trees and hedges on and adjacent to the subject site (i.e. within falling distance thereof) shall be accurately plotted, tagged and shown on a scaled drawing of a topographical survey of the site; and a summary of the surveyed trees and hedges, giving a breakdown of their tag nos., species, size, age, condition and useful life expectancy.

iii. Schedule of works; to retained trees should be submitted to the local authority Parks and Landscape Services as part of the planning application and all works should be completed and tree protection measures installed before clearance, enabling or construction works on site begin. This should contain detailed specification of works in accordance with BS 3998:2010.

iv. Tree Constraints Plan: a scaled master site plan @1:500 sheet, or as specified by Dlr PLS showing the RPA (Root Protection Area > BS5837:2012, s.4.6) of all trees, in relation to the Proposed Site Layout. More detailed Constraints Plans @1:250 (or as otherwise specified) shall be submitted for areas where Feasibility of Tree Retention in proximity to buildings and services may be problematic, to enable full analysis and assessment. Identified Tree Constraints shall fully inform the preparation of Site Layout Plan(s), showing all locations and construction-detailing of existing and proposed Engineering services and

Utilities (above + below ground). The Arboricultural Consultant shall be directly-involved in on-going reviews of layouts with the applicant's architectural, planning, landscape and engineering consultants, as an authentic multi-disciplinary approach. High quality trees

shall be treated with due care and sensitivity; and requisite revision(s) to architectural and engineering proposals shall be undertaken to optimise tree retention. Dlr will not accept superficial 'box-ticking', to satisfy development

standards. Dlr requires applicants to demonstrate they have fully investigated alternative options that optimise tree retention, in a robust holistic manner.

v. Arboricultural Impact Assessment: a thorough, detailed and realistic analysis and assessment of the likely impacts of the proposed development (structures, buildings, services etc.) on the surveyed trees and hedges; including a clear statement as to how and what alternative design solutions (including site layouts, construction techniques) were explored collaboratively, by the Arborist, architect and engineer, to retain the maximum number of suitable trees (taking full account of the results of the tree survey and impact assessment). The Tree Report shall include a simple table summarising the overall impacts in statistics terms, i.e. quantities and percentages of overall trees losses relative to total tree population surveyed.

vi. Tree Protection Plan: a scaled site plan of the proposed development, clearly showing those trees and hedges to be retained and those to be removed (distinguished by colour code); alignments of Tree Protection Fencing and areas to be excluded from construction activities, compound(s), site office(s), plant, equipment and materials storage. The Plan shall also show the proposed locations and alignment for all overhead and underground engineering services and utilities, in accordance with the engineering drawings.

vii. Arboricultural Method Statement: clear and practically-achievable measures to be used during the construction period, for the protection and management of all trees and hedges that are to be retained, as shown in the Tree Protection Plan.

viii. Arborist's name and arboricultural qualifications.

ix. Date tree survey was carried out.

3. The Applicant is requested to provide details of the sites entrance/ gateways and demonstrate how the proposal will aesthetically connect with the receiving environment in terms of materials, appearance, form and character.
4. The Applicant is requested to provide an ecological survey and assessment of the subject lands aimed at identifying protected species that may be affected by the

proposed development. Should any protected species be identified appropriate measures to avoid/mitigate negative impacts should be provided.

5. The applicant is requested to provide further information on the termination of the proposed land drain at the northeastern extent of the proposal. Certainty is required regarding the outfall location and to the drainage system to which it is proposed to connect to. Certainty is required regarding any potential works required on lands in third party ownership, as this may require third party permissions for said works to be undertaken on lands not in the applicants' ownership. If applicable, the Planning Authority advises that all areas wherein works are proposed be included within the Red Line Boundary of the planning application; and related letters of consent be submitted.
6. The applicant shall be requested to provide further information on the proposed soakaway at the western extent of the proposal (No information has been submitted on the sizing, site suitability, or location of the proposed outfall. Confirmation of the proposed outfall post-planning is not acceptable).
7. The Applicant is requested to provide a lighting design and report detailing the lights selected, the lighting class designed to and a lux contour drawing showing the light levels for multiple values out to a 1 lux contour line to allow us to accurately evaluate the proposed design. The lighting design should be reviewed by the project's ecologist and landscape architects and confirmation should be provided that the proposal will not negatively impact on the flora and fauna.
8. The Applicant is requested to confirm if the entirety (or part thereof) of the proposed development is to be taken in charge by Dun Laoghaire Rathdown Council. In the event that it is proposed that the development be taken in charge a plan at a scale of 1: 200 shall be provided identified the areas proposed to be transferred to the Council. In addition, the Applicant is requested to provide confirmation that the proposed development will be built in accordance with the Council's Taking in Charge Policy.

3.2.14. **Second Report (06/12/2021)**

- Significant Further Information was received.

3.2.15. Re. Further Information Item No. 1

- The applicant submitted an archaeological assessment by Archer Heritage Planning Ltd.
- The construction of the Greenway will involve landscaping, ground reductions, and excavations for drains, among other activities.
- The site contains a listed structure in the Records of Monuments and Places (ref. 026-128), classified as an enclosure.
- The archaeological assessment indicates that the groundworks may negatively and permanently impact any buried archaeological material or features present.
- The assessment recommends monitoring the construction groundworks by a qualified archaeologist.
- If archaeological features are discovered, an exclusion zone will be established to protect them.
- The appropriate authorities will be notified, and a mitigation strategy will be agreed upon.
- It is deemed appropriate to attach a condition regarding archaeological monitoring and mitigation if planning permission is granted.

3.2.16. Re. Further Information Item No. 2

- The applicant submitted an Arboricultural Assessment & Impact Report, two drawings related to Arboricultural Impacts, and a Tree Impact Plan.
- The Arboricultural Assessment states that the development of the Greenway will require the removal of one tree on Enniskerry Road to provide access for pedestrians and cyclists.
- Crown management, which may involve minimal works overseen by a project arborist, might be necessary for two trees to allow access for construction vehicles.

- The applicant plans to install tree protective fencing prior to the commencement of development and maintain it until the hard works are completed and soft landscape works commence.
- The loss of one tree for the Greenway is considered acceptable since it is part of a line of trees near Enniskerry Road and is necessary to facilitate the path's construction.
- The works on the crown of two trees, supervised by a project arborist, are also deemed acceptable as they will be kept to a minimum.
- Clarification has been requested by the Council's Trees Section regarding tree protective fencing, but considering the extensive scope of the works and the presence of a project arborist on-site, no further tree-related information is needed, and other issues can be addressed by way of conditions.
- Adjoining houses have existing boundary walls/hedging facing the Greenway, and additional planting/hedging is proposed, which is deemed acceptable for the purpose of the proposal.
- The addressing of this further information request is considered adequate and satisfactory.

3.2.17. Re. Further Information Item No. 3

- The applicant submitted a drawing titled 'Existing Wall and Proposed Wall Elevations' (no. 1215-P3-004), which displays the current street elevations, including trees and a 2.1m high stone wall.
- The stone wall will mostly be retained in its current location, with the exception of 2 new granite piers and an 8m wide opening to accommodate the new path/Greenway.
- The new entrance design, featuring the 2 no. new granite piers, is considered harmonious with the existing boundary treatment, and no further concerns are raised regarding this matter.

3.2.18. Re. Further Information Item No. 4

- The applicant provided an Ecological Impact Assessment by Altemar Ltd. and a Japanese Knotweed Management Plan by INVAS Biosecurity Ltd.

- The Ecological Impact Assessment identifies the presence of Knotweed and bats foraging on the site.
- The proposed approach to managing Knotweed involves using herbicide treatment, while various lighting measures are suggested to mitigate the impact on bat activity.
- The Ecological Impact Assessment concludes that the proposed development will have a minor adverse impact on the ecology in the long term, but it will not be significant. The factors contributing to this assessment include the loss of terrestrial habitats, increased light spill as per bat lighting guidelines, increased human activity, and the treatment of Japanese Knotweed.
- The Council's Biodiversity report recommends seeking Clarification of Further Information (CFI) regarding lighting and its impact on protected bat species.
- As the lighting issue is unresolved, and the impact on bats cannot be determined without this information, it is advised to address this matter through the Clarification of Further Information process.

3.2.19. Re. Further Information Item No. 5

- The applicant submitted a report from DBFL Consulting Engineers.
- Updated drawings were provided, showing the extent of the Cruagh Greenway within the applicant's red-line boundary.
- The response also indicated that the proposed land drain would be connected to the existing land drain constructed as part of the Cruagh Greenway scheme.
- The Council's Drainage Section was consulted on the matter and expressed no objections, subject to the condition that the proposed surface water drainage network is constructed according to the details specified in the DBFL Consulting Engineers drawing '092090-9300 A - Path Through Landscape Area' included in the response.
- This conclusion is accepted, and it is recommended to include the proposed condition if permission is to be granted.

3.2.20. Re. Further Information Item No. 6

- The applicant provided a report from DBFL Consulting Engineers, which included information about the soakaway.
- The Council's Drainage Section was consulted regarding the matter and stated that they have no objections, subject to the condition that the proposed surface water drainage network should be constructed according to the details specified in the DBFL Consulting Engineers drawing '092090-9300 A - Path Through Landscape Area' included in the response.
- This conclusion is accepted, and it is recommended to include the recommended condition in the event of a grant of permission.

3.2.21. Re. Further Information Item No. 7

- The applicant provided a lighting report from Sabre Electrical Services Ltd.
- The Planning Assessment mentions that this response is related to the further information response and assessment of further information Item 5.
- It is reiterated that Clarification of Further Information is necessary in this case, as recommended.

3.2.22. Re. Further Information Item No. 8

- A taking-in-charge plan was prepared by Conroy Crowe Kelly Architects.
- The application was made by McGarrell Reilly Homes.
- The taking-in-charge plan indicates that the path will be taken in charge by the Council.
- It is understood that McGarrell Reilly Homes/Owners Management Company will be responsible for maintaining the area of land outside the taking-in-charge element.
- It is recommended to include a condition regarding taking-in-charge at the permission stage.
- It is considered that this matter has been adequately addressed.

3.2.23. Appropriate Assessment

- It is determined that Clarification of Further Information is necessary regarding lighting levels and lighting management.

- This clarification is required before conducting a final assessment of environmental impact issues.

3.2.24. Clarification of Further Information was requested on the 06/12/2021 requiring the following:

1. The Planning Authority is not satisfied with mitigation measures proposed as part of the response to the Further Information request. In this regard and in order to determine if the proposed works will negatively impact the protected Bat species active in the area, in terms of lighting design conflicts, applicants are hereby requested to submit a revised lighting design with input from a Bat specialist. In this regard such a design should include an examination of options such as timed sensor lighting, alternative lux levels, changes to pole design and if necessary, the option of a no lighting scenario to also be examined. The revised lighting design options should be completed in consultation with DLR 's Bat specialist consultant and DLRs Biodiversity Officer prior to submission.

3.2.25. Third Report (28/03/2023)

- The applicant initially proposed various lighting options for the development, but it was determined that even compliant lighting schemes would have a significant impact on the local bat population.
- In response, the applicant submitted a revised proposal that eliminates lighting along the subject section of the Cruagh Greenway.
- The Public Lighting Section provided a report stating that the proposal for no lighting is acceptable, considering the presence of a well-lit alternative route through Stepside Park connecting Enniskerry Road to the existing end of the Greenway.
- The Biodiversity Officer also supports the no lighting proposal, taking into account the strict protection of bat species under EU law.
- Although concerns exist regarding safety and potential anti-social behaviour due to the lack of lighting, several factors are considered: the peri-urban location of the site facing rural lands, the availability of a well-lit alternative route through

Stepaside Park, and the negative impact that lighting would have on protected species.

- In light of these considerations, it is deemed that specific circumstances, particularly regarding protected species, make the proposal acceptable.
- The submitted Clarification of Further Information is deemed acceptable based on the given context.

3.3. Other Technical Reports

3.3.1. Transportation Planning Section (14/06/2021)

No objections

3.3.2. Drainage (25/11/2021)

No objection subject to the following condition:

1. The proposed surface water drainage network shall be constructed as detailed on DBFL Consulting Engineers drawing “092090-9300 A – Path Through Landscape Area” included in the FI response.

3.3.3. Parks and Landscape Services Dept. (24/11/2021)

Further information requested, summarised as follows;

1. All drawings, including architect drawings, engineering details (092090-9300), and taking in charge drawing, should be consistent and include an Arborist Tree survey and Tree protection details to avoid any ambiguity.
2. The Arborist should provide cross-sectional drawings of the new path, similar to Landscape drawing L2, showing existing trees surveyed and the root protection area below ground level. The Arborist shall comment on the impact of ground disturbance on tree retention and lifespan.
3. A Tree Survey Plan and Schedule should be submitted, accurately plotting and tagging all trees and hedges on and adjacent to the subject site. The plan should include species, size, age, condition, and useful life expectancy information for each tree and hedge.

4. A Schedule of Works for retained trees should be submitted to the local authority Parks and Landscape Services as part of the planning application. All works, including tree protection measures, must be completed before any clearance, enabling, or construction works begin on-site. The schedule should provide detailed specifications in accordance with BS 3998:2010.
5. A Tree Constraints Plan, including a scaled master site plan (1:500) and more detailed plans (1:250), shall be submitted. The plans should show the Root Protection Area (RPA) of all trees in relation to the Proposed Site Layout. Constraints Plans are particularly needed in areas where Tree Retention in proximity to buildings and services may be challenging. The Arboricultural Consultant should collaborate with architectural, planning, landscape, and engineering consultants to review layouts and optimise tree retention. The plan should ensure that high-quality trees are treated with care and sensitivity, and revisions to architectural and engineering proposals should be made to maximise tree retention.
6. An Arboricultural Impact Assessment should be provided, analysing the likely impacts of the proposed development on surveyed trees and hedges. The assessment should include alternative design solutions explored by the Arborist, architect, and engineer to retain the maximum number of suitable trees. A summary table should quantify the overall impacts in terms of tree losses relative to the total surveyed tree population.
7. A Tree Protection Plan, shown on a scaled site plan, should distinguish between trees and hedges to be retained and those to be removed. The plan should include alignments of Tree Protection Fencing and areas excluded from construction activities, site office(s), plant, equipment, and material storage. It should also indicate the proposed locations and alignment of overhead and underground engineering services and utilities.
8. An Arboricultural Method Statement should outline clear and practical measures for the protection and management of all trees and hedges to be retained, as indicated in the Tree Protection Plan.
9. The applicant should include extra tree planting along the new path in their Landscape plan.

- 10.A Preliminary Landscape Masterplan, including cross-sections where applicable, should depict all external spaces, proposed lighting, boundaries, and small structures, along with hard and soft landscape elements.
11. Outline details of Soft Landscape Design, including a detailed Planting Plan and Planting Schedule, should be provided. The plan should incorporate additional tree planting along the pathway, using native tree species of the area. The specification should include species/varieties, indicative quantities, sizes, rootball presentation, and spacings. The planting mixes should ensure diversity in species, forms, and sizes, including both native and exotic species and pollinator-friendly native species.
12. Outline plans and details of Hard Landscape Design and specification for boundary treatments should be included. The design should increase visibility, incorporate public lighting, seating, kerbs, edges, and surfaces consistent with the adjoining path. Civil engineering elements related to landscape, such as retaining structures and drainage infrastructure, should be safe, maintenance-free, and depicted.
13. An Outline Landscape Specification should detail all materials (hard and soft), workmanship, and Landscape Maintenance for a minimum period of 18 months. The use of chemical herbicides is not allowed for installation or maintenance, and organic and cultural alternatives should be prioritised to promote soil biodiversity and protect nearby streams, waterways, groundwater sources, and drainage connection points.
14. Landscape works on-site should undergo a Quality Audit during construction, agreed upon with Dun Laoghaire Rathdown Co. Council, to ensure adherence to landscape standards required by the Council.
15. A Timescale for Implementation of all proposals, including specified landscape maintenance operations, should be provided. The landscape contract should include a post-Practical Completion Certificate signed by the landscape consultant and a Defects Liability Clause for a minimum period of 18 months.

3.3.4. **Public Lighting Section (24/03/2022)**

- The lighting for the walkway along Cruagh Greenway was initially accepted under the D21A/0439 application in November 2021 by the Public Lighting Section.
- However, subsequent information regarding the environmental sensitivity of the area recommended no lighting specifically for the section between Enniskerry Road and the back of the walkway in Stepside Park.
- Since there is already an existing, well-lit alternative route through Stepside Park connecting both locations, it is deemed unnecessary to install lighting for this particular section of the walkway.
- Therefore, it is considered acceptable not to have lighting in this section of the walkway.
- If lighting is deemed necessary for this area, the pre-approved lighting design from November 2021 is recommended, as it will align with the existing and proposed lighting schemes extending to Clay Farm.

3.3.5. **Biodiversity Officer (15/03/2022)**

Clarification of Further information requested requiring detailed lux modelling of the proposed lighting scheme. Condition recommended in the event of a grant of permission regarding the proposed lighting scheme, including the provision of a timed sensor, reduced height and lumens of the pole.

4.0 **Planning History**

4.1.1. **Subject Site**

P.A. Ref. D13A/0190 & ABP Ref. PL06D.242585 Permission GRANTED ON APPEAL on 04/03/2014 for the proposed development consisting of 46 no. houses with on-curtilage car parking, open space including play areas, surface water attenuation and all requisite engineering works, access, and pedestrian link to Enniskerry Road. The proposed development consisted of 10 three-bedroomed houses, 20 four-bedroomed houses and 16 five-bedroomed houses of 2-3 storeys, of which 36 are detached and 10 terraced, on-curtilage car parking, open space

including play areas, surface water attenuation and all requisite engineering works. The residential development includes a high-quality multi-games area and open space for the benefit of all the residents of Stepside Park and the incorporation of trees into a parkland setting, creating an accessible amenity. The development shall be accessed from the existing estate roads of Stepside Park from a new roundabout consistent with that approved under D00A/1279 at the existing access on Enniskerry Road with consequential changes to estate boundary walls and to develop open space to incorporate a new pedestrian link from Enniskerry Road along the old route of the pylon corridor alongside Nos. 8, 23, 24 and 36 Stepside Park to provide for a future connection to Ballyogan Park, at the request of the Local Authority.

P.A. Ref. D09A/0934 & ABP Ref. PL06D.236375 Permission REFUSED ON APPEAL on the 22/12/2010 for the proposed development of 206 dwellings, a 228sq.m crèche and a 52sq.m local commercial unit all on lands at Stepside Park, Stepside, Co. Dublin. The reasons for refusal were as follows;

1. The proposed development would be accessed by circuitous and steep access roads from the R117 through Stepside Park. The proposed development would also contravene conditions attached to previous permissions relating to lands at Stepside Park granted under planning register reference numbers/appeal reference numbers D98A/1000 (PL 06D.111521), D00A/1279 (PL 06D.124391) and D03A/1213 (PL 06D.207092), all of which sought to limit the quantum of development accessed directly from the R117 through Stepside Park pending completion of the Ballyogan Loop Road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed emergency access route on the southern side of Stepside Park would contravene the zoning objective 'F', as set out in the current development plan for the area, "to preserve and provide for open space with ancillary active recreational amenities" by reason of the introduction of hard surfacing, which would prevent the use of the lands as a kickabout area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed provision of public open space is inadequate in regards to quality and quantity, and would be contrary to the recommendations of the 'Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities' issued by the Department of the Environment Heritage and Local Government in May, 2009. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. It is considered that the proposed development, by reason of design and layout, would give rise to excessive overlooking of adjoining property and would, therefore, seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Development Plan

The **Dún Laoghaire Rathdown County Council County Development Plan 2022-2028** is the statutory plan for the area.

Relevant provisions are referenced as follows –

Land Use Zoning: The site is zoned objective 'F' which seeks 'To preserve and provide for open space with ancillary active recreational amenities.

Recorded Monument: The site lies within the zone of influence of the Recorded Monuments RMP No. 026-128, which is referred to in Appendix 4, Table 4.4 of the Development Plan as an 'Enclosure'.

There is a **6 Year Road Objectives/Traffic Management/Active Travel Upgrades** along Enniskerry Road (Stepaside to Glenamuck District Distributor Road).

There is a **Specific Local Objective No. 82** on adjacent lands to the southwest of the site 'To seek the development of a multi-purpose, multi-functional community centre south of Enniskerry Road proximate to the Stepaside Village Neighbourhood Centre' (as described in Chapter 14).

Chapter 5

Policy Objective T11: Walking and Cycling

Chapter 8 Green Infrastructure and Biodiversity

Policy Objective GIB18: Protection of Natural Heritage and the Environment

Policy Objective GIB25: Hedgerows

Chapter 9 Open Space, Parks and Recreation

Policy Objective OSR2: Hierarchy of Parks and Public Open Space

Policy Objective OSR3: Future Improvements It is a Policy Objective to continue to improve, plant and develop more intensive recreational and leisure facilities within parks and public open spaces insofar, as resources will permit, while ensuring that the development of appropriate complementary facilities does not detract from the overall amenity of the spaces.

Policy Objective OSR4: Public Open Space Standards

Policy Objective OSR7: Trees, Woodland and Forestry

Policy Objective OSR8: Greenways and Blueways Network

Table 9.1: Hierarchy of Public Open Spaces

Chapter 11 Heritage and Conservation

Policy Objective HER1: Protection of Archaeological Heritage

Policy Objective HER2: Protection of Archaeological Material in Situ

Chapter 12 Development Management

Section 12.9.10.1 Light Pollution

Chapter 13 Land Use Zoning Objectives

Table 13.1.9 - Zoning Objective 'F'

Appendix 4 - Table 4.4: Record of Monuments and Places (RMP)

5.1.1. Ballyogan & Environs Local Area Plan 2019 – 2025

Stepaside Quarter – Stepside East No. 13

Section 4.1.4. Walking & Cycling

Policy BELAP MOV1 – Pedestrian and Cycle Network:

Policy BELAP MOV4 – Cycling Infrastructure:

Policy BELAP MOV12 – Cycling Infrastructure:

Section 9.1.2. Passive Recreation

Section 4.3.5. Proposed Linkages

Policy BELAP MOV12 – New Linkages: To provide or facilitate the delivery of the new linkages shown in Table 4.6 and Figure 4.11 – Movement Strategy

5.2. Other Relevant Government Policy / Guidelines

National Planning Framework – Project Ireland 2040

Tree Preservation Guidelines DOELG (1994)

5.3. Natural Heritage Designations

5.3.1. The nearest Natura 2000 European Sites to the appeal site are as follows:

- Wicklow Mountains Special Area of Conservation (SAC) (Site Code: 002122), approx. 3.5km southwest of the site.
- Wicklow Mountains Special Protection Areas (SPA) (Site Code: 004040), approx. 3.5km southwest of the site.
- Rockabill to Dalkey Island SAC (Site Code: 003000) approx. 9.8 km southwest of the site.
- Knocksink Wood SAC (Site Code: 000725) approx. 9.8 km southwest of the site.
- Knocksink Wood Proposed Natural Heritage Area (Site Code: 000725), c. 4.4km southeast of the site.
- Ballybetagh Bog Natural Heritage Area (Site Code: 001202), c.2.9km south of the site.
- Dingle Glen Proposed Natural Heritage Area (Site Code: 001207), c.2.2km southeast of the site.
- Fitzsimon's Wood Proposed Natural Heritage Area (Site Code: 001753), c.2.2km southwest of the site.

5.4. EIA Screening

Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal was received from Frank Lewis of No. 32 Stepside Park on behalf of the residents of Nos. 31-43 Stepside Park, located adjacent to the Cruagh Greenway connection. The grounds of appeal are summarised under the headings below;

6.1.1.1. Introduction to the appeal

- The residents of Nos. 31-43 Stepside Park support the extension of the Cruagh Greenway through Stepside Park as permitted under D13A/0190 (ABP Ref. PL06D.242585).
- The appellants oppose the proposed development under the subject application due to anticipated adverse impacts on the residents of Nos. 31-43 Stepside Park.
- The appeal seeks either refusal of permission for the proposed development and the implementation of the design permitted under P.A. Ref. D13A/0190 (ABP Ref. PL06D.242585) or the attachment of conditions by the Board to mitigate adverse impacts.

6.1.1.2. Planning Authority's Assessment of the Proposed Development

- The proposed new access point under the subject application aims to connect to the existing Dún Laoghaire-Rathdown County Council Cruagh Greenway constructed in December 2021.
- The section of Cruagh Greenway constructed by Dún Laoghaire-Rathdown County Council does not align with the permitted route for the extension through Stepside Park under Reg. Ref. D13A/0190 (ABP Ref. PL06D.242585).
- Dún Laoghaire-Rathdown County Council's construction of the Cruagh Greenway forced a realignment of McGarrell Reilly Homes' route to connect to it, indicating a biased assessment by the Council.
- The Planning Authority did not adequately consider the concerns raised by the residents of Nos. 31-43 Stepside Park in their assessment of the proposed development.
- Requests for further information related to the application did not address the significant and legitimate concerns raised by the residents of Nos. 31-43 Stepside Park.

6.1.1.3. **Unauthorised Development**

- Dún Laoghaire-Rathdown County Council conducted works on McGarrell Reilly Homes lands without obtaining consent or planning permission.
- Works included the removal of hedgerows and trees and the construction of a section of the Cruagh Greenway on Stepside Park lands.
- These works were not authorised under the permission for the Cruagh Greenway.
- The connection point and layout of the path in Stepside Park do not align with the permitted conditions under Reg. Ref. D13A/0190.
- These unauthorised works are considered unlawful and have led to the proposed realignment under Reg. Ref. D21A/0439.

6.1.1.4. **Non-Compliant Development**

- The proposal under the subject application does not acknowledge that it is an amendment application to Reg. Ref. D13A/0190.

- A subsequent amendment application is necessary for Reg. Ref. D13A/0190 to remove the permitted pathway.
- Failure to submit a subsequent amendment application will result in non-compliance with Condition No. 1, which requires the development to be carried out in its entirety unless otherwise amended.

6.1.1.5. **Lack of Consultation with the Relevant Stakeholders**

- There was a lack of consultation with the residents of Nos. 31-43 Stepside Park during the design process of the Cruagh Greenway extension and access point.
- The residents of Wingfield, Cruagh Wood/Avenue were consulted, while the concerns of residents of Nos. 31-43 Stepside Park were not adequately considered.
- The one-sided view of the proposed works favouring residents of Wingfield, Cruagh Wood/Avenue, shows a lack of consideration by the Council for all relevant stakeholders.
- The lack of consultation with the residents of Nos. 31-43 Stepside Park is contrary to Policy Objective OSR8 of the Draft Dún Laoghaire-Rathdown County Council Development Plan, which emphasises the need for consultation and engagement with stakeholders.
- There was limited correspondence with residents of Nos. 31-43 Stepside Park after the application was submitted, with commitments made regarding mitigation measures but not upheld in the Grant Permission.
- Failure to include the extension to the Cruagh Greenway in the 'Movement Strategy-Planned Linkages' of the Ballyogan LAP, depriving residents of Stepside Park of the opportunity to address concerns and make a formal submission during the consultation period.

6.1.1.6. Adverse Impacts of the Proposed New Access Point Location on the Residents of Nos. 31-43 Stepside Park

- The residents of Nos. 31-43 Stepside Park are not opposed to a shared path but have concerns about the proposed access point and route under the subject application.
- The principal concern is the location of the proposed access point (existing Cruagh Greenway access point) between Stepside Park and Wingfield, Cruagh Wood/Avenue and its adverse impacts on residents.
- The Residents of Nos. 31-43 Stepside Park supports the access point permitted under Reg. Ref. D13A/0190, which directs users along the path away from houses and through open space, including switchback trails towards the cul-de-sacs of Stepside Park, ensuring they are seen as secondary routes and not a shortcut to the village.
- The proposed access point under the subject application directs users into the cul-de-sac of Nos. 31-43 Stepside Park, inviting it to be used as a shortcut.
- The shared road in the cul-de-sac of Nos. 31-43 Stepside Park was not designed for significant pedestrian/cyclist/scooter traffic, resulting in adverse impacts, including increased traffic, safety concerns, lack of speed control measures, noise pollution, limited parking spaces, ruined green areas, and littering/dog fouling.
- An existing access point between Stepside Park and Wingfield, located c. 50m southwest of the new access point, was naturally created by pedestrians crossing between the residential developments.
- The permitted access point under Reg. Ref. D13A/0190 presents a compromise and is seen as the least intrusive option considering the impact on both estates.

6.1.1.7. Adverse Impacts of the Proposed Realigned Route on the Residents of Nos. 31-43 Stepside Park

- The realignment of the route between the Cruagh Greenway and Enniskerry Road closer to the houses in Stepside Park will result in adverse impacts, including:

- Insufficient passive surveillance due to the tight angle between residential properties and the proposed route, compared to the permitted route under Reg. Ref. D13A/0190 that allowed for a greater line of sight.
- Safety concerns regarding the proximity of the route to the driveway of No. 36 Stepside Park, where the existing hedgerow (to be retained for privacy) obstructs the view of the shared path (see Figure 3.12).
- The proposed route is the only section of the Cruagh Greenway that abuts dwellings.
- Passing/lingering noise pollution is anticipated.
- Privacy issues due to the close proximity of the route to neighbouring dwellings.
- Policy Objective PHP36 of the Draft Dún Laoghaire-Rathdown County Council Development Plan emphasises the importance of development proposals contributing positively to the enhanced public realm and achieving the highest quality in public realm design.
- The proposed route is contrary to Policy Objective PHP36 and detracts from the local public realm.

6.1.1.8. Adverse Impacts of the omission of the Second Access point on the Enniskerry Road at the Stepside Park Entrance on the Residents of Nos. 31-43 Stepside Park.

- The omission of the second access point off Enniskerry Road and its associated shared path at the entrance to Stepside Park (see Figure 3.4 of submission) will have continuing impacts on the cul-de-sac of No. 31-43 Stepside Park.
- The inclusion of the shared path would encourage users of the Cruagh Greenway to choose it as their first preference, instead of the current route through the main thoroughfare of Stepside Park and down the cul-de-sac of No. 31-43 Stepside Park to the existing access point of the Cruagh Greenway (see Figure 3.6).
- The omitted shared path would offer an equidistant and more scenic alternative route away from the Stepside Park dwellings.

- Without the second access point off Enniskerry Road and with the access point at the end of the cul-de-sac of No. 31-43 Stepside Park, the cul-de-sac will continue to be seen as a natural shortcut.
- Consequently, the proposed development would have adverse impacts on the cul-de-sac of No. 31-43 Stepside Park.

6.1.1.9. **Adverse Impacts of the omission of lighting along the route on the Residents of Nos. 31-43 Stepside Park**

- The omission of lighting along the route in Stepside Park was considered to mitigate adverse impacts on bats in the area.
- Due to the lack of lighting, the Council is encouraging the use of the cul-de-sac of Nos. 31-43 Stepside Park as an alternative route at night, indicated by Condition No. 4 of the Grant Permission.
- This will result in adverse impacts on the cul-de-sac of Nos. 31-43 Stepside Park, including:
 - The proposal will result in a significant increase in pedestrian, cyclist, and scooter traffic in the cul-de-sac.
 - Safety concerns due to the level of pedestrian, cyclist, and scooter activity on the shared road, as well as the lack of speed control measures.
 - The proposal will create passing and lingering noise pollution in a typically peaceful residential street.
 - Potential for anti-social behaviour.
 - Green areas being disrupted by loitering and desire lines spreading in different directions (refer to Figure 3.7, 3.8, and 3.9 in the submission).
 - Increased levels of littering.

6.1.1.10. **Conclusion of the appeal:**

- The appeal submission concludes that the proposed development should be either refused permission or amended through the inclusion of specific conditions to address

the adverse impacts on the residents of Nos. 31-43 Stepside Park, as outlined in the appeal.

- The residents of Nos. 31-43 Stepside Park are not fundamentally opposed to the development of a shared path, but they find the proposed layout under the subject application unacceptable due to its detrimental effects on their residential amenity.
- The unofficial opening of the Cruagh Greenway into Stepside Park failed to acknowledge the significant loss of privacy and disruption experienced by the residents of the No. 31-43 Stepside Park cul-de-sac.

6.2. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- The Principle of the Proposed Development
- Procedural Issues
- Impact on Residential Amenity
- Safety and Security
- Appropriate Assessment

- 7.2. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. Accordingly, the issues for consideration are addressed below.
- 7.2.1. The Principle of the Proposed Development**
- 7.2.2. The appellants object to the proposed development on the ground that it is not consistent with the permitted design under Reg. Ref. D13A/0190. They submit that the proposed new access point and realigned route deviate from the original permitted conditions, leading to adverse impacts on the residents of Nos. 31-43 Stepside Park. They emphasise the importance of adhering to the original permitted design in order to protect the privacy and living conditions of the residents.
- 7.2.3. The appellants submit that the proposed development is not aligned with the objectives of the Draft Dún Laoghaire-Rathdown County Council Development Plan 2022-2028 (now in effect since the April 21st 2022). They assert that the proposed access point and route do not contribute positively to the enhanced public realm as outlined in Policy Objective PHP36 of the Development Plan. They contend that the proposed development would detract from the local public realm rather than enhance it.
- 7.2.4. Under Reg. Ref. D13A/0190 and ABP Ref. PL06D.242585, permission was granted on appeal for a proposed development comprising 46 houses on land located to the north-west. The land under this application includes an area of open space, which is the subject site of this appeal. The approved design incorporated a pedestrian/cycle path starting from the northeastern corner of the site, curving near the eastern boundary adjoining Wingfield and Cairnfort residential estates and continuing south-westwards towards the Enniskerry Road. The path then turned north-westwards to connect with the entrance road to Stepside Park, adjacent to a roundabout also proposed under Reg. Ref. D13A/0190.
- 7.2.5. It is worth noting that the Inspector's report under ABP Ref. PL06D.242585 discussed the impact of the proposed cycle/pedestrian linkages on adjacent areas. Contrary to concerns raised in third-party submissions, the report indicated that the proposed development would enhance security and passive surveillance in Stepside Park through increased "eyes on the street" presence.

- 7.2.6. Condition No. 11 of the granted permission on appeal stipulated that, in line with the National Cycle Manual, all shared pedestrian and cycle routes should have a minimum width of 3 meters.
- 7.2.7. Under the subject application on appeal, the proposed 3m wide shared pedestrian/cycle path would connect with and continue the existing Cruagh Greenway, which adjoins the northeastern corner of the site and traverse the site to connect with the Enniskerry Road along the southwestern boundary. Unlike the development permitted under ABP Ref. PL06D.242585, the proposed pedestrian/cycle path under the subject application is positioned to run closer to the boundary of Stepside Park, with paths connecting to two cul-de-sacs in Stepside Park. It is also worth noting that the pedestrian/cycle path permitted under ABP Ref. PL06D.242585 also provided path linkages to these same cul-de-sacs. Apart from the realignment, the other primary difference between the proposed development and that permitted under ABP Ref. PL06D.242585 is whereby the proposed shared pedestrian/cycle path connects with the Enniskerry Road at the southwestern boundary with the provision of an 8m wide opening in the existing wall, rather than turning north-westwards to connect with the entrance road to Stepside Park. I noted during site inspection that the roundabout proposed under Reg. Ref. D13A/0190 has not been constructed.
- 7.2.8. The Planning Authority, in its assessment, noted that the site falls under zoning objective F, which aims 'to preserve and provide for open space with ancillary active recreational amenities'. The Planning Authority considered that the proposed shared pedestrian/cycle path, connecting to the Cruagh Greenway, aligns with this zoning objective by offering active recreational amenities on public open space lands. Furthermore, the Planning Authority determined that the proposed development would contribute to the establishment of a greenway network between Enniskerry Road and Ballyogan and Leopardstown, as outlined in Policy OSR8 of the Development Plan 2016-2022.
- 7.2.9. The Planning Authority noted that the proposed change in pathway alignment to that permitted under Reg. Ref. D13A/0190 and ABP Ref. PL06D.242585 is supported by the Transportation Planning Department. The Planning Authority report noted that the development permitted under D13A/0190 allowed for a pathway with specific width requirements and how the proposed shared pedestrian/cycle route under the subject application meets the minimum 3m width requirement and is consistent with the terms

of the previous permission. On this basis, the Planning Authority considered that the proposed development complies with the zoning objective, development plan policy, and previous permissions on the site.

7.2.10. Based on the aforementioned considerations, I consider it necessary to evaluate the principle of the proposed development and its compliance with relevant Development Plan policy. Concerns raised regarding impact on privacy and residential amenity will be addressed further below.

7.2.11. The site is zoned objective 'F', which aims 'To preserve and provide for open space with ancillary active recreational amenities. Having regard to Table 13.1.9 in Chapter 13 of the Development Plan, I note that the use classes 'Community Facility', 'Open Space' and 'Sports Facility' are permitted in principle, subject to caveats, under zoning objective F. Although a shared pedestrian/cycle path is not explicitly mentioned as a specified use, I am satisfied that such development would be consistent with community use, as it would provide a public facility for recreational activities (walking and cycling) while preserving the existing open space. As such, I am satisfied that the proposed development is acceptable in principle at this location. It is important to note that the nature of the proposed development has been previously permitted on appeal under Reg. Ref. D13A/0190 and ABP Ref. PL06D.242585.

7.2.12. Policy Objective OSR8 of the Development Plan 2022-2028 aims to 'to develop a comprehensive network of County Greenways linking parks and public open spaces...to achieve and improve wider external linkages and corridors, to enable enhanced connectivity to wider strategic networks, and to allow for the long-term strategic expansion of urban areas (consistent with NPO 62 of the NPF)'. National Policy Objective 62 of the National Planning Framework (NPF) aims to 'strengthen the value of greenbelts and green spaces at a regional and city scale, to enable enhanced connectivity to wider strategic networks, prevent coalescence of settlements and to allow for the long-term strategic expansion of urban areas'. The proposed development aligns with these policy objectives, as it contributes to the establishment of a greenway network and facilitates enhanced connectivity within the area.

7.2.13. The Board should noted that the Cruagh Wood Greenway is mentioned in the Dún Laoghaire-Rathdown County Council's capital program (as detailed on the Council's

website), and has several objectives that are relevant to the proposed development. These objectives include the following;

- To provide a safe pedestrian / cycle link for residents from the Cruagh Wood / Stepside Park Residential Estates and the local communities around Stepside Village area to Public Transport, (Luas), on Ballyogan Road and to the adjoining Leopardstown Shopping Centre, local National and Secondary schools and the Samuel Beckett Civic Campus.
- To encourage a modal shift away from cars to more sustainable transport modes for local residents.
- To encourage an increase in walking and cycling leisure activities in the area along a calm and scenic avenue separated from the adjoining residential development
- To provide a pleasant link from Ballyogan Road to the Enniskerry Road and onward to the Dublin Mountains

The proposed development supports these objectives and aligns with the Council's vision for the area.

7.2.14. Considering the aforementioned policies and objectives, it is my view that the proposed development is consistent with Policy Objective OSR8 of the Development Plan 2022-2028 and NPO 62 of the National Planning Framework. It also aligns with Policy Objective T11 of the Development Plan 2022-2028, which aims to 'secure the development of a high quality, fully connected and inclusive walking and cycling network across the County and the integration of walking, cycling and physical activity with placemaking including public realm permeability improvements. (Consistent with NPO 27 and 64 of the NPF and RPO 5.2 of the RSES)'. On this basis, I do not agree with the appellant's claim that the proposed development would detract from the public realm and should not be refused permission on this basis. Concerns raised regarding the impact of the proposed development on privacy and residential amenity are addressed further below accordingly.

7.2.15. **Procedural Issues**

7.2.16. The appellants raise concerns regarding several procedural issues. These are addressed under the sub-headings below accordingly.

7.2.17. Assessment and Alignment of the Proposed Development

7.2.18. The appellants object to the proposed development on the grounds that they consider the planning authority did not provide an objective assessment of the proposed development. They submit that the section of Cruagh Greenway constructed by Dún Laoghaire-Rathdown County Council does not align with the permitted route for the extension through Stepside Park under Reg. Ref. D13A/0190. This misalignment indicates a departure from the original approved design. Furthermore, the appellants claim that the Council's construction of the Cruagh Greenway forced a realignment of the route by McGarrell Reilly Homes. This realignment suggests a biased assessment by the Council, as it deviates from the originally permitted conditions and potentially favours certain stakeholders over others.

7.2.19. Based on the aforementioned considerations, I consider it necessary to evaluate the concerns raised by the appellants regarding the objectivity of the planning authority's assessment and the alleged departure from the original approved design.

7.2.20. Regarding the objectivity of the planning authority's assessment, I have provided a detailed summary of the planning authority's reports in Section 3.2 above. It is my view that the Planning Authority provided a thorough examination of the proposed development, having regard to the site's planning history, submissions received, zoning objective and relevant Development Plan policies. The planning authority evaluated the proposed development's impact on residential amenity, visual impact, archaeological concerns, ecological impacts, drainage, and other relevant issues. The Planning Authority requested further information and clarification of further information to ensure compliance with Development Plan policy and regulations and to address any potential negative impacts. This demonstrates the Planning Authority's commitment to conducting a thorough and objective assessment.

7.2.21. Regarding the alleged departure from the original approved design, it is important to note that the subject application is evaluated based on its own merits and adherence to relevant planning policies and permissions. Any realignment or construction of the Cruagh Greenway outside the application site does not form part of the subject application and, therefore, will not be considered under this appeal. Should the appellants consider that unauthorised development has occurred, including the alleged removal of trees and hedgerows, it is appropriate to refer this matter to the

enforcement section of the Planning Authority for further investigation and appropriate action.

7.2.22. Non-Compliant Development:

7.2.23. The appellants submit that the proposed development constitutes non-compliant development. They state that the proposal under the subject application fails to acknowledge that it is an amendment application to Reg. Ref. D13A/0190. According to the appellants, this omission is significant as a subsequent amendment application is necessary for Reg. Ref. D13A/0190 to remove the permitted pathway. Failure to submit such an amendment application would result in non-compliance with Condition No. 1 of Reg. Ref. D13A/0190, which specifically requires the development to be carried out in its entirety unless otherwise amended.

7.2.24. Regarding this issue, the proposed development under the subject application is a stand-alone planning application and is not described in the public notices as a realignment of the pathway permitted under Reg. Ref. D13A/0190. Condition No. 1 of Reg. Ref. D13A/0190 states that the development should be carried out in its entirety in accordance with the plans, particulars, and specifications lodged with the application, as amended by additional information and clarification thereof. This condition is specific to the development approved under Reg. Ref. D13A/0190 and does not apply to subsequent applications. When a new planning application is submitted, it is assessed based on its own merits and compliance with the relevant planning policies, regulations, and standards specific to that application. While it is essential to consider the previous permission granted under Reg. Ref. D13A/0190, the approval or non-compliance of the proposed development under the subject application should be evaluated independently. Should the proposed development satisfy the Development Plan policy and criteria requirements, it can be granted planning permission without being considered non-compliant with Condition No. 1 of D13A/0190. The focus should be on whether the new proposal meets the applicable planning regulations, policies, and standards associated with the subject application, rather than solely relying on the previous approval. I am satisfied that the proposed development was assessed comprehensively by the Planning Authority on this basis.

7.2.25. Stakeholder Engagement

- 7.2.26. The appellants raise concerns about the lack of consultation with the residents of Nos. 31-43 Stepside Park during the design process of the Cruagh Greenway extension and access point. They submit that the views and concerns of the affected residents were not adequately considered and that this lack of consultation with the residents of Nos. 31-43 Stepside Park is contrary to Policy Objective OSR8 of the Draft Dún Laoghaire-Rathdown County Council Development Plan, which emphasises the need for consultation and engagement with stakeholders.
- 7.2.27. The appellants also express concerns about limited correspondence with the residents of Nos. 31-43 Stepside Park after the application was submitted. While commitments were made regarding mitigation measures, they claim that these commitments were not upheld in the Grant Permission. They contend that this lack of follow-through further highlights the inadequate consultation and engagement with the residents.
- 7.2.28. Additionally, the appellants highlight the failure to include the extension to the Cruagh Greenway in the 'Movement Strategy-Planned Linkages' of the Ballyogan LAP. They argue that this omission deprived residents of Stepside Park of the opportunity to address concerns and make a formal submission during the consultation period. This further underscores the procedural issues in the planning process.
- 7.2.29. In relation to the issue of public consultation, the subject application was validated by the Planning Authority in accordance with Article 26 of the Planning and Development Regulations 2001 (as amended), which required compliance with Articles 18 and 19 therein. These articles ensured that the public was adequately informed about the proposed development and had the opportunity to examine the file and make submissions or objections to the Planning Authority. The third-party appellants exercised their right to submit a valid planning appeal to An Bord Pleanála, and the concerns raised in their appeal have been thoroughly considered in this assessment. Therefore, I consider that the public was provided with the necessary opportunity to engage in the planning process under the subject application.
- 7.2.30. Concerns raised regarding stakeholder engagement outside the application site and the failure to include the extension to the Cruagh Greenway in the 'Movement Strategy-Planned Linkages' of the Ballyogan LAP are not within the remit of this planning application and, therefore, will not be considered under this appeal. Notwithstanding this, I am satisfied that the proposed development aligns with Policy

Objectives OSR8 and T11 of the Development Plan 2022-2028 and NPO 62 of the National Planning Framework, as referred to previously. I recommend, therefore, that the proposed development is not refused permission on these grounds of appeal.

7.2.31. Impacts on Residential Amenity

7.2.32. The appellants object to the proposed new access point location (existing Cruagh Greenway access point) between Stepside Park, Wingfield, Cruagh Wood/ Avenue and its adverse impacts on the residents of Nos. 31-43 Stepside Park. They support the access point permitted under Reg. Ref. D13A/0190, which directs users away from houses and through the open space, ensuring that the residential area of Stepside Park is seen as secondary routes and not a shortcut to Stepside Village. The appellants submit that the proposed access point under the subject application directs users into the cul-de-sac of Nos. 31-43 Stepside Park, inviting it to be used as a shortcut by users of the Greenway. The appellants raise concerns about increased traffic, safety issues, noise pollution, limited parking spaces, ruined green areas, and littering/dog fouling resulting from this access point location.

7.2.33. The appellants raise concerns about the adverse impacts of the proposed realigned route on the residents of Nos. 31-43 Stepside Park. They contend that the realignment brings the route closer to residential properties, resulting in insufficient passive surveillance and safety concerns due to the tight angle between the properties and the proposed route. They also highlight potential privacy issues and passing/lingering noise pollution. The appellants claim that the proposed route is the only section of the Cruagh Greenway that abuts dwellings, and they submit that it is contrary to Policy Objective PHP36 of the Draft Dún Laoghaire-Rathdown County Council Development Plan, which emphasises the need for development proposals to contribute positively to the enhanced public realm and achieve the highest quality in public realm design.

7.2.34. The appellants express concerns about the omission of the second access point on Enniskerry Road at the Stepside Park entrance and its adverse impacts on the residents of Nos. 31-43 Stepside Park. They submit that the inclusion of the shared path at the entrance would provide an equidistant and more scenic alternative route away from the Stepside Park dwellings. Without this access point, they claim that the

cul-de-sac of Nos. 31-43 Stepside Park will continue to be seen as a natural shortcut, leading to on-going adverse impacts on the residents.

- 7.2.35. The appellants raise concerns about the omission of lighting along the route and its impacts on the residents of Nos. 31-43 Stepside Park. They submit that the lack of lighting encourages the use of the cul-de-sac of Nos. 31-43 Stepside Park as an alternative route at night, resulting in a significant increase in pedestrian, cyclist, and scooter traffic. They express concerns about safety, passing and lingering noise pollution, potential anti-social behaviour, disruption to green areas, and increased levels of littering.
- 7.2.36. Based on the aforementioned considerations, I consider it necessary to evaluate the impact of the proposed development on the residential amenity of dwellings in Stepside Park and the omission of the second access point at the entrance to Stepside Park, along the Enniskerry Road.
- 7.2.37. As detailed previously, the proposed 3m wide shared pedestrian/cycle path would connect with and continue the existing Cruagh Greenway, which adjoins the northeastern corner of the site and traverse the area of open space to connect with the Enniskerry Road along the southwestern boundary. Unlike the development permitted on appeal under ABP Ref. PL06D.242585, the proposed pedestrian/cycle path under the subject application is positioned to run closer to the boundary of Stepside Park, with paths connecting to two cul-de-sacs in Stepside Park. As mentioned previously, the pedestrian/cycle path permitted on appeal under ABP Ref. PL06D.242585 also provided path linkages to these same cul-de-sacs.
- 7.2.38. According to the Site Layout Plan, the proposed development ensures a minimum setback of 3 meters from the boundary shared with Stepside Park. Specifically, the pedestrian/cycle path will maintain a minimum separation distance of 3 meters from the adjoining side boundary of No. 23 Stepside Park, 4.9 meters from the adjoining side boundary of No. 24 Stepside Park, and 3.3 meters from the front/side boundary of No. 36 Stepside Park.
- 7.2.39. The primary difference between the proposed development and the one approved under ABP Ref. PL06D.242585, aside from the alignment of the pedestrian/cycle path nearer to Stepside Park, lies in the connection point with the Enniskerry Road at the southwestern boundary. This connection will be facilitated by an 8-meter wide opening

in the existing wall, instead of turning north-westwards to connect with the entrance road to Stepside Park. During the site inspection, I observed that the roundabout proposed under Reg. Ref. D13A/0190 has not been constructed. Additionally, a dense belt of mature trees is located along the section of land adjoining the northwestern corner of the site, where the path approved under ABP Ref. PL06D.242585 would connect with the entrance road to Stepside Park. It is my view that the proposed connection of the path with the Enniskerry Road, as outlined in the current application, offers an improved point of connection that follows the natural desire line and the downward slope of the land towards the Enniskerry Road. This arrangement eliminates the need to remove mature trees on the land adjoining the northwestern corner, which are habitats for bats, which are protected species under the EU Habitats Directive (Directive 92/43/EEC) . Furthermore, the proposed 8-meter wide access from the Enniskerry Road would ensure passive surveillance of the pedestrian/cycle path from the public road and provide a direct link to any future development of lands on the opposite side of the Enniskerry Road.

- 7.2.40. Regarding the issue of privacy and security, I noted during site inspection that the first-floor side elevations of house Nos. 24 and 36 Stepside Park incorporate windows which serve habitable rooms. It is my view that these windows, along with the front and rear-facing windows of dwellings adjoining the site in Stepside Park, would contribute to an acceptable level of passive surveillance for the proposed pedestrian/cycle path.
- 7.2.41. Taking into account the ground levels of the proposed pedestrian/cycle path, which are lower than those of Nos. 23, 24, and 36 Stepside Park, as well as considering the side boundaries of these dwellings, which consist of approximately 1.8-meter high walls and additional hedging, I am of the opinion that the privacy of these dwellings would not be compromised in terms of overlooking by the proposed pedestrian/cycle path.
- 7.2.42. In response to the appellant's raised concerns regarding noise pollution, I find that there is no evidence presented to indicate that the nature of the proposed development would generate significant noise. Consequently, it is my opinion that the proposed development does not pose a noise-related issue. Moreover, the presence of 1.8-meter high side boundary walls at Nos. 23, 24, and 36 Stepside Park would serve as a noise barrier, safeguarding the private amenity space located at the rear of these

properties. Additionally, it should be noted that matters pertaining to anti-social behavior, including littering, fall under civil jurisdiction and are dealt with outside the realm of planning regulations.

- 7.2.43. The appellants have expressed concerns regarding the proposed access points through Stepside Park, contending that they would direct users into the cul-de-sac area of Nos. 31-43 Stepside Park, thereby encouraging its use as a shortcut to Stepside Village. It is worth noting that the pedestrian/cycle path, which was granted permission on appeal under ABP Ref. PL06D.242585, also includes path linkages to these same cul-de-sacs in Stepside Park. Considering this aspect, it can be inferred that the Board found this particular issue acceptable. Nonetheless, it is my view that the proposed pedestrian/cycle path would offer a clearly defined and direct route, aligning with the natural desire line for path users, as opposed to the meandering routes of the cul-de-sacs in Stepside.
- 7.2.44. In relation to the concerns raised by the appellants regarding the absence of lighting along the proposed route and its potential impact on the residents of Nos. 31-43 Stepside Park, it is my opinion that the Planning Authority adequately addressed this issue. Upon seeking further information, the applicant confirmed the presence of high levels of bat activity on the site and highlighted that the installation of lighting, even if meeting the minimum requirements, could significantly disrupt the foraging behavior of bats in the area. Consequently, the proposed lighting scheme was excluded from the plans.
- 7.2.45. The Council's Biodiversity report determined that the proposed lighting options for the development would have a substantial impact on the local bat population. The omission of the lighting scheme by the applicant was deemed acceptable by the Council's Public Lighting Section, as they considered it unnecessary to install lighting specifically for this section of the path, given the presence of existing well-lit alternative routes within Stepside Park.
- 7.2.46. Condition No. 4 of the granted permission by the Planning Authority stipulates that the applicant must erect appropriate signs indicating the approach to the unlit section of the green route and prompt users in advance to utilise the alternative lit routes. These signs are required to clearly state the ecological sensitivities that led to the section being unlit, thereby informing users and the local community.

7.2.47. I acknowledge that the omission of the lighting scheme may result in path users opting for the well-lit alternative routes within Stepside Park, as stated by the Council's Public Lighting Section. However, I do not consider that the potential number of nighttime path users would be so substantial as to significantly impact the residential amenity of the dwellings in Stepside Park. Therefore, I recommend that the proposed development is not refused permission on this basis.

7.2.48. The exclusion of the lighting scheme along the proposed pedestrian/cycle path serves to protect bats, which are recognised as protected species under Annex IV of the EU Habitats Directive (Directive 92/43/EEC). By omitting the lighting scheme, the proposed pedestrian/cycle path mitigates the risk of disturbing bats, as excessive artificial lighting would disrupt their natural behaviour, feeding patterns, and roosting sites. Bats are highly sensitive to light, and prolonged exposure can have adverse effects on their foraging, reproduction, and overall survival. Hence, by avoiding the installation of lighting along the path, the proposal aligns with the legal obligations of safeguarding bats as a species of European conservation concern, and it supports their continued presence and ecological role within the local environment.

7.2.49. **Appropriate Assessment**

7.2.50. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular its location in a serviced settlement, and having regard to its separation distance from any European site, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend that permission be granted, subject to conditions, for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the planning history, the zoning objective of the site, the Ballyogan & Environs Local Area Plan 2019 – 2025, and the layout, form and design of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not adversely impact the visual amenity of the surrounding area or the residential amenity of neighbouring property. The proposal would be acceptable in terms of traffic, cyclist and pedestrian safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on November 10th 2021 and the 03rd day of March 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree to such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p>

	<p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
4.	<p>The Greenway shall remain unlit, and no lighting infrastructure shall be installed as part of the proposed development.</p> <p>Reason: To protect bats and their habitats, which are protected species under the European Union Habitats Directive.</p>
5.	<p>The Applicant shall install appropriate signage along the Greenway to indicate the approaching unlit section and ensure users are promptly directed to the alternative lit routes. These signs shall clearly state the reasons for the absence of lighting along the designated segment, emphasising the ecological sensitivities involved, in order to inform both users and the local community. The content, wording, and location of these signs shall be agreed upon with the Planning Authority prior to the commencement of the proposed development.</p> <p>Reason: In the interest of public amenity.</p>
6.	<p>The Applicant shall implement all the recommendations pertaining to tree retention and protection as outlined within the submitted tree report and accompanying drawings, in order to ensure the protection of trees within the site. Throughout the entire duration of the site development works, the</p>

	<p>Applicant shall retain the services of an Arboricultural Consultant to oversee the safeguarding of all trees listed for retention. Upon completion of all works, and in accordance with the submitted original landscape drawings, the Arborist shall sign off a completion certificate. This certificate shall be submitted to the Planning Authority for written agreement upon the conclusion of the works."</p> <p>Reason: In the interests of orderly development and visual amenity.</p>
7.	<p>The Applicant shall carry out all planting, seeding, and other landscaping works as depicted on the submitted plans within the first planting season following the completion of the development. In the event that any trees or plants within a period of five years from the completion of the development perish, are removed, or sustain significant damage or disease, the Applicant shall replace them in the subsequent planting season with others of comparable size and species, unless written consent is obtained from the Planning Authority for any deviations.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>The Applicant shall ensure that all works within areas to be taken in charge by the Council are executed in strict compliance with the Council's Taking in Charge Development Standards Guidance Document and in accordance with the requirements outlined by the Department of the Environment, Community and Local Government.</p> <p>Reason: To achieve satisfactory completion of the development.</p>
9.	<p>The Applicant shall engage the services of a qualified Ecologist, serving as an ecological consultant, prior to the commencement of development. The appointed consultant shall be responsible for overseeing the ecological aspects throughout the construction phase and for the duration of the monitoring requirements. The developer shall provide written notification to the Planning Authority, prior to the commencement of development, confirming the appointment and specifying the consultant's name. The consultant shall ensure the full implementation of all mitigation measures and recommendations stated in the submitted Ecological Impact</p>

	<p>Assessment (EclA), Final Construction Environmental Management Plan (CEMP), Final Landscape Plan, and relevant planning documents.</p> <p>Reason: In the interest of protecting biodiversity.</p>
10.	<p>In relation to the presence of Invasive Alien Species (IAS) recorded on-site, specifically Japanese Knotweed (JKW), the Applicant shall adhere to the following requirements:</p> <p>a) Prior to initiating any site investigations, surveys, or development activities, the developer shall engage the services of a qualified Invasive Alien Species (IAS) Specialist who possesses experience in the treatment and removal of Japanese Knotweed (JKW). The developer shall inform the Planning Authority in writing of the appointment and name of the consultant, prior to the commencement of development. The treatment and removal of Japanese Knotweed shall be conducted under the guidance and supervision of the IAS specialist, holding a valid licence from the National Parks and Wildlife Service (NPWS). The IAS specialist shall also consult with Dún Laoghaire-Rathdown County Council's Biodiversity Officer and provide a report outlining the treatment and removal of JKW.</p> <p>b) Subsequent to the treatment and removal of Japanese Knotweed, the applicant shall submit a letter from the IAS consultants to the Planning Authority, confirming their satisfaction regarding the successful removal of Japanese Knotweed, adherence to biosecurity measures, and implementation of any necessary remedies.</p> <p>c) An IAS specialist shall establish a monitoring program for annual monitoring of the area for Japanese Knotweed during the appropriate time of year, for a period of up to 5 years following its removal. Monitoring reports shall be submitted to Dún Laoghaire-Rathdown County Council annually, as agreed upon with the Council's Biodiversity Officer. If required, necessary remedies shall be promptly implemented.</p> <p>d) As part of the Final Construction Environment Management Plan, a detailed site-specific method statement for Invasive Alien Species, encompassing Biosecurity Measures and Monitoring, shall be provided to</p>

	<p>the Planning Authority. This documentation shall be developed in collaboration with the appointed IAS specialist.</p> <p>Reason: To effectively treat and eliminate the presence of Japanese Knotweed (JKW), an Invasive Alien Species (IAS) subject to strict regulations under Regulations 49 and 50 of the European Communities (Birds and Natural Habitats) Regulations and to prevent the further spread of Japanese Knotweed.</p>
11.	<p>The Applicant shall ensure the full implementation and documentation of all mitigation measures pertaining to biodiversity as outlined in the Ecological Impact Assessment (EclA), Overall Landscape Plan, and relevant planning documents. These measures shall be overseen and recorded by a qualified ecologist, who shall subsequently report directly to the Planning Authority.</p> <p>Reason: To safeguard biodiversity and ensure the effective execution of mitigation measures and monitoring for biodiversity conservation purposes.</p>
12.	<p>The Applicant shall submit for the written agreement of the Planning Authority, at least 5 weeks prior to the commencement of site clearance and works, the monitoring and implementation program for the mitigation measures to be undertaken during both the construction and operation phases. This program shall be devised and supervised by a suitably qualified ecologist.</p> <p>Reason: To protect biodiversity and to ensure the implementation of mitigation measures and monitoring for Biodiversity.</p>
13.	<p>Vegetation clearance and/or tree removal shall not take place during the bird breeding season (March 1st to August 31st inclusive).</p> <p>Reason: To protect biodiversity and breeding birds.</p>
14.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: [collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management</p>

	<p>measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures]. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.</p> <p>Reason: In the interest of landscape and environmental protection</p>
15.	<p>A comprehensive landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. The landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
16.	<p>The Applicant shall submit monitoring reports, prepared by their designated ecologist, to the Planning Authority. These reports shall be provided at agreed intervals, which will be determined in advance with the Planning Authority prior to the commencement of development. These reports shall demonstrate the implementation and effectiveness of all mitigation measures, ensuring compliance with the specified requirements.</p> <p>Reason: To monitor impacts on biodiversity.</p>

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.

Brendan Coyne
Planning Inspector

21st August 2023

