



An
Bord
Pleanála

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

Inspector's Report ABP-313860-22

Strategic Housing Development

383 no. residential units (218 no. apartments, 165 no. houses), creche and associated site works.

Location

Lands at Wayside (including a derelict dwelling known as 'Rockville' and associated derelict outbuildings), Enniskerry Road and Glenamuck Road, Kilternan, Dublin 18.
(www.kilternanvillageshd.ie)

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Liscove Limited

Prescribed Bodies

Inland Fisheries Ireland
Irish Water

Transport Infrastructure Ireland

Observer(s)

Jan Simon Byrne and Anna Miettinen
Byrne
Noeleen and Vincent Gordon
Philip Craig
Timothy Brosnan
Xinqiang Li
Zan Li
Brian and Rosin Vaughan

Date of Site Inspection

26th April 2023 and 30th May 2023

Inspector

Sarah Moran

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The development site is located in the village of Kiltarnan, outside the M50 in the foothills of the Dublin Mountains and c. 15 km from Dublin city centre. The nearest Luas station is c. 2.5 km away at Ballyogan. Kiltarnan village is centred on the Golden Ball crossroads, adjacent to the northwest of the site. The most notable features within the village are a pub/restaurant, a farmer's market, a petrol filling station and shop, a car garage and auto service, a crèche, Kiltarnan Church of Ireland National School, Our Lady of the Wayside National School, Kiltarnan Adult Education Centre, Kiltarnan Parish Church and Our Lady of the Wayside Church. The existing buildings in the immediate area are generally one or two-storeys in height. There have been several recent housing developments in Kiltarnan, primarily on the western and southern sides of the village, as set out in the planning history below. The existing roads layout at Kiltarnan is to change under the permitted Enniskerry Road/ Glenamuck Road Junction Upgrade Part VIII Scheme and the permitted Glenamuck District Distributor Road (GDDR) and Glenamuck Link Distributor Road (GLDR), which are both part of the overall Glenamuck District Roads Scheme (GDRS).
- 2.2. The development site has a stated total area of 11.2 ha and is currently undeveloped. It has a strategic central location in the village with two road frontages. It is bound as follows:
 - Frontage to the R117 Enniskerry Road to the west, with two vehicular accesses to same. The site is opposite the Our Lady of the Wayside Church (a protected structure RPS no. 1802), known locally as the 'Blue Church'.
 - The northwestern corner of the site at the junction of the Enniskerry Road and Glenamuck Road (also known as the Golden Ball junction) is bound by Kiltarnan Farmers Market and the Sancta Maria residential property.

- Frontage to the Glenamuck Road to the north, with one pedestrian access to same.
- The Rockville development to the northeast, accessed from the Glenamuck Road. Rockville House within the Rockville development is a protected structure (RPS no. 1790).
- Further agricultural lands to the northeast, which are zoned for residential development and include the route of the GLDR.
- Residential properties at Ballychorus Road to the south, comprising one-off houses on large plots.
- A petrol station at the southwestern corner of the site, which is accessed from the Enniskerry Road.

There are several field boundaries and hedgerows/ treelines within the site and at site boundaries. There is an existing derelict dwelling, 'Rockville' and associated outbuildings, originally a farm complex, which is to be demolished to facilitate the proposed development, located at the southwestern corner of the site. There is an existing 220KV power line at the eastern side of the site and an existing telecoms mast in the centre of the site. The red line site boundary includes lands outside the ownership of the applicant to facilitate road and drainage works at Glenamuck Road and Enniskerry Road and to connect to the GLDR, also to facilitate drainage works connecting into and through the adjoining Rockville development.

3.0 Proposed Strategic Housing Development

3.1. The following key points of the proposed development are noted:

Site Area	c. 11.2 ha (development site, drainage and roads works within red line site boundary) Stated net 'developable' area 10.8 ha
No. of Units	383
Total Resi Floorspace	c. 40,6089 sq.m.
Non-Residential Development	Neighbourhood Centre (total stated area 2,512 sq.m.) comprising: <ul style="list-style-type: none"> • creche 439 sq.m.

	<ul style="list-style-type: none"> • office 317 sq.m. • medical 147 sq.m. • retail 857 sq.m. • convenience retail 431 sq.m. • community facility 321 sq.m.
Height	2-5 storeys including podium/undercroft levels at Blocks C and D and at the Neighbourhood Centre
Density	Gross 34 units/ha Net 44.5 units/ha (based on net site area of 8.6 ha)
Dual Aspect Units	95% of duplex units 69% of apartments
Public Open Space	18,879 sq.m. (stated as 17% of the site area) Additional 1,572 sq.m. of public open space at the Dingle Way
Amenities / Communal Open Space	2,934 sq.m. communal open space
Childcare	Creche at Neighbourhood Centre (439 sq.m.) to cater for c. 95 no. children
Part V	Transfer of 39 no. units
Roads / Pedestrian and Cycle Infrastructure	New access to the GLDR. Three no. vehicular accesses to the R117 Enniskerry Road and one vehicular access to the Glenamuck Road New pedestrian connections to Enniskerry Road and Glenamuck Road, also to Rockville and to adjoining lands to the east of the site New pedestrian/cycle link, 'Dingle Way', connecting Enniskerry Road to the GLDR
Parking	621 no. residential car parking spaces 57 no. non-residential car parking spaces 12 no. motorcycle parking spaces 473 no. cycle parking spaces for apartments 63 no. cycle parking spaces for non-residential development
Site Services	Connections to existing drainage and water supply at Glenamuck Road via the Rockville development and to new drainage infrastructure to be constructed under the Part VIII scheme

Ancillary Works	<p>Demolition of c. 573.2 sq.m. of existing structures comprising Rockville and associated outbuildings</p> <p>Decommissioning of existing telecommunications mast at ground level and installation of new telecommunications infrastructure at roof level of the new Neighbourhood Centre</p> <p>Solar panels, substations, lighting, plant and all associated site development works above and below ground</p>
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3.4. The proposed housing mix is as follows:

Unit Type	No. of Units	%
Houses		
4-bed house	57	15%
3-bed house	108	28%
Total houses	165	
Apartments / Duplex Units		
3-bed apartment	3	17%
3-bed duplex unit	60	
2-bed apartment	78	33%
2-bed duplex	50	
1-bed apartment	19	7%
1-bed duplex unit	8	
Total apartments/duplex	218	
Total	383	

3.5. The development is to be phased as follows over a five year timeframe:

- Phase 1 at the Enniskerry Road side of the site. 91 no. houses and duplex units. Includes associated drainage, the village green public open space, the road connection from Enniskerry Road to the GLDR and the Dingle Way pedestrian / cycle connection, also demolition works. Access to the GLDR if it is in place, or at a later phase if not.

- Phase 2 between Phase 1 and Rockville, at the centre of the site. 73 no. houses and duplex units.
- Phase 2A comprising the Neighbourhood Centre including 53 no. residential units.
- Phase 3 at the Glenamuck Road site frontage. Apartment Blocks C and D, 59 no. apartments. Access to Glenamuck Road.
- Phase 4 at the southern end of the site. 97 no. houses and duplex units.
- Phase 5 and the current location of Rockville at the southwestern corner of the site. Residential, retail and community uses.

3.6. The application also includes, inter alia, an Environmental Impact Assessment Report (EIAR) and an AA Screening Report.

4.0 Planning History

4.1. Development Site D09A/0471 PL06D.236630

4.1.1. Permission sought for a mixed use scheme including 161 no. residential units, ten no. office units, four no. retail units and a creche on lands at the northern part of the development site. The planning authority refused permission and the Board refused permission on 5th October 2010 for the following reason:

Having regard to the existing features of the site, which include a substantial quantity of mature trees and hedgerow, and having regard to the layout indicated in the Kilternan Neighbourhood Framework Plan 2010, which includes the retention of these trees, it is considered that the layout as proposed, including extensive removal of viable trees and hedgerow to the east of Enniskerry Road and continuous car-parking to the front of the residential units, would fail to have adequate regard to the framework plan, would seriously injure the amenities of the area and of future occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2. Recent Applications at Rockville Adjoining to the Northeast

4.2.1. The following cases relating to the adjoining Rockville lands at Glenamuck Road are noted.

4.2.2. Reg. Ref. D17A/0793 Rockville Phase 1

Refers to a grant of permission on a c. 2.22 ha site comprising Rockville House, a protected structure, and the associated gate lodge and other structures and adjoining lands. It included the demolition of existing agricultural outbuilding, retention of Rockville House and gate lodge as two separate dwellings, retention of an associated walled garden as public open space; 49 no. dwellings consisting of 37 no. detached, semi-detached and terraced 2/3 storey houses and 12 no. apartments in one no. four storey apartment block; new vehicular access from Glenamuck Road and retention and re-use of existing vehicular access to Rockville House and gate lodge for pedestrian and cyclist use; upgrades to Glenamuck Road including new footpath, resurfacing of the carriageway and public lighting. Described as the first phase of development on the residentially zoned lands at Rockville House. Permission granted subject to conditions, none of which required any substantial amendments to the proposed scheme.

4.2.3. Reg. Ref. D18A/0566 and D18A/1191 Rockville Phase 2A

Permission granted for five no. houses on a site to the immediate south of D17A/0793, to be accessed from the permitted local road within D17A/0793, known as Phase 2A of Rockville. Permission was granted to amend D17A/0793 with a change of house types at Phase 2A under D18A/1191.

4.2.4. Reg. Ref. D18A/0940 PL06S.303324 Rockville Phase 2B

Permission refused by Dun Laoghaire Rathdown County Council (DLRCC) for Phase 2B of Rockville to the southeast of Phase 1 as permitted under D17A/0793, comprising a four storey apartment block with 57 no. units. The refusal reasons related to prematurity pending the determination by the planning authority of the GLDR; under provision of a childcare facility; car dominated layout; provision of open space within the restriction corridor of the 220 Kv electricity line; lack of own door units and it was considered that the development would fail to provide an adequate sense of place. The Board refused permission on May 7th 2019 for the following reason:

Having regard to the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and the Kiltiernan Glenamuck Local Area Plan 2013, and to the objective to provide a Glenamuck Link Distributor Road, it is considered that the proposed

development would be premature pending the determination by the planning authority of the road layout for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2.5. Reg. Ref. D20A/0015 ABP-306999-20 Rockville Phase 2B

Another application for Phase 2B of Rockville comprising a four storey apartment block with 56 no. apartments, gym, creche and associated works, to connect to the infrastructure and services in the permitted Rockville Phase 1 and to provide for future connections to other adjoining lands. The planning authority refused permission for two no. reasons relating to (1) prematurity by reference to the existing deficiencies in the road network serving the area with no firm timeframe yet established with regards to the construction of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme. This part of the Kilternan LAP lands has reached capacity in terms of unit numbers and no further development can take place until these infrastructural developments have been constructed; (2) having regard to the piecemeal nature and location of the majority of public open space within the restriction corridor for the 220Kv electricity line, it is considered that the proposed open space is of poor quality and would result in a poor level of amenity for future residents. The Board granted permission on 22nd September 2020.

4.3. **SHD Applications in the Area**

4.3.1. ABP-300731-18 Glenamuck Road

Relating to lands on the southern side of the Glenamuck Road. Permission sought for 141 residential units, a childcare facility and infrastructural works. The Board refused permission on 26th April 2018 for four no. reasons relating to (1) development would not be a sufficiently high density, also development does not provide for an appropriate mix of dwelling types, being predominantly semi-detached housing; (2) inadequate information to facilitate a comprehensive examination of the storm water proposals; (3) substandard level of pedestrian/cycle connection, particularly to the lands to the east/north-east of the application site; (4) development would seriously injure the residential amenities of Shaldon Lodge by reason of overbearing impact and overlooking.

4.3.2. ABP-303978-19 Victoria Homes

Relating to lands on the northern side of the Glenamuck Road. Permission granted on 26th June 2019 for 203 no. residential units comprising 30 houses and 173 apartments/duplex units, creche, a retail unit, a social/amenity facility and associated site works. Stated density of 47.4 units/ha, height 2-6 storeys.

4.3.3. ABP-306160-19 Dun Oir

Relating to lands to the northeast of the Golden Ball junction. Permission granted on 6th April 2020 for demolition of 'Greenmount' and 'Dun Oir' and construction of 197 no. residential units (62 no. houses, 135 no. apartments) and associated site works. Stated density 44.9 units/ha, height 2-5 storeys.

4.3.4. ABP-307043-20 Suttons Field

Relating to lands to the west of Enniskerry Road. Permission granted on 28th August 2020 for 116 no. residential units (85 no. houses, 31 no. apartments), childcare facility and associated site works. Stated density c. 30 units/ha, height 1-3 storeys.

4.3.5. ABP-307506-20 and ABP-312214-21 Shaldon Grange

Relating to lands on the eastern side of Enniskerry Road, north of the Golden Ball junction. Permission sought for 130 no. residential units (55 no. houses, 75 no. apartments) and associated site works under ABP-307506-20. The Board refused permission on 22nd October 2020 for the following stated reason:

Having regard to the conclusion of the Planning Inspector and the planning authority that the proposed development is in material contravention of the Kiltiernan – Glenamuck Local Area Plan 2013 (2023) (in terms of its phasing plan, which allows for 700 units for Phase 1) and that the statutory requirements relating to public notices and a Material Contravention Statement had not been complied with by the applicant, the Board considers that it is precluded from and would not have jurisdiction to consider whether to grant permission in the absence of those statutory requirements being met. In deciding not to accept the Inspector's recommendation to grant permission, the Board was satisfied that it would not have jurisdiction to determine an application which is in Material Contravention of the Kiltiernan – Glenamuck Local Area Plan 2013 (2023) if the statutory requirements relating to public notices and a Material Contravention Statement had not been complied with.

The Board subsequently granted permission for 130 no. residential units (55 no. houses, 75 no. apartments) and associated site works at the site on 11th April 2022 under ABP-312214-21. Stated density 43.9 units/ha, height 2-4 storeys.

4.3.6. ABP-309846-21 Bishop's Gate

Relating to lands on the western side of Enniskerry Road, northwest of the Golden Ball junction. Permission granted on 15th July 2021 for 203 no. residential units (109 no. houses, 94 no. apartments), creche and associated site works. Stated density 40.9 units/ha, height 2-3 storeys.

4.4. **Other Relevant Decisions in the Area**

4.4.1. Reg. Ref. D16A/0054 PL06D.247097 Glenamuck Road

Two houses and associated grounds on the northern side of the Glenamuck Road. Permission sought for demolition of the houses and construction of 139 no. residential units. DLRCC issued a split decision to grant units nos. 31-75 and 91-100, the crèche, open space area 2, an attenuation pond in open space area 3, the associated internal road network, and the works to the Glenamuck Road. The remainder of the development was refused permission for one reason relating to prematurity by reference to the existing deficiencies in the road network. The Board refused permission for the following stated reason:

Development of the kind proposed on the land would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which the constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic on Glenamuck Road where deficiencies in capacity, width, alignment, and structural condition of the road prevail.

4.4.2. Reg. Ref. D18A/0137 ABP-303753-19 Rockhurst, Enniskerry Road

Relating to a house and grounds to the west of Enniskerry Road and northwest of the Golden Ball crossroads. Permission was granted by the planning authority and by the Board on 15th August 2019 for 18 no. two storey dwellings to the rear of an existing dwelling on a 0.545 ha site, with ancillary services, roads, landscaping and associated works.

4.5. Road Schemes in the Area

4.5.1. Glenamuck District Road Scheme HA06D.303945 and KA06D. 304174

Part 10 application for the overall Glenamuck Road Scheme (GDRS) scheme including a CPO for the acquisition of the necessary land was granted by the Board on 18th December 2019. The GDRS comprises the following main elements:

- Glenamuck District Distributor Road (GDDR), a single carriageway from tie-in at Enniskerry Road to the tie-in at the Glenamuck Road East/Golf Lane Roundabout
- Glenamuck Link Distributor Road (GLDR), a single carriageway from tie-in at Enniskerry Road to the GDDR, which runs along part of the eastern site boundary
- Provision of Regional Surface Water Attenuation Ponds, a SUDS drainage scheme to cater for both the new roads infrastructure and to provide secondary/regional attenuation and treatment development lands within the LAP area

The DLRCC website states in relation to its Capital Programme that the GDRS is currently at tender stage with work on the GDDR planned to commence in Q1 2023 (De La Salle grounds Stepside to Carrickmines roundabout) with completion in Q4 2023. Work will then commence on the GLDR to Kilternan. The road scheme is scheduled to take about two years.

4.5.2. Reg. Ref. PC/IC/01/17 Glenamuck Road/Enniskerry Road Junction Part VIII Scheme

Part VIII approval was granted at a meeting of Dun Laoghaire Rathdown County Council on 11th September 2017 for a scheme at the Enniskerry Road/Glenamuck Road (Golden Ball) junction. It extends as far as the entrance to Rockville on the Glenamuck Road. The scheme involves the following:

- Widening of both sides of the Glenamuck Road to allow for the provision of left and right turning lanes, cycle lanes and footpath approaching the Golden Ball junction. Also removal of a 'pinch point' at Cromlech Close.
- General upgrading of the Golden Ball junction to provide improved pedestrian and cycle facilities. Cycle lane/tracks on Glenamuck Road.

- Provision of a new right turning lane on the Enniskerry Road at the southern approach to the Golden Ball junction with a new frontage to the Kiltiernan Country Market at the eastern side of the road.
- Improved pedestrian crossings incorporated within signalised junctions including new crossings on the northern and western sides of Enniskerry Road.
- Upgraded public lighting.
- Attenuation pond to the east of Glenamuck Road.

According to the DLR website, it is now intended to include these works as part of the GDRS. The project is currently at tender stage and work on the junction upgrade is due to begin Q4 2023/early Q1 2024. The DLR website states:

These works will improve pedestrian and cycle facilities as well as greatly improve traffic flows through the junction, and will facilitate some interim development in the area in advance of the construction of the GDDR (Glenamuck District Distributor Road), as outlined in the Kiltiernan Glenamuck Local Area Plan 2013.

5.0 Section 5 Pre Application Consultation

5.1. Previous Pre-Application Consultations ABP-302409-18 and ABP-304820-19

- 5.1.1. There were previous SHD pre-application consultations relating to lands at the development site under ABP-304820-19 (257 no. residential units and a neighbourhood centre) and ABP-302409-18 (279 no. residential units and a neighbourhood centre).

5.2. Pre-Application Consultation for Proposed Development ABP-312007-21

- 5.2.1. The pre-application consultation related to a proposal to demolish the existing structures at the site and to construct 397 no. residential dwellings and a Neighbourhood Centre at the development site. A section 5 consultation meeting took place on 24th February 2022 between representatives of ABP, the planning authority, and the prospective applicant. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, the Board issued an Opinion on 11th March 2022, which considered that

the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.

5.2.2. ABP also required specific information to be submitted with the application pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, including, inter alia:

- A statement that in the prospective applicant's opinion the proposal is consistent with specific objectives of the Kiltarnan LAP 2023 for Land Parcel 22. Such statement should have regard to the development plan and or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
- A detailed statement demonstrating how the mix and quantum of non-residential use proposed within the Neighbourhood Centre is appropriate, given the 'NC' zoning and associated specific objectives set out in the Kiltarnan LAP and the level of residential development permitted to date and proposed for the wider Kiltarnan area.
- A detailed statement demonstrating how the proposed development ties in with the wider development strategy for the landholding and the overall Kiltarnan area, with regard to a phasing strategy.
- A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where/if the proposed development materially contravenes the statutory Plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
- Justification of tree loss, hierarchy and quantum of open space provision, both communal and public open space. Clarity with regard to compliance with development plan standards.

5.3. Applicant's Statement of Response to Pre-Application Consultation

5.3.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which outlines the information/documentation submitted as specified in the ABP Opinion. The submitted

Architectural Design Statement and landscaping proposals also include responses to the information requested in the pre-application Opinion.

6.0 Relevant Planning Policy

6.1. National Planning Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009)
- Design Standards for New Apartments Guidelines for Planning Authorities (2020 and as updated December 2022)
- Design Manual for Urban Roads and Streets (DMURS) (2013)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Childcare Facilities Guidelines for Planning Authorities (2001)
- Retail Planning Guidelines for Planning Authorities (2012)

6.2. Project Ireland 2040 National Planning Framework

6.2.1. The National Planning Framework (NPF) supports the development of Ireland's cities and urban areas to achieve compact growth. The following National Policy Objectives (NPOs) are noted in particular:

NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.3. Dun Laoghaire Rathdown County Development Plan 2022-2028

6.3.1. The Dun Laoghaire Rathdown County Development Plan 2022-2028 came into effect on 21st April 2022 and is therefore the relevant development plan for the subject development, which was lodged on 22nd June 2022.

6.3.2. The development site is subject to two separate zoning objectives as per development plan Map 9. The majority of the lands have the zoning objective 'A' 'To provide residential development and improve residential amenity while protecting the existing residential amenities.' There is also a strip of land along the Enniskerry Road frontage of the site that has the zoning objective 'NC' 'To protect, provide for

and/or improve mixed-use neighbourhood centre facilities.’ In addition, the objective ‘To protect and preserve trees and woodlands’ applies at the northern end of the site, close to the Glenamuck Road frontage. There is also a six year roads objective for the GDRS to the north and east of the site.

6.3.3. The following development plan policy relates to demolition of existing buildings:

Policy Objective CA6: Retrofit and Reuse of Buildings It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES)

6.3.4. Development plan Chapter 4 addresses residential development, including the following policies which are noted in particular:

Policy Objective PHP2: Sustainable Neighbourhood Infrastructure It is a Policy Objective to:

- *Protect and improve existing sustainable neighbourhood infrastructure as appropriate.*
- *Facilitate the provision of new sustainable neighbourhood infrastructure that is accessible and inclusive for a range of users consistent with RPO 9.13 and RPO 9.14 of the RSES.*
- *Encourage the provision of multi-functional facilities, space and lands in the delivery and/or improvement of sustainable neighbourhood infrastructure.*

Policy Objective PHP3: Planning for Sustainable Communities It is a Policy Objective to, inter alia:

- *Ensure that an appropriate level of supporting neighbourhood infrastructure is provided or that lands are reserved for Sustainable Neighbourhood Infrastructure (SNI), in conjunction with, and as an integral component of, residential development in new residential communities as identified in the Core Strategy (see Figure 2.9, Chapter 2).*

Policy Objective PHP4: Villages and Neighbourhoods It is a Policy Objective to:

- *Implement a strategy for residential development based on a concept of sustainable urban villages.*
- *Promote and facilitate the provision of '10-minute' neighbourhoods*

Policy Objective PHP6: Childcare Facilities It is a Policy Objective to: Encourage the provision of appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities across the County. In general, at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. Encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage.

Policy Objective PHP18: Residential Density It is a Policy Objective to: Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

Policy Objective PHP19: Existing Housing Stock - Adaptation It is a Policy Objective to: Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

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

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

Policy Objective PHP31: Provision of Social Housing It is a Policy Objective to promote the provision of social housing in accordance with the Council's Housing Strategy and Government policy as outlined in the DoHPLG 'Social Housing Strategy 2020'. The Affordable Housing Act 2021 provides for 20% for social and affordable homes.

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

- 6.3.5. The following objectives on towns, villages and retail development, as set out in development plan Chapter 7, are noted:

Policy Objective MFC1: Multifunctional Centres It is a Policy Objective of the Council to embrace and support the development of the County's Major Town Centres, District Centres and Neighbourhood Centres as multifunctional centres which provide a variety of uses that meet the needs of the community they serve.

Policy Objective RET7: Neighbourhood Centres It is a Policy Objective of the Council to support the development of the Neighbourhood Centres as the focal point of the communities and neighbourhoods they serve, by way of the provision of an appropriate mix, range and type of uses – including retail and retail services – in areas zoned objective 'NC' subject to the protection of the residential amenities of the surrounding area.

- 6.3.6. Development plan Chapter 9 provides policies on open space including the following:

Policy Objective OSR4: Public Open Space Standards It is a Policy Objective to promote public open space standards generally in accordance with overarching Government guidance documents 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities', (2009), the accompanying 'Urban Design Manual - A Best Practice Guide', and the 'Sustainable Urban Housing: Design Standards for new Apartments', (2020).

- 6.3.7. Development plan Chapter 12 sets out development management standards for residential development including childcare facilities, residential size and mix, residential density, infill development, demolition and replacement dwellings, car and

cycle parking standards, public and communal open space in residential developments, play facilities and retention of existing trees and hedgerows. In particular, section 12.3.4.2 states the following in relation to daylight and sunlight:

Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) and/or any updated, or subsequent guidance, in this regard. A daylight analysis will be required for all proposed developments of 50+ units, or as otherwise required by the Planning Authority. The impact of any development on existing habitable rooms should also be considered.

6.3.8. Development plan Appendix 2 provides the county Housing Strategy and Housing Demand and Need Assessment (HDNA).

6.3.9. Development plan Appendix 5 provides the county Building Height Strategy. Table 5.1 of Appendix 5 sets out performance based criteria for the assessment of increased building height in the county. The following policy is noted in particular:

Policy Objective BHS 2 Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of county plan)

It is a policy objective to promote and support proposed heights as set out in any approved statutory Local Area Plans and as set out for certain areas in this County Development Plan (Sandyford Urban Framework Plan area, Dundrum Urban Framework Plan Area and Dun Laoghaire Urban Framework Plan area).

Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above on the basis of placemaking. In those instances, any such proposals must be assessed in accordance with the performance based criteria set out in table 5.1 which is contained in section 5. The onus will be on the applicant to demonstrate compliance with the criteria.

Within the built up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.

6.4. Kiltiernan Glenamuck Local Area Plan 2013 (extended to September 2023)

6.4.1. The overall strategy for the LAP lands is based on the roads improvement objectives for the GDDR and GLDR to bypass Kiltiernan village, which will facilitate development of the village centre and a new civic node at the Enniskerry Road. There is a Section 49 Supplementary Development Contribution Scheme for the GDRS. The LAP also provides for upgrading of the existing Glenamuck Road and Enniskerry Road as per the Part VIII scheme, to provide pedestrian and cycle facilities, also the upgrading of the Enniskerry Road to a traffic calmed street to function as part of the neighbourhood centre. LAP section 2.2 sets out a broad framework and principles of development including objectives RE01-RE09 relating to residential development including the following, which is noted in particular:

RE03 To facilitate the provision of appropriate residential densities and a mixture of dwelling units, types and tenures taking into account proximity to public transport corridors, site topography, sites of archaeological interest/ protected structures and natural features.

6.4.2. The following objective stated in LAP Chapter 3 is noted:

LHC10 Conserve, enhance and manage the natural heritage within the LAP area including its biodiversity, landscapes and geological heritage and promote understanding of and sustainable access to it.

6.4.3. LAP Chapter 4 deals with residential development and provides guidance on residential design and density. Table 4.1 indicates the following in relation to the land parcels at the development site:

- Total of 400-450 no. units at parcels nos. 20a (comprising most of the development site) and 20b (lands at the Glenamuck Road / Enniskerry Road junction including the existing Kiltiernan Market site). This area is to be developed at a density of 40-45 units/ha.
- No indicative number of dwellings for parcel no. 22 at the NC zoned lands at the development site.

Section 4.8 states the following in relation to height of residential developments:

Within the Medium Density Res. zone 2-3 storeys would be encouraged with four storey elements to be concentrated along the proposed main and link distributor roads, and/or at key entrances to sites.

6.4.4. Chapter 5 provides the following movement and transport objectives, which are relevant to the proposed development:

- The existing Enniskerry Road and Glenamuck Road are to be the main public transport routes for the area with a new bus gate where the Enniskerry Road joins with the extended GLDR. Only public transport vehicles, cyclists and pedestrians are to be allowed access to and from Kiltiernan village from the Enniskerry Road at the bus gate. All other vehicles will not be allowed to make this movement. Another bus gate at the junction of the Glenamuck Road and the GLDR, to the east of the development site.
- Traffic improvements proposed for the portion of (traffic calmed) Enniskerry Road aligned through the Kiltiernan village core, from The Church of Ireland Parish site to the north to the Enniskerry / Ballybetagh Road junction to include provisions for cyclists and pedestrians. Upgrading of the section of Enniskerry Road that traverses the Kiltiernan civic node with pedestrian infrastructure and traffic calming measures.
- Section 5.3.4 states that parking provision for the Primary Neighbourhood Centre shall preferably be underground or, if this is not feasible, at a location that does not impinge on/detract from areas where the focus is on providing a boulevard setting for the pedestrian shopper/patrons. This parking may need to be provided to the 'rear' of the facility and/or screened.

6.4.5. Chapter 7 provides objectives on open space including the following, which is noted in particular:

OS03 To acknowledge and respect areas of ecological importance, local topography, watercourses, hedgerows, woodlands, mature trees and views when providing open space and to ensure the protection of ecological linkages when providing open space within the Plan area.

LAP section 7.1.2 states in relation to the provision of public open space at the development site:

The open space to be provided in conjunction with Land Parcel No. 20a (and Land Parcels 5a and 2) will require to be provided in a manner that facilitates the objective to provide a green way link connecting the future amenity facility being developed on the former landfill site to the Primary Neighbourhood Centre.

Section 7.1.4 states:

Extensive tree planting should be undertaken along the western side of the Link Road reserve abutting Land Parcels No. 26a and 20a to provide a green screen for the Kiltarnan Village Core. A break in this landscaped strip is to be provided at the location of the central public open space area in Land Parcel no. 20a to create a vista to the central Civic space associated with the Primary NC Neighbourhood Centre development.

Map 13 provided in Chapter 7 indicates a 60m wide restriction corridor at the 220KV electricity line at the eastern side of the site.

- 6.4.6. LAP Chapter 9 provides the following guidance on the neighbourhood centre within the development site:

It is envisaged that this Primary Neighbourhood Centre (Land Parcel No. 22) would include a large convenience store/small supermarket anchor tenant. This store would be designed into the integrated overall design for the centre. Other units suitable as individual shops and retail service outlets, such as newsagent, pharmacy, video store, doctor's surgery or estate agency uses should be provided. Each Local Centre could also include a public house.

Chapter 9 sets out objectives on retail and commercial development including the following:

NC01 To provide of an appropriate mix of residential/ commercial/ retail/ community services development in the new neighbourhood centres to ensure a high quality and attractive civic environment, a sense of both place and vitality, and which optimises access to public transport corridors.

NC02 To develop clear permeability and linkages between the neighbourhood centre/s and adjoining land uses.

NC03 To ensure that new development relates to the existing/ established perceived village core, and to respect any key views, landmarks and/or other features, if applicable.

NC04 Provision should be made for civic recycling facilities at the Primary Neighbourhood Centre.

- 6.4.7. LAP Chapter 10 sets out phasing requirements. It emphasises that the future development of the area is dependent on the delivery of the proposed roads infrastructure. Section 10.6 sets out interim proposals for development in advance of the GDRS. It states that up to 700 residential units can be accommodated on an existing upgraded road network as Phase 1, prior to the construction of the GDRS. LAP section 10.6 sets out 13 criteria to be considered in the case of developments proposed in advance of that scheme and provides further, more detailed provisions in relation to Phase 1 as follows:

PHASE 1 (a) to comprise c. 350 dwelling units:

A. GLENAMUCK ROAD UPPER/NORTH PORTION (c. 200 dwelling units) This area encompasses the lands designated as 'medium-higher density residential' at the northern section of Glenamuck Road.

B. NODE AT JUNCTION OF ENNISKERRY AND GLENAMUCK ROADS (c. 150 dwelling units) This area includes the lands designated as 'medium density residential' to the east of the Enniskerry Road. Any proposed developments must include the improvement of Glenamuck Road.

PHASE 1 (b) to comprise c. 350 dwelling units:

C. CONCENTRATED AT VILLAGE CORE / ALONG ENNISKERRY ROAD These lands include the lands zoned as 'Neighbourhood Centre' and 'Residential' along the Enniskerry Road. Development is dependent on the delivery of the Traffic Calming Scheme and must include the improvement of the Enniskerry Road through the 'Village Core.'

The phasing map provided indicates that the A zoned lands at the development site are within Phase 1(a)B and the NC zoned lands are within Phase 1(b)C.

- 6.4.8. The LAP map indicates that the site is within land parcels no. 22 at the frontage to Enniskerry Road and land parcel no. 20A at the remainder of the site.

The map indicates a greenway link with a pedestrian/cycle route to the GLDR at the southern end of the site, as well as tree planting and a restriction corridor along the power line. It also shows a civic space with an artistic feature at the centre of the NC zoned lands at the Enniskerry Road frontage. The map includes indicative access routes from the Glenamuck Road and the Enniskerry Road, to connect to Rockville and the GLDR.

6.4.9. LAP Chapter 11 provides the following guidance for land parcels nos. 20A and 22:

	Land Parcel 20A
Zoning	Objective A
Gross Area (ha)	13 ha
Type of development	Medium density residential – apartments 20b - Currently houses Kilternan Country Market. In the longer-term, though medium density residential development (apartments, duplex, terrace) would be appropriate. Country Market use could re-locate to a facility within the NC. (The community use and the tradition of a market in this local area is important, not necessarily the building per se.), duplex, terrace/courtyard.
Uses to be discouraged	Use of houses for doctor's rooms, office etc. i.e. 'conversion of residential use'. These type of facilities should locate within NC zoning.
Density / plot ratio	40-45 units/ha
Height	2-4 storeys Four storey elements to be at locations on road frontages, adjacent to NC
Building materials	To incorporate an element of granite
Architectural style specifications	<ul style="list-style-type: none"> • Development abutting NC to complement design • Development to have regard for the protected structure 'Rockville' and its associated curtilage
Other comments	<ul style="list-style-type: none"> • Alignment of internal loop and other roads will inform the edge treatment. • Issue of height differential of western portion of land parcel 20a to Glenamuck Road

	<ul style="list-style-type: none"> Importance of pedestrian & cycle permeability between 'G' and 'B' zonings to the east through 20a (residential) to the NC use to the west and then across Enniskerry Road to the education and other community uses to the west
	Land Parcel 22
Zoning	Objective NC
Gross Area (ha)	3 ha
Type of development	<p>Residential, commercial, retail and community services.</p> <ul style="list-style-type: none"> This to be the 'heart' of Kiltarnan, i.e. this will be the primary centre. Emphasis should be on providing facilities for locals, i.e. not to include businesses that 'attract' outside business, although it is acknowledged that may be used by passing through traffic on Link Distributor Road, who may deviate to make use of the facilities. Design of Centre – need for an integrated development, not piecemeal. This is achievable since all in one ownership. Could include residential (1/3), commercial/office (1/3) and retail. Office use to include doctor's and dentists, etc. rooms Could potentially include a cultural facility. Should include an anchor retail facility to provide a much needed retail facility for current and future residents. This anchor store must however be appropriately integrated into the development. In due course could include accommodation for Kiltarnan Country Market. Could also accommodate community facilities – health related, post office (no PO in the area). Potential for accommodating an open air/partially covered market in the central plaza area
Uses to be specifically encouraged	Facilities to serve the local community
Uses to be discouraged	Facilities that attract non-local users
Density / plot ratio	<p>40-45 units/ha for residential</p> <p>Offices 1:0.5</p>

Height	2-4 storeys
Building materials	To incorporate an element of granite
Architectural style specifications	<ul style="list-style-type: none"> • Can be contemporary, but including 'vernacular' elements. No 'themed' development. • To include an appropriate water feature, sculpture or the like in the central civic space
Special conditions	Any development proposals shall be guided by the general design principles of the Kiltiernan Neighbourhood Framework Plan
Other comments	<ul style="list-style-type: none"> • Importance of permeability through plaza area from north-east to south-west. • Needs to include recycling facilities. • Parking facilities to be undergrounded or peripheral and/or placed to the 'rear'

6.4.14. Kiltiernan Neighbourhood Framework Plan

The Kiltiernan Neighbourhood Framework Plan (NFP) is incorporated as an appendix of the current LAP. The framework plan sets out masterplan provisions with regard to block structure, use mix, architectural style and materials. It seeks to create a focused village centre at Kiltiernan, to replace the current dispersed layout, centred on the Neighbourhood Centre zoned lands at the development site. Land parcel 22 is to form the primary centre of the village and is to have an urban form to reflect its visual primacy. It is to be the main retail centre of Kiltiernan, complemented by community facilities, with a village green to serve a variety of uses including play or market spaces. The stated aim of the plan for these lands is as follows:

Reinforce the node centred on Our Lady of the Wayside Church and to concentrate retail, commercial and community activities in one area centred on a new 'green' that will become the heart of the village. Maintain the scale and height of existing development along the Enniskerry Road. Direct higher and denser development away from the road edge deeper into the zoned development lands.

In addition to the above, the village green is to function as a visual connection between the village and Our Lady of the Wayside Church across the road. The plan

also envisages a landmark building at the community centre located at the northwestern corner of the village green and states in relation to same:

It is not necessarily appropriate that this building is taller but the Framework Plan suggests that it is located in a prominent location and is of the best design quality to highlight its civic status.

The plan details further elements of the vision for the development site and outlines a hierarchy of new streets/spaces to connect with the existing road network including the provision of the 'Dingle Way' connection between the Enniskerry Road and the GLDR at the southern end of the site. This route is to function as a vista centred on Our Lady of the Wayside Church. The indicative layout also includes a vehicular/pedestrian/cycle connection across the centre of the development site between Enniskerry Road and the GLDR via the Rockville lands, which is described as a 'primary route'. The plan provides detailed guidance on architectural style at the neighbourhood centre, village green and Dingle Way. It states in the following in relation to the Dingle Way:

Along the 'Dingle Way' as many of the key landscape features as possible must be retained and celebrated in order to respect and enhance the uniqueness of the place. Wherever possible, stands of trees should be retained and strengthened. The potential for these spaces to assist wildlife movement, a wide range of walking and cycling circuits and for providing open and play spaces should be explored.

6.5. Statement of Consistency

6.5.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016. The Statement considers compliance with national and regional strategic planning policy and guidance documents and the county development plan. The following points are noted:

- The development will support the delivery of housing at an existing settlement and will contribute towards several National Policy Objectives of the NPF including NPOs 1b, 1c, 2a, 3a, 3b, 4, 5, 6, 8, 11, 32, 33 and 35.
- The development will support various objectives of the EMRA RSES including RPOs 4.3, 5.4, 5.5, 9.4.

- The development will increase housing supply at a higher density and will support social inclusion by providing 39 No. Part V units (10%) and therefore will contribute towards meeting the four pathways outlined in Housing for All.
- The applicant provides a rationale with regard to the development management criteria set out in the Building Height Guidelines. It is submitted that the proposed height of five storeys is consistent with national policy guidance notwithstanding that it is a material contravention of the LAP.
- It is submitted that the development site is located within a 'Peripheral and/or Less Accessible Urban Location' as per the Apartment Guidelines with regard to existing public transport provision in the area. The proposed apartment mix is in accordance with SPPR 1. The apartments have been designed to be in accordance with relevant SPPRs of the Apartment Guidelines in relation to apartment mix, floor areas, floor to ceiling heights, dual aspect units and private/communal open space.
- The proposed net density of 44.5 units/ha is in accordance with the Sustainable Residential Development in Urban Areas Guidelines. The recommended 22m separation distance is generally observed, however there are reduced distances at Blocks C and D to adjacent dwellings in Rockville. It is submitted that the development is designed to prevent overlooking, also there are mostly car parking spaces and streets located in Rockville. There is a pinch point at the location of the existing apartment block in Rockville however this recently developed block is built very close to the application site boundary and in this instance, it would be difficult to achieve the 22m separation distance with any development at the subject site.
- The Statement includes analysis of the development with regard to the 12 criteria set out in the Urban Design Manual.
- The retail element of the proposed neighbourhood centre is in accordance with guidance on local retail units in the Retail Planning Guidelines.
- The submitted Traffic and Transport Assessment addresses consistency with DMURS.

- The development is located in Flood Zone C with regard to the Flood Risk Management Guidelines.
- The proposed creche within the development will cater for c. 95 no. children in accordance with the Childcare Guidelines.
- The applicant provides a detailed rationale for the development with regard to relevant policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2022-2028 including in relation to zoning objectives and development management standards for residential development.
- With regard to LAP phasing, it is submitted that the application is submitted subsequent to the permission granted by ABP for the GDRS in December 2019. The applicant provides a detailed analysis of permitted residential developments in Kilternan since 2007 with regard to the LAP phasing and the projected timeframe for the GDRS, also the 13 criteria set out in the LAP for development precedence and the LAP parameters for land parcels 20A and 22.
- The Statement addresses the main objectives for the development site stated in the Kilternan Framework Plan.

6.6. Statement of Material Contravention

- 6.6.1. The applicant has submitted a Material Contravention Statement in relation to the matters of phasing, building height, car parking, apartment mix, daylight and sunlight, separation distances, layout of the neighbourhood centre, layout of the office space in the neighbourhood centre, multi-use games area, trees and woodlands, parking bays and provision of a bring centre, with regard to policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2022-2028. At the outset, it is submitted that the development is of both strategic and national importance with regard to the potential delivery of objectives and targets of Rebuilding Ireland, Housing for All and the NPF, at an accessible location served by public transport, and that permission should be granted under section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended), i.e. on the basis that the proposed development is of strategic or national importance. The points made in relation to each of the above matters may be summarised separately as follows.

6.6.2. Material Contravention Statement on LAP Phasing of Development

- Notes the phasing provisions of the Kiltarnan LAP, also the permitted GDRS and Glenamuck Road/Enniskerry Road Junction Part VIII Scheme.
- At the time of writing the Statement, permission had been granted for 657 no. residential units within Phase 1(a)(B) and for 565 no. units within Phase 1(b)(C), a total of 1,222 no. units. In addition, some 148 no. units were permitted in Phase 1(a)(A) with permission pending for three no. additional units. Therefore, a total of c. 1,370 no. units were permitted in the three phases with an additional three no. units pending a decision. The subject proposed development of 383 no. units will bring the total to c. 1,753 no. units (plus three no. units pending) if permission is granted.
- A detailed table of permissions granted at Kiltarnan is submitted. It is stated that, out of the 1,370 no. permitted units, some 1,136 no. residential units had either commenced or completed construction at the time of writing (133 no. units in Phase 1(a)(A), 456 no. units in Phase 1(a)(B) and 547 no. units in Phase 1(b)(C).
- It is submitted that the GDRS is projected to begin construction in Q3/Q4 2022 and is estimated to be completed by Q3/Q4 2024, in line with the estimated opening of Phase 1 of the proposed development in Q3 2024. Therefore, the necessary infrastructure will be available to facilitate the development.
- The Board Order permitting the SHD ABP-309846-19 at Bishop's Gate on 15th July 2021 noted that that development would materially contravene the LAP with respect to the programme and phasing of development. In that case, the Board considered the material contravention to be justified with regard to section 37(2)(b)(iii), as the proposed development was considered to be in accordance with national policy as set out in the NPF, specifically NPO 3(b), also the Apartment Guidelines. The Board also considered that section 37(2)(b)(iv) applied as ABP had previously permitted residential schemes in the immediate vicinity of that site including 197 no. units under ABP-306160-19 and 116 no. units under ABP-307043-20.
- The applicant submits a rationale with regard to the 13 criteria set out in the LAP to be considered in the case of developments proposed in advance of the delivery of the GDRS.

6.6.3. Material Contravention Statement on Building Height

- The development including building heights of five storeys at Blocks C and D at the northeastern corner of the site.
- The applicant submits a rationale with regard to the criteria set out in Table 5.1 of the development plan Building Height Strategy. It is submitted that the development meets these criteria and is therefore consistent with development plan policy on building height, however the matter is addressed in the Material Contravention Statement on a precautionary basis.
- It is submitted that the LAP and development plan objectives in relation to building height do not align as the development plan allows an assessment for increased height while the LAP is prescriptive (potentially as it was adopted nine years ago and planning policy has progressed since its adoption). In addition, the development plan now takes the Building Height Guidelines into consideration. Therefore, section 37(2)(b)(ii) applies.
- It is submitted that section 37(2)(b)(iii) applies with regard to the NPF, the RSES, the Apartment Guidelines and, in particular, the Building Height Guidelines, which were subsequent to the LAP. The applicant submits a rationale with regard to the development management criteria of the Building Height Guidelines and it is submitted that the proposed development may be justified with regard to same.
- The Statement refers to recent SHD permissions in the area in the context of section 37 (2)(b)(iv), including:
 - ABP-306160-19 Dun Oir SHD, 2-5 storeys
 - ABP-303978-19 Victoria Homes SHD, 2-6 storeys
 - ABP-312214-21 Shaldon Grange SHD, 2-4 storeys
 - ABP-307043-20 Suttons Field SHD, 1-3 storeys
 - ABP-309846-21 Bishop's Gate SHD, 2-3 storeys
 - D17A/0793 Rockville Phase 1, 2-4 storeys

6.6.4. Material Contravention Statement on Car Parking

- The development site is located in car parking Zone 3. There is a total requirement of 640 no. car parking spaces for the residential units (611 no. for the units and 29 no. visitor spaces) and 57 no. spaces for the non-residential uses, i.e. a total of 697 no. spaces for the entire development.
- The proposed car parking provision comprises:
 - 330 no. spaces to serve the 165 no. houses, which is in accordance with development plan standards;
 - 221 no. spaces to serve 218 no. apartment and duplex units at a ratio of c. 1 space per unit, less than the 281 no. spaces to comply with development plan standards for apartment/duplex units. Also 70 no. visitor car parking spaces to serve the apartment/duplex units at a rate of 0.32 per unit, which is higher than the 29 no. visitor parking spaces required to meet development plan standards;
 - 57 no. spaces to serve the non-residential uses, which is in accordance with development plan standards.
- The applicant submits a rationale for the proposed car parking provision and notes that the proposed provision for the apartments and duplex units is in accordance with the Apartment Guidelines 2020 with regard to section 37(2)(b)(iii).
- Development plan section 12.4.5.3 provides criteria for consideration of a deviation from car parking standards. It is submitted that as the development plan sets a 'standard' for car parking in Parking Zone 3 but also allows a deviation from the standards subject to specific criteria, section 37(2)(b)(ii) applies as the car parking standard is not clearly stated in the plan.
- The applicant notes the Board's permission for the Shadon Grange SHD ABP-312214-21, which included a reduced car parking provision of a total of 204 no. spaces as follows:
 - 72 no. spaces for 75 no. apartments (1 per unit);
 - 105 no. spaces for 55 no. houses (2 per unit); and

- 27 no. visitor parking spaces (c. 0.2 per unit).

In addition, condition no. 3 of the Board order of ABP-312214-21 required the omission of a further 45 no. spaces, resulting in a total provision of 159 no. spaces. It is submitted that the Board has permitted a reduced car parking provision and that section 37(2)(b)(iv) applies in this regard (while caveating that the development plan was only recently adopted).

6.6.5. Material Contravention Statement on Apartment Mix

- Development plan Table 12.1 requires a minimum of 40% 3+ bed apartments and up to 60% studio, one and two-bed units, with no more than 30% of the overall development as a combination of one-bed and studios and no more than 20% of the overall development as studios. The development provides 12% one-bed apartment units, 59% two-bed units and 29% 3-bed units, which does not meet the 40% requirement for three bed units. In addition, the combined total of 72% one and two-bed units exceeds the 60% standard.
- It is submitted that section 37(2)(b)(iii) applies with regard to national policy, specifically the Apartment Guidelines and the NPF.

6.6.6. Material Contravention Statement on Daylight and Sunlight

- The daylight/sunlight report demonstrates a small number of rooms that do not fully meet BRE criteria, which may be considered a material contravention of development plan section 12.3.4.2. The applicant provides details of proposed compensatory design solutions for rooms that do not meet BRE criteria, including orientation, increased floor areas, provision of private and/or communal open space above the minimum required and views of trees/amenity areas. It is submitted that the Apartment Guidelines allow alternative, compensatory design solutions to be provided where some units do not fully meet ADF requirements, and thus the development can be facilitated through section 28 Guidelines in the context of section 37(2)(b)(iii), noting also that the development will achieve wider planning objectives such as sustainably densifying lands in the centre of Kiltarnan and the provision of an effective urban design and streetscape solution at the site.

6.6.7. Material Contravention Statement on Separation Distances

- Development plan section 12.3.5.2 states that a minimum clearance distance of c. 22 m is generally required between opposing windows at apartment blocks up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. Reduced distances may be acceptable in certain instances in built up areas, depending on orientation and location.
- There are instances within the development where separation distances are less than 22m at a limited number of locations, however the facades are designed to obviate overlooking.
- There are reduced separation distances between Blocks C and D and the site boundary with Rockville, it is submitted that the intervening area is mainly occupied by streets and car parking and that a reduced distance to the Rockville apartment block would be difficult to achieve in any case due to a pinch point, therefore a reduced distance is considered acceptable in the interests of sustainably developing these serviced lands.
- It is submitted that section 37(2)(b)(iii) applies with regard to the NPF and the Guidelines on Sustainable Development in Urban Areas.

6.6.8. Material Contravention Statement on Layout of the Neighbourhood Centre

- The Kiltarnan Neighbourhood Framework Plan provides a layout for the area of the development site fronting onto the Enniskerry Road. The proposed layout of this area is broadly similar to that of the NFP and the proposed uses are in accordance with the NC zoning objective, however there are some differences in the location of the community facility and retail units at the Village Green.
- It is submitted that the proposed Neighbourhood Centre sits well in its context and allows the rest of the site to be appropriately densified in accordance with national planning policy, therefore the development is acceptable in the context of section 37 (2)(b)(iii).

6.6.9. Material Contravention Statement on Layout of Office Space in the Neighbourhood Centre

- The LAP requirements for land parcel no. 22 state that office space is to be provided at a plot ratio of 1:0.5. The proposed office space is slightly in excess of the ratio provision. This issue is included in the Material Contravention Statement on a precautionary basis.
- It is submitted that the rationale for the plot ratio set out in the LAP is not clearly stated and the development can therefore be facilitated in the context of section 37(2)(b)(ii).

6.6.10. Material Contravention Statement on the Multi Use Games Area

- Section 9.1 of the LAP states that provision shall be made for the development of a playground area and multi-use games area (MUGA) facility at or in the immediate vicinity of the neighbourhood centre.
- The applicant submits that the development includes a community facility which can accommodate community meetings and youth activities if required. It also provides various structured and natural play spaces and extensive grass areas suitable for kickabout spaces.
- The provision of high-quality open space with various play spaces, while retaining as much natural features as possible, will allow the site to be appropriately densified in accordance with national planning policy and the development can therefore be facilitated in accordance with section 37(2)(b)(ii).

6.6.11. Material Contravention Statement on Trees and Woodlands

- The development plan zoning map includes an objective 'to protect and preserve trees and woodlands' across the northern portion of the site near Glenamuck Road. The development will involve the removal of some trees as detailed in the Arboricultural Assessment, which will be mitigated by the proposed landscaping with the addition of 659 no. trees.
- This matter is addressed in the Material Contravention Statement in the event that ABP considers the removal of a number of trees (35.5%) to be a material contravention (noting that 64.5% will be retained).

- It is submitted that some removal of trees is necessary in order to appropriately densify these underutilised and strategically located lands, having regard to the express requirement in national planning policy to achieve compact growth and thus the development is acceptable in line with section 37(2)(b)(iii).

6.6.12. Material Contravention Statement on Parking Bays

- Development plan section 12.4.5.7 sets out detailed requirements for parking bays stating that, in general, parking bays shall be a minimum 2.4m in width and 4.8m in length with increased dimensions required for short-stay retail parking spaces and loading/set down parking areas. Car parking dimensions for in-curtilage parking are set out in Section 12.4.8.1 (5.5m x 3m minimum).
- The proposed car parking has a minimum dimension of 2.4m x 4.8m in all cases and is designed in accordance with DMURS section 4.4.9 'On Street Parking and Loading'. In-curtilage car parking does not accord with the Development Plan standards of 5.5m x 3m minimum. It varies across the development but bays are generally 5.3m deep x 2.5m wide. The applicant submits a design rationale for this including safety and the use of additional space for landscaping, SUDS, access to dwellings, etc.
- It is submitted that section 37(2)(b)(iii) applies as the proposed car parking is in accordance with DMURS.

6.6.13. Material Contravention Statement on Provision of a Bring Centre

- Development plan section 12.9.6 states that developments > 50 residential units or ≥1000 sq.m. commercial shall incorporate where appropriate land for the development of local 'Bring Centres' for recyclable materials, accessible to the general public. In addition, Objective NC04 of the Kiltarnan LAP states that provision should be made for civic recycling facilities at the Primary Neighbourhood Centre.
- The submitted Outline Operational Waste Management Plan notes that there are large civic amenity centres in Shankill and Dun Laoghaire servicing the DLR area, with numerous bring banks throughout the region for glass bottle collection. It is submitted that there are sufficient Bring Centres available in the area and the Outline Operational Waste Management Plan enclosed does not consider it

necessary to provide one in the scheme. As a Bring Centre is not required for the scheme, it is considered that it is more appropriate to densify the subject underutilised lands in accordance with national planning policy. Therefore, the development can be facilitated in the context of section 37(2)(b)(iii).

7.0 Third Party Submissions

7.1. There are several submissions on file by residents of the Rockville development located to the immediate northwest of the development site. The following points are noted:

- Local residents are generally in favour of development at this site in principle.
- There is a lack of social, recreational and educational facilities in the area to cater for demand generated by the development.
- The retail and community elements of the development should be delivered at an early stage rather than as the final phase of development.
- The density of Phase 3 of the development is estimated as 73.75 units/ha, which is well in excess of the LAP provisions for the development site. This density is not justified at the development site given its distance from the nearest Luas stop. Residential density should be evenly distributed across the site rather than concentrated in pockets of higher density.
- The development is up to five storeys high whereas the Kiltiernan LAP and the development plan specify a maximum of 2-4 storeys at this site. Particular concern about height of Blocks C and D in proximity to properties at Rockville, noting that the blocks will be at a higher ground level than Rockville.
- Blocks C and D should be reduced in height to four storeys and relocated at least 22m from the boundary with Rockville.
- The proposed location of Blocks C and D in proximity to the Rockville Hall apartment block will result in houses at Rockville Woods being surrounded by apartment blocks.

- The large apartment Blocks C and D are distant from the neighbourhood centre, however the higher density elements of the development should be located there as per the Kiltiernan LAP.
- Development will have adverse impacts on adjacent residential amenities at Rockville by way of overlooking, overbearing and overshadowing.
- Submitted LVIA lacks views from Rockville Woods, which will be significantly impacted by the development, including by the removal of mature trees.
- The applicant's Daylight and Sunlight analysis indicates an unacceptable degree of overshadowing of adjacent properties at Rockville Woods and Rockville Hall.
- Concerns about adverse impacts on residential amenities during construction, in particular due to construction noise and dust, with consequent serious impacts on the health of residents of Rockville.
- Concerns about removal of trees at the development site, particularly at site boundaries, due to visual and ecological impacts and resulting in increased overlooking of properties at Rockville.
- Development will have adverse traffic impacts due to deficiencies in the existing road network, which is inadequate to cater for traffic generated by the development. Permission should not be granted until the GLDR scheme is completed.
- There is inadequate car parking provision for Block D, which will result in overspill parking in adjacent residential areas. Additional overspill parking should be provided within the development.
- Several submissions oppose the creation of a vehicular connection between the development and Rockville.

8.0 Planning Authority Submission

- 8.1. Dun Laoghaire Rathdown County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the elected members at the Dundrum Area Committee Meeting of 25th July 2022. The planning and technical

analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

8.2. Views of Elected Members

8.2.1. The views of the Elected Members, as expressed at the Dundrum Area Committee Meeting of 25th July 2022, may be summarised as follows:

- The proposed community facility is welcomed. A condition should be attached to require the delivery of community and retail floorspace earlier within the phasing strategy.
- The development does not comply with the 15 minute model due to the distance to the Luas and to a lack of school places in the area.
- Lack of public transport in the area.
- Lack of amenities in the area to cater for the new population.
- Density of development is too low.
- Positive comments about several aspects of the proposed design including the housing mix and non-residential uses, the provision of distinctive character areas and the provision of public open space and natural play areas, also the proposed landscaping and tree planting are welcomed.
- The proposed community facility is welcomed.
- The developer has a good record in the area, previous development at Bishop's Gate.
- A material contravention of the development plan due to the non-provision of a multi-use play area should not be permitted.
- Concerns about potential overlooking of nos. 13 and 14 Rockville.
- Concerns about the creation of a rat-run between Enniskerry Road and the GLDR, in contravention of the development plan. A condition should be attached to limit through permeability.
- A condition should be attached to provide permeability to the Jackson lands to the north of the site.

- Development does not provide continuous footpaths in contravention of the development plan.
- Concerns about proposed removal of trees at the site.
- The roads layout should comply with DMURS.
- More loading bays should be provided.
- The number of car parking space should be reduced. There are 41 extra visitor car parking spaces with no clear rationale for same.
- The pricing of the Part V units is considered to be reasonable.

8.3. DLRCC Planning and Technical Analysis

8.3.1. The DLRCC planning and technical analysis comprises the planning report dated 16th August 2022; report of DLR Municipal Services Drainage Planning dated 22nd July 2022; report of DLR Housing Department dated 18th July 2022; report of DLR Transportation Planning Section dated 3rd July 2022; report of DLR Environmental Health Officer dated 29th July 2022; comment of DLR Parks and Landscape Services dated 26th July 2022; report of DLR Environment Section dated 13th July 2022, which are all noted and incorporated into the following summary.

8.3.2. DLRCC Comment on Zoning

- The proposed residential development is acceptable in principle on A and NC zoned lands. The proposed non-residential uses accord with the A and NC zoning objectives in which they are located. Part of the neighbourhood centre sits outside the NC zoned lands. The planning authority has concerns regarding the quantum of non-residential uses proposed and whether sufficient floor space is being provided for services to meet the needs of the existing and future community.
- Although the LAP identifies two areas where neighbourhood centres can be provided (one corresponding with the subject site and being the 'primary centre'; and another secondary centre on the west side of Enniskerry Road to the north of the development site), following review of land zoning designations as part of the County Development Plan process, the lands within the development site are

now the only NC zoned lands within the LAP boundary. While the LAP remains in force, the development plan zoning takes precedence.

- The planning authority considers that, in order to comply with the relevant planning policy, there is a requirement to provide a neighbourhood centre capable of serving the population of Kiltiernan, including the expected future residential population resulting from the development of all residentially zoned lands within the LAP boundary and to do so in a manner, in terms of mix and scale, that adequately caters for the local needs. Additionally, the neighbourhood centre should create a sense of place and an identity and character that can be associated with Kiltiernan, and can also be easily accessible by sustainable transport modes.
- The development plan core strategy Table 2.9 indicates a potential residential yield of 2,015 units for Kiltiernan/Glenamuck, which would result in a population increase of up to 5,000 persons (excluding the 900 persons existing population in 2013), based in an average household size of 2.5 per household as utilised in the core strategy. The current proposed neighbourhood centre would not be capable of meeting the needs of this population. In particular, the scale of retail provision would be insufficient. In addition, the planning authority has reservations whether the proposed retail anchor units meet the spatial requirements needed to attract a large convenience retail operator given their limited size and depth. The development therefore does not deliver the large convenience store/ small supermarket anchor unit as envisaged in LAP Chapter 9.
- The balance of uses in the overall development is weighted in favour of residential floorspace with limited retail and commercial provision. The planning authority considers that an overall retail floorspace provision of c. 2,000-2,300 sq.m. at the development would be adequate to meet the projected population of Kiltiernan, along with adequate additional provision of other non-retail and non-residential uses including individual shops and retail service outlets. A public house should also be included. The CE Report provides details of a study of commercial floorspace within the county as carried out as part of the Ballyogan and Environs LAP 2019-2025, which provides further information on the scale of non-residential floorspace required.

- The planning authority notes that the applicant refers to other commercial destinations in the locality, namely Carrickmines, Cornelscourt and Cherrywood. It is not the objective of the LAP to turn Kiltiernan into a commercial destination, but to provide a neighbourhood centre capable of meeting the needs of the local population. In addition, these other commercial locations are not accessible from Kiltiernan by sustainable transport modes. Notes also the applicant's reference to vacant units at Bellarmine, this is of limited relevance for various reasons.
- The applicant's audit of amenity/leisure uses clearly identifies a lack of indoor amenity/leisure activities in the area. The development does not provide these.
- It is considered that the development does not deliver the development plan policy objectives PHP3, PHP4 and MFC1 and also does not deliver on the specific objectives for land parcel no. 22 as stated in the LAP. The planning authority also has significant concerns regarding the siting, design, form and overall functionality of the neighbourhood centre.
- Recommends that any neighbourhood centre facilities should be provided in Phase 1 of the overall development rather than Phase 5 as proposed.

8.3.3. DLRCC Comment on Design and Layout

- The proposed layout provides the community centre at the southeast corner of the neighbourhood centre, which is significantly less prominent than that indicated in the Kiltiernan NFP at the corner of Enniskerry Road on the northwest corner of the village green, which is to act as a local landmark. The planning authority does not consider this location to be appropriate and recommends that this element of the development be refused and a revised layout be required as part of a future application.
- The proposed Block D and the treatment of the public realm around it create a shift in the character of the Dingle Way, which is intended to provide a visual link to the Our Lady of the Wayside Church. The proposed landscaping is hard and is constrained by the proximity of residential entrances. The location of Block D will disconnect linkages of trees, requires the removal of vegetation and ultimately undermines the viability of the Dingle Way. In addition, retail units are provided on the southern side of Block D1 rather than on its northern side facing the village green, which directly conflicts with the Dingle Way path of travel, raises serious

concerns of commercial viability and fails to create an active village street. The southern elevation of Block D1 facing away from the neighbourhood centre has a much stronger commercial character than the northern elevation which addresses the civic space. Relocation of Block D to the northern side of the green with a more active commercial frontage could address some of these issues, however this would have to form part of an overall redesign of the residential development to the north of the village green. Also notes that Block D is to be delivered as the final stage 5 of the overall phasing, there are significant concerns that these retail elements may not be delivered. The planning authority recommends that Block D should be removed from the development if permission is granted.

- The neighbourhood centre block provides limited commercial frontages to the civic space. This could be addressed by shifting it 90° to maximise the number of units facing the public open space, however this would not address concerns about inadequate retail floorspace in the overall development.
- Recommends refusal or redesign of the neighbourhood centre.
- Notes that the Rockville farm complex is not a protected structure or located in an ACA. However, the development plan generally supports the retention of existing structures and the LAP envisages, or at least implies, the retention of these structures. Notes that there is scope for the applicant to consider retaining the existing Rockville dwelling as well as the trees and hedgerows at this location, which form part of the Dingle Way, and recommends that these elements be reconsidered in any future application.
- DLRCC is progressing plans to deliver a large park at the junction of the GDDR and GLDR, to the north of the development. It is very important that appropriate linkages are provided from the development to lands to the north.

8.3.4. DLRCC Comment on Phasing

- The GDDR and GLDR are to be delivered in two phases as part of the overall GDRS. The GDDR east-west road will be delivered in the first phase and the north-south GLDR link will be delivered in the second phase. Construction of the GLDR will not commence until the GDDR has been completed. The overall GDRS is foreseen to go to tender within Q3 of 2022 with construction initially

expected to commence in Q1 2023 and an estimated construction period of c. two years, to be completed by the end of 2024.

- The Kiltarnan LAP provides that 700 units (Phase 1) for the overall LAP lands may be constructed up to the completion of the GDDR and GLDR. Notes that, at the time of writing, permission had been granted for 1,338 no. units or nearly double the 700 unit threshold, putting significant pressure on the existing roads infrastructure in the event that the GDDR and GLDR were not constructed. The planning authority therefore deems the development premature pending the delivery of the GDDR/GDRS, given that there is no capacity in the existing road network to accommodate future movements generated from new residential units. A condition should be attached phasing development until construction of the roads scheme has commenced if permission is granted.

8.3.5. DLRCC Comment on Residential Density, Housing Mix, Building Height, Part V

- The development is c. 2.4 km from Ballyogan Luas stop and there does not appear to be any high frequency bus services to be delivered in the area as part of Bus Connects. Notes the guidance provided in the Apartment Guidelines for peripheral/ less accessible urban locations, also the Sustainable Residential Development in Urban Areas guidance for centrally located sites in small towns and villages. The LAP indicates a density of 40-45 units/ha for land parcels nos. 20a and 22. The proposed density of 44.5 units/ha is within these parameters.
- The CE Report provides a table indicating five no. developments permitted in the area in the period 2019-2021, which have net densities in the range of 35.5-57 units/ha. The planning authority considers that the proposed residential density is consistent with the character and pattern of development in the area.
- Duplex units are considered as apartments with regard to development plan policy on housing mix. The proposed provision of three-bed apartments does not meet the development plan minimum requirement of 40%. Recommends a condition requiring a revised housing mix if permission is granted.
- The proposed 2-4 storey building height of most of the development is in accordance with the LAP parameters. The five storey Blocks C and D exceed this by one story. The CE Report provides a detailed assessment with regard to the development plan Building Height Strategy and the criteria set out in Table 5.1 of

same. The planning authority considers that the development as a whole fails to deliver on several criteria of the Urban Design Manual, however the taller elements meet the main design principles of the manual and will not adversely impact the character of the area. It considers that the development satisfies the criteria set out in Table 5.1.

- DLR Housing Section states that the proposed Part V provision has the potential to comply with Part V requirements subject to agreement being reached on land costs and on development funding being available.

8.3.6. DLRCC Comment on Impacts on Residential Amenities

- While separation distances to adjacent properties are generally in keeping with development plan requirements, however they are not met in all instances:
 - Distance between Block C and Rockville c. 12 m, potential for undue overlooking. Eastern elevation of Block C should be redesigned to address this.
 - Duplex Block D is c. 10m from the boundary with Rockville, also potential overlooking and concerns about impacts on potential pedestrian link to Rockville. Adverse impacts on no. 14 Rockville due to overlooking.
- Potential noise issues due to the juxtaposition of commercial and residential uses, also noise from roads and GLDR. Notes submitted Acoustic Design Report.
- Notes the submitted assessment of sunlight and daylight impacts. The amenities of adjacent properties are adequately maintained.
- Notes that some of the stated dual aspect units do not meet the development plan definition of same as they rely on an indent in the elevation rather than allowing full views in different directions. However, the development meets the overall 50% dual aspect standard of the Apartment Guidelines for a suburban or intermediate location, noting that DLR as a county meets this classification.
- The development meets development plan/ Apartment Guidelines standards for floor areas, lift and stair cores, internal storage, external storage, private open space.

- The development generally provides adequately sized high quality public open spaces capable of providing a high level of amenity for residents of the development and for residents of the wider area. The quantum of communal open space exceeds development plan standards and is capable of providing adequate levels of amenity.

8.3.7. DLR Comment on Transport and Movement

- No vehicular connection to Rockville even though the permitted internal layout of same provides for such a connection. This should be completed as part of the development to enhance connectivity and permeability. The proposed location of duplex Block D blocks the connection and it should be omitted by condition if permission is granted to facilitate the connection instead.
- DLR Transportation Section raises serious concerns regarding consistency with DMURS including in relation to the design and alignment of junctions and road hierarchy. Also no independent Road Safety Audit or Pedestrian /Cycle Quality Audit as required by development plan section 12.6.4.1.
- The car parking provision is considered adequate with regard to the location and characteristics of the site.
- The quantum of cycle parking is acceptable, however DLR Transportation Planning has raised concerns about the quality and accessibility of the proposed spaces at the undercroft parking areas.

8.3.8. DLR Comment on Other Issues

- DLR Drainage Section is generally satisfied with the proposed surface water management strategy and accepts the conclusion of the Site Specific Flood Risk Assessment.
- Concerns regarding tree removal at the Dingle Way linear park where Block D1 is located. DLR Parks and Landscape Services also states concerns about potential impacts on existing trees.
- The proposed childcare facility appears to be adequately sized with regard to the Childcare Guidelines.

8.4. Planning Authority Conclusion and Recommendation

8.4.1. The planning authority recommends refusal for the following three reasons:

1. *The proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which the constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic where deficiencies in capacity, width, alignment and structural condition of the road prevail. The area has reached capacity in terms of unit numbers and no further development can take place until additional infrastructure is provided. As such the proposals are contrary to the phasing requirements of the Kiltiernan/Glenamuck Local Area Plan as set out in section 10.6 of the LAP.*
2. *The neighbourhood centre proposed as part of the subject scheme is to be situated on lands subject to an 'NC' zoning objective, which is 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities' and with the objective in the Kiltiernan/Glenamuck Local Area Plan 2013 to accommodate a neighbourhood centre. This aspect of the scheme, by reason of the mix of uses proposed and the extent of non-residential uses proposed, is not deemed capable of satisfying the needs of the current and future population of Kiltiernan and would result in a dependency on car-based trips to other commercial and leisure centres located at a distance. Furthermore, the proposed design and layout of the neighbourhood centre, which does not correspond with the detailed guidance of the Neighbourhood Framework Plan included as an appendix of the Kiltiernan/Glenamuck LAP 2013, would not succeed in the creation of an active and vibrant high quality public realm capable of maximising footfall towards the neighbourhood centre. As such, it is considered that the proposed development would fail to deliver on the objectives of Policy PHP4 and MFC1 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and also on the specific objectives for Land Parcel 22 set out in the Kiltiernan/Glenamuck Local Area Plan.*
3. *In the absence of an independent road safety and cycling and pedestrian quality audit and given the deficiencies identified in the design of the road layout resulting in the scheme not being compliant with the Design Manual for Urban*

Roads (DUMRS) 2019, and the National Cycle Manual by the National Transport Authority (NTA) it is considered that the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users.

8.4.2. The planning authority also recommends conditions in the event of the Board deciding to grant permission. The following conditions are noted in particular:

2. *Construction of the subject development shall not commence until construction of the Glenamuck District Roads Scheme (GDRS) has commenced or as otherwise agreed with the Planning Authority.*

Reason: To ensure the delivery of the enabling road infrastructure occurs in a timely manner.

3. *The following amendments shall be made to the scheme.*

The omission of the following

i. *Housing Cell 3 (i.e. the southwest block of 22 no. houses and 6 no. duplexes of Phase 1)*

ii. *Phase 5 in its entirety; and*

iii. *Phase 2A apart from the two ground floor retail units of Block A facing the Village Green*

iv. *Duplex Block D, in its entirety*

The addition of the following:

v. *A temporary creche within the site outside of lands affected by this condition.*

Phasing is as identified in the Phasing Plan (Drawing no. PL105). For clarity, the effect of this condition is to result in a permitted scheme of 278 residential units, two retail units and a creche.

Reason: To facilitate and appropriately sized neighbourhood centre by way of a future application, to provide a level of non-residential development in the interim, and to secure linkages to adjoining lands.

4. *Prior to the commencement of development the Applicant shall submit for the written approval of the Planning Authority a revised phasing plan which includes the following details confirming that:*

- a. *The 2 no. retail units on the ground floor level of the Neighbourhood Centre Block A referred to in Condition 3 shall be incorporated into Phase 1; and*
- b. *The new temporary creche shall be delivered as part of Phase 1.*

NOTE: Construction of Phase 2 and subsequent phases shall not commence until Phase 1 has been completed to the satisfaction of the Planning Authority, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of orderly development.

5. *Prior to the commencement of development the Applicant shall submit for the written approval of the Planning Authority revised plans and elevations for Block C showing design solutions, including the redesign of the east façade to angle windows and provide louvers or other similar design solutions that direct the views from Block C towards the north or south and not directly towards the Rockville apartments to the east.*

Reason: To protect the residential amenity of adjoining existing properties.

6. *Prior to the commencement of development the Applicant shall submit for the written approval of the Planning Authority revised drawings showing the south facing balconies pertaining to units on the southeast corner of apartment Block C fitted with a solid screen preventing views to the east.*

Reason: To protect the residential amenity of adjoining existing properties.

7. *Prior to the commencement of development the Applicant shall submit for the written approval of the Planning Authority revised plans for the apartments and duplexes demonstrating compliance with the unit mix established by Table 12.1 of the County Development Plan 2022-2028.*

Reason: In the interest of ensuring and adequate mix consistent with the Council's Housing Need and Demand Assessment is provided.

30. *Prior to the commencement of development the Applicant shall submit for the written approval of the Planning Authority revised drawings showing the removal of Duplex Block D and the provision of an access road up to the redline boundary and in alignment with adjacent access road within the residential development adjacent planning reference: D17A/0793, as amended by D18A/0566. All roads*

and footpaths within the development shall be brought up to the red line boundary with no ransom strips. The Applicant is requested to submit full details demonstrating how this fully accessible road link/s and other accessible permeability links to adjoining development land can be facilitated by the proposed development.

Reason: In the interest of connectivity and permeability with adjoining lands.

The remaining conditions recommended do not require any significant changes to the proposed development.

9.0 Prescribed Bodies

9.1. The subject application was referred to the following prescribed bodies, as advised in the section 6(7) pre-application Opinion and as required under section 8(1)(b) of the Act and article 285(5)(a) of the Regulations:

- Irish Water
- National Transport Authority (NTA)
- Transport Infrastructure Ireland (TII)
- Dun Laoghaire Rathdown County Childcare Committee

The responses received from Irish Water and TII may be summarised as follows, along with the submission of Inland Fisheries Ireland.

9.2. Irish Water

9.2.1. The submission of Irish Water dated 27th June 2022 states that connections to the water and wastewater infrastructure are feasible without infrastructure upgrades and that Irish Water issued a Statement of Design Acceptance on 1st June 2022. Conditions are recommended.

9.3. Transport Infrastructure Ireland

9.3.1. The submission of TII dated 14th July 2022 states that it has no observations to make.

9.4. Inland Fisheries Ireland

- 9.4.1. The submission of IFI dated 13th September 2022 notes that the development site is located between two surface water features, the Shanganagh River (c. 0.3km to the south/southeast) and the Glenamuck North Stream (c. 0.4km to the north), which flows eastwards before converging with the Carrickmines Stream. The Carrickmines Stream flows approximately 3.2km downstream in a south-easterly direction before converging with the Shanganagh River which discharges into the Irish Sea. There is potential for contaminated surface water run-off during construction works to impact the receiving water quality in the Carrickmines Stream given that surface water from the development will eventually discharge into the Glenamuck North stream via the existing Rockville surface water sewer. IFI have concerns that as a result of the proposed development in combination with other developments within the catchment, which are using the river and stream systems (Carrickmines, Shanganagh) as the final discharge point for treated and attenuated surface water generated pre and post construction, that there will be a high probability that Ireland will not be able to comply with their legal obligations as set out in the EU Water Framework Directive in these catchments. There are considerable pressures on both the Carrickmines and Shanganagh river systems due to the level of construction currently taking place, and proposed within their respective catchments and it is vital that robust and appropriate mitigation measures are adopted at all stages of construction to prevent a deterioration in water quality resulting from any development. IFI recommends that appropriate and specific mitigation measures must be implemented on all to ensure that there are no uncontrolled discharges of deleterious materials directly or indirectly into surface waters that may result in a deterioration in water quality. Related conditions are recommended.
- 9.4.2. IFI have noted a lack of appropriate maintenance on interceptors, attenuation tanks on some developments in the operational phases and encourage that the appointed management company be required to enter a service maintenance contract with an authorised specialised company with responsibility for the maintenance of this same infrastructure. They also encourage that the application of nature-based solutions be incorporated as part of the drainage attenuation design for surface water management as opposed to the usual default to hard engineering solutions, such as underground attenuation tanks.

10.0 Assessment

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

- Principle, Zoning, Quantum and Phasing of Development
- Residential Density
- Building Height
- Housing Mix and Part V
- Design and Layout, Quality of Residential Development
- Impacts on Visual and Residential Amenities
- Social Infrastructure and Childcare Provision
- Movement and Transport
- Drainage, Flooding and Site Services
- Tree Removal and Ecology
- Proposed Telecommunications Structures
- Material Contravention
- DLRCC Chief Executive's Report and Recommended Amendments

These issues may be considered separately as follows.

10.2. Principle, Zoning, Phasing and Quantum of Development

10.2.1. Zoning

The development site is subject to two separate zoning objectives under the Dun Laoghaire Rathdown County Development Plan 2022-2028. Most of the site, including the lands fronting onto the Glenamuck Road and the Glenamuck Link Distributor Road (GLDR) are subject to the 'A' zoning objective 'To provide residential development and improve residential amenity while protecting existing residential properties'. A strip of land at the western side of the site, fronting onto the Enniskerry Road is subject to the 'NC' neighbourhood centre zoning objective 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities'.

The proposed neighbourhood centre within the development has a central location such that it straddles the A and NC zoned lands, with a substantial portion of the block located in the A zoned area. Section 8.1.2 of the Statement of Consistency provides details of which land uses are located in each zone such that there are creche (439 sq.m.), medical facility (147 sq.m.) and office (199 sq.m.) land uses located in the A zoned area and retail (857 sq.m.), convenience retail (431 sq.m.), office (119 sq.m.) and community facility (321 sq.m.) uses located in the NC zoned area. The retail and community facility uses and offices <300 sq.m. are permitted in principle under the NC zoning as per development plan table 13.1.12. The creche and health centre are permitted in principle and office uses <200 sq.m. are open for consideration under the A zoning objective as per development plan Table 13.1.2. The CE Report considers that, as the proposed office floor area in the A zoned area is below the relevant threshold, this element of the development is therefore acceptable in principle. I concur with this view with regard to the detailed design and layout of the neighbourhood centre. The development is considered to be acceptable in principle overall on this basis with regard to the relevant zoning objectives.

The following further issues arise in relation to the proposed land uses, which may be considered separately as follows:

- Proposed neighbourhood centre land uses and the quantum of commercial and retail development in the context of the Kilternan LAP
- Provision of community facilities and a bring centre within the development
- Quantum of residential development and LAP residential phasing
- Proposed demolition of Rockville

10.2.2. Neighbourhood Centre and Quantum of Commercial and Retail Development

The Kilternan LAP includes detailed provisions for the development site, which has a pivotal location in the village. The overall LAP vision for the development of Kilternan involves a new road layout for the area, the Glenamuck District Roads Scheme (GDRS), which will bypass the village centre, including the Glenamuck Link Distributor Road (GLDR) that runs along the eastern site boundary, as well as the upgrade of the Glenamuck Road / Enniskerry Road Junction (Golden Ball junction) under the Glenamuck Road/ Enniskerry Road Junction Part VIII Scheme. Within the

village, the Enniskerry Road fronting the development site is to be subject to traffic calming, such that it will have improved pedestrian and cycle facilities. The Enniskerry Road and the Glenamuck Road are to serve as the main public transport routes in the area and only public transport vehicles, cyclists and pedestrians are to be allowed access to and from Kiltiernan Village via bus gates where the GLDR meets the Enniskerry Road and the Glenamuck Road. The NC zoned lands at the development site (identified as land parcel no. 22 under the LAP) are to form a new focus for the village in this context with residential, commercial, retail and community services to meet the local needs of this expanding residential area. The Kiltiernan Neighbourhood Framework Plan (NFP), an appendix of the LAP, elaborates on the vision for the NC zoned lands, indicating a village green at the Enniskerry Road frontage, surrounded by a village square which includes a community centre. It is also envisaged that this area will provide a new context for the Our Lady of the Wayside Church protected structure across the road from the development site.

The detailed LAP provisions for land parcel no. 22 (gross area 3 ha) state that the area could accommodate 1/3 residential, 1/3 commercial/office and 1/3 retail floorspace, also a potentially a cultural facility and community facilities such as a medical centre and a post office. The LAP specifies that land parcel no. 22 should accommodate an anchor retail facility to serve current and future residents of the area, which must be appropriately integrated into the development. In addition to these provisions, LAP section 9.1 states that the neighbourhood centre at the development site should include “a large convenience store/small supermarket anchor tenant”, as well as other units suitable as individual shops and retail service outlets, such as newsagent, pharmacy, video store, doctor’s surgery or estate agency uses should be provided and also a public house.

The development includes the following non-residential land uses, which are all located within the neighbourhood centre:

- Creche 349 sq.m.
- Office 317 sq.m.
- Medical 147 sq.m.
- Retail 857 sq.m.

- Convenience retail 431 sq.m. (described as an anchor store)
- Community facility 321 sq.m.

The western side of the neighbourhood centre complex faces the village green, which is to be landscaped as a civic space, as envisaged in the LAP (see detailed assessment of the proposed design and layout below). The Statement of Consistency submits that the proposed neighbourhood centre uses incorporate an anchor retail unit and that it will serve as the heart and community hub of Kiltiernan and will foster the development of a sense of place for the area. The development is to be phased such that the village green and frontage to Enniskerry Road will be delivered within Phase 1 of the overall development and the neighbourhood centre is to be delivered as Phase 2A. Therefore, 164 no. units will be developed at the site as Phases 1 and 2 prior to the development of the neighbourhood centre. Further retail and community uses at the south western corner of the site are to be delivered in Phase 5, the final phase of the overall development. The applicant submits that this phasing allows for the commercial and community uses to be delivered in tandem with residential development. However, I note that both the CE Report and third party submissions state concerns about the proposed phasing of the non-residential land uses within the overall development.

I note the submitted Retail Services Assessment, dated June 2022, which provides details of commercial floorspace in the area, including at The Park Carrickmines, Leopardstown/Ballyogan and Stepside, all within a 2km radius. It is submitted that there are vacant retail units at Stepside and, in the wider area, at Aiken's Village and Belarmine (c. 3.5 km). The Assessment provides a review of retail floor space per person in conjunction with current patterns of vacancy at distances of up to 500m from each retail centre, comparing Belarmine and Aiken's Village with Kiltiernan. It states that there is an estimated 66% vacancy rate at Aikens Village and Belarmine Plaza, with a current retail floorspace provision of 0.31 sq.m. per person at these locations. The subject proposed development in Kiltiernan will equate to c.0.66 sq.m. of retail floorspace per person. It is submitted on this basis that the quantum of retail floorspace in the development is a sustainable option to ensure that the units will be occupied and not left vacant as experienced at Aiken's Village/Belarmine. The Assessment further notes that shopping behaviours have changed due to Covid-19 and online shopping. It submits that the provision of non-residential floorspace in the

neighbourhood centre is appropriate and will adequately serve the existing and future population in the Kiltiernan area without causing concern in relation to the potential for significant vacancies in the proposed units given the challenging retail environment.

The CE Report states several concerns in relation to the neighbourhood centre and to the proposed quantum of commercial and retail floorspace in the development. It states that, although the LAP originally identified two neighbourhood centres within the village of Kiltiernan, with the primary centre located at the development site and a secondary centre on the western side of the Enniskerry Road to the north of the Golden Ball junction, following a review of land zoning designations as part of the development plan process, the lands within the development site are now the only NC zoned lands within the LAP boundary. While the LAP remains in force, the development plan takes precedence. The planning authority considers that the quantum of retail and commercial development in the proposed neighbourhood centre would not be adequate to meet the needs of the projected population increase of up to 5,000 persons (2,015 no. units as per Table 2.9 of the core strategy) for Kiltiernan in the life of the current development plan. The CE Report further notes that the total retail floorspace in the development of c. 1,288 sq.m. is split across eight no. retail units including the proposed convenience retail anchor unit of c. 431 sq.m., and it states concerns about whether this anchor unit will meet the spatial requirements needed to attract a large convenience retail operator given its limited size and depth. The planning authority therefore considers that the overall retail component of the neighbourhood centre should be c. 2,000-2,300 sq.m., in addition to other non-retail uses, as envisaged in the LAP. The CE Report notes the reference to vacant retail floorspace at Belarmine and to other vacant commercial floorspace in the area but comments in relation to these matters that (i) there is no objective to create a commercial destination at Kiltiernan but rather to provide a neighbourhood centre capable of meeting the needs of the local population; (ii) the commercial locations referred to in the Retail Services Assessment are at the outer edge of a 2 km buffer and are likely to be accessed by cars rather than by sustainable transport options and (iii) the issue of vacancy at Belarmine is not comparable to the subject development for various reasons, including that the NC

zoned lands are the only neighbourhood within a ten minute walking distance to serve a community of c. 5,000 within the Kiltiernan LAP area.

For these reasons, recommended refusal reason no. 2 of the CE Report states that the proposed neighbourhood centre, by reason of the mix of uses proposed and the extent of non-residential uses proposed, is not deemed capable of satisfying the needs of the current and future population of Kiltiernan and would result in a dependency on car-based trips to other commercial and leisure centres located at a distance. Alternatively, recommended condition no. 3 requires the omission of the neighbourhood centre as Phase 2A, apart from two no. ground floor retail units of Block A facing the village green, for the stated reason "To facilitate an appropriately sized neighbourhood centre by way of a future application", along with the provision of a temporary creche pending the future development of the neighbourhood centre.

I note section 6.25 of the Retail Strategy for the Greater Dublin Area (RSGDA), which provides a general outline of the types of retail services expected at each level of the retail hierarchy, including neighbourhood/ small town/ village centre locations. The RSGDA states that these centres generally provide for one supermarket or discount foodstore ranging in size from 1,000-2,500 sq.m with a limited range of supporting shops (one or two low range clothes shops with grocery, chemist etc.) and retail services (hairdressers, dry cleaners, DVD rental) cafes and possibly other services such as post offices or community facilities or health clinics grouped together to create a focus for the local population. Development plan section 7.5.4 follows on from this guidance, quoting the RSGDA recommended floor areas for neighbourhood centres and Table 7.2 identifies Kiltiernan as a key development area at the lower level of the retail hierarchy, where there is a policy to promote the development of mixed-use neighbourhood centres with the provision of retail floorspace in line with planned population levels.

Having regard to these policy provisions, I concur with the view of the planning authority that the neighbourhood centre within the development, which is to be the only commercial centre to serve the growing population of Kiltiernan, should incorporate a supermarket at a scale of 1,000-2,500 sq.m., as well as ancillary retail outlets and units to meet local needs, such as a medical centre and post office, a community facility and a public house. All of these elements are clearly set out in the LAP provisions for land parcel no. 22. While I accept that the policy context has

changed somewhat since the LAP was originally adopted in 2013, given that the subject site is now the only neighbourhood centre in Kilternan, it was always envisaged that the primary centre would be at this location and noting that the RSGDA guidance on floor areas in neighbourhood centres has been in place since 2008. In addition, the subject application has been lodged subsequent to the adoption of the current development plan, in the context of the revised zoning provisions for Kilternan. The proposed anchor convenience retail unit of 431 sq.m. is clearly well below the recommended retail floor area for a neighbourhood centre as specified in the RSGDA and development plan section 7.5.4. I also note and agree with the concerns of the planning authority regarding the viability and suitability of the proposed convenience unit given its limited scale, design and layout with a lack of service area.

I note the planning authority recommendation to omit the neighbourhood centre as Phase 2A, apart from two ground floor retail units, to allow for a more acceptable future application to be lodged for this part of the overall development. I do not consider that such an approach is feasible for several reasons. I consider that it would be preferable if the neighbourhood centre were delivered as an early phase of the overall development of these lands, given the quantum of residential development that has already been permitted /constructed in Kilternan, rather than left to a future application. In addition, I consider that the design and layout of the neighbourhood centre are fundamental to the successful development of the overall lands, given the pivotal location of the site in Enniskerry with frontages to the Enniskerry Road and the Glenamuck Road and with regard to the LAP and NFP requirements for linkages to adjoining lands and to the GLDR. The provision of a substantial anchor retail unit of the scale required by the RSGDA and the development plan (1,000-2,500 sq.m.), along with the required ancillary units within an overall total retail component of the scale recommended by the planning authority (c. 2,000-2,300 sq.m) as well ancillary neighbourhood services and facilities, would likely necessitate a revised design and layout for the entire scheme, particularly given the LAP requirement that the anchor unit must be appropriately integrated into the development with regard to parking, etc. I therefore consider that the development should be refused on the basis of inadequate retail provision rather

than permitted with the neighbourhood centre element omitted or radically altered by condition.

Separately, I consider that the proposed phasing of the overall development, whereby the neighbourhood centre would be delivered as Phase 2A and retail and community uses at the southwestern corner of the site would be delivered in Phase 5, is undesirable. I would share the concerns of the planning authority and third parties that this phasing creates a risk that the retail and community uses in Phase 5 may never be delivered or, at a minimum, would not be available to serve residents of the development and of the wider community until the overall development is almost complete. I therefore recommend that a condition is imposed requiring revised phasing such that the Phase 2A and Phase 5 elements of the development are delivered at an early stage of construction, if permission is granted.

In addition to the above matters, the applicant notes that the proposed 317 sq.m. office space within the neighbourhood centre has an area of 198 sq.m. at ground floor level and 119 sq.m. at first floor level, with the first floor area not directly above the ground floor office. The LAP provisions for land parcel no. 22 state that office floorspace shall be provided at a plot ratio of 1:0.5. The applicant submits that it would be necessary to provide a footprint of 159 sq.m. at ground floor level to achieve the required plot ratio, which is somewhat below the 198 sq.m. provided. The matter is addressed in the Material Contravention Statement. I consider that LAP provisions for land parcel 22 provide general guidance and, given the development as proposed is a minor deviation from the plot ratio stated in the LAP, I do not consider that it amounts to a material contravention of the LAP in this respect. This element of the development is therefore considered to be acceptable in principle.

10.2.3. Provision of Community Facilities and a Bring Centre

Development plan section 12.3.2.2(i) addresses the provision of sustainable neighbourhood infrastructure (SNI) in new residential communities with regard to policy objectives PHP2 and PHP3 as set out above. It states that applications for residential development on sites >1ha or >50 residential units located in new residential communities will be required to facilitate SNI through one or more of the following ways:

- Reserve an area of not less than 5% of the site area for a future SNI facility. The site reservation may be part of the 15% public open space requirement and may be subject to a Section 47 agreement with the planning authority. The area to be reserved shall be located in a manner that can be readily amalgamated with similar reservations within adjoining lands.
- Provide an appropriate SNI facility (see definition in Policy Objective PHP2) with a floor area of 130 sq.m. per 1,000 population equivalent. The type of facility must have regard to the demographic of the emerging area and any existing and planned facilities and services within a 1km distance/10 minute walk of the site. It should be noted that a commercial childcare facility shall not be considered to be an SNI facility for the purposes of this section.
- Provide a section 48 development contribution towards the provision and/or improvement of a community, cultural or civic facility that the residents of the proposed development will benefit from.

Development plan section 4.2.2 describes SNI as follows:

... an umbrella term that, for the purposes of this Plan, includes land or buildings related to serving the needs of the local and wider community for social, educational, health, religious, recreational and leisure, cultural, and civic needs.

The LAP vision for land parcel no. 22 includes facilities to serve the local community, with no further details specified. In addition, LAP section 9.1 states that accommodation for community meeting facilities and accommodation for youth activities shall be provided at the neighbourhood centre nodes and states that “provision shall be made for the development of a playground area and Multi Use Games Area (M.U.G.A.) facility” at or in the immediate vicinity of the neighbourhood centres within the LAP area.

The applicant proposes that the SNI requirement for the development will be met by the community facility (321 sq.m.) and the medical unit (147 sq. m.) within the neighbourhood centre. The development of 383 no. units will have an estimated population of 1,034 no. persons based on the national household size of 2.7. It is submitted that the total SNI provision of 428 sq.m. would exceed the development plan requirement of 130 sq.m. per 1,000 population equivalent. The submitted Social Infrastructure Audit (SIA) also states that there is significant range of services and

facilities within a 2km radius of the development site, stated as equivalent to a c. 20-30 minute walking distance, including four no. community centres, parks and amenity areas, sports facilities, healthcare facilities and religious institutions, ref. Figure 5.1 and section 5 of same.

The proposed community facility at the neighbourhood centre is welcomed by the planning authority and I am satisfied that it is generally capable of meeting the development plan SNI requirements, noting also the existing facilities available in the area as detailed in the SIA. However, while the landscaping proposals provide multiple play areas throughout the development, the development does not provide a MUGA facility as required by LAP section 9.1 and the matter is addressed in the Material Contravention Statement. Given that the LAP states that 'provision shall be made' for a MUGA, I consider that the omission of same does amount to a material contravention of the LAP. The Material Contravention Statement seeks to justify the omission of a MUGA on the basis that play facilities have been provided throughout the development (see design and layout assessment below), as well as a community facility within the neighbourhood centre, and submits that the provision of high-quality open space with various play spaces, while retaining as much natural features as possible, will allow the site to be appropriately densified in accordance with national planning policy and the development can therefore be facilitated in accordance with section 37(2)(b)(iii). I accept that the development provides a satisfactory quantum, design and layout of public open space overall and that, given that the matter is addressed in the applicant's Material Contravention Statement, it is open to the Board to invoke section 37(2)(b) in this instance. However, I consider that the provision of a MUGA would be desirable given that the LAP requires same and also noting that while the public open space provides a variety of play areas, there are no larger tracts that would be suitable as 'kickabout' spaces. I therefore recommend that a MUGA facility be required by condition if permission is granted. I also note that, given that refusal is recommended for other reasons, there is an opportunity to incorporate a MUGA into a revised layout and neighbourhood centre in any future proposal for these lands, if the Board decides to refuse permission.

Development plan section 12.9.6 states that developments >50 units or ≥ 1000 sq.m. commercial shall incorporate where appropriate land for the development of local 'Bring Centres' for recyclable materials, accessible to the general public. The

location of “bring centres” shall have regard to the impact on surrounding residential areas. In addition, LAP objective NC04 states that provision shall be made for civic recycling facilities at the neighbourhood centre. The development does not include any such facility or any land reservation for same and the matter is addressed in the Material Contravention Statement. The submitted Outline Operational Waste Management Plan details available civic amenity facilities in the county and I note that there is a recycling facility close to the development site at Ballyogan. The applicant submits that, given that there are adequate recycling and civic amenity facilities available to serve the development in the area and in the wider county, it is a more appropriate use of the lands at the development site to provide compact residential development in line with national planning policy, and therefore this potential material contravention may be facilitated with regard to section 37(2)(b)(iii). I consider that the lack of provision for a bring centre is justified with regard to the existing provision of such facilities in the wider area and I accept the applicant’s rationale with regard to same, noting also that the planning authority does not state any objection in relation to this matter. I do not consider that the omission of such a facility amounts to a material contravention of the development plan which states that such facilities shall be incorporated “where appropriate”. LAP objective NC04 requires civic recycling facilities at the neighbourhood centre, however these could be required by condition of permission is granted and I therefore do not consider that the development materially contravenes the LAP in this respect.

10.2.4. LAP Phasing and Quantum of Residential Development

LAP section 10.6 states that up to 700 residential units can be accommodated on the existing upgraded roads network prior to the delivery of the GDRS as Phase 1 of the development of the LAP lands. Phase 1 is further subdivided into Phase 1(a) comprising c. 200 units at Phase 1(a)A lands at the Glenamuck Road Upper / North Junction and c. 150 units at Phase 1(a)B lands at the Enniskerry Road / Glenamuck Road junction (including the A zoned lands at the development site) and Phase 1(b)C comprising c. 350 units on lands at the village core/along Enniskerry Road (including the NC zoned lands at the development site).

The following residential developments have been permitted at Kiltarnan since the adoption of the LAP in 2013 (drawn from Appendix C of the CE Report):

Development Ref.	Site Name	Total Units
Phase 1(a)A		
D14A/0765 ABP-24520-15	Saxaroon and Inglenook	28
D14A/0766	Brambledown	11
D15A/0443	Willow Glen	31
D17A/0520 ABP-249144-17	Drumkeen	15
D16A/0154	13 Glenamuck Cottages	2
D18A/1168	11 Glenamuck Cottages	1
D21A/0100 ABP-310089-21	The Leys	61
Total Phase 1(a)(A)		149
Phase 1(a)B		
PC/01/08 (Part VIII)	Cromlech Close	15
D17A/0793	Rockville Phase 1	49
D18A/0566	Rockville Phase 2	5
D20A/0015 ABP-306999-20	Rockville Phase 2B	56
ABP-303978-19	Victoria Homes	203
ABP-306160-19	Dun Oir	197
ABP-312214-21	Shaldon Grange	130
Total Phase 1(a)B		655
Phase 1(b)C		
D15A/0222	Wayside Cottages	2
D18A/1239 (D16A/0090, D17A/1022, D18A/1133)	Golden Ball	61
D16A/0586	Glebe	29
D18A/0083	Bishop's Gate	27
D18A/0347	Slievenamon	22
D18A/0137 ABP-303753-19	Rockhurst	18
ABP-307043-20	Suttons Field	116
ABP-312214-21	Shaldon Grange	130

ABP-309846-21	Bishop's Gate	203
Total Phase 1(b)C		478
Total all phases		1,282

Section 8.2.2 of the applicant's Statement of Consistency provides additional detailed analysis of residential permissions in the Kiltarnan LAP area such that, out of an estimated c. 1,370 no. units granted permission, some 1,136 no. units had either commenced or completed construction at the time the report was written in June 2022 (133 No. in Phase 1 (a)(A), 456 No. in Phase 1 (a)(B) and 547 No. in Phase 1 (b)(C)). Given that about a year has elapsed since the report was written and that it refers to several developments as 'under construction', it is assumed that the total number of completed units is likely to have increased since then.

The DLR website states in relation to its Capital Programme that the GDRS is currently at tender stage with work on the GDDR planned to commence in Q1 2023 and completion is expected in Q4 2024. Work will then commence on the GDLR. The Glenamuck Road / Enniskerry Road Part VIII scheme is to be delivered as part of the GDRS and is also currently at tender stage. The DLR website states that the Part VIII works will be carried out as part of the GDRS and that they are due to begin Q4 2023/ early 2024.

The applicant notes that the Board has granted several developments in the area above the 700 unit threshold in advance of the delivery of the GDRS, notwithstanding the LAP phasing provisions, including ABP-309846-19 at Bishop's Gate and ABP-312214-21 at Shaldon Grange, on the basis that many of the permitted developments have not yet been constructed and that the roads infrastructure is likely to be implemented at a similar timeframe to the proposed development. The CE Report states that the permitted quantum of development in the LAP area is now almost double the 700 unit threshold and would therefore put very significant pressure on the existing roads infrastructure in the event that the GDRS was not constructed. In particular, the report of DLR Transportation Planning states that the development should not be permitted pending the GDRS and recommends refusal. The planning authority therefore considers the current proposed development to be premature pending the delivery of the GDRS given that

there is no capacity in the existing roads network to accommodate further movements generated from new residential units and recommends refusal reason no. 1 on this basis. Alternatively, the planning authority recommends a condition requiring that construction of the development shall not commence until construction of the GDRS has commenced or as otherwise agreed with the planning authority.

LAP section 10.6 sets out 13 no. criteria for consideration of proposals brought forward in advance of the GDRS, within the 700 units to be permitted as Phase 1 of the development of the LAP lands. I consider that these criteria do not strictly apply in this instance, given that the 700 unit threshold has already been exceeded, however, the development may be considered as follows with regard to the 13 criteria, in the interests of completeness:

<p>1. Conformity with the Kiltiernan / Glenamuck Local Area Plan, 2013-2019, and which promote and facilitate the achievement of its vision and objectives.</p>
<p>The proposed development will exceed the 700 unit threshold provided for in advance of the construction of the GDRS. As discussed elsewhere in this report, it is considered that the development does not deliver key elements of the LAP vision for the NC zoned lands at land parcel no. 22, in particular an adequate quantum and layout of retail/commercial development; provision of a community centre facility in a landmark building; provision of a MUGA; unsatisfactory design and layout of the neighbourhood centre and Dingle Way and the provision of a vehicular connection between the Rockville development and the GLDR.</p>
<p>2. Demonstration of a high level of architectural quality and urban design and are sympathetic to the special character of Kiltiernan / Glenamuck.</p>
<p>See the discussion below of the proposed design and layout of the neighbourhood centre and the residential development. Several elements of the development are not considered satisfactory with regard to relevant LAP objectives for the neighbourhood centre; interaction with Enniskerry Road; impacts on the setting of Our Lady of the Wayside Church protected structure; achievement of LAP objectives regarding the Dingle Way and a landmark community building at the village green and impacts on residential amenities at the adjoining Rockville development. It is also considered that the proposed removal of trees in the northern part of the site would contravene a development plan objective to protect and preserve trees and woodlands at this location. I therefore do not consider that the development achieves this criterion.</p>
<p>3. Achievement of local road / footpath improvement and traffic management measures.</p>
<p>The development will provide new pedestrian facilities at the Enniskerry Road and new pedestrian/cycle connections including the Dingle Way, as well as new vehicular connections between the Glenamuck Road, the Enniskerry Road and the GLDR. However, it fails to provide a</p>

new vehicular/pedestrian/cycle connection between the Rockville development and the GLDR, as envisaged in the LAP and which is necessary in the context of the Glenamuck Road/Enniskerry Road Junction Part VIII Scheme, which will limit vehicular access to Enniskerry Road. I therefore do not consider that the development achieves this criterion.

4. Consolidation of the existing development node at Glenamuck Road (northern section), including 'The Park' development at Carrickmines.

Not relevant in this instance as the development is remote from this location.

5. Consolidation of Kiltiernan village.

The development will provide a new neighbourhood centre and provide vehicular, pedestrian and cycle connections between the Enniskerry Road, Glenamuck Road and GLDR. However, it does not deliver several elements of the LAP vision for this pivotal site, including a new vehicular/pedestrian/cycle connection between Rockville and the GLDR and the provision of a neighbourhood centre with the required quantum and mix of commercial, retail and community uses to serve the projected population of Kiltiernan, also lacking the provision of a MUGA. The design of the development will allow it to be appropriately assimilated into the village and the development will make a substantial contribution to the public realm including a new village green, pedestrian and cycle facilities at Enniskerry Road and the Dingle Way connection to the GLDR, however, as discussed elsewhere, several elements of the proposed design and layout are considered to be unsatisfactory and inconsistent with LAP objectives. I therefore do not consider that the development achieves this criterion.

6. Planned within the context of an overall outline Master Plan for individual and affiliated land holdings (in order to prevent piecemeal development).

The development comprises a comprehensive proposal for the development of a large tract of land with frontages to the Enniskerry Road, Glenamuck Road and GDLR, at a pivotal location in Kiltiernan, and therefore will not result in piecemeal development.

7. Compatibility with later phases of development.

The proposed layout provides for pedestrian connections to the adjoining Rockville lands to the north and east of the site, however it lacks a vehicular connection at this location, which is essential to connect to the GLDR and to divert traffic from the centre of Kiltiernan, as envisaged in the LAP. I therefore do not consider that the development achieves this criterion.

8. Facilitation of orderly development of adjoining property/holdings.

The development does not provide adequate linkages between the adjoining Rockville lands and the GLDR and therefore is not considered to meet this criterion.

9. Proximity to the Luas Line B1 and within the catchment area for the Section 49 Supplementary Development Contribution Scheme for Luas Line B1.

The development site is outside the catchment area of the Section 49 Supplementary Development Contribution Scheme for Luas Line B1.

10. Availability of environmental services. Specifically, the Council will monitor and have regard to capacity at the Shanganagh Wastewater Treatment Works to ensure that wastewater from any proposed development in the LAP area can be accommodated in accordance with the Wastewater Discharge License for the Works.

The current submission of Irish Water dated 27th June 2022 states that it issued a Statement of Design Acceptance on 1st June 2022 and that connections to the water and wastewater infrastructure are feasible without infrastructure upgrades.

11. Incorporation of acceptable Sustainable Drainage System (SUDS) measures on each development site.

The proposed surface water drainage design incorporates SUDS measures. The report of DLR Drainage Planning recommends conditions in relation to the drainage design but does not recommend refusal or state any fundamental objections.

12. Likelihood of early construction.

The applicant's documentation states that they are committed to developing the subject scheme as soon as possible after receipt of planning permission. It is submitted that the applicant has a positive track record of delivering residential development in the area and I note the comments of elected members in relation to the applicant's successful delivery of the Bishop's Gate development in Kilternan. However, there are concerns about the proposed phasing of the commercial and community uses within the overall development.

13. Provision of an appropriate level of active and passive open space and community facilities. Specifically, the Council, in conjunction with the Department of Education and Skills, will have regard to the capacity of local schools to accommodate development, in accordance with the "Code of Practice on the Provision of Schools and the Planning System.

The development provides a stated area of c,18,879 sq.m. of public open space and c. 2,934 sq.m. of communal open space, including a village green at the Enniskerry Road frontage, as well as an additional 1,572 sq.m. of public open space at the Dingle Way. While these elements of the development are welcomed, it does not provide a MUGA, which is a stated requirement in the LAP and the development is deemed to materially contravene the LAP in this respect. In addition, the development does not provide a community centre in a landmark building at the village green, as envisaged in the LAP. I therefore do not consider that the development achieves this criterion.

The submitted Social Infrastructure Audit details educational facilities in the area, see discussion of same below, which concludes that demand generated by the development is likely to be absorbed by the existing schools network and other planned schools currently under development in the area.

It is therefore considered that the proposed development does not meet several of the 13 no. LAP criteria. I note and accept the concerns of the planning authority that the existing roads infrastructure is inadequate to cope with the traffic generated by the proposed development, with regard to the overall quantum of new residential development that has been permitted/constructed in Kiltarnan as set out above and with regard to the submitted Traffic and Transport Assessment (TTA), which assumes that the GDRS will be in place for the future development scenarios. In addition, as discussed elsewhere in this report, I consider that the development does not delivery key elements of the LAP vision for the NC zoned lands, in particular an anchor retail unit, and I recommend refusal on this basis.

However, if the Board is minded to grant permission, given that (i) the delivery of the GDRS and related CPO have been permitted under HA06D.303945 and KA06D.304174; (ii) that the Glenamuck Road/ Enniskerry Road Junction Part VIII Scheme has been approved under PC/IC/01/17 and (iii) that, according to the DLR website, both schemes are currently out for tender and are to be delivered in conjunction in the 2023-2024 horizon, I consider that there is a strong likelihood that this infrastructure will be delivered within a reasonable timeframe and that the infrastructure will be available to serve in proposed development in tandem with its construction. I therefore consider it reasonable that permission may be granted subject to a condition that construction of the development shall not commence until construction of the GDRS has commenced, as recommended by the planning authority, if permission is granted, notwithstanding that I have recommended refusal in relation to other matters.

Separately, the applicant's Material Contravention Statement addresses the matter of phasing and submits that a material contravention may be justified in this instance in the context of section 37(2)(b)(iii) as the development is in accordance with national planning policy on the delivery of compact residential development as per the NPF and the Apartment Guidelines, also section 37(2)(b)(iv) given that the Board has previously granted developments above the 700 unit threshold, ref. ABP-306190-19 and ABP-307043-20. However, I do not consider that the development materially contravenes the LAP in this respect given that the plan provides for

consideration of proposals above the 700 unit threshold and provides criteria for the assessment of such proposals.

10.3.1. Demolition of Rockville Farm Complex

The development involves the demolition of Rockville, an existing derelict two storey house with associated outbuildings located at the southwest corner of the site. Development plan Policy Objective CA6: Retrofit and Reuse of Buildings requires the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible. Development plan section 12.3.9 Demolition and Replacement Dwellings states a preference for the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors. The applicant has submitted a rationale for the proposed demolition with regard to the provision of a coherent, compact residential development in line with national planning policy. Given that the Rockville farm complex is not a protected structure and is not of any particular heritage interest or subject to any other heritage designation and with regard to the overall need to consolidate zoned and serviced urban areas and to deliver residential development in accordance with national planning policy, the proposed demolition is generally considered acceptable in principle. However, I note that the planning authority considers that it would be desirable to retain these structures if any future application is lodged for these lands and, given that refusal is recommended, I would concur with this view. The Rockville complex is located at the Enniskerry Road site frontage and its retention could provide an attractive location for community facilities or neighbourhood land uses, in accordance with the vision for this area as set out in the NFP, as well as retaining some of the historic character of Kilternan at a prominent location on the Enniskerry Road and providing an attractive setting for Our Lady of the Wayside Church, a protected structure.

10.4. **Residential Density**

10.4.1. The proposed development has a stated net density of 44.5 units/ha, based on a net 'developable' site area of 8.6 ha, which excludes areas within the red line site

boundary that are to be used to facilitate the retention of treelines, the provision of the village green, which will serve the wider area as a public amenity, the Dingle Way pedestrian/cycle connection between Enniskerry Road and the GLDR (an LAP objective), a linear park under the power line at the eastern side of the site, also roads and drainage infrastructure. I am satisfied that this estimation of residential density is generally in accordance with the guidance provided in Appendix A of the Sustainable Residential Development in Urban Areas Guidelines.

10.4.2. The applicant submits that the development site has a 'peripheral and/or less accessible urban location' as per section 2.4 of the Apartment Guidelines. The Guidelines define such areas as including sites in suburban development areas that do not meet proximity or accessibility criteria and sites in small towns or villages. The development site is considered to meet both of these criteria given its location in Kiltiernan village and with regard to the c.2.5 km distance to the nearest Luas stop at Ballyogan and to the limited bus services in this locality. The Guidelines state that such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 units/ha net). In addition, section 5.11 of the Sustainable Residential Developments in Urban Areas Guidelines generally recommends net residential densities of 35-50 units/ha at outer suburban/greenfield sites, defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities. While I note that Kiltiernan is described as a village, I consider that this is the most appropriate designation for the development site given its location within the Dublin Metropolitan Area rather than in a rural context. Similarly, I note Circular NRUP 02/21, which is generally aimed towards addressing residential density anomalies in the context of development at the edge of larger towns and within smaller towns and villages, rather than within the Dublin Metropolitan Area.

10.4.3. Development plan objective PHP18 Residential Density is to promote compact urban growth in line with national planning policy and to encourage higher residential densities subject to qualitative criteria. Development plan section 12.3.3.2 refers to

the Sustainable Residential Development in Urban Areas Guidelines and to the Apartment Guidelines in relation to residential density. The Kiltiernan LAP provides more detailed guidance, stating a residential density of 40-45 units/ha for land parcels 20a and 22.

10.4.4. The proposed net residential density of 44.5 units/ha is considered to be acceptable in principle with regard to all of the above national and local policy provisions, noting also that the planning authority states no objection in relation to residential density.

10.5. **Building Height**

10.5.1. Development plan Appendix 5 sets out the Building Height Strategy with regard to the section 28 Building Height Guidelines including SPPR 3 and the performance related development management criteria set out in section 3.2 of same. The development site is within the boundary of Kiltiernan LAP and development plan objective BHS2, as set out above, therefore applies. The site specific provisions in the LAP state heights of 2-4 storeys for both land parcels nos. 20a and 22. Blocks C and D within the development are both five storey and therefore exceed these parameters.

10.5.2. Table 5.1 of the Building Height Strategy sets out performance based criteria for considering building heights in excess of these parameters, which are based on the development management criteria of the Building Height Guidelines. The stated criteria are generalised expressions of good practice in urban design. The applicant provides a detailed analysis of the development with regard to the Table 5.1 criteria and the CE Report also gives detailed consideration to same. The applicant's analysis also considers the development management criteria of the Building Height Guidelines. The applicant concludes overall that the development will meet national planning policy objectives for the delivery of housing on underutilised lands and compact urban growth. It will have a high quality design and finish overall and will successfully integrate into the area, also it will deliver a neighbourhood centre and new public realm at the village green and new frontage to the Enniskerry Road, will provide 18,879 sq.m. of public open space, will involve a substantial amount of planting and landscaping and will not have any significant visual or daylight and sunlight impacts as per the submitted Daylight and Sunlight Analysis and Landscape and Visual Impact Analysis (LVIA). It is also submitted that the area has adequate

roads, social and other infrastructure capacity for the development, as per analysis elsewhere in this report.

10.5.3. The CE Report states that the planning authority is satisfied that the development will assist in securing national and local planning objectives on focusing development in key urban centres and fulfilling targets in relation to compact urban growth, noting also that the development is within acceptable density parameters. In particular, the planning authority is satisfied that the taller elements of the development successfully integrate into the emerging character and public realm, having regard to topography, cultural context and the setting of key landmarks. The planning authority considers that the development as a whole fails to deliver on several of the 12 criteria of the Urban Design Manual, specifically in relation to inadequate connectivity to Rockville; inadequate scale of non-residential land uses; concerns about the layout of the neighbourhood centre and poor public realm at same and concerns about adverse impacts on residential amenities due to overlooking. Some of these issues may be addressed by conditions as recommended by the planning authority. The CE Report considers that Blocks C and D follow the principles of the Urban Design Manual and will not have adverse impacts on the character and identity of the area. It therefore concludes that the proposed five storey heights of Blocks C and D satisfy the Table 5.1 criteria and therefore comply with policy objective PHP42 and with development plan policy on building height.

10.5.4. With regard to the detailed assessment in the remainder of this report, I consider that, subject to the recommended amendments, the overall development would comply with many of the criteria identified in Table 5.1 including the delivery of compact residential development; consolidation of Kiltiernan village centre; integration with adjoining lands and improved permeability and legibility (noting however need for an additional vehicular connection to Rockville); delivery of a new public realm and frontage at the Enniskerry Road; contribution to a more varied housing mix in the wider area; provision of satisfactory high quality communal areas with a variety of uses; c. 98% compliance with BRE ADF targets; adequate dual aspect provision; development generally avoids significant adverse impact on adjacent residential amenities by way of overlooking or overshadowing (noting however specific issues at the boundary with the Rockville development); satisfactory assessment of telecommunications impacts; satisfactory surface water

management and site services and satisfactory flood risk assessment. However, as discussed elsewhere in this report, there are several significant concerns in relation to the design and layout of parts of the development and in relation to the quantum of non-residential land uses and I therefore do not consider that the overall development meets the following criteria stated in Table 5.1:

- 1(c) Proposal must successfully integrate into/enhance the character and public realm of the area, having regard to topography, cultural context, setting of key landmarks. The proposed treatment of the Dingle Way is not considered satisfactory in relation to the amount of mature trees to be removed at this location and I consider that the design of this element of the development and Block D1, along with the demolition of the existing farm complex at Rockville, will not result in a satisfactory interaction with the Enniskerry Road and will not provide a satisfactory setting for the Our Lady of the Wayside Church protected structure. In addition, the development fails to provide a community centre as a landmark building at the northwestern corner of the village green, as envisaged in the LAP.
- 2(a) Proposal must respond to its overall natural and built environment and make a positive contribution to the urban neighbourhood and streetscape; 2(d) proposal where relevant must enhance urban design context for public spaces and key thoroughfares and 2(i) proposal must make a positive contribution to the character and identity of the neighbourhood. As above, I do not consider that the development achieves a satisfactory interaction with the Enniskerry Road at the Dingle Way.
- 2(f) Proposal must positively contribute to the mix of uses and /or building/ dwelling typologies available in the area. As discussed above, the proposed quantum of non-residential land uses at the neighbourhood centre is not satisfactory.
- 3(c) Proposal should ensure no significant adverse impact on adjoining properties by way of overlooking overbearing and/or overshadowing. As discussed below, Blocks C and D are located close to the boundary with the Rockville development and will involve the removal of a substantial amount of mature trees at this location. It is considered that these issues, along with the relative difference in

ground levels to Rockville, will result in significant adverse impacts on residential amenities at Rockville due to overbearing visual impacts.

- 3(d) Proposal should not negatively impact on the setting of a protected structure, see discussion elsewhere in relation to impacts on the setting of Our Lady of the Wayside Church.

Having regard to all of the above matters and in particular the potential impacts of the five storey Blocks C and D on residential amenities at Rockville to the immediate east of the development site, the proposed five storey element of the development is not considered to be acceptable in principle.

10.6. **Housing Mix and Part V**

10.6.1. Housing Mix

The overall development comprises 15% four-bed units (all houses), 45% three-bed units (houses, duplex units and apartments), 33% two-bed units (apartments and duplex units) and 7% one-bed units (apartments and duplex units). The proposed apartment mix comprises 12% one-bed units, 59% two-bed units and 29% three-bed units.

The applicant submits that the apartment mix is in accordance with SPPR 1 of the Apartment Guidelines, which states that developments may include up to 50% one-bed or studio units with no minimum requirement for apartments with three or more bedrooms. However, SPPR 1 also states that statutory development plans may specify a mix for apartment and other housing developments further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plans. Appendix 2 of the current County Development Plan comprises a HDNA and development plan Table 12.1 sets out detailed requirements for apartment mix based on same. Development plan policy PHP27, as set out above, which refers to the HDNA, also applies. The proposed overall housing mix (houses, apartments and duplex units) and proposed apartment mix may be compared with the requirements of Table 12.1 for new residential developments >50 units as follows (noting the Table 12.1 relates to apartment mix only):

CDP Table 12.1	Proposed Overall Mix	Proposed Apt Mix
Up to 60% studio, 1 and 2-bed units	40% 1 and 2-bed units, no studios	71% 1 and 2-bed apts
No more than 30% 1-bed and studios	7% 1-bed apts only, no studios	12% 1-bed apts
Minimum 40% 3+-bed units	60% 3+ bed houses, duplex units and apts	29% 3-bed apts

While the overall housing mix of the development complies with Table 12.1, the proposed apartment mix does not comply with the requirements as the proportion of one and two-bed units exceeds the required 60% and the proportion of three-bed units is less than the required 40%. Development plan section 12.3.3.1 also states that no more than 10% of the total number of units in any private residential development may comprise of two-bedroom three-person apartment types. Section 12.3.3.1 of the Statement of Consistency, which addresses housing mix, states that all of the 128 no. two-bed apartment and duplex units are to accommodate four persons and the development therefore meets this requirement.

Development plan section 12.3.3.1 provides the following clarification on developments comprising a mix of housing and apartment units:

In schemes of 50+ units, where a mixture of housing and apartments or a scheme comprising solely of houses is being provided on a site the housing offering must ensure a mixture that includes a proportion of housing units that are 3 beds or less. In new residential community areas, it is appropriate that schemes generally include houses in addition to apartment/duplexes. In deciding on the mix of house and apartments in these areas regard shall be had to the details of existing and permitted unit types within a 10-minute walk of the proposed development (see bullet point above). The apartment element, if in excess of 50 units, shall comply with the table above.

The Material Contravention Statement addresses the matter of apartment mix and seeks to justify the proposed mix on the basis that section 37(2)(b)(iii) applies with regard to national policy, specifically the Apartment Guidelines and the NPF. The applicant submits a rationale for the proposed housing mix and considers that the

overall mix is appropriate and will provide a choice of tenure and variety to the village and the surrounding area. The Statement of Consistency provides a map of existing and permitted units within a ten minute walk of the development site, as required in the development plan, which indicates a varied mix of houses and apartments in several recently permitted developments in Kiltiernan, as set out in the planning history above. The CE Report notes that the proposed apartment mix does not comply with Table 12.1 and recommends a condition that the apartment and duplex element of the development be revised to conform with development plan policy on housing mix.

I note that development plan section 12.3.3.1 states that housing mix shall generally be in accordance with Table 12.1 (my emphasis) and I therefore do not consider that the proposed apartment mix would result in a development that materially contravenes the development plan in this respect. It is, however, also open to the Board to impose a condition requiring that the development be revised to conform with the specifications of Table 12.1 if considered appropriate to do so. On balance, given that the proposed overall housing mix complies with Table 12.1 and given that Kiltiernan is an emerging residential area where a variety of housing types have recently been permitted, rather than a monocultural established suburb where single family houses predominate, I consider that the proposed housing mix is acceptable in principle.

10.6.2. Part V

The applicant proposes to transfer 39 no. units on site to meet Part V obligations, comprising 18 no. two-bed duplex units, 18 no. three-bed duplex units and three no. three-bed houses. The duplex units are located in duplex Blocks nos. B1 and C and the houses are in a block close to the eastern site boundary. The report on file of DLR Housing Department states no objection to this proposal, which appears reasonable. I note the recent Housing for All Plan and the associated Affordable Housing Act 2021, which requires a contribution of 20% of land that is subject to planning permission to the planning authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant permission, a condition can be included with

respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

10.7. Design and Layout, Quality of Residential Development

10.7.1. Proposed Design and Layout and Consistency with the Kiltiernan LAP

The development is laid out around several key elements comprising the village green at the Enniskerry Road frontage; the Dingle Way pedestrian/cycle connection between the Enniskerry Road and the GLDR; a new vehicular connection between the Enniskerry Road and the GLDR via the neighbourhood centre; a linear park along the power line at the eastern side boundary; the retention of existing treelines at the centre of the site and the provision of pocket parks at areas of retained trees at the Glenamuck Road frontage and at the boundary with the Rockville development. The overall development is also divided into four character areas as follows:

1. Eastern Side of Site

- 2-3 storey houses and duplex blocks including three storey houses/blocks facing the village green
- Shared spaces and central pocket park
- Primarily finished in buff brick and render
- New vehicular and pedestrian connections to Enniskerry Road, potential new connection to lands to the north

2. Southern Part of Site

- 2-3 storey houses and duplex blocks, three storey houses/blocks facing the village green, also three storey duplex blocks facing the Dingle Way
- Shared spaces and linear park along the power line at the eastern site boundary
- Primarily finished in red brick and render
- New access to the GLDR

3. Northeastern Part of Site

- Five storey apartment Blocks C and D with undercroft parking at the Glenamuck Road frontage with a central communal open space at podium level. Three storey duplex Block D at the southeastern site boundary. Also cells of two and three storey houses and duplex blocks.
- Pocket park at the Glenamuck Road frontage where an area of mature trees is to be retained. Also a smaller open space at the eastern site boundary to the Rockville development.
- Primarily finished in buff brick and render, also metal cladding penthouse elements at the apartment blocks.
- New frontage and access to the Glenamuck Road.

4. Neighbourhood Centre

- Neighbourhood centre comprising two no. four storey Blocks A and B and two no. three storey Blocks C and D with commercial and creche uses at ground/first floor and apartments and duplex units on the upper floors, also a central communal open space at podium level.
- Three storey Block D1 to the south of the village green, also fronting onto the Dingle Way to the south, with retail units and the community facility at ground floor level and residential units above.
- Centred on the village green and also includes part of the Dingle Way
- Primarily finished in buff and grey brick and render with metal cladding elements
- New vehicular, pedestrian and cycle connections to Enniskerry Road

Development plan Table 12.8 states a requirement for 15% of the total site area as public open space for residential developments in new residential communities. Such space is further defined as being generally free from attenuation measures and capable of being taken in charge. The development provides a total stated area of 18,879 sq.m. public open space (stated as 17.5% of the total site area), excluding the Dingle Way which is a further 1,572 sq.m. The landscaping strategy details that the village green is designed with a variety of seating and gathering points and play and exercise areas, such that it can serve various purposes as envisaged in the

LAP. There is an area of hard landscaping at the southern side of the village green, which is described as a civic space with stone walls, paving, seating and planting. I note that the NFP indicates a piece of public art at the village green and I recommend that a condition requiring same be imposed if permission is granted. There is a granite wall at the boundary to Enniskerry Road and the layout allows for planting and an improved pedestrian infrastructure at this location. The Dingle Way is designed as a waymarked green route with planting and seating areas and includes a central landscaped node at the junction of the eastern side of the neighbourhood centre and the other character areas, which provides a wayfinding element such as a public art installation. The treelines at the centre and northern parts of the site are to be retained with a 'woodland walk' and an area of trees at the Glenamuck Road frontage is to be retained as a pocket park. Smaller public open spaces are provided at various locations throughout the development, providing natural play areas, breakout spaces and exercise facilities. I consider that the development provides a satisfactory quantum of public open space overall and I accept that the spaces proposed will serve a variety of uses and make a substantial contribution to the amenity of residents of the development and to the wider community. However, the proposed layout lacks larger tracts that would be suitable as 'kickabout' areas. I therefore consider, as discussed above, that a MUGA should be provided within the development, as provided for in the LAP, in order to counteract the lack of 'kickabout' space.

While the overall layout is generally similar to that indicated in the Kiltiernan NFP, there are several key differences between the layout of the proposed neighbourhood centre complex and that indicated in the NFP. In particular, I note that the proposed complex is laid out such that the anchor unit and one other retail unit face the village green to the west, with other retail, office, and medical uses facing the main spine route through the development to the north of the complex and the creche and related play area at the eastern end of the block. The layout of this area in the NFP indicates the commercial units facing the village green with parking to the rear. The three storey Block D1 at the southern end of the green contains five no. smaller retail units and a community space at ground floor level and duplex units on the upper floors. It is submitted that these spaces front onto the village green to the north and to the Dingle Way to the south. The layout in the NFP indicates the existing Rockville

farm complex retained at this location. The other significant difference between the proposed layout and that indicated in the NFP is that the proposed community facility comprises a room on the ground floor of Block D1, at the southeastern corner of the village green. The NFP indicates a community centre to be provided in a landmark building at the northwestern corner of the village green, at the Enniskerry Road frontage.

The Material Contravention Statement addresses the proposed neighbourhood centre layout and submits that it provides land uses in accordance with the relevant development plan zoning objectives, that the proposed design does provide several elements envisaged in the NFP and that it also will achieve several objectives of the LAP for the NC zoned lands. It is submitted that the design and layout of the neighbourhood centre will allow for an appropriate level of densification at these underutilised lands, in accordance with national planning policy, and that the potential material contravention may therefore be justified with regard to section 37(2)(b)(iii). Given that the layouts provided in the NFP are generally indicative, I do not consider that the proposed neighbourhood centre layout amounts to a material contravention of the LAP.

The CE Report is critical of the proposed neighbourhood centre layout and comments that, in addition to the issues discussed above in relation to the quantum of retail and commercial floorspace in the development, there are concerns regarding the siting, design, form and overall functionality of the neighbourhood centre. The planning authority considers that the location of the community centre at the northwestern corner of the village green, as indicated in the NFP, is a particularly relevant element of the overall NFP layout, as the building will act as a local landmark and draw footfall towards the neighbourhood centre, whereas the current proposed location of the community facility loses the potential to act as a place maker/village identifier. The planning authority therefore recommends that this element of the development be refused and that a revised layout be required as part of a future application. The CE Report also comments that the main neighbourhood centre block provides only limited commercial frontages to the village green, with other commercial frontages at the northern side of the block facing the road. The report also states several concerns about proposed Block D1 at the southern side of the village green, commenting that the proposed public realm at the Dingle Way to

the south of the block will require the removal of existing vegetation and provides hard landscaping that is constrained by the proximity of residential entrances and commercial frontages. It therefore does not function well as an ecological corridor or as a visual link to Our Lady of the Wayside Church on the opposite side of the Enniskerry Road, as envisaged in the LAP. The CE Report also comments that the northern elevation of Block D1 predominantly reflects the residential upper floor uses of the block rather than creating an active commercial interface as the commercial frontages at ground floor level are diluted by interspersed stairs to the first floor residential units. The report suggests that the neighbourhood centre block could be re-orientated to provide more commercial frontages to the village green and Block D1 could be relocated to the north of the village green to form a more active frontage to the village green, as part of an overall redesign of the neighbourhood centre.

As discussed above, the planning authority has recommended refusal for reasons, inter alia, relating to the inadequate quantum of non-residential land uses at the neighbourhood centre. The relevant recommended refusal reason no. 2 also states that the proposed design and layout of the neighbourhood centre would not succeed in the creation of an active and vibrant high quality public realm capable of maximising footfall towards the neighbourhood centre and therefore would fail to deliver on the development plan objectives of Policy PHP4 and MFC1 and also on the specific LAP objectives for land parcel 22. The planning authority also recommends conditions requiring the omission of all of Phase 5 comprising Block D1; the omission of all of Phase 2A comprising the neighbourhood centre complex except for the two ground floor retail units of Block A facing the Village Green, with the addition of a temporary creche to cater for the development until a revised neighbourhood centre is constructed.

While the layout of the proposed neighbourhood centre differs somewhat from that indicated in the NFP, I accept that the neighbourhood centre complex and Block D1 provide active frontages to the village green. The other commercial frontages at the neighbourhood centre complex face the main vehicular spine route through the development, which connects the Enniskerry Road with the GLDR and therefore will present active frontages to the public realm. This is considered acceptable. However, I consider that the lack of a landmark community building at the Enniskerry Road frontage of the development and facing the village green represents a

significant missed opportunity for the development to make a greater contribution to place making at the centre of the village and also, as discussed above, I consider that the loss of the Rockville farm complex is also unfortunate given that a renovated structure could significantly add to the heritage of the area and to the character of Kiltiernan, and further that the neighbourhood centre should also provide a MUGA as envisaged in the LAP. In particular, I share the concerns of the planning authority that the proposed Block D1 does not achieve the various LAP objectives of providing a satisfactory active frontage to the village green, providing a sensitive context for the Our Lady of the Wayside Church protected structure and fulfilling the waymarking function of the Dingle Way connection between the Enniskerry Road and the GLDR. I note in particular the contrast between the current frontage of the southwestern corner of the site to the Enniskerry Road, including the existing Rockville farm complex and mature trees, as indicated in the LVIA viewpoint V4, and the proposed layout and elevation of Block D1 at this location. I consider that this area of the development would require a more sensitive treatment of all elevations facing the public realm and a very high quality of design and finish if the demolition of Rockville is to be justified, as well as tree retention where possible and detailed landscaping proposals. In addition, as discussed elsewhere in this report, I consider that the lack of a substantial anchor unit in the neighbourhood centre and the lack of an adequate overall quantum of non-residential floorspace are fundamental inadequacies in the development and I recommend refusal on this basis. I note the concerns of the planning authority and, with regard to the LAP, I consider that the neighbourhood centre at the development site will play a pivotal role in the establishment of a sense of place, community and identity for the emerging residential area of Kiltiernan and that the achievement of these objectives is equally as fundamental to its overall success as the provision of an adequate quantum of retail and commercial floorspace and community facilities. Having regard to the detailed design and layout of the neighbourhood centre, in particular the elevations of Block D1 facing the public realm and the limited commercial frontage to the village green in the main neighbourhood centre complex, as well as the lack of a landmark building containing a community centre and non-provision of a MUGA, I consider that the development will fail to achieve several LAP objectives for land parcel no. 22 and fails to achieve a positive contribution to the character and identity of the area.

Having regard to these issues, I also consider that the development is not in accordance with the guidance provided in the Urban Design Manual that accompanies the Sustainable Residential Development Guidelines, specifically criteria nos. 1 Context, 6 Distinctiveness, 7 Layout, 8 Public Realm and 12 Detailed Design, due to the poor response to the LAP objectives for land parcel no. 22 and to the inadequate contribution to the character and identity of the area. I therefore recommended refusal on this basis.

10.7.2. Quality of Residential Development

As per the submitted Housing Quality Assessment, Architectural Design Statement and Statement of Consistency, the proposed houses have been designed to meet the requirements of Quality Housing for Sustainable Communities and provide private open space in accordance with development plan standards. Similarly, the proposed apartments and duplex units have been designed to meet the requirements of the Apartment Guidelines with regard to floor areas, floor to ceiling heights, number of units per core, storage space and private open space.

Development plan standards for residential development are consistent with the Apartment Guidelines with regard to apartment floor areas, floor to ceiling heights, private amenity space and internal storage space standards and the development is therefore also consistent with the development plan in respect of these matters.

Development plan section 12.3.5.3 requires the provision of external storage space for apartments, in addition to the internal storage requirements of the Apartment Guidelines. The development addresses this by providing additional storage space within the ground floor of the neighbourhood centre and within apartment Blocks C and D, to the satisfaction of the planning authority. I am generally satisfied that the proposed apartments will provide an acceptable level of residential amenity for their occupants given that these standards are met.

The development provides a stated total of 181 no. dual aspect apartments (83%) and it is submitted that this provision exceeds the requirement of SPPR 4 of the Apartment Guidelines for 50% dual aspect units at suburban/intermediate locations. Development plan section 12.3.5.1 refers to SPPR 4 and provides a definition of dual aspect units, stating:

A dual aspect apartment is designed with openable windows on two or more walls, allowing for views in more than just one direction. The windows may be opposite one another, or adjacent around a corner. The use of windows, indents or kinks on single external elevations, in apartment units which are otherwise single aspect apartments, is not considered acceptable and/or sufficient to be considered dual aspect and these units, will be assessed as single aspect units.

The CE Report notes that the apartment floor plans indicate instances where units identified as dual aspect do not conform with this definition as they rely on an indent in the elevation rather than allowing full views in different directions. However, notwithstanding these concerns, the development would provide a proportion of dual aspect units >50% even if these units are excluded. The development is therefore considered acceptable in this respect.

Development plan section 12.3.5.2 states that a minimum clearance distance of c. 22m, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In addition, development plan section 12.8.7.1 states that a minimum standard of 22 m separation between directly opposing rear first floor windows should usually be observed for new developments, to normally result in a minimum rear garden depth of 11m. It also states that, where sufficient alternative private open space (e.g. to the side) is available, the required separation distance for new developments may be reduced, subject to the maintenance of privacy and protection of adjoining residential amenities. The development provides separation distances <22m between opposing upper floor windows at a limited number of locations where wide fronted house types have been introduced in the interest of variety and maximising active street frontage. These units have been designed to avoid overlooking and provide private rear open space in accordance with development plan quantitative requirements. The matter of reduced separation distances is addressed in the Material Contravention Statement. However, I do not consider that the development materially contravenes the development plan in this respect, given that the plan allows for some flexibility on the 22m standard. The above instances of

separation distances are considered acceptable given that the proposed layout avoids overlooking and that adequate private amenity space is provided.

The development also provides a reduced separation distance between apartment Block C and duplex Block D at the eastern side of the site and adjacent residential properties in the Rockville development. This matter is considered below in the context of potential impacts on residential amenities, where it is considered that the limited distance to the shared boundary contributes to adverse impacts on residential amenities at Rockville due to overbearing visual impacts, along with the proposed removal of mature vegetation at this location and to the relative difference in ground levels.

A total of 2,934 sq.m. of communal open space is provided to serve the apartments. This meets the quantitative requirements of the Apartment Guidelines at an aggregate level and, having regard to the detailed site layout and landscaping proposals, I am satisfied that each apartment unit is served by an adequate quantity and quality of communal open space. The submitted Daylight and Sunlight Assessment Report includes a Sun Hours on Ground (SHOG) Analysis of the communal open spaces within the development, which finds that 17 of the 18 no. spaces assessed meet the BRE criterion of two or more hours of sunlight to over 50% of their areas on 21st March. The only space that does not meet the recommended standard is the communal space to the rear of duplex Block A2, due to its orientation to the north of Block A2, which achieves 23.5% of the BRE recommended standard. However, the private open spaces of all units in Block A2 meet the standard and, in addition, Block A2 is adjacent to the village green and therefore has easy access to high quality public open space. The other 17 no. communal areas achieve >90% of each space achieving two hours of sunlight on March 21st. I also note the submitted Lifecycle and Management Report, which provides details of the establishment of a property management company and the ongoing management of areas not taken in charge. This level of compliance is considered satisfactory. The provision of communal open space is therefore considered satisfactory overall in terms of quantity and quality.

10.7.3. Daylight and Sunlight Standards

Section 3.2 of Building Height Guidelines states that the form, massing, and height of proposed development should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2nd edition, 2011, also known as BRE 209) or 'BS 8206-2: 2008: Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or ABP should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/or an effective urban design and streetscape solution.

Development plan section 12.3.4.2 states that all habitable rooms within new residential units shall have access to appropriate levels of natural/daylight and ventilation and that development shall be guided by the principles of the 2011 BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice and/or any updated, or subsequent guidance, in this regard (my emphasis). I consider that this statement allows for some flexibility in the interpretation of the guidance referred to which, in any case, is not mandatory, and that, subject to a reasonable level of compliance, the development does not materially contravene the development plan in respect of daylight and sunlight, notwithstanding that the applicant's Material Contravention Statement addresses the matter.

The applicant's Daylight and Sunlight Assessment Report, dated June 2022, is based on recommendations outlined in the 2011 BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice and the BS 8206-2:2008: Lighting for Buildings - Part 2: Code of Practice for Daylighting. I have considered the report submitted by the applicant and have had regard to the above guidance documents. I note and acknowledge the publication of the updated British Standard (BS EN

17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK) but also note that this updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines. It should also be noted at the outset that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The BRE guidelines also state in paragraph 1.6 that, although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. The BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

The Daylight and Sunlight Assessment Report considers daylight to the proposed apartments and duplex units in terms of Average Daylight Factor (ADF). In general, ADF is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum ADF values that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined living/kitchen/dining layout. It does, however, state that where a room serves a dual purpose the higher ADF value should be applied. Most of the proposed apartments and duplex units include a combined living/kitchen/dining room (LKD). The applicant's assessment provides ADF analysis for all apartments/duplex units/habitable rooms within the development. It considers all LKDs against the 2% ADF target and individual kitchens and living rooms against the 1.5% and 2% targets respectively, where relevant. I am satisfied that the applicant's ADF assessment is based on a robust methodology, as set out in section 5.0 of same, and I see no reason to question its conclusions. The results indicate that, of

the 724 no. habitable rooms, 707 no. rooms meet or exceed the BRE recommended minimum values. This gives an overall compliance rate of c. 98%. The report concludes that for a scheme of this scale and density, this could be seen as a good level of compliance and could be seen as favourable. Section 8.2.3 of the report also sets out detailed compensation measures for all individual units which do not meet the ADF targets, including provision of communal open space and private amenity space areas above the minimum quantitative standards of the Apartment Guidelines; views of trees and amenity areas; larger floor areas above minimum quantitative standards and, in some instances, southern orientation.

The Daylight and Sunlight Assessment provides Sun on Ground figures for private amenity spaces of the apartments and duplex units within the development such that c. 79% of the 253 no. proposed amenity spaces will achieve the BRE criterion of two or more hours of sunlight to over 50% of their areas on 21st March. It is submitted that this is an adequate level of compliance given that north facing spaces cannot achieve compliance in this regard.

In relation to the conclusions of the Daylight and Sunlight Assessment Report, I concur that a compliance rate of c. 98% is a relatively good performance for a scheme of this nature, and where there are shortfalls when assessed against BRE targets I am not of the view any of these shortfalls are significant. Again, I note the non-mandatory nature of same. However, I have set out my concerns in relation to other aspects of the design and layout of the scheme elsewhere in this report, and note that if the design and layout of certain elements were changed there may well be an improvement in the overall compliance rate. Notwithstanding, both the Building Height and Apartment Guidelines state that where a proposed development cannot demonstrate that it meets the BRE daylight provisions, compensatory measures should be described. The applicant has set out compensatory design solutions for the individual units that do not meet BRE targets. There are also wider planning objectives which apply to this site which seek to develop the site at an appropriate density, and to deliver an appropriate urban design and streetscape, in the context of the Kiltarnan LAP, the County Development Plan and national planning policy. I am satisfied overall that the daylighting to the proposed development would adequately meet the residential amenity levels for future residents.

Having regard to all of the above, I am generally satisfied that the overall level of residential amenity is acceptable and is considered to be in reasonable compliance with the BRE standards. In conclusion, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the development have been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban regeneration of this highly accessible and serviced site within the Dublin Metropolitan Area, in accordance with national and local policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants.

As noted above, the Material Contravention Statement addresses the matter of daylight and sunlight, noting that development plan section 12.3.4.2 states that development shall be guided by the principles of the BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) and/or any updated, or subsequent guidance. I do not consider that the development materially contravenes the development plan in relation to this matter, noting that it is generally consistent with BRE guidance and, in any case, noting the non-mandatory nature of such guidance.

10.8. Impacts on Visual and Residential Amenities

- 10.8.1. The development site abuts existing residential properties at the Rockville development on the Glenamuck Road to the northeast and at Ballychorus Road to the south. I note the submissions on file by residents of Rockville, which state concerns that the area of the development closest to Rockville, i.e. apartment Blocks C and D, is also its highest density element and that Blocks C and D will have significant adverse impacts on adjacent residential properties within Rockville by way of overbearing visual impacts and overlooking, in particular due to the proximity of Blocks C and D to the site boundaries, as well as adverse impacts on residential amenities during construction. The matters raised may be considered separately as follows, as well as other issues relating to impacts on visual and residential amenities.

10.8.2. Landscape and Visual Impacts in Kiltiernan and the Wider Area

The applicant has submitted CGIs and a Landscape and Visual Impact Assessment (LVIA), as per EIAR Chapter 10. The LVIA considers visual impacts from 20 no. locations in the area including seven no. locations along the Enniskerry Road, four no. locations along the Glenamuck Road, two no. locations within Rockville, one location at the Ballychorus Road and six no. locations in the wider area. Based on the site inspection and on my knowledge of the area, I am satisfied that the viewpoints chosen are representative of views in the wider area and are sufficient for an assessment of the wider visual impacts of the development. I note and agree with the comments of observers that the LVIA provides limited assessment of views from Rockville, giving only two viewpoints at this location. However, I consider that there is sufficient information on file, including detailed elevations, cross sections, layouts and landscaping and arboricultural details that, along with the site inspections, permit a detailed assessment of potential visual impacts at this location. I also note in this regard that the LVIA takes the proposed removal of trees at the site into consideration. There are no protected or preserved views in the area, however, as noted previously, Our Lady of the Wayside Church across the road from the site is a protected structure. In addition, Rockville House, within the Rockville development to the northwest of the site, is also a protected structure.

LVIA viewpoints nos. 2, 3, 4, 6, 7, 8 and 10 are all located along the Enniskerry Road and include visibility, and intervisibility with Our Lady of the Wayside Church. There are no visual impacts at viewpoints nos. 2, 3, 5, 9 and 10, further from the development site, as the development will not be visible from these locations. Visual impacts are assessed as 'moderate' at viewpoint no. 4, across the road from the development site and close to Our Lady of the Wayside Church. The development will change the outlook from this location with the demolition of the Rockville farm complex, the removal of existing trees and vegetation and the construction of the village green, adjacent residential blocks and the neighbourhood centre. Visual impacts are assessed as 'significant' at viewpoints no. 6 and 7, both across from the proposed village green. It is submitted that the village green amenity area and associated planting will mitigate visual impacts, also that the design and finish of the development will enhance the village context. Similarly, impacts are assessed as 'moderate-significant' at viewpoint no. 8, also across the road and to the southwest

of the development site. However, having regard to the above assessment of the design and layout of this area, I consider that the development will not present a satisfactory appearance to the Enniskerry Road, principally due to the design and layout of the neighbourhood centre complex and duplex Block D1, which is not in accordance with the vision for this area as set out in the Kiltiernan LAP and NFP. I consider that, in particular, viewpoint no. 4 will present an unsatisfactory aspect from Our Lady of the Wayside Church and will not result in a satisfactory contribution to the public realm of Kiltiernan or to the setting of the protected structure.

Viewpoints nos. 9, 11, 12 and 13 are located along the Glenamuck Road to the north of the development site. The development will have no visual impact at viewpoints nos. 9 and 11 as it will not be visible from these locations. It is assessed as having a 'minor/imperceptible' impact at viewpoints no. 12 and 13, where it will be visible in the distance with the existing Rockville development in the foreground. The LVIA does not assess the visual impact of the proposed new access and frontage to Glenamuck Road or the view of apartment Blocks C and D from this location, as indicated in CGI no. 3. However, I consider that the development represents a reasonably sensitive interface with the Glenamuck Road with granite walls at the road frontage, landscaping and the retention of existing trees in a pocket park, and noting that this context is undergoing transition with the construction of the permitted Part VIII development and several permitted residential schemes on adjacent sites. I therefore do not consider that the development will result in adverse visual impacts at the Glenamuck Road.

In the wider area, the development will have no visual impact at viewpoints nos. 5, 17 and 20 as it will not be visible from these locations. It is assessed as having a moderate/minor visual impact (depending on distance) at viewpoints nos. 15, 18 and 19 where it will read as part of the emerging built up area of Kiltiernan. I accept these conclusions having inspected the site and viewed it from a variety of locations in the vicinity. The remainder of the views assessed in the LVIA are located within adjacent residential areas and are considered separately below.

10.8.3. Interaction with Adjoining Rockville Development

The proposed five storey Blocks D and C and their intervening communal open space at podium level are located to the immediate west of houses in Rockville

Woods and northwest of the four storey Rockville Hall apartment block within Rockville. Further to the south, a public open space and duplex Block D abut the site boundary with Rockville, to the rear of existing houses at Rockville Avenue.

There is a distance of c. 25m between the eastern façade of apartment Block D and the opposing front elevations of houses in Rockville Woods and a distance of c. 12m between Block C and the Rockville Hall apartment block. The 12m distance is less than the 22m between opposing facades as recommended in development plan section 12.3.5.2. As discussed above, I do not consider that this amounts to a material contravention of the development plan, notwithstanding that the matter is addressed in the Material Contravention Statement. However, I consider that Block D is likely to have a significant visual impact at Rockville to the east of the site given that its parapet height will be c. 9m higher than the ridge height of the houses at Rockville Woods and noting that the additional height of Block D will be exacerbated by its relatively high ground level, ref. the elevations and cross sections indicated in drawing no. PL500, and also given that existing trees at this location will be removed (in contravention of a development plan objective to preserve trees at this part of the site, as discussed below in relation to arboricultural impacts) and replaced by new planting as per the Arboricultural Report. In addition, the eastern façade of Block C will be close to the opposing elevations of Rockville Hall.

I note and accept the concerns of residents of Rockville that the presence of Blocks C and D close to the intervening boundary, along with the proposed tree removal, and the presence of the existing four story Rockville Hall block within Rockville, will create a new, far more urban context for this area. LVIA viewpoints nos. 14 and 16 indicate views from Rockville with viewpoint no. 14 including the Rockville Hall protected structure. The LVIA assesses impacts at viewpoint no. 14 as 'minor' on the basis that Block C will be partially hidden by existing large trees, most of them in Rockville House garden, and visual impacts at this location will be mitigated by planting within the development. Impacts at viewpoint no. 16 are also assessed as 'minor' for similar reasons. I consider that the LVIA presents selective, more distant views of the development from Rockville and is deficient in that it does not provide views of the development from or in the context of Rockville Woods and the Rockville Hall apartment block. I accept that any development of these zoned and serviced lands will change the outlook from Rockville. However, having regard to (i)

the proximity of the eastern facades of Blocks C and D to Rockville; (ii) the design of the eastern elevations of Blocks C and D including the undercroft car park and podium open space; (iii) the relative difference in ground levels between the development site and Rockville and (iv) the proposed removal of mature trees at the boundary, which form an important element of the existing setting of Rockville, I consider that these issues will combine to result in an unacceptable overbearing visual impact at Rockville to the immediate east of Blocks C and D. I therefore recommend that these elements of the development be omitted by condition if the Board does not decide to refuse the development.

Given that the development will be to the rear/west of the Rockville Hall apartment block, I do not consider that the development will result in any significant change to the setting of the Rockville Hall protected structure, the context of which has already been totally transformed by the construction of the Rockville development. I note that the elevations of Blocks C and D facing Rockville do not have balconies and have secondary windows to habitable rooms, which could be conditioned as opaque or other design solutions to obviate overlooking, as recommended in the CE Report, and, with the application of such a condition, I am therefore satisfied that the development will not result in significant adverse overlooking impacts.

Overshadowing impacts at Rockville are discussed below and are found to be acceptable.

Duplex Block D is c. 10m from the boundary with Rockville Avenue. The layouts and cross sections provided for duplex Block D do not indicate adjacent houses at Rockville Avenue. However, having regard to available mapping and aerial photography, which is in the public realm, I note that the opposing block in Rockville is angled away and to the north of duplex Block D. I note and concur with the recommendation of the planning authority that duplex units nos. 9 and 10 in Block D should be redesigned to obviate overlooking of adjacent houses in Rockville, and conditions could be imposed to require same. Subject to these amendments, I do not consider that Block D will result in significant adverse impacts on residential or residential amenities at Rockville. However, as discussed below in relation to the proposed roads layout, I recommend the omission of Block D in its entirety in order to achieve a satisfactory roads layout and vehicular connection between Rockville and the GLDR, if permission is granted.

10.8.4. Interaction with Residential Properties at the Ballychorus Road

The houses at the southern end of the development achieve satisfactory distances to intervening boundaries and to opposing facades of properties at the Ballychorus Road, noting also the presence of mature vegetation along the shared boundary, such that the development will not result in overlooking between opposing facades, or adverse visual impacts. I am also satisfied the development will not result in undue overshadowing at this location with regard to the Daylight and Sunlight Assessment, in particular the shadow diagrams within same, and to the relative orientation of the site to the north of Ballychorus Road.

10.8.5. Daylight and Sunlight Impacts

In designing a new development, it is important to safeguard the daylight to nearby buildings. The submitted Daylight and Sunlight Assessment considers daylight and sunlight impacts on adjacent residential properties in terms of potential effects of the development on daylight Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH), with regard to the BS 2008 Code of Practice for Daylighting and the BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011). As discussed in relation to daylight levels within the proposed apartments, the applicant's analysis also refers to the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), however this updated guidance does not have a material bearing on the outcome of this assessment and the relevant guidance documents in this case remain those referred to in the Urban Development and Building Heights Guidelines, i.e. BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I have used these guidance documents to assist in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within an area identified for residential development/compact growth, and to increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

The Daylight and Sunlight Assessment Report considers impacts on VSC to 57 no. windows in surrounding properties at 5-6 Cromlech Close, 7-13 Rockville Woods,

Rockville Hall apartments, 10-14 Rockville Avenue and Rockville Mews. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The assessment locations are selected with regard to the relative orientation and intervening distances. I am satisfied that these are the properties most likely to experience effects on daylight and sunlight with regard to their orientation and proximity to the proposed development. The overall findings of the Daylight and Sunlight Assessment may be summarised as follows, with regard to the detailed VSC impact assessment results presented in section 6.1 of same:

- All windows assessed at Cromlech Close comply with BRE criteria for VSC. Impacts at this location are assessed as imperceptible.
- The assessment finds that ground floor windows at nos. 7-9 and 10-13 Rockville Woods do not meet the BRE target, achieving c. 86-97% compliance. Impacts at these locations are assessed as 'slight' or 'not significant'.
- The development will have overshadowing impacts at the western elevation of the Rockville Hall apartment block, particularly at ground floor level. The following instances are noted where windows tested at Rockville Hall did not meet the BRE targets:

Location / window no.	Baseline VSC	Proposed VSC	Ratio of Proposed to existing VSC
GF 0a#3	17.75	6.35	0.34
GF 0a#	30.12	21.22	0.7
GF 0b	32.78	19.68	0.6
GF 0c#1	17.5	8.43	0.48
GF 0c#	27.5	21.31	0.77
1 st fl 1a#3	20.89	7.52	0.36
1 st fl 1a#	32.08	23.27	0.73
1 st fl 1b	35.73	23.71	0.66

1 st fl 1c#1	20.72	11.45	0.55
2 nd fl 2a#3	21.35	8.86	0.41
2 nd fl 2a#	32.93	25.24	0.77
2 nd fl 2b	36.88	27.2	0.74
2 nd 2c#1	21.14	13.39	0.63
3 rd 3a#3	21.73	11.99	0.55

Impacts are generally assessed as ‘slight’ or ‘not significant’. Section 8.1.1 of the Daylight and Sunlight Assessment, which summarises its findings, states that the windows affected at nos. 7-13 Rockville Woods all appear to be ground floor living room windows with a generous glass to floor ratio (~26%) and are therefore still likely to receive adequate levels of daylight despite a perceptible reduction. The affected units within the Rockville Hall apartments appear to be single aspect bedrooms or dual aspect LKDs. The windows of the single aspect are located unusually close to the shared side boundary (~2m). The LKDs also have windows that are notably close to the shared site boundary as well as windows facing north-west or southeast respectively. The windows that are facing the proposed development, close to the shared site boundary, have a large balcony directly above, noting that the BRE Guidelines state the existing windows with balconies above them typically receive less daylight and even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. It is submitted that it is therefore understandable that the effect to the windows located underneath balconies that are located so close to the shared site boundaries would receive a perceptible level of effect to daylight. Although, the effect on these windows is relevantly high, the effect on the unit as a whole is reduced by the fact that the LKDs in question are dual aspect and are capable of receiving light from other windows to which there is significantly less reduction coming from the proposed development.

- All windows assessed at nos. 10-14 Rockville Avenue and Rockville Mews comply with BRE criteria for VSC. Impacts at these locations are assessed as imperceptible.

The Daylight and Sunlight Assessment considers impacts on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) as a result of the development. British Standard BS 8206: Part 2:1992 recommends that interiors where the occupants expect sunlight should receive at least one quarter (25%) of APSH, including at least 5% of annual probable sunlight hours during the winter months (21st September to 21st March). If the available sunlight hours are both less than the amount given and less than 0.8 times their former value, either over the whole year or just during the winter months and reduction in sunlight across the year has a greater reduction than 4%, then the occupants of the existing building will notice the loss of sunlight. The BRE recommendations note that if a new development sits within 90° due south of any main living room window of an existing dwelling, then these should be assessed for APSH. The Assessment therefore calculates APSH and WPSH for the same windows as the VSC study except for windows to the rear of Cromlech Close and the windows of Rockville Mews, which are excluded as they do not have an orientation within 90° of due south, with 51 no. windows assessed in total. Section 6.2 of the Assessment presents detailed results for the APSH and WPSH analysis. All of the windows tested at Cromlech Close, 7-9 and 10-13 Rockville Woods meet the BRE target for APSH. One ground floor window at no. 7 Rockville Woods is marginally below the WPSH (over 98% compliance). The remainder of the windows tested at nos. 7-9 Rockville Woods meet BRE targets for WPSH. One ground floor window at Rockville Hall apartments falls marginally below the BRE target for APSH (93% compliance). The remaining windows tested at Rockville Hall meet BRE targets for APSH and WPSH. All windows tested at nos. 10-14 Rockville Avenue meet BRE targets for APSH and WPSH. Impacts are generally assessed as imperceptible on this basis and I concur with this conclusion.

The Daylight and Sunlight Assessment also considers potential overshadowing of gardens at nos. 5-6 Cromlech Close, the walled garden at Rockville Hall and private amenity spaces at nos. 4-7 Rockville Court and nos. 10-14 Rockville Avenue with regard to the BRE criterion the of two or more hours of sunlight to over 50% of their areas on 21st March. The detailed results presented in section 6.3 of the Assessment indicate that all of the amenity spaces analysed meet the BRE criterion before and

after the development. Impacts are generally assessed as 'imperceptible' and I concur with this conclusion.

In conclusion and having regard to impacts to daylight and sunlight levels to surrounding properties and overshadowing of same, I am satisfied that the applicant's Daylight and Sunlight Access Impact Analysis has identified the majority of potential impacts, and I am satisfied that the majority of properties will experience impacts that are in line with BRE Targets as set out in the 3rd Edition of the BRE Guidelines (and as per the 2nd Edition). While some minor adverse impacts have been identified, the overall impact is, on balance, acceptable, having regard to the detailed discussion above. I am satisfied that impacts on surrounding amenity spaces will also be acceptable, having regard to the considerations above.

Having regard to all of the above, I do not consider that the level of daylight and sunlight impacts identified at existing adjacent residential properties, warrants a refusal of permission on grounds of adverse impacts on daylight and sunlight. The impacts on adjoining amenity areas are within accepted parameters as per the BRE guidance. I accept that any development of this zoned and serviced site at a prime location would result in some daylight and sunlight impacts. The assessed impacts are considered acceptable given the accessible urban location of this zoned and serviced development site, and the need to balance potential impacts against national planning policy to achieve compact urban development and increased residential densities, particularly at sites served by public transport.

10.8.7. Construction Impacts on Residential Amenities

Third party submissions state concerns about potential impacts on residential amenities relating to dust, noise and construction traffic during the construction period. The applicant includes an Outline Construction Management Plan (OCMP) and a Construction Environmental Management Plan (CEMP). The OCMP outlines proposed construction management measures in accordance with relevant standards, including section 5.3 on control of noise and vibration and section 5.3.3 in relation to control of dust emissions, also detailed construction traffic management proposals. The CEMP also provides details of proposed dust and noise management measures during the construction phase. I am satisfied that, subject to the implementation of a detailed Construction Management Plan, which may be required

by condition if permission is granted, as well as monitoring of the demolition and construction phases of development, the development would not have any significant adverse impacts on residential amenities during construction.

10.9. **Social Infrastructure and Childcare Provision**

10.9.1. Social Infrastructure Including Schools

Third party submissions comment that there is a lack of social, educational and recreational facilities in the area to cater for demand generated by the development. The provision of a community facility and a MUGA within the NC zoned lands at the development site, as envisaged in the LAP is discussed above, concluding that the development should be amended by condition to address these issues if permission is granted. Aside from these facilities, I accept that the development makes a significant contribution to the public realm of the area, in particular with the provision of the village green, various amenity spaces throughout the development, and improved pedestrian and cycle linkages including the Dingle Way.

The submitted Social Infrastructure Audit (SIA) gives detailed consideration to schools in the area, listing education and training facilities within a 2km radius. It includes a Schools Demand Assessment, which estimates based on Census information that the development population will include an estimated 357 no. school age children including 206 no. primary school children and 151 no. post-primary school children. The SIA states that there are three no. primary schools (Kiltiernan Church of Ireland N.S., St. Patrick's N.S. and Kiltiernan N.S.) and one post primary school (Rosemount) within the Kiltiernan School Planning Area (SPA), as identified by the Department of Education and Skills (DES). These facilities cater to a student population of 678 no. primary school students and 223 no. post-primary school students as per DES records, with growth in the recent 10- year period demonstrated at both levels, a slight increase at primary level and more significant increase at post-primary level. A survey in May/June 2022 found that there are c. 150 (or more) spaces available in primary schools and c. 184 (or more) available places in post-primary schools within the Kiltiernan SPA and adjoining SPAs. In addition, one of the post-primary schools also indicated an intention of expanding their current capacity (c. 500 students) to a total of 1,000 students. A website review of the schools also determined that there was available capacity of approx. 324 spaces for Junior Infants

in primary schools (including special classes and spaces in the Special School) and approx. 184 spaces for first years in post primary Schools for school year 2022/23.

In terms of future demand for schools, the SIA states that the DES reported in November 2021 that enrolment figures for primary schools in Ireland were likely to have reached peak levels in 2018 and are now projected to gradually decline in all population scenarios, suggesting a low point of c. 440,000 pupils by 2033. A c. 9.8% decrease in enrolments in primary school level and a 7.7% increase in post-primary school enrolments is anticipated nationally from 2020/21 to 2025/26, with respect to the most recent national projections published by the DES. The DES is developing four new primary schools and one post-primary school in the wider areas of Sallynoggin Killiney DLR (North and Cherrywood) and Bray/Woodbrook Shanganagh. Accommodation for 24 no. primary classrooms has recently been provided within the feeder area of Sallynoggin Killiney DLR to the north (Cherrywood ETNS and Sallynoggin Killiney ETNS) and additional upgrades to Ballinteer ETNS, Loreto Primary and Gaelcholáiste an Phiarsaigh in Rathfarnham and Stepside ETSS were ongoing as of June 2022. In addition, the current county development plan states that the DES has also recognised the need for another school in the Kiltiernan/Glenamuck LAP area in addition to that indicated within the Zoning Map no. 9. It is therefore considered that the future demand generated by the development as estimated in the SIA (i.e. 206 no. primary and 151 no. post primary school children) is likely to be absorbed by the existing schools' network and other planned schools currently under development within the area. This point is accepted, noting in particular that the DES reported in November 2021 that enrolment figures for primary schools in Ireland were likely to have reached peak levels and will fall gradually to a low point in 2033, in line with revised migration and fertility assumptions for the country as a whole.

10.9.2. Childcare Provision

The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 no. childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally

not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms. The development includes 191 2+ bed apartment/duplex units and 165 no. 2 and 3-bed houses. This entails a maximum childcare requirement of c. 95 no. childcare places, to serve all of the two, three and four-bed units. The proposed creche within the neighbourhood centre has a stated area of 439 sq.m. and is intended to cater for 95 no. children, in accordance with the Childcare Guidelines. In addition, the SIA includes a Childcare Demand Assessment which details existing childcare provision in the area such that there are nine no. facilities within a c. 2km radius of the development, which have a combined estimated capacity of 654 places based on a survey carried out in May/June 2022. The Assessment estimates that the development is expected to generate demand for childcare places between 24 to 37 children in the age group 0-6 years with regard to data obtained from the Census and the CSO's Quarterly National Household Survey. It is submitted on this basis that the proposed creche will meet childcare demand generated by the development. This point is accepted given that the quantum of childcare proposed is in accordance with the Childcare Guidelines. Given that the proposed creche within the neighbourhood centre is an essential element of the overall development, I do not consider that it should be omitted by condition as part of the neighbourhood centre, as recommended by the planning authority, with regard to the concerns discussed above in relation to the design and layout of the neighbourhood centre.

10.10. Movement and Transport

10.10.1. Existing and Proposed Movement and Transport Infrastructure

The existing Glenamuck Road R842 has a 50 kph speed limit at this location and is c. 6m wide. There is a footpath along the southern side of the road, which varies in width along its length. The Glenamuck Road meets the Enniskerry Road R117 at the signal controlled Golden Ball junction. The Enniskerry Road, also within the 50 kph limit, is c. 8.5 m wide at Kilternan with a footpath along both sides of the road at the site frontage. There is no formal cycle infrastructure in the vicinity at present. As outlined elsewhere in this report, the roads and transport infrastructure in the area is changing with the permission of the GDRS and the Glenamuck Road/Enniskerry Road Junction Part VIII Scheme. These works include the provision of bus gates on the GLDR resulting in a significant reduction in traffic along the Glenamuck Road

and Enniskerry road as well as the provision of bus stops and improved pedestrian and cycle infrastructure at these locations. Enniskerry Road is to be upgraded to a traffic calmed street incorporating widened footpaths, to facilitate local pedestrian, cycle, bus and other vehicular movements. The development involves a new pedestrian/vehicular/cycle connection to the Glenamuck Road, which will tie in with pedestrian and cycle infrastructure at this location. It will also create a new access to the GLDR to the southeast, with connections to pedestrian and cycle infrastructure and the provision of a toucan crossing on the GLDR to the immediate south of the access point. The development will have three new priority access junctions at the Enniskerry Road and includes modifications to Enniskerry Road fronting the development (c. 320m) with the narrowing of the carriageway down to 6.5 m. The remaining former carriageway, which varies in width of c. 2 metres, will be reallocated for other road users and will include the introduction of a widened pedestrian footpath and landscaped buffer on the eastern side of the road. The development also provides pedestrian links to Rockville to the northeast and a pedestrian/cycle route through the Dingle Way from the Enniskerry Road to the GLDR.

In terms of existing public transport, section 3.4 of the Traffic and Transport Assessment (TTA) details that the area is currently served by the following bus services, with bus stops on the Glenamuck Road and Kilternan Road:

Route	Start	Destination	Services Per Day		
			Mon-Fri	Sat	Sun
63/63A	Dun Laoghaire	Kilternan	34	34	30
	Kilternan	Dun Laoghaire	35	34	30
44	DCU	Enniskerry	19	16	14
	Enniskerry	DCU	18	17	15
118	Kilternan	D'Olier St	1	0	0
	D'Olier Street	Kilternan	0	0	0

The nearest Luas stop is on the green line at Ballyogan Wood, c. 2km from the site. This stop is within walking distance and is served by the no. 63 bus service. The

Carrickmines Luas station c. 2.5 km from the site has a park and ride facility with capacity for over 350 cars. Weekday peak hour tram frequencies range from 4-14 minutes and Saturday and Sunday frequencies range between 6 and 27 minute intervals.

Section 12 of the TTA comprises an assessment of impacts on public transport. The highest concentration of demand is usually during the AM period and the assessment focuses on the AM peak between 07:00-09:00. The TTA details that the existing bus services in the area within five minutes walk of the development site have c. 380 seats capacity from Enniskerry towards Dun Laoghaire (via Ballyogan Wood Luas stop) and c. 190 seats towards DCU with a further 95 seats capacity towards D'Oiler Street during the AM peak of 07:00-09:00. Therefore, there is a total AM bus capacity of c. 665 seats on the surrounding road network during this period. Projected public transport demand generated by the development is estimated based on CSO Small Area Population mapping of public transport usage and the anticipated mode share resulting from the traffic analysis. TTA table 12.4 predicts that the development will create an additional demand for c. 21 seats on bus services operating in the vicinity of the site between 07:00-09:00 and c. 24 seats on train, DART or Luas services (CSO data does not have equivalent data for PM trip distribution from residential units). The development could therefore create an additional demand for bus seats equating to 3.15% of the current capacity, which is considered negligible. The TTA also provides details of a bus survey undertaken in Kiltiernan on Thursday May 26th 2022 during the AM (07:00-09:00) and PM peak periods (16:00-18:00) at the bus stops in the immediate vicinity of the site. Bus services operating during both the AM and PM peaks were observed to have low occupancy with plenty of spare capacity. The assessment estimates that the development could create an additional demand for Luas seats ranging from 0.98% to 0.42% of current capacities, which is considered negligible, and can be easily accommodated within the current services. A survey of boarding and alighting and occupancy of Luas services at Ballyogan Wood Luas stop was undertaken on Thursday May 26th 2022 and found that Luas services in both directions have spare capacity at Ballyogan Wood during the peak periods. Based on an additional loading of 24 spaces during the AM peak period, it is anticipated that the development would not result in additional loading that would result in capacity issues for existing

patronage levels on the Luas. The TTA concludes on this basis that there is sufficient capacity in existing public transport services in the area to cater for the development. This is accepted.

Future public transport proposals including bus priority measures associated with the delivery of the GDRS and Bus Connects Network upgrade will improve bus journey times. The area will be served by the following bus routes as per current Bus Connects proposals:

- L13: Kilternan - Ringsend Bus garage, local route, buses every 60 minutes on weekdays
- L26: Kilternan – Blackrock, local route, buses every 30 minutes on weekdays
- P13: Kilternan – UCD, peak time route with two trips in the AM (0700-0900) and PM (16:00-1800) peak hours
- 88: Enniskerry - Mountjoy Square, other city bound route with buses every 60 minutes on weekdays

The nearest Bus Connects core bus corridor to the development site is bus corridor 13, Bray to City Centre, with a current preferred route that runs along the eastern side of the M50 through Cabinteely and Cornelscourt. The proposed L26 bus route links up with the core bus corridor 13. These improvements will enhance public transport services in the wider area.

The applicant states that the proposed internal roads network has been designed to be consistent with DMURS with a detailed roads hierarchy of local streets and home zones, also that the development has been designed to optimise permeability with new pedestrian and cycle connections to the Glenamuck Road, Enniskerry Road, GLDR and Rockville. The internal layout has been designed to facilitate pedestrians and cyclists with raised tables and crossings at road junctions, also an off-road network of pedestrian and cycle connections. The applicant also provides proposals for emergency access and service vehicles at the neighbourhood centre. As noted above, the report of DLR Transportation Planning recommends refusal based on the inadequate local roads network in advance of the delivery of the GDRS. It also states several concerns about the proposed roads layout, noting the following matters in particular:

- General concerns about compliance with DMURS, including poorly aligned junctions, lack of crossing points at some junctions and unclear/incorrect roads hierarchy;
- Concerns about the design and layout of the undercroft parking area at apartment Blocks C and D, including the provision of cycle parking;
- Submitted quality audit is not independent;
- DLR Transportation Planning is very concerned that the development does not provide vehicular access to Rockville, as envisaged in the LAP, given that the permitted layout of Rockville facilitates same. The connection between Rockville and the GLDR is necessary to avoid generating additional vehicular movements on local roads between Rockville, the GLDR and the neighbourhood centre.

Refusal reason no. 3 recommended in the CE Report states that, in the absence of an independent road safety and cycling and pedestrian quality audit and given the deficiencies identified in the design of the road layout resulting in the scheme not being compliant with DMURS and the National Cycle Manual by the NTA, the development would endanger public safety by reason of traffic hazard or obstruction of road users. I consider that the first three points above could be resolved by condition if permission was granted, noting that DLR Transportation Planning suggests related conditions in the event of same. I concur that a vehicular connection should be provided between Rockville and the proposed development, notwithstanding that the residents of Rockville object to same, for the reasons outlined above and given that the new roads layout for the area with the GDRS is based on limited vehicular access to Glenamuck Road and Enniskerry Road. Condition no. 2(iv) as recommended by the planning authority recommends the omission of Block D in order to facilitate the creation of a vehicular access to Rockville and I recommend that a similar condition is imposed by the Board if permission is granted.

10.10.2. Car and Cycle Parking Provision

The development provides 678 no. car parking spaces in total (110 no. spaces in the undercroft of Blocks C and D and the neighbourhood centre and 568 no. spaces at surface level) including 621 no. residential car parking spaces as follows:

Unit Type	Car Parking	Visitor Parking	Total
House	330	N.A.	330
Duplex units	109	38	147
Apartments	112	32	144
Total	551	70	621

This proposed residential car parking provision may be compared to the standards for development plan Parking Zone 3 and the Apartment Guidelines as follows:

Unit Type	No. of Units	DLR Development Plan 2022-2028	Apartment Guidelines
1 bed apt/duplex	27	1 space per unit + 1 in 10 visitor parking = 30 spaces in total	1 space per unit = 27 spaces in total
2 bed apt/duplex	128	1 space per unit + 1 in 10 visitor parking = 141 spaces in total	1 space per unit = 128 spaces in total
3+ bed apt/duplex	63	2 spaces per unit + 1 in 10 visitor parking = 139 spaces in total	1 space per unit = 63 spaces in total
3+ bed houses	165	2 spaces per unit, visitor parking N.A. = 330 spaces in total	
Total	383	640 spaces for entire development 310 spaces for apts/duplex	218 spaces for apts/duplex

The development therefore meets development plan standards for the houses but falls short of the standards for duplex units and apartments. The proposed provision for the apartments and duplex units represents ratios of c. 1 space per apartment/duplex unit and a visitor parking provision of c. 0.32 spaces per unit, which falls short of development plan standards but is generally in accordance with the Apartment Guidelines. The development provides a total of 57 no. non-residential car parking spaces. Table 6.5 of the TTA details this provision with regard to development plan car parking standards for the various proposed land uses at the neighbourhood centre, such that it would meet development plan maximum car parking standards. Development plan section 12.4.5.2(i) provides criteria for consideration of deviation from the car parking standards, including proximity to public transport services,

pedestrian and cycle accessibility/permeability, availability of car sharing and e-bike facilities, impacts on traffic safety and amenities and any proposed mobility management plan. While I note that the applicant's Material Contravention Statement addresses the matter of car parking, I do not consider that the development materially contravenes the development plan in this respect given that the car parking standards are 'maximum' standards and that the plan allows for some flexibility in their application. The Material Contravention Statement also notes the general specifications for car parking provided in development plan section 12.4.8.1, which states that each car parking space for a residential dwelling shall have a minimum length of 5.5 m depth to ensure the parked car does not overhang onto the existing public footway and a minimum width of 3 m to allow for clearance from nearby wall/steps/boundary. The Statement comments that the proposed 'in curtilage' car parking dimensions differ from those stated in section 12.8.4.1 and is generally 5.3m deep and 2.5m wide. It is submitted that, as the proposed car parking complies with DMURS, section 37(2)(b)(iii) applies. I consider that the development does not materially contravene the development plan in this respect given that section 12.4.8.1 provides 'general specifications' for car parking, which allows for some flexibility in its application.

The TTA and Statement of Consistency provide a rationale for the reduced car parking provision with regard to the criteria provided in the development plan for car parking provision including availability of bus services, provision of pedestrian and cycle infrastructure, car sharing, mixed use nature of the development and the range of services available in the area. The proposed car parking provision is considered acceptable overall given that the provision for the apartments is in accordance with the Apartment Guidelines and that the provision for the houses and the neighbourhood centre meets development plan standards. I also note that the CE Report states satisfaction with the car parking provision. The proposed car parking provision includes 16 no. mobility impaired spaces, 73 no. electric vehicle spaces, one car share space, 4 no. drop-off spaces/loading bays; 12 and no. motorcycle parking spaces, in accordance with relevant development plan objectives. This is satisfactory.

The development provides a total of 473 no. cycle parking spaces for the apartments and duplex units (388 no. spaces for residents and 85 no. visitor spaces), which

exceeds development plan cycle parking standards, and 63 no. spaces for the non-residential uses, which is also considered to meet development plan standards. This quantum is considered satisfactory, noting that the planning authority states no objection to same. I note that DLR Transportation Planning states some concerns in relation to the design and layout of cycle parking at undercroft level, however these issues may be addressed by condition if permission is granted.

10.10.3. Traffic Impacts

The TTA traffic assessment is based on traffic count data undertaken in November 2018 that formed part of the EIAR for the GDRS, which is used in comparison to survey data undertaken by the applicant in November 2021, in order to determine the impact of Covid-19 restrictions on the general traffic on the road network.

Projected traffic volumes are also adjusted in response to the National Transport Authority (NTA) report 'Alternative Future Scenario for Travel Demand' on potential travel behaviour and patterns post Covid-19, as well as the National Remote Work Strategy was published by the Department of Enterprise, Trade and Employment in January 2021. Based on these above documents, an 8% reduction in traffic volumes from the pre-COVID 19 period is applied.

The TTA considers impacts at the following road junctions in the vicinity of the development site:

- Enniskerry Road / Glenamuck Road Junction (Golden Ball Junction)
- Enniskerry Road / Ballybetagh Road R116 Junction
- Enniskerry Road / Ballychorus Road Junction

I am satisfied that these junctions are those most likely to be affected by the development, given their proximity to the development site. Table 8.4 of the TTA details permitted developments in the vicinity, which are taken into account in the projected traffic impacts, as well as background growth. The Assessment notes that the provision of the GDRS will significantly reduce traffic flows on the local road network, e.g. the Average Annual Daily Traffic (AADT) at the Enniskerry Road will reduce from c. 12,100 Passenger Car Units (PCU) to c. 4,950 PCU, a 61.9% reduction in traffic flows. It considers impacts on the local road network as existing for an opening year of the development (2024), as well as with the GDRS. It

assumes that the GDRS will be completed by the +5 and +15 year scenarios. TTA Table 10.1 compares projected traffic increases resulting from the development to the base year existing traffic volumes at each junction. There was an increase >10% at all junctions. The results of the detailed assessment may be summarised as follows for each junction.

1. Enniskerry Road / Glenamuck Road (Golden Ball) Junction

The junction is modelled as a signalised junction without the GDRS in place for the opening year of 2024. The modelling results for this scenario indicate that it is operating over capacity both with and without the development at the AM peak, with Practical Reserve Capacity (PRC) values of -8.5% without the development and -9% with the development. It is operating within capacity at the PM peak in 2024 without the GDRS in place with PRC values of 13.7% without the development and 9.8% with the development. The junction is operating well within capacity for all scenarios at the opening year of 2024 with the GDRS in place. The scenarios for +5 years and +15 years indicate that the junction will operate within capacity with and without the development, based on the GDRS being in place. The projected Passenger Car Unit (PCU) figures indicate some increases in queuing, which are assessed as a minor impact.

2. Enniskerry Road / Ballybetagh Road R116 Junction

This junction is modelled in its current configuration as a priority junction. The projected scenarios for the AM and PM peaks in the opening year of 2024 indicate Ratio to Flow Capacity (RFC) values for the junction well below the usual RFC capacity threshold of 0.85 for all scenarios both with and without the GDRS in place. The junction is found to be operating within capacity for all scenarios for +5 and +15 years, with the GDRS in place. The impact of trips generated by the development is assessed as negligible at this junction.

3. Enniskerry Road / Ballychorus Road Junction

This junction was only modelled in its current layout as a signalised junction for the 'opening year' scenario without the GDRS in place. The presence of a bus gate at Enniskerry Road when the GDRS is in place will result in very limited traffic traveling from Enniskerry south to Enniskerry north (buses only). There will be negligible vehicles accessing the southern arm of the junction, therefore, the

significant movement will be to and from Enniskerry north to the Ballychorus Road. No modelling is necessary as there is no conflict between these movements. The modelling results for the opening year of 2024 indicate PRC capacity values well within capacity for the junction with and without the development for the AM and PM peaks.

The TTA also models the proposed development accesses to the GLDR, the Enniskerry Road and the Glenamuck Road, finding that they are all operating well within capacity for all scenarios.

Having regard to these findings, and noting that the CE Report states no concern in relation to traffic impacts, I am satisfied that the development would not result in adverse traffic impacts such as would warrant a refusal of permission, subject to the development opening subsequent to the completion of the GDRS, as discussed above.

10.10.4. Construction Traffic Impact

The submitted Outline Construction Management Plan and Construction Environmental Management Plan provide indicative traffic management proposals, with detailed traffic management measures to be agreed as part of a finalised Construction Traffic Management Plan including haul routes, parking arrangements, management of deliveries, pedestrian safety measures, measures to minimise construction vehicle movements and liaison with local residents. EIAR section 12.1.5.1.6 provides an assessment of construction traffic impacts at the Golden Ball junction such that they are negligible with a maximum increase of 0.8% experienced during the AM peak period. I am satisfied that, subject to the implementation of a final Construction Traffic Management Plan, which may be required by condition, the construction traffic associated with the development will not have any significant adverse impacts on adjacent residential areas or adverse traffic impacts.

10.11. **Drainage, Flooding and Site Services**

10.11.1. The development will connect to the existing surface water infrastructure in the area and will connect to GDRS drainage infrastructure pending completion of same. The submitted Engineering Services Report and Stormwater Impact Assessment provide details of the proposed surface water drainage design which includes SUDS measures allowing for a 20% climate change factor and a 10%

allowance for urban creep as required under the current development plan. The proposed SUDs measures, as indicated in drawing no. 2104/14 include 41 no. tree pit elements, 29 no. swales, four no. bio-retention areas, 2,703 sq.m. of green roof area, c. 1,136m of filter drains to the rear of housing, c.10,900 sq.m. of permeable paving and 172 no. rainwater butts. The system achieves interception volumes greater than those required in accordance with the Greater Dublin Strategic Drainage Study. DLR Drainage Planning states no objection subject to conditions.

10.11.2. The submitted Site Specific Flood Risk Assessment (SSFRA) notes that there is no known watercourse or stream at the development site. There is an existing roadside drainage channel along the northern site boundary at the Glenamuck Road, which currently drains the Glenamuck Road and which will be incorporated into the drainage infrastructure for the GDRS. OPW flood mapping does not indicate any history of flooding in the immediate vicinity of the site and the site is entirely within Flood Zone C. I note that the planning authority states no concerns in relation to flood risk at the site, as per the report on file of DLR Drainage Planning. I am satisfied that the development is not located in an area at risk of flooding and will not result in any increased risk of downstream flood impacts.

10.11.3. The development will connect to the existing foul sewerage network and public watermain. The Engineering Services Report provides details of projected water demand and foul outflows from the development and new watermains and foul network design. The submission on file of Irish Water, dated 27th June 2022, states that water and wastewater connections are feasible without infrastructure upgrades, however the applicant must connect to IW infrastructure via third party lands and must identify and procure transfer to IW of the arterial water and wastewater infrastructure within the third party infrastructure, in compliance with the IW Code of Practice. Associated conditions are recommended. The proposed water supply and foul drainage arrangements are considered satisfactory on this basis.

10.12. Tree Removal

10.12.1. Third parties have stated concerns about the proposed removal of trees at the development site, due to potential visual and ecological impacts. In addition, the report on file of DLR Parks and Landscape Services recommends refusal on various grounds including a requirement for further details of tree protection measures.

10.12.2. The Arboricultural Report, dated 16th June 2022, is based on a site survey which found two main areas of trees at the development site:

- Area 1 located at the northern end of the site at the frontage to the Glenamuck Road. There are individual trees, groups and tree lines and collectively within this area that are of value to the treescape of the greater area. Tree species here include Ash, Sycamore, Beech, Oak, Horse Chestnut, Spruce and Douglas Fir and these are generally of a mature age class. Development plan Map 9 indicates an objective 'to protect and preserve trees and woodlands' in this area of the site.
- Area 2 consists of lines/belts of trees dividing the centre of the site into two main parts. These are the remnants of old tree lines/belts, but due to lapsed management and trees failing or being removed over the years, these lines have become fragmented into smaller groups.

The report comments that many individual trees within these groups have structural defects or are diseased which will limit their long-term potential. However, the group/tree line features are of value to the treescape of the area and are assessed in the Arboricultural Report as worth preserving. The report also states that the condition, continuity and diversity of the tree lines/groups can be improved with management and the planting of new trees ensuring that they are retained into the future. There are also individual trees/small groups of trees scattered along the hedgerows within the site. The hedgerows at the site are in need of management in order to rejuvenate them and re-establish a good structure. The tree survey tagged a total of 218 trees overall, of which there are 24 no. Category U trees, two no. Category A trees, 55 no. Category B trees and 137 no. Category C trees. There are also 12 no. hedges (of which six are within the red line site boundary) and one tree line outside the red line site boundary. The trees and hedgerows outside the site boundary are included due to their proximity to the site area.

10.12.3. Drawing no. KVL002 identifies trees to be removed such that the development will result in a loss of 11 no. Category U trees, 0 Category A trees, 18 no. Category B trees and 28 no. Category C trees. The development will also result in the loss of four no. hedgerows and 66m of hedgerow no. 2, also a scrub/nursery area of 5,836 sq.m. Therefore, a total of 66 no. trees are to be removed, or 35.5% of the total trees

surveyed. The Arboricultural Report states that great efforts have been made to retain as many of the better quality trees and in particular the trees within tree belts or groups which are of most visual value to the treescape of this area with the main tree belts running through the centre of the site being incorporated into its main open space areas. The point is accepted and I consider in particular that the retention of treelines at the centre of the site and at the proposed park at the Glenamuck Road frontage will considerably enhance the public realm of the area and maintain ecological connectivity. I also accept the need to remove some trees and a substantial area of scrub at the southern end of the site in order to achieve an optimum residential density of these zoned and serviced lands, noting also that the landscaping proposals involve planting 659 no. trees throughout the site, which I consider will adequately compensate for tree removal at an aggregate level.

10.12.4. I consider it unfortunate that the development involves the removal of a treeline/hedgerow to the south of the neighbourhood centre, close to the location of the existing Rockville farm complex and further to the east of same, where the LAP intends that the Dingle Way route provides a visual and ecological link to the Enniskerry Road. As discussed above, I am not satisfied with the proposed architectural and public realm treatment of this area including Block D1 and I recommend that the area be reconsidered in any future application at the development site. The detailed tree survey identifies this area as 'Hedge no. 7'. I accept that part of the hedgerow is mature and in fair/poor condition, as per the Arboricultural Report, but there are also several 'B1' category trees which could be retained. I do not consider that the proposed planting at this location will be sufficient to mitigate the tree loss and associated visual impacts and I consider that a revised layout which retains more of the existing vegetation would be preferable. I also note in this regard that the CE Report raises concerns regarding tree removal in this part of the site.

10.12.5. The development also involves the removal of a group of trees at the boundary shared with Rockville at the northeastern corner of the site. These trees are identified as nos. 661-670 in the tree survey and are described in the Arboricultural Report as a prominent/visual group of trees of importance to the treescape/sylvan character of the area. The group includes six no. Category B2 trees, which are of good/fair quality. I consider that greater consideration should be

given to retaining at least some of these trees in the interests of visual amenity and ecological connectivity, both within the proposed development and at Rockville, noting the discussion above of potential visual impacts at Rockville and given the development plan objective to protect and preserve trees and woodlands at this location. Having inspected the development site and viewed it from Rockville Woods to the east, I note that the shared boundary is intertwined with an existing stand of mature trees along the Rockville side of the boundary. The removal of trees on the western side of this boundary, within the development site, would considerably weaken this overall stand of trees and would have consequent adverse visual impacts at Rockville. I therefore consider that the removal of trees in this area of the development site is not compatible with the development plan objective or with several LAP objectives including objective OS03 to acknowledge and respect areas of ecological importance, local topography, watercourses, hedgerows, woodlands, mature trees and views when providing open space. This matter is addressed in the applicant's Material Contravention Statement, which seeks to justify the proposed tree removal in this part of the site on the basis that the overall quantum of trees to be removed is acceptable in the context of the proposed new tree planting. However, I do not consider that this is adequate justification to remove mature trees in this specific part of the development site where a development plan to protect and preserve trees applies. I therefore recommend refusal on this basis. As discussed elsewhere in this report, I recommend that Blocks C and D be omitted by condition if permission is granted given their overall potential for adverse impacts on visual and residential amenities at Rockville.

10.12.6. The Arboricultural Report outlines proposed tree protection measures. I note that the report of DLR Parks and Landscape Services states that there is insufficient detail of tree protection and monitoring measures. Full details of same may be required by condition if permission is granted.

10.13. Proposed Telecommunications Structures

10.13.1. The development includes the decommissioning of an existing telecoms mast located at the site at ground level and the provision of new telecommunications infrastructure at the roof of the neighbourhood centre including shrouds, antennas and microwave link dishes (18 no. antennas and six no. transmission dishes, all

enclosed in nine no. shrouds), together with all associated equipment. The proposed structures will rise to 2.5-3m above parapet level.

10.13.2. The submitted Telecommunications Report assesses wireless telecommunication channels or networks of telecommunication channels, radio frequency links and microwave transmission links that may be affected by the height and scale of the proposed development, with reference to section 3.2 of the Building Height Guidelines. It is considered indeterminable as to whether a new development affects the radio frequency coverage of a geographical area which is being served by multiple base stations, not necessarily the closest. However, there is potential that an obstacle in the 'Fresnel Zone' between point-to-point microwave links could result in refraction of microwave links. The Telecommunications Report identifies two no. microwave links and six no. radio frequency links that could be affected by the development. The microwave links are installed on a telecommunication mast located within the development site, which provides cellular coverage for the wider local Kiltiernan area. The radio frequency links emanate from the same location. The height of the development will cause significant diffraction to these links and the proposed telecommunications structure is to allow for their retention. These will mitigate the impact of the development on the identified microwave and radio frequency links and will provide some capacity for future links that may or may not be required. The Telecommunications Report concludes that, subject to the implementation of these measures, the development allows for the retention of important telecommunication channels and therefore satisfies the criteria of Section 3.2 of the Building Height Guidelines (2018).

10.13.3. National policy guidance is provided in the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996). Section 4.3 of the Guidelines recommends that operators should endeavour to locate in industrial estates or in industrially zoned land in the vicinity of larger towns and suburbs. In urban and suburban areas, the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure. Section 4.5 of the Guidelines encourages the sharing and clustering of installations in order to reduce visual impacts. Applicants are to demonstrate that they have made a reasonable effort to share the use of the same structure or building with competing operators. Development plan section 12.9.8 sets out particulars to be submitted by

applicants for telecommunications antennae and support structures, including details of compliance with the above national policy; mapping of all existing telecommunications structures within a 1km radius of the proposed site and reasons why is not feasible to share existing facilities having regard to the 'Code of Practice on Sharing of Radio Sites', issued by the Commission for Communications Regulation. The applicant is also required to consider potential impacts on the amenities of occupiers of nearby properties and on the amenities of the area, such as visual impacts. I am satisfied that the submitted Telecommunications Report provides adequate mapping and other information on existing telecommunications infrastructure in the area, as well as justification for the proposed telecommunications installation. I am also satisfied with regard to the submitted LVIA, drawings and other particulars on file, as well as my site inspection, that the proposed structures would not result in any significant additional or adverse visual impacts over and above those already likely to occur as a result of the proposed development. In addition, it is submitted that the structures could be used to support additional telecommunications infrastructure as and when the need arises for same, and a condition to this effect may be imposed if permission is granted. The proposed telecommunications structures are considered acceptable on this basis.

10.14. **Material Contravention**

10.14.1. The applicant's Material Contravention Statement refers to several separate grounds of material contravention, namely LAP phasing; building height; car parking; apartment mix; daylight and sunlight; separation distances; overall layout of the neighbourhood centre; layout of office space at the neighbourhood centre; provision of a MUGA; removal of trees and woodlands; dimensions of car parking bays and provision of a bring centre, with regard to policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2022-2028. I have addressed each of these matters separately in the relevant sections above. In the interests of clarity and with regard to the relevant legal provisions, I consider that the proposed development does not materially contravene the development plan in respect of the following matters raised in the Material Contravention Statement, notwithstanding that they are addressed by the applicant:

- LAP phasing

- Quantum of car parking and dimensions of car parking bays
- Apartment mix
- Daylight and sunlight
- Separation distances
- Layout of office space at the neighbourhood centre and overall layout of the neighbourhood centre
- Provision of a bring centre

10.14.2. I consider that the development would materially contravene the development plan in respect of the following matters, which are both addressed in the Material Contravention Statement and it is therefore open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to them:

- I consider that the development, in particular Blocks C and D, materially contravenes development plan objective BHS2 on building height as the development as it fails to meet several of the performance based criteria set out in Table 5.1 of the Building Height Strategy on Appendix 5. I recommend refusal on this basis.
- I consider that the development would materially contravene LAP section 9.1, which requires the provision of a Multi-Use Games Area (MUGA) at the neighbourhood centre. I consider that the omission of a MUGA would facilitate the development of the subject site at an appropriate residential density in accordance with national planning policy as per the National Planning Framework and that this aspect of the development and could therefore be facilitated under section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended). However, as discussed above, I consider that the provision of such a facility would be desirable in the context of the central location of the development site and its pivotal importance of the neighbourhood centre to the overall development of Kiltarnan and I therefore recommend that a MUGA be required by condition if permission is granted.

10.15. DLRCC Chief Executive's Report and Recommended Amendments

10.15.1. The conclusion of the DLRCC CE Report recommends refusal, as set out in section 8.0 above, for three no. reasons relating to (1) prematurity pending the construction of the GDRS and deficiencies in the existing roads network in the area; (2) inadequate provision of non-residential uses at the neighbourhood centre and inadequate design and layout of same and (3) deficiencies in the road layout of the development and non-compliance with DMURS. As per the above assessment, I consider that refusal reasons nos. (1) and (3) may be addressed by condition, however I concur with refusal reason no. (2) and I also recommend refusal on this basis. I also recommend refusal for reasons relating to the design and layout of Blocks C and D and the removal of trees in this part of the development site, in contravention of the development plan objective to protect and preserve trees at this location, and consequent adverse impacts on visual and residential amenities at Rockville.

10.15.2. The planning authority also recommends that, if the Board decides to grant permission, conditions should be imposed requiring substantial alterations to the development including the omission of large areas of the development; the omission of Phase 5 in its entirety; the omission of the neighbourhood centre except for two ground floor units; the omission of Duplex Block D to facilitate a vehicular connection to the Rockville development; revised phasing of the development; revised housing mix and revised plans and elevations for apartment Block C. The above assessment also considers various measures, which could be required by condition, in order to improve the overall quality of the development. However, I do not consider it appropriate to address these issues by way of condition. The approach suggested by the planning authority could result in an unbalanced development, where due consideration has not been given to the overall design and proportions of the blocks or to the integrated provision of the neighbourhood centre, which is fundamental to the overall development of Kilternan. I therefore do not recommend the imposition of conditions as a way of addressing the above issues. I consider that the concerns raised above are complex, interrelated, and fundamental in nature and cannot easily be addressed by way of amendments such as may be required by condition.

10.16. Planning Assessment Conclusion

10.16.1. Having regard to the above assessment, I conclude that permission should be REFUSED for the proposed development for the reasons and considerations set out below.

11.0 Environmental Impact Assessment

11.1. Statutory Provisions

11.1.1. The application was accompanied by an Environmental Impact Assessment Report (EIAR). Item 10 (b) of Part 2 of Schedule 5 of the Planning Regulations 2001 (as amended) provides that an EIA is required for infrastructure projects comprising of either:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere

The development would provide 383 no. dwellings on a site of c. 11.2 ha on zoned lands at the edge of a built up area. The proposal is therefore below the threshold of 500 dwellings but exceeds the threshold of 10 ha and therefore an EIA is mandatory.

11.1.2. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, observers and prescribed bodies has been set out previously in this report. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

- Volume I of the EIAR comprises the Non-Technical Summary
- Volume II comprises the Written Statement
- Volume III includes the Appendices to the EIAR
- Chapter 2 of the Written Statement provides a consideration of alternatives
- Chapter 14 considers interactions

- Chapter 15 provides a summary of mitigation measures

11.1.3. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

11.1.4. I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

11.1.5. EIAR section 1.6 addresses scoping and EIAR section 4.5.3 addresses cumulative impacts, indicating that potential cumulative impacts associated with following permitted developments are considered in the EIAR (as detailed in the planning history in section 4.3 above):

- Developments at Rockville as permitted under Reg. Ref. D20A/0015 ABP-306999-20; D18A/0566; D18A/1191; D17A/0793
- ABP-303978-19 Victoria Homes, Glenamuck Road
- ABP-306190-19 Dun Oir, Glenamuck Road / Enniskerry Road
- ABP-307043-20 Suttons Field
- ABP-309846-21 Bishop's Gate
- ABP-312214-21 Shaldon Grange

11.1.6. This section on Environmental Impact Assessment should be read in conjunction with the above planning assessment, noting that this section refers to certain parts of the EIAR, which are summarised elsewhere in this report, in the interests of brevity and the avoidance of repetition.

11.2. Vulnerability of Project to Major Accidents and/or Disaster

11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. EIAR Chapter 13 addresses Risk Management. The development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. EIAR Chapter 7 and the submitted SSFRA address the issue of flooding and the site is not in an area at risk of flooding. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.3. Alternatives

11.3.1. Article 5(1)(d) of the 2014 EIA Directive requires a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment. EIAR Chapter 2 deals with alternatives and sets out a rationale for the development. Having regard to the fact that the zoning of the development site expressly provides for residential development, it was not considered necessary to consider alternative locations in detail. A number of site layout and alternative designs were considered during the iterative design process in consultation with the planning authority and ABP. The development as now proposed is considered to have arrived at an optimal solution in respect of making efficient use of zoned, serviceable lands whilst also addressing the potential impacts on the environment relating to residential, visual, natural and environmental amenities and infrastructure. The description of the consideration of alternatives in the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been satisfactorily addressed.

11.4. Assessment of the Likely Significant Direct and Indirect Effects

11.4.1. The likely significant effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU.

11.4.2. Population and Human Health

EIAR Chapter 4.1 addresses Population and Human Health. The Board is also referred to the above assessments of proposed land uses, childcare provision and social infrastructure, which detail the submitted Social Infrastructure Audit and Retail Services Assessment and which also considers observer comments in relation to these issues.

The development site is located within the Glencullen Electoral District (ED). Data from the 2016 Census indicates that the rate of population increase of 13.7% between 2011 and 2016, which is more than double the 5% increase recorded for DLR county. 2016 Census data for the Glencullen ED indicates a much lower percentage of people aged over 65 when compared with the State values (6.3% versus 13.4% respectively) and a higher percentage of the population is aged 23-44 (35.2% versus the State value of 29.5%). The percentages of the population ranging from 19-24 years is 6.8% and 45-64 years is 20.6% are lower at 6.8% and 20.6% respectively, when compared to State values of 7.0% and 23.8%. Children aged 0-4 years make up 9.0% of the ED compared with the lower figure of 7.0% of the State values.

The economic profile of DLR is similar to the State values and reflects a high number of people of a working profile living within the area. The percentage of people who are 'at work' in the Glencullen ED is 53.8% which is very close to the State value of 53.3%. It is estimated that the development will create c. 100 jobs at the peak of the construction phase and c. 63 jobs at the completed development, with associated positive direct and indirect impacts on the local economy and employment.

In terms of impacts, the development has the potential to provide employment opportunities and health improvements and will deliver 383 no. residential units and a population increase of not more than 638 no. people (based on an average household size of 2.5 as advocated by the NPF). The development will also provide a childcare facility to serve the local area, landscaped public spaces including the

Dingle Way and village green, play facilities and new pedestrian and cycle links. No significant impacts on human health are predicted at the operational stage of the development.

EIAR section 4.9 provides analysis of travel and commuting patterns, which is further considered in the traffic and transport assessment as discussed elsewhere in this report.

Chapter 4.1 also summarises potential impacts on human health associated with hydrology, air quality and climate, noise and vibration, landscape and visual and traffic associated with the construction and operation of the development, as considered in detail in other EIAR chapters. EIAR section 4.5.3 considers potential cumulative impacts on human health. No significant potential cumulative impacts on population and human health are identified.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

11.4.3. Noise and Vibration

EIAR Chapter 4.6 considers noise and vibration with regard to potential noise impacts on nearby noise sensitive locations during the construction and operation stages of the development and also potential inward noise impacts on the completed development from traffic noise including noise generated by the GDRS.

The EIAR assessment of construction noise and vibration impacts refers to the documents 'BS 5228 2009+A1 2014 Code of practice for noise and vibration control on construction and open sites', which provides guidance on permissible noise levels relative to the existing noise environment and 'BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Vibration'. The EIAR assessment of construction noise and vibration impacts is based on baseline noise monitoring carried out at four locations at the development site between 13th and 14th May 2022. Baseline monitoring has found pre-existing noise levels are typical of a suburban location in the vicinity of a busy road network.

Modelling to predict noise levels during construction includes future noise emissions from the GDRS. Modelling is carried out for four nearby Noise Sensitive Locations (NSLs), comprising residential properties at the following locations c. 30m from the development site boundary, as detailed in EIAR section 9.5.1:

- Cromlech Close/Glenamuck Road
- Rockville
- Wayside Cottages
- Ballychorus Road

There is the potential for noise threshold levels with reference to BS 5228 2009+A1 2014 to be exceeded by the dozer, breaker and crusher during construction and demolition works at the nearest NSLs. EIAR section 9.6.1 sets out proposed construction noise mitigation measures. It is not envisaged for any excessively noisy activities to be carried out over extended periods of time during the construction stage. There is potential for cumulative noise impacts associated with construction at adjacent permitted developments. Liaison between construction sites is recommended. No significant residual noise impacts are predicted. There are no significant predicted noise impacts associated with the completed development, including consideration of noise impacts associated with additional traffic on surrounding roads and consideration of plant emissions at the neighbourhood centre.

The EIAR appendices include an Acoustic Design Statement dated June 2022, which considers potential traffic noise impacts on residents of the completed development, based on projected noise levels associated with traffic flows including future traffic noise associated with the GDRS. The Statement is prepared with regard to development plan section 12.9.2, which requires applicants to produce an Acoustic Design Assessment informed by guidance such as is set out in 'ProPG Planning and Noise', 2017, as referenced in the 'Dublin Agglomeration Noise Action Plan 2018 – 2023' where a noise-sensitive use is proposed in an area that may have high pre-existing environmental sound levels. The ProPG document was published in May 2017 by a working group comprising members of the Association of Noise Consultants (ANC), the Institute of Acoustics (IOA) and the Chartered Institute of Environmental Health (CIEH), which is generally considered as a best practice guidance and has been widely adopted in the absence of equivalent Irish guidance.

The two primary stages of the ProPG assessment are the “Stage 1” initial noise risk assessment of the proposed site and “Stage 2” detailed appraisal of the Proposed Development and preparation of an Acoustic Design Statement. Section 5 of the Statement provides details of noise modelling results for an opening year of 2021 based on noise surveys carried out in May 2022 and estimated current traffic flows and a projected scenario for 2039 which assumes the development of the GDRS. The Stage 1 Noise Risk Assessment concludes that the facades most exposed to road noise will be within the ‘negligible to medium’ ProPg noise risk category for daytime and the ‘negligible to medium/high’ noise risk category for nighttime. The noise modelling forms the basis for the Stage 2 Acoustic Design Statement with regard to ProPG guidance, which provides proposed acoustic design details including construction masonry, glazing and acoustic ventilation, which will be used to achieve an internal acoustic environment that meets internal target noise levels as per ProPG and the British Standard BS EN 12354-3: 2000: Building acoustics – Estimation of acoustic performance of buildings from the performance of elements – Part 3: Airborne sound insulation against outdoor sound. The assessment of daytime external noise levels across the site finds that some external amenity areas would be above the desirable level of 55 dB $L_{Aeq,16hr}$, however all residents will have access to external amenity spaces that have been assessed and are determined to be within the ProPG guidance for noise levels in external amenity areas.

This assessment is considered acceptable subject to a condition requiring that all recommended noise attenuation measures be implemented in full. I note in this regard that the CE report states no objection in relation to noise issues.

I note observer concerns about noise impacts during construction. While there is potential for significant noise impacts during construction at nearby NSLs, these impacts are short term, will be reduced by the implementation of proposed mitigation measures, and would be the case for any development of these zoned and serviced lands. I am satisfied overall that impacts predicted to arise in relation to noise and vibration would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of noise and vibration.

11.4.4. Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

The EIAR assessment of biodiversity impacts as set out in EIAR Chapter 4.5 is based on the following site surveys as detailed in EIAR Table 5.1:

- Habitat and mammal surveys on 1st July 2021
- Bat activity surveys on 6th July 2021 (dusk), 27th July 2021 (dawn) and 24th August 2021 (dawn). Bat static detector deployment/collection 1st July 2020 and 24th August 2021. Assessment of trees and buildings on site for bat roost potential on 1st July 2021.
- Breeding bird surveys on 1st and 27th July and 24th August 2021, 13th June 2022. Wintering bird survey on 19th February, 2nd and 19th March, 23rd November and 20th December 2021, 19th January, 22nd February and 22nd March 2022
- Updated site walkover survey including updated survey for invasive species, signs of terrestrial mammals and potential bat roosts on 17th May 2022

The habitats survey of the development site did not find any non-native invasive species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended). No Annex I habitats were recorded at the site. The following Habitats of Local Importance (Lower Value) were recorded: Immature woodland (WS2); Improved agricultural grassland (GA1); Ornamental / /non-native shrub (WS3); Scrub (WS1); Recolonising bare ground (ED3); Spoil and bare ground (ED2) and Buildings and artificial surfaces (BL3). The following Habitats of Local Importance (Higher Value) were recorded: Dry meadows and grassy verges (GS2); Mixed broadleaf woodland (WD1) and Treelines (WL2). The mammal survey of the site did not find any evidence of species protected under the Wildlife Acts including badger, otter, Irish stoat or hedgehog, or any species listed on Annex II and Annex IV of the EU Habitats Directive. No non-native invasive species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) were recorded within the site.

Most of the bird species recorded within or flying over the site during the four dedicated breeding bird surveys were green listed bird species. Amber and red-listed birds were also noted during these surveys including Swallow, Starling, House

Martin, Goldcrest and Herring Gull, all of which are amber listed bird species and Swift, which is a red-listed bird species. Given the presence of amber and red listed bird species and availability of suitable nesting and foraging habitat, the site has been valued as local importance (higher value) with regard to breeding birds. The dedicated wintering bird surveys recorded very low numbers of Herring Gull, Curlew and Black-headed gull feeding within the site. Herring gull are an SCI species of The Murrrough SPA c. 17.5km southeast, Curlew is an SCI of North Bull Island SPA c. 12km northeast and Black-headed Gull is an SCI of South Dublin Bay and River Tolka Estuary SPA c. 6.6km north of the development site. Due to the low numbers of Herring Gull, Black-headed Gull and Curlew recorded, and no evidence of usage by other SCI species, the development site is not considered to support important numbers of SCI species associated with Dublin Bay or any other European sites. Furthermore, the majority of the development site is dominated by areas of unmanaged grassland, scrub, treelines, recolonising bare ground and artificial surfaces and thus provides very low suitability for wetland and wader species. Therefore, this site does not represent an important inland ex situ site or habitat for wintering Herring Gull, Black-headed Gull or Curlew, or any other Special Conservation Interest (SCI) species and it is assessed as being of local importance (lower value) for wintering birds.

There are no European sites within or directly adjacent to the boundaries of the development site. The closest European sites are Knocksink Wood SAC (000725), c. 2.7km to the south and Ballyman Glen SAC (000713), c. 3.5km south, see Appropriate Assessment for consideration of European sites. There are no nationally designated sites within the development site. The nearest pNHA is Dingle Glen pNHA (001207) located c. 642m east of the development site. Other pNHAs in the vicinity include Fitzsimon's Wood pNHA (001753), Loughlinstown Woods pNHA (001211), Ballybetagh Bog pNHA (001202), Ballyman Glen pNHA (000713), and Knocksink Wood pNHA (000725). Surface waters within the site ultimately discharge into the Irish Sea at the Killiney Bay coastal waterbody via the Shanganagh River. In addition, foul effluent from the development will ultimately discharge to Shanganagh-Bray Wastewater Treatment Plant (WWTP) for treatment prior to discharge to Killiney Bay. The site is therefore hydrologically connected to Loughlinstown Wood pNHA (001211) and Dalkey Coastal Zone and Killiney Hill pNHA (001206). The latter

site located c. 3.2km east at the closest point, has been designated for a range of features, including its coastal habitats. There is not considered to be any potential for significant effects arising from the construction or operation of the development on these nationally designated sites for the following reasons:

- The small scale of the proposed works relative to the receiving surface water network;
- The relatively low volume of any surface water run-off or discharge events from the proposed works site relative to the receiving surface water and marine environments (which will be retained, attenuated, diluted and dispersed near source area);
- There is no direct pathway via surface runoff (open water courses) to any water body;
- The level of mixing, dilution and dispersion of any surface water run-off/discharges from the development site in the receiving watercourses, Killiney Bay and the Irish Sea;
- The Shanganagh WWTP is currently operating below its capacity of 186,000 PE, with a current peak week loading of 129,335 PE and is compliant with the Emission Limit Values (ELV's) set in the Wastewater Discharge Licence;
- The Dalkey Coastal Zone and Killiney Hill pNHA, it has been designated for high-water mark habitats (e.g. shingle banks) which are not vulnerable to any potential nutrient deposition arising from increases in foul water loading to Shanganagh WWTP;
- Loughlinstown Wood pNHA is located upstream of the discharge point from the Shanganagh WWTP;
- Therefore, noting the current 'high' WFD status of Killiney Bay, the development will not have any perceptible impact on water quality of Killiney Bay and there is no possibility of undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Killiney Bay as a result of foul water discharges;

- The development does not traverse Loughlinstown Woods pNHA, and therefore there is no potential for significant effects to arise from direct habitat loss (e.g. tree removal) or fragmentation impacts.

The development will involve the removal of Dry meadows and grassy verges (GS2) habitat. However, given the relatively low species diversity recorded in this habitat, the current management of the land (i.e. active cattle grazing) and the proposed landscaping which will include a mixture of wildflower meadows and seasonal bulbs the loss of this habitat is not likely to result in a significant negative effect, at any geographic scale. The proposed removal of trees and hedgerows at the site will result in habitat fragmentation and reduce its suitability to support fauna and breeding birds and mammals. However, the majority of treelines within and on the periphery of the site are being retained, especially the more established treelines including the treeline running from northwest to southeast through the centre of the site and the mixed broadleaf woodland in the northern section of the site. Proposed mitigation measures include the protection of the trees to be retained during construction and proposed landscaping and planting at the completed development including native and pollinator friendly species, also the installation of bird boxes. In addition, there is alternative suitable foraging/breeding habitat, including hedgerows, woodlands and treelines located in the vicinity of the site. The proposed outline Construction and Environmental Management Plan (CEMP) includes measures to protect breeding birds such as avoiding removal of trees and hedgerows during the nesting season. The proposed removal of trees at the site is therefore acceptable in principle at an aggregate level, noting however the concerns stated above in relation to the removal of trees in the northeastern part of the site, adjacent to the Rockville development, where a development plan objective to protect and preserve trees applies.

The completed development will result in an increase in noise and human presence with associated potential disturbance impacts on birds. The majority of birds recorded within the site are common urban species and thus are likely to adapt to human presence. The presence of new multi-storey structures within the site could potentially result in direct mortality of bird species that utilise the site for foraging and/or commuting, through collisions. Bird collision with buildings is generally associated with reflective material such as windows or large surfaces of glass which

create a mirror and appear to show the continuation of the sky or surrounding landscape, an effect that can be exacerbated by lighting. The external surfaces of the buildings will be a combination of brickwork and pressed metal cladding. The use of different materials and design in the facades and elevations will minimise the effect of glazing, making the building more detectable to birds and therefore reduce the potential for collisions to occur. Birds listed as Special Conservation Interest (SCI) species for SPAs within the zone of influence of the development which regularly use or travel over inland areas (i.e. light bellied brent goose, gull species, duck species and a number of waders such as oystercatcher, godwit species or curlew), navigate the urban environment of Dublin with built structures daily. To put some context on some of their avoidance capabilities, in a different setting and for use in collision risk modelling for onshore wind turbines, an avoidance rate of 99.5% is applied for large gull species and an avoidance rate of 99.2% is applied for small gull species, which essentially means that 99.5% and 99.2% of gull flights, respectively, will avoid collision with a moving turbine. For Curlew the avoidance rate applied is 98%. The risk of collision is even less with a static, clearly detectable building. While the presence of the development might alter flight patterns of bird species slightly to avoid the proposed building structures the risk of collision is extremely low considering the low collision risk associated with the species in question, in combination with the building location, design and materials used. It is however acknowledged that there could be a low level of mortality attributable to bird collision with glazing on the proposed buildings. This impact however would not result in any population level effect or change in distribution of any species, including any SCI species for SPAs within the zone of influence of the proposed development and therefore is unlikely to cause any significant effect at a local scale or any other geographic scale.

The site surveys recorded 20 trees within the development site as containing potential roost features (PRFs) for bats. No evidence of roosting bats was noted within the lands during the dedicated surveys in July 2021 or May 2022, including internal and external inspections of 'Rockville' on 1st July 2021. None of the outbuildings offer suitable roosting potential as they are either metal storage barns/containers or are too exposed to the elements (i.e. no roof) were recorded when they were inspected. At least four bat species were recorded over the extent of the site

during the bat surveys; Common Pipistrelle, Soprano Pipistrelle, unknown bat species of the genus Myotis and Leisler's bats. At least five bat species were recorded on automated static bat detectors deployed within the site including; Leisler's bat, Common Pipistrelle bat, Soprano Pipistrelle bat, Brown Long-eared bat and unidentified Myotis bats. In particular, a large number of bats were recorded commuting and foraging within the treeline running northwest to southeast across the site. Given the number of bat species recorded within the development site and suitability of the site for foraging, commuting and roosting, it has been valued as local importance (higher value) for bats. The loss of woodland and treeline habitat will result in the permanent loss of foraging habitat for bat species within the site. However, there is alternative suitable foraging habitat located in the agricultural lands surrounding the site and within the areas of woodland and treelines to be retained as part of the landscaping proposal for the development, all of which are likely to be sufficient to maintain the local population in the long-term. It is therefore predicted that, despite any temporary effects, the loss of foraging/commuting habitat associated with the development is unlikely to affect the conservation status of the local bat population and will not result in a likely significant negative effect, at any geographic scale, especially considering that the most frequently recorded species - common pipistrelle, soprano pipistrelle and Leisler's bat, are known to have a widespread distribution across the region, and in Ireland and that these species are showing an increase in their population trend. The completed development will provide new roosting opportunities for bats including six no. bat boxes on suitable retained trees in suitable locations across the site as an enhancement measure.

An increase in the existing light levels during operation, within and adjacent to the site could potentially indirectly affect bat species that utilise the site for foraging and/or commuting. Given the presence of lighting in the immediate surrounding environment and street lighting along the surrounding roads including the Glenamuck Road and the Enniskerry Road, the local bat population would be expected to be habituated to artificial light spill, especially as the most common species recorded within the site i.e. Leisler's bat, Soprano pipistrelle and Common pipistrelle bat are some of the least sensitive species to artificial light spill, and are recorded in towns and cities across Ireland. Additionally the proposed lighting plan for the development will minimise artificial light and where possible avoid it for areas

of high bat activity e.g. the northern woodland and central treelines to be retained. In light of the existing habitats within the lands, the range of species utilising the lands, and the design measures adopted for lighting the completed development, no significant effects arising from disturbance or displacement of bats are anticipated. The presence of new multi-storey structures within the site could potentially result in direct mortality of bat species that utilise the site for foraging and/or commuting, through collisions. Recent studies, investigating the cause of bat collisions with buildings found that building material is an important factor to be considered and that smooth vertical surfaces such as glassy exteriors and windows can be problematic, however, see the discussion above on this issue in relation to potential bird collision impacts. In addition, Irish bat species navigate largely by echolocation calls, and fixed structures present a low risk in terms of collision. Therefore, the proposed development is considered to not have a significant negative effect on the bat populations at any geographic scale with regard to direct mortality from building collisions.

No significant residual or cumulative impacts on biodiversity are identified.

I have considered all of the submissions and having regard to the above, I consider that the EIAR is based on adequate survey information, noting in particular the habitat surveys, flora and fauna surveys, bat surveys and topographical information on file. Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to biodiversity would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

11.4.5. Land, Soil, Water

EIAR Chapter 4.3 addresses land and soil and Chapter 4.4 addresses hydrology and hydrogeology. The applicant has also submitted a supplementary Hydrological and Hydrogeological Risk Assessment.

The topography at the development site is generally a gradually increasing slope downwards from Enniskerry Road (western boundary) in a north-easterly direction and then falls off sharply toward the eastern site boundary at a gradient of

approximately 10%. Ground elevations at the site range from approximately 143.07 mOD in the southwest to 132.85 mOD in the northeast of the site.

Teagasc soil mapping indicates as imperfectly drained peat over lithoskeletal acid igneous rock of the Carrigvanagh (0410a) soil series. GSI mapping indicates 'till derived from granites (TGr)' at most of the site and 'bedrock outcrop or subcrop (Rck)' beneath the northern and southern portions of the site. The bedrock beneath the site is granite, classified by the GSI as a Poor Aquifer (PI) which is generally unproductive except for local zones. The GSI have assigned a groundwater vulnerability rating of "High" (H) beneath the site, indicating c. 3-10m of overburden. The bedrock aquifer beneath the site is within the Wicklow Groundwater Body (GWB). Recharge in the vicinity of the development is diffuse through overlying tills into the aquifer. The granite aquifer beneath the site is classified as a poor aquifer which is characterised by a lower capacity to accept recharge via infiltration of rainfall. Regional groundwater flow is towards the Irish Sea with local flow towards streams and rivers and groundwater flow in the vicinity of the site is likely to be towards the Carrickmines Stream and the Shanganagh River, although baseflow contributions are noted to be low within the Wicklow GWB. Several ground investigations carried out at the site dating to 2006, 2008, 2010 and 2017 indicate clay soils to a depth of 0.8 - 2.9 metres below ground level (mbGL). The groundwater strikes where encountered were recorded at depths ranging from 2.6 - 2.9 mbGL and typically within the sandy gravelly clays/silts above the granite bedrock. Therefore, the vulnerability rating can be considered to be locally extreme based on available data for the site. There are no geological heritage sites or karst features at or in the immediate vicinity and there are no Groundwater Source Protection Areas (SPAs) located within a 2km radius of the site.

In terms of surface water, the site is within the Ovoca-Vartry WFD Catchment, the Ovoca-Vartry Hydrometric Area, the Dargle Sub-Catchment and the Carrickmines Stream WFD River Sub Basin. The closest surface water feature is the Shanganagh River, named locally as the Loughlinstown River, which is c. 0.3km south/southeast of the site and flows eastwards, discharging to the Irish Sea approximately 5.3km east of the site. The Glenamuck North Stream is located c. 0.4km north of the site and flows eastwards before converging with the Carrickmines Stream c. 2.0km east of the site. The Carrickmines Stream flows approximately 3.2km downstream in a

south-easterly direction before converging with the Shanganagh River c. 3.9km east of the site. The Shanganagh River is mapped by the EPA as a surface water drinking water source under Article 7 of the WFD. There are no other surface water drinking water sources identified by the EPA within a 2km radius of the site. As discussed above in relation to Biodiversity, there is no identified risk to designated site hydrologically connected to the development site.

The EIAR estimates that the development will involve the excavation of 72,500 cu.m. of soils and bedrock for the construction of foundations, drainage and other infrastructure to depths of 1.0m for foundations and 1.7- 4.1 mbGL for drainage and infrastructure. Approx. 31,650 cu.m. of the excavated soils and bedrock will be reused on-site for engineering fill and landscaping. The remaining 40,850 cu.m. of surplus soil and bedrock will be removed from the site for reuse or recovery in accordance with appropriate statutory consents and approvals as per the submitted Construction and Demolition Waste Management Plan (CDWMP). Reused materials will be tested for contaminants, invasive species and other anthropogenic inclusions. Approx. 35,600 cu.m. of aggregate fill materials will be imported. Recycled aggregates will be used where available and subject to meeting specified design requirements and all construction and environmental legislation. The development will result in an unavoidable land take with loss of undeveloped land and soil with a 'negative', 'moderate' and 'permanent' impact taking account of the surrounding land and zoning objectives. It is anticipated that the required aggregates identified for importation on-site will have a 'neutral', 'imperceptible' and 'permanent' impact on the source site taking account of the fact that the statutory consent process will require the necessary environmental impacts to be assessed and mitigated as appropriate at the source site. EIAR section 6.6 sets out proposed avoidance, remedial and mitigation measures including those set out in the submitted Outline Construction Management Plan (OCMP), Construction and Environmental Management Plan (CEMP) and Construction and Demolition Waste Management Plan (CDWMP).

The development will not discharge to groundwater or surface water during the construction phase. There may be a requirement for management of shallow groundwater where encountered during groundworks. This will be within localised areas of the site only and taking account of the urban setting of the site, the

presence of clayey strata in the overburden and limited capacity of the bedrock aquifer to accept recharge there will be no overall impact groundwater recharge within the bedrock aquifer at the site. There will be no abstraction or impact on the hydrology or surface water flow regime within receiving surface water bodies during construction. EIAR section 7.6 sets out proposed surface water management measures during construction, as also detailed in the CWDMP, OCMP and CEMP. The permeability and potential for infiltration to ground at the site will be modified by the change in cover from greenfield to paved areas at the completed development. Given that the existing capacity for infiltration and recharge to the aquifer is low due to the nature of the poor granite bedrock aquifer, any change in the recharge potential within the site will only impact a very localised area of the aquifer within the vicinity of the site. Surface water management at the completed development, including SuDS, is as detailed above. The EIAR refers to the submitted Site Specific Flood Risk Assessment (SSFRA), as also considered above, which concludes that the development is not located in an area at risk of flooding and will not result in any increased risk of downstream flood impacts. It is considered that the water quality protection criteria and objectives of the GSDS and Water Framework Directive will be achieved. There is no identified impact on the receiving water environment associated with the foul drainage at the site and discharge from the site.

No significant residual or cumulative impacts on land, soil and water are identified.

I note the submission on file of Inland Fisheries Ireland, which states that there is potential for contaminated surface water run-off during construction works to impact the receiving water quality in the Carrickmines Stream given that surface water from the development will eventually discharge into the Glenamuck North stream via the existing Rockville surface water sewer. IFI recommends that appropriate and specific mitigation measures must be implemented on all to ensure that there are no uncontrolled discharges of deleterious materials directly or indirectly into surface waters that may result in a deterioration in water quality. Related conditions are recommended, which may be imposed if the Board decides to grant permission.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to land, soil and water would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore

satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of land, soil, and water.

11.4.6. Air and Climate

EIAR Chapter 4.8 addresses Air Quality and Climate and the applicant has also submitted a supplementary Climate Impact Assessment Report and Energy Statement. The occupation of the development would not be likely to have a significant effect on climate or air quality. The construction phase could affect air quality at nearby sensitive receptors through the emission of dust. However, any such effects can be properly limited through the proposed dust mitigation measures, including monitoring, as set out in EIAR Section 8.6.1 and the proposed OCMP, CEMP and CDWMP. No significant residual or cumulative impacts are predicted.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to air and climate would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of air and climate.

11.4.7. Material Assets, Cultural Heritage, The Landscape

EIAR Chapter 10 addresses Landscape and Visual impacts and Chapter 12 addresses Material Assets: Traffic, Waste and Utilities. The Board is referred to the above assessment in respect of potential impacts on visual amenities, assessment of daylight and sunlight impacts, assessment of arboricultural impacts and the assessment of movement and transport issues which summarise the EIAR findings and consider relevant issues raised in observer submissions. The EIAR does not predict any significant impacts in relation to these issues, including cumulative impacts. However, having regard to the detailed assessment of the proposed design and layout of the development, it is considered that the development will not have a satisfactory interaction with Enniskerry Road or at the boundary with the Rockville development and refusal is recommended in relation to these issues. I also consider that the proposed removal of trees at the boundary shared with Rockville will have adverse impacts on residential amenities and will contravene a development plan objective to protect and preserve trees at this location.

EIAR section 12.2 considers Waste and Utilities with regard to impacts on the material assets of electricity supply, gas supply, Information and Communications Technology, surface water drainage, water supply and demand, wastewater management and waste management in the vicinity. No significant impacts are predicted, including cumulative impacts. The submitted Construction and Demolition Waste Management Plan and Outline Operational Waste Management Plan are also noted in this regard.

EIAR Chapter 11 considers Archaeology and Cultural Heritage. Section 11.4. details 46 no. recorded monuments within a 2km radius of the development, the nearest being a cluster of enclosures at Glenamuck (DU026-021), which have no visible trace at ground level. No significant impacts are predicted at any recorded monument. Section 11.4.3.3 details buildings listed in the National Inventory of Architectural Heritage (NIAH) within a 2km radius, the nearest being a farmhouse dating to 1700-1757 0.3 km west of the development site (reg. no. 60260040) and a gate lodge on Glenamuck Road c. 0.05 km east of the development (reg. no. 60260041). The EIAR states that neither site will be affected by the development. The nearest protected structures are Our Lady of the Wayside Church, RPS No. 1802 (known locally as the 'Blue Church') and Rockville House, RPS No. 1790. The NIAH rates Our Lady of the Wayside Church, which dates to 1929, as of regional importance (reg. no. 60260021), stating that it represents an important component of the early twentieth-century ecclesiastical heritage of south County Dublin. EIAR section 11.4.3.2 assesses impacts on the setting of Our Lady of the Wayside Church as significant, however the church will look towards the proposed village green and improved public realm at Enniskerry Road. Rockville House is assessed in the NIAH as of regional importance, representing an important component of the mid eighteenth-century domestic built heritage of south County Dublin (reg. no. 60260040). The EIAR assesses impacts at Rockville House as minor given that the development will be partially hidden by existing trees at this location, also this impact will be further mitigated by proposed landscaping in this area of the development. I consider the EIAR deficient in that it does not give detailed consideration to potential impacts on the setting of Our Lady of the Wayside Church, as discussed in section 10.8.1 above in relation to design and layout, section 10.8.2 above in relation to landscape and visual impacts and section 10.12 above in relation to arboricultural

impacts. Having regard to the above assessment of the design and layout of the proposed development, the proposed treatment of the village green, neighbourhood centre, Dingle Way and associated residential blocks and the removal of existing trees and vegetation in this area are not considered to contribute to a satisfactory setting of this protected structure.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to Traffic, Waste and Utilities would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. However, I do not consider that the development will not have a satisfactory interaction with Enniskerry Road or at the boundary with Rockville and refusal is recommended in relation to these issues and I consider that the development will not result in a satisfactory setting for Our Lady of the Wayside Church, a protected structure which is listed as of Regional importance in the NIAH. The EIAR is also considered to be deficient in that it does not give adequate consideration to potential impacts on the setting of this protected structure. Therefore, I am not satisfied that impacts predicted to arise in relation to Architectural Heritage would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions and I am not satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of Architectural Material Assets, Cultural Heritage and Landscape.

11.5. Cumulative Impacts and Interactions

11.5.1. I have addressed the cumulative impacts in relation to each of the environmental factors above, noting that these are considered in the individual EIAR chapters. EIAR Chapter 14 presents a summary of interactions and I consider that the EIAR presents a comprehensive consideration of the relevant developments within the wider area where there is potential for cumulative impacts with the proposed development.

11.6. Reasoned Conclusion on the Significant Effects

11.6.1. Having regard to the examination of environmental information set out above, including the EIAR and other information provided by the developer, and to the

submissions from the planning authority, prescribed bodies and public in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant positive impacts on population and human health due to the increase in housing stock within the Kiltiernan area. Potential impacts on human health during construction will be mitigated by the measures set out in the proposed Construction Environmental Management Plan, Outline Construction Management Plan, and Construction and Demolition Waste Management Plan. No adverse impacts on demographics or employment are identified. I am satisfied that, after the proposed construction management mitigation measures, there are no likely significant residual adverse impacts on population or human health for the construction or operational phases of the development.
- Biodiversity impacts, which will be mitigated by construction management measures including dust management, noise management and waste management; measures to protect surface water quality during construction and operation including SUDS measures; landscaping proposals which will provide new habitats and ecological enhancement measures including bird boxes and bat boxes. I am satisfied that, after the proposed mitigation measures, there are no likely significant residual adverse impacts on biodiversity for the construction or operational phases of the development.
- Land and Soils impacts, which will be mitigated by the measures set out in the Outline Construction Management Plan, Construction Environmental Management Plan and Construction and Demolition Waste Management Plan, including control of soil excavation/infill and export from site; fuel and chemical handling, transport and storage and control of water during construction, also by the proposed surface water management measures that are part of the completed development. I am satisfied that, after the proposed mitigation measures, there are no likely significant residual adverse impacts on land, soils and geology for the construction or operational phases of the development.
- Water impacts, which will be mitigated by construction management measures as per the Outline Construction Management Plan, Construction Environmental Management Plan and Construction and Demolition Waste Management Plan

including SUDS measures, surface water management and monitoring. I am satisfied that, after the proposed mitigation measures, there are no likely significant residual adverse impacts on water for the construction or operational phases of the development.

- The proposed development is not likely to have significant adverse effects on air and climate or material assets, subject to the proposed construction management mitigation measures.
- Landscape and Visual Impacts. I consider that the submitted LVIA, photomontages, drawings and other documentation on file do not give adequate detailed consideration to visual impacts at several locations, in particular at the adjoining Rockville development. The EIAR is therefore considered to be deficient in this respect. In addition, I am not satisfied that the predicted visual impacts at this location would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore not satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of visual impacts.
- Having regard to the limited assessment of potential impacts on the setting of Our Land of the Wayside Church protected structure (RPS no. 1802), I do not consider that the EIAR adequately considers architectural heritage impacts. The EIAR is therefore considered to be deficient in this respect. Therefore, I am not satisfied that impacts predicted to arise in relation to Architectural Heritage would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore not satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of Architectural Heritage.

11.6.2. Having regard to the above, I consider that the likely significant environmental effects arising as a consequence of the proposed development have not been satisfactorily identified, described, and assessed in the submitted EIAR.

12.0 Screening for Appropriate Assessment

12.1. AA Introduction

12.1.1. This assessment has had regard to the submitted AA document, prepared by Scott Cawley and dated June 2022. I have had regard to the contents of same. The report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own, or in combination with the effects of other plans or projects. This assessment is informed by the other environmental reports on file, including the Engineering Services Report, Arboricultural Report, Construction Environmental Management Plan, Outline Construction Management Plan, Construction and Demolition Waste Management Plan, Outline Operational Waste Management Plan, Hydrological and Hydrogeological Risk Assessment and the EIAR. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used.

12.2. The Project and Its Characteristics

12.2.1. See the detailed description of the proposed development in section 3.0 above.

12.3. The Development Site and Receiving Environment

12.3.1. See site description in section 2.0 above. There are no European designated sites within or immediately adjacent to the development. No Annex I habitats for which European Sites within 15km have been designated were recorded within the development site or in the immediate vicinity during the field surveys in 2021 or 2022. No Annex II plant species and no records of plant species protected through their inclusion within the Flora (Protection) Order, 2015 were recorded. The dedicated wintering bird surveys of 2021 and 2022 recorded very low numbers of Herring Gull, Curlew, Black-headed gull feeding on the grassland within the proposed development site. A peak count of two Herring Gull was recorded on one occasion (21st December 2021), a peak count of four Curlew was recorded on one occasion (23rd November 2021) and a peak count of seven black-headed gull was recorded on one occasion (23rd November 2021). No other Special Conservation Interest (SCI) or Qualifying Interest (QI) species or their signs (e.g. feathers and

droppings) for which European sites listed in Appendix I were observed or recorded during field surveys within the development site.

12.3.2. The development site is within the Ovoca-Vartry catchment. The closest watercourse to the site is the Shanganagh River, located c. 306m to the southeast, which flows east for c. 6.5km until it discharges directly into Killiney Bay. The closest European sites to the outfall of the Shanganagh River at Killiney Bay include Rockabill to Dalkey Island SAC (003000) and Dalkey Island SPA (004172), located 1.5km and 3.2km respectively. All surface waters from the development site will ultimately drain into the Shanganagh River and then into Killiney Bay.

12.3.3. The development will connect to existing foul drainage infrastructure constructed as part of the Rockville schemes (D17A/0793 and D18A/0566), which outfalls downstream into the existing Irish Water infrastructure on Glenamuck Road. Approx. 0.3 ha of the development (Blocks C and D) in the northeastern part of the site will outfall into the foul drainage infrastructure to be provided as part of the GDRS at Glenamuck road. All foul effluent will ultimately discharge to Shanganagh-Bray Waste Water Treatment Plant (WWTP) for treatment prior to discharge to Killiney Bay. The Shanganagh WWTP is currently operating at under its capacity of 186,000 PE, with a current peak week loading of 129,335 PE and is compliant with the Emission Limit Values (ELV's) set in the Wastewater Discharge Licence. Its discharge is therefore not having an observable negative impact on water quality in Killiney Bay.

12.4. **Stage I Appropriate Assessment**

12.4.1. In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the development site to a European Site.

12.4.2. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). There are no designated sites within or immediately adjacent to the development. The applicant's Stage I screening assessment identifies the following designated sites within c. 15km of the development:

Designated Site (Site Code)	Distance to Development	Qualifying Interests/ Conservation Objectives
Special Areas of Conservation		
Knocksink Wood SAC (000725)	c. 2.7 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats:</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>
Ballyman Glen SAC (000713)	c. 3.5 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats:</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p>
Wicklow Mountains SAC (002122)	c. 4.3 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p>

		<p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
South Dublin Bay SAC (000210)	c. 6.6 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
Rockabill to Dalkey Island SAC (003000)	c. 6.7 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitat and Annex II species, as defined by specific attributes and targets:</p> <p>Reefs [1170]</p> <p><i>Phocoena</i> (Harbour Porpoise) [1351]</p>
Bray Head SAC (000714)	c. 8.1 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation</p>

		<p>condition of condition of the following Annex I habitats:</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>
Glenasmole Valley SAC (001209)	c. 10.4 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats:</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>
Glen of the Downs SAC (000719)	c. 11.3 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitat, as defined by specific attributes and targets:</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>
North Dublin Bay SAC (000206)	c. 12 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II species, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>

		<p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
Carriggower Bog SAC (000202)	c. 14.2 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II species, as defined by specific attributes and targets:</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>
Howth Head SAC (000202)	c. 15.3 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>
The Murrrough Wetlands SAC (002249)	c. 16.6 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p>

		Alkaline fens [7230]
Special Protection Areas		
Wicklow Mountains SPA (004040)	c. 4.4 km	The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA: Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]
South Dublin Bay and River Tolka Estuary SPA (004024)	c. 6.6 km	The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]
Dalkey Islands SPA (004172)	c. 7.6km	The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA: Roseate Tern (<i>Sterna dougallii</i>) [A192]

		<p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>
<p>North Bull Island SPA (004006)</p>	<p>c. 12 km</p>	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Howth Head Coast SPA (004113)</p>	<p>c. 16.3 km</p>	<p>The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p>

I do not consider that any other European Sites fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site. The following points are noted in particular in this regard:

- No otter were recorded at the development site and there are no features present that provide potentially suitable habitat for otter. Although otter are known from the Shanganagh River system, the otter population in the Shanganagh River does not form part of the QI population of any European sites. The closest European site for which otter is a QI is the Wicklow Mountains SAC, southwest of the proposed development site c. 4km as the crow flies. No part of the Shanganagh River or its tributaries is located within the Wicklow Mountains SAC, and there is therefore no direct link between the otter population in Kiltiernan, and that of the Wicklow Mountains SAC.
- Wintering bird species that are SCIs of European sites such as herring gull, black-headed gull and curlew are known to feed on inland terrestrial sites of amenity grassland outside European site boundaries in the Dublin region. Herring gull are an SCI species of The Murrugh SPA located c. 17.5km southeast of the development site. Curlew are an SCI of North Bull Island SPA located c. 12km northeast of the development site and black-headed gull are an SCI of South Dublin Bay and River Tolka Estuary SPA located 6.6km north. Due to the low numbers of recorded Herring gull, Black-headed gull and Curlew, and lack of evidence of usage by other SCI species, the development site is not considered to support important numbers of SCI species associated with Dublin Bay or other European sites. The curlew recorded within the development site were noted during a single survey date and not recorded during any other visit to the site in 2021 or 2022 and thus not deemed to be regularly using the site. Furthermore, the remainder of the site is dominated by areas of dry meadow, overgrown grassy verges, improved agricultural grassland, recolonising bare ground and artificial surfaces and provides very low suitability for wetland and wader species. Therefore, this site does not represent an important inland ex situ site or habitat for wintering herring gull, black-headed gull or curlew, or any other Special Conservation Interest (SCI) species.

- Knocksink Wood SAC, located c. 2.7km south of the proposed development site, which is designated for groundwater dependent habitats, is partly located within the same groundwater body as the proposed development, Wicklow GWB. However, the development will not affect any of the QIs of the European site for the following reasons:
 - The SAC, although in the same sub-catchment as the proposed development e.g. Dargle_SC_010, is approximately c. 2.7km distant from the proposed development site and is buffered from the proposed development site by a number of watercourses including the County Brook stream as well as woodland, agricultural land and urban and residential development all which separate the proposed development site and the European site;
 - It is not proposed to extract groundwater and no significant groundworks, e.g. piling, are proposed as part of the development;
 - The submitted Hydrological and Hydrogeological Risk Assessment does not identify any likely hydrogeological impacts with regard to the characteristics of the poor granite bedrock aquifer, groundwater flow paths are localised and baseflow is limited within the granite aquifer;
- Ballyman Glen SAC, located c. 3.5km south of the development site, is also designated for groundwater dependent habitats. However, it is located within a different groundwater body to the development and therefore there is no possibility of significant effects as a result of the proposed development.

12.4.15. I consider that there is no possibility of significant effects on the following designated sites within 15 km, with regard to their conservation objectives, due to intervening distances, to the nature of the intervening land uses and to the absence of a hydrological or any other linkage between the development and the European Site, and/or due to the presence of a substantial marine water buffer between the surface water discharge point and/or the WWTP outfall pipe at Ringsend and the European site and potential for pollution to be dissipated in the drainage network. I have therefore excluded them from the remainder of this AA screening:

- Wicklow Mountains SAC (002122)
- Knocksink Wood SAC (000725)

- Ballyman Glen SAC (000713)
- Glenasmole Valley SAC (001209)
- Rockabill to Dalkey Island SAC (003000)
- Bray Head SAC (000714)
- Howth Head SAC (000202)
- Wicklow Mountains SPA (004040)
- Dalkey Islands SPA (004172)

12.5. Potential Effects on Designated Sites

12.5.1. Having regard to the potential zone of influence and to the submitted AA document, the following Natura 2000 sites are identified as lying within the potential zone of influence of the development due to potential indirect hydrological connections between the development and the European Sites in Dublin Bay via the surface water sewer network and the foul sewer network:

- South Dublin Bay SAC (000210)
- North Dublin Bay SAC (000206)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- North Bull Island SPA (004006)

12.5.2. I consider that the only likely potential risks to the four European sites arise from potential construction and/or operation related surface water discharges from the development site and the potential for these effects to reach the downstream European sites. I found no evidence to the contrary in my assessment or in the contents of the submissions received. The following points are noted in this regard:

- The submitted Hydrological and Hydrogeological Risk Assessment Report, dated June 2022, concludes that there will be no perceptible impacts from the development on water quality in Killiney Bay, or on the European Sites, downstream of the site during construction or operation with regard to the following:
 - The small scale of the proposed works relative to the receiving surface water network;

- The relatively low volume of any surface water run-off or discharge events from the development site relative to the receiving surface water and marine environments (which will be retained, attenuated, diluted and dispersed near source area);
- There is no direct pathway via surface runoff (open water courses) to any water body;
- The level of mixing, dilution and dispersion of any surface water run-off/discharges from the development site in the receiving watercourses, Killiney Bay and the Irish Sea.

Therefore, there is no possibility of the proposed works undermining the conservation objectives of any of the qualifying interests or special conservation interests of downstream European sites as a result of surface water run-off or discharges.

- Foul wastewater from the development will ultimately be transferred to Shanganagh WWTP for treatment prior to discharge into Killiney Bay. See above discussion of the capacity of Shanganagh WWTP and related lack of any observable negative effect on water quality in Killiney Bay.
- The development site is within normal foraging range of SCI species of the North Bull Island SPA and the South Dublin and River Tolka Estuary SPA. However, the habitats at the site are of limited suitability for foraging wetland birds as grasslands are enclosed by treelines, hedgerows, and building and artificial surfaces. Birds such as brent geese tend to favour open sites which are unenclosed by dense vegetation, which provides cover for their predators. In addition, the development site is highly disturbed by human and domestic animal activity. Habitats at the site are therefore not suitable for regularly occurring populations of wetland or wading birds which may be features of interest of the South Dublin Bay and River Tolka Estuary SPA. The development will not lead to any decrease in the range, timing, or intensity of use of any areas within any SPA by these QI bird species. The development will not lead to the loss of any wetland habitat area within either SPA. No ex-situ impacts can occur. See also the discussion of potential bird collision risk in section 11.4.4 above.

- The development site does not support populations of any other fauna species linked with the QI/SCI populations of any European site(s).
- The Outline Construction Management Plan, Construction Environmental Management Plan and Construction and Demolition Waste Management Plan detail standard construction management measures to control the possibility of potential pollutants exiting the site during construction and operation (in respect of SUDs), including surface water management, material storage, waste management and other environmental management measures. These works/measures are a standard approach for construction works in an urban area and it should be noted that their implementation would be necessary for a residential development on any site in order to protect the surrounding environs regardless of proximity or connections to any European Site or any intention to protect a European Site. I am satisfied that the measures outlined are typical and well proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission.
- I also consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated sites and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. Surface water discharges would have to travel c. 6.5 km along the Shanganagh River before discharging into Killiney Bay. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.
- I note the submission of IFI, as detailed above, which recommends conditions requiring standard construction management measures to protect water quality.

12.5.3. I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

12.6. In Combination Effects

- 12.6.1. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, including the Dun Laoghaire Rathdown County Development Plan 2022-2028 covering the location of the application site which is zoned for residential development under the 'A' and 'NC' zoning objectives. This plan has been subject to AA by the planning authority, which concludes that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. In addition, the Dun Laoghaire-Rathdown Biodiversity Plan 2009 – 2013 is set out to protect and improve biodiversity, and as such will not result in negative in-combination effects with the proposed development. I note also the development is on serviced lands in an emerging urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. While this project will marginally add to the loadings to the municipal sewer, evidence shows that negative effects to Natura 2000 sites are not arising. Similarly, I note that the planning authority raised no AA concerns in relation to the proposed development.
- 12.6.2. The development is not associated with any significant loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.

12.7. AA Conclusion and Screening Determination

- 12.7.1. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, 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 the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

12.7.2. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

13.0 Recommendation

13.1.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development
- (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision
- (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
- (d) refuse to grant permission for the proposed development, and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

Having regard to the documentation on file, the submissions and observations, the site inspection, and the assessment above, I recommend that section 9(4)(d) of the Act of 2016 be applied and that permission for the above described development be **REFUSED** for the reasons and considerations set out below.

14.0 Recommended Board Order

Planning and Development Acts 2000 to 2023

Planning Authority: Dun Laoghaire Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 22nd June 2022 by Liscove Limited.

Proposed Development:

Permission for 383 no. residential units (218 number apartments and 165 number houses) on lands at Wayside, Enniskerry Road and Glenamuck Road, Kilternan,

Dublin 18, which include a derelict dwelling known as 'Rockville' and associated derelict outbuildings.

The development will consist of:

- The demolition of circa 573.2 square metres of existing structures on site comprising a derelict dwelling known as 'Rockville' and associated derelict outbuildings
- The provision of a mixed use development consisting of 383 number residential units (165 number houses, 118 number duplex units and 100 number apartments) and a Neighbourhood Centre, which will provide a creche (439 square metres), office (317 square metres), medical (147 square metres), retail (857 square metres), convenience retail (431 square metres) and a community facility (321 square metres)
- The proposed development will range in height from two to five number storeys (including podium/undercroft level in Apartment Blocks C and D and in the Neighbourhood Centre)
- The development also provides: pedestrian links from Enniskerry Road and within the site to the neighbouring Rockville development to the north-east and a pedestrian/cycle route through the Dingle Way from Enniskerry Road to the future Glenamuck Link Distributor Road; 678 number car parking spaces (110 number in the undercroft of Blocks C and D and the Neighbourhood Centre and 568 number at surface level) including 16 number mobility impaired spaces, 73 number electric vehicle spaces, 1 number car share space, 4 number drop-off spaces/loading bays; motorcycle parking; bicycle parking; bin storage; the decommissioning of the existing telecommunications mast at ground level and provision of new telecommunications infrastructure at roof level of the Neighbourhood Centre including shrouds, antennas and microwave link dishes (18 number antennas and 6 number transmission dishes, all enclosed in nine number shrouds together with all associated equipment); private balconies, terraces and gardens; hard and soft landscaping; sedum roofs; solar panels; boundary treatments; lighting; substations; plant; and all other associated site works above and below ground.

- The development also includes road works to facilitate access from the Enniskerry Road; to the approved Part VIII Enniskerry Road/Glenamuck Road Junction Upgrade Scheme on Glenamuck Road (DLRCC Part VIII Ref PC/IC/01/17); and to the approved Glenamuck District Roads Scheme (GDRS) (ABP Ref: HA06D.303945) on the Glenamuck Link Distributor Road (GLDR). Drainage and water works are also proposed to connect to services on the Glenamuck Road and Enniskerry Road.

Decision:

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

Matters Considered

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

Reasons and Considerations

1. The neighbourhood centre proposed as part of the subject scheme is to be situated on lands subject to an 'NC' zoning objective, which is 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities' and with the objective in the Kiltarnan/Glenamuck Local Area Plan 2013 to accommodate a neighbourhood centre. This aspect of the scheme, by reason of the mix of uses proposed and the extent of non-residential uses proposed, is not deemed capable of satisfying the needs of the current and future population of Kiltarnan and would result in a dependency on car-based trips to other commercial and leisure centres located at a distance. Furthermore, the proposed design and

layout of the neighbourhood centre, which does not correspond with the detailed guidance of the Neighbourhood Framework Plan included as Appendix A of the Kiltarnan/Glenamuck Local Area Plan 2013, would not succeed in the creation of an active and vibrant high quality public realm capable of maximising footfall towards the neighbourhood centre and would not provide a satisfactory setting for Our Lady of the Wayside Church protected structure (RPS no. 1802). As such, it is considered that the proposed development would fail to deliver on the objectives of Policy PHP4 and MFC1 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and also on the specific objectives for Land Parcel 22 set out in the Kiltarnan/Glenamuck Local Area Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the detailed design and layout of Blocks C and D, to the proposed removal of mature trees in the north eastern part of the site, to the proximity of Blocks C and D to the northeastern site boundary and to the relative difference in ground levels between the development site and adjacent residential properties at Rockville, it is considered that the development would have significant adverse impacts on residential and visual amenities at Rockville due to overbearing visual impacts and would not be compatible with the objective to protect and preserve trees at this location as indicated in Map 9 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

Sarah Moran
Senior Planning Inspector

12th June 2023