



An
Bord
Pleanála

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

Inspector's Report ABP-313963-22

Strategic Housing Development

305 no. residential units (289 no. Build to Rent apartments, 16 no. houses), creche and associated site works.

Location

Ashwood Farm, Glenamuck Road South, Carrickmines, Dublin 18.
(www.ashwoodfarmshd.com)

Planning Authority

Dun Laoghaire-Rathdown County Council

Applicant

Cairn Homes Properties Limited

Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland (TII)

Observer(s)

1. Bective Rangers Football Club
2. John Conway and the Louth Environmental Group
3. Patrick and Marie Fitzsimon

Date of Site Inspection

14th April 2023

Inspector

Paul O'Brien

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1.0 Introduction

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 subject site consists of an irregular shaped 2.81 hectares of land located to the north west of the Glenamuck Road South, Carrickmines, County Dublin. This site is located within the Dun Laoghaire-Rathdown area. The site is on a north west to south east axis, where it joins the public road and is located approximately 1.2 km to the south west of the M50 and just over 1 km to the north of 'Our Lady of the Wayside Church', Kiltiernan.
- 2.2. The subject site consists of a mix of undeveloped lands which are under grass, a single storey house located almost midway within the site and a large area of glass houses behind the house. A limited number of trees are also located on site and a number of ruined sheds and other structures are scattered throughout the site. The land is generally flat from the public road to the house and then falls on a south west to north east axis. The Finished Floor Level of the house is indicated to be 100.11 m OD and the northern corner of the site is indicated to be 93.32 m OD. An agricultural type of gateway provides access to the public road. The site is traversed by a number of powerlines.
- 2.3. Lands to the west and north east are in agricultural use. The lands to the north are in use by Glenamuck Bective RFC. To the south east is a large house with agricultural type sheds located to its north east rear. Beyond that and to the north east of the access with the public road, is a residential development of three storey apartments and two storey houses, named as Willow Glen. There are other residential developments to the south of the Glenamuck Road including the long established Glenamuck Cottages.
- 2.4. Public transport in the area is limited to the 63/63A, operated by Go-Ahead Ireland and which operates between Dun Laoghaire and Kiltiernan approximately every 30 minutes. Bus stops are located to the front of Willow Glen, less than 70 m from the front of the site. The 63 provides connection to the Luas at Ballyogan Wood and a

connection to the DART/ rail network at Dun Laoghaire. At the ‘Golden Ball’ in Kiltiernan, Dublin Bus route 44 operates between Enniskerry, the City Centre and DCU every hour and route Dublin Bus route 118 operates once a day between Kiltiernan and the City Centre, there is no return service. Ballyogan Wood Luas stop is approximately 1.2 km to the north of the site but is approximately 1.6 km by walking distance.

2.5. Under the Bus Connects Network Redesign, the 63/A will be replaced with the L26 which is to operate between Kiltiernan and Blackrock, every 30 minutes. In Kiltiernan, the 44 will be replaced with the 88 between Enniskerry and Mountjoy Square, every hour. The L13 will operate between Kiltiernan, UCD and Ringsend every hour. Route P13 will operate between Kiltiernan and UCD four times in the AM Peak towards UCD and four times in the PM Peak towards Kiltiernan.

2.6. Ballyogan Wood Luas stop is approximately 1.8 km walking distance to the north of the subject site. This stop is on the Luas Green Line with an off-peak frequency of every 12 minutes between Brides Glen and Parnell Square, in the city centre.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices consist of a residential development of 305 residential units of which 289 are to be Build to Rent apartments and 16 houses. Also included are a creche and all associated site works. The house and glass houses etc. located on site will be demolished under a separately received planning permission.

3.2. The following tables set out some key elements of the proposed development:

Table 1: Key Figures

Gross Site Area	2.8 hectares
No. of Houses	16
No. of Apartments	289
Total	305
Density	109 units per hectare

Non-Residential Uses	Creche – 489 sq m Residential amenity uses – 1,098 sq m
Total	1,587 sq m
Public Open Space	4,355 sq m (15.5% of the site area)
Communal Open Space	3,759 sq m (13.4% of the site area)
Dual Aspect Units	52% as stated by the applicant
Part V Units	30 units – 16 x one bed, 8 x two bed 3 person units and 6 x two bed 4 person units
Car Parking	
Apartments	261 spaces
Houses	34 spaces
Total Car Parking	295 spaces
Bicycle Parking	428 long-stay residential use 80 short-stay residential use 8 long-stay and short-stay other use
Total	520 spaces
Motorcycles	10 spaces

Table 2: Unit Mix

Unit Type	No. of Units	Percentage of Unit
1-Bedroom unit – Apartment	142	47%
2-Bedroom unit – Apartment	147	48%
5-Bedroom unit – House	16	5%
Total	305	100%

- 3.3. The application was accompanied by various technical reports including the following:

- Planning Statement – McCutcheon Halley – Chartered Planning Consultants
- Urban Design and Architectural Report – Henry J Lyons Architects
- Housing Quality Assessment Report – Henry J Lyons Architects
- Statement of Consistency with National, Regional and S.28 Guidelines – McCutcheon Halley Chartered Planning Consultants
- Statement of Consistency with Local Planning Policy – McCutcheon Halley Chartered Planning Consultants
- Material Contravention Statement – McCutcheon Halley Chartered Planning Consultants
- EIAR Screening Report – McCutcheon Halley Chartered Planning Consultants
- S.299(b) Report – McCutcheon Halley Chartered Planning Consultants
- Childcare Demand Report – McCutcheon Halley Chartered Planning Consultants
- Social Infrastructure Report – McCutcheon Halley Chartered Planning Consultants
- Unit Mix Justification Report – McCutcheon Halley Chartered Planning Consultants
- Response to ABP Opinion Report – McCutcheon Halley Chartered Planning Consultants
- Landscape Design Statement – Kevin Fitzpatrick Landscape Architecture
- Infrastructure Design Report– DBFL Consulting Engineers
- DMURS Design Statement– DBFL Consulting Engineers
- Traffic & Transport Assessment – DBFL Consulting Engineers
- Mobility Management Plan – DBFL Consulting Engineers

- Public Transport Capacity Assessment – Derry O’Leary
- Stormwater Audit – DBFL Consulting Engineers
- Quality Audit – DBFL Consulting Engineers
- Construction & Environmental Management Plan – DBFL Consulting Engineers
- Site Specific Flood Risk Assessment – DBFL Consulting Engineers
- Verified Views – 3D Design Bureau
- LVIA – AECOM
- Appropriate Assessment Screening Report – Altemar
- Ecological Impact Assessment – Altemar
- Bat Fauna Assessment – Altemar • Utilities Report – IN2
- Site Lighting Report – IN2 • Energy Analysis Report – IN2
- Aeronautical Assessment Report – O’Dwyer Jones
- Arboricultural Report – Charles McCorkell
- BTR Management Report – Courtland Consult
- Resource and Waste Management Plan – AWN
- Operational Waste Management Plan – AWN
- Wind Microclimate Study – IES Engineering
- Telecommunications Impact Assessment Report – ISM
- Building Lifecycle Report – Cairn Homes
- Archaeological Assessment – IAC Archaeology
- Daylight, Sunlight and Overshadowing Assessment – Avison Young

4.0 Planning History

Subject site:

PA Ref. D21A/0143 refers to an April 2021 decision to grant permission for the demolition of the existing residential dwelling and associated outbuildings, on the subject site, including the glasshouses and existing ruins with permission also sought for site clearance works including removal of existing spoil, tanks, walls and timber fences and all associated site works necessary to facilitate the development. The subject application does not therefore include the demolition of the existing structures on site.

Other Relevant Sites/ Developments – all within the Kiltiernan-Glenamuck LAP lands:

ABP Ref. 313860-22 refers to a November 2022 decision to grant permission for a SHD application for 383 no. residential units (218 no. apartments and 165 no. houses), creche, neighbourhood centre and all associated site works on lands to the south east of the Glenamuck Road South and the to the north east of the Enniskerry Road. No decision has been made to date.

ABP Ref. 312214-21 refers to an April 2022 decision to grant permission for a SHD application consisting of 130 no. residential units (55 no. houses and 75 no. apartments) and associated site works at Shaldon Grange, located off Enniskerry Road (R117), Kiltiernan.

ABP Ref. 309846 refers to a July 2021 decision to grant of permission for a SHD application consisting of 203 no. residential units (109 no. houses and 94 no. apartments), creche and associated site works on Lands immediately adjoining Bishop's Gate housing development, Townland of Kiltiernan Domain, Enniskerry Road, Kiltiernan.

ABP Ref. 307043-20 refers to an August 2020 decision to grant permission for a SHD development of 116 no. residential units (85 no. houses, 31 no. apartments), childcare facility and associated site works at Suttons Fields, Ballybetagh Road, Kiltiernan.

ABP Ref. 306160-19 refers to an April 2020 decision to grant permission for the demolition of 'Greenmount' and 'Dun Oir', construction of 197 no. residential units (62 no. houses, 135 no. apartments) and associated site works at Glenamuck Road, Enniskerry Road, Kiltiernan.

PA Ref. D15A/0443 refers to a February 2016 decision to grant permission for the demolition of existing two-storey dwelling house known as Willow Glen, and ancillary outbuildings and sheds and the construction of a residential development of 31 units, consisting of: 4 no. four bed 2.5 storey semi-detached houses with balconies; 8 no. four bed 2.5 storey terrace houses with balconies; 2 no. four bed 2.5 storey end of terrace houses with balconies; and 3 no. three bed 2.5 storey mid-terrace houses. Also 3 no. one bed lower-level duplex; 4 no. two bed lower-level duplex; 7 no. three bed upper level 2 storey duplex in 3 storey block fronting Glenamuck Road with balconies and terraces facing south-east and west with ancillary site works including parking for 55 cars, 2 communal bin stores and main vehicle access from Glenamuck road. This is the completed development on the adjacent site and provision has been made for future access from Ashwood Farm.

ABP Ref. HA06D.303945 refers to a December 2019 decision to grant permission for the Glenamuck District Roads Scheme which is to connect the existing R117 Enniskerry Road with the Glenamuck Road and a new link distributor road which will connect to the Ballycorus Road and the R117 Enniskerry Road (alternative north-south route). No works have commenced to date on this road scheme.

A longer Planning History is provided in the applicant's report, though these are not relevant due to the age of the decisions made or their lack of proximity to the subject site.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 Pre-Application Consultation took place on the 8th of March 2022; Reference ABP-311871-21 refers. Representatives of the prospective applicant, the Planning Authority – Dun Laoghaire-Rathdown County Council and An Bord Pleanála attended the meeting. The scheme as described was for the development of 280 residential units (16 houses, and 264 BTR apartments) and all associated site works at Ashwood Farm, Glenamuck Road South, Carrickmines, Dublin 18.

5.2. An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the request to enter into consultation would require further consideration and amendment to constitute a reasonable basis for an application for a strategic housing development.

An Bord Pleanála considered that the following issues needed to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development:

- 'Design and Layout: Further consideration and/or justification of the documents as they relate to design, layout and elevational treatment of Blocks 1-3 having regard to, inter alia, the location of the apartment blocks adjacent to the route of the Glenamuck District Distributor Road (GDDR), the need for high quality urban design and the potential for a negative impact on the visual amenity of the surrounding area. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings should elaborate on the visual impact of the proposed development in the context of the impact of the proposed apartment blocks on the surrounding area and GDDR route. This further consideration will require a Sunlight/Daylight/Overshadowing analysis including all relevant plans/documentation showing an acceptable level of residential amenity, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development

and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable’.

5.3. Furthermore, pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that the following specific information should be submitted with any application for permission:

‘1. A Phasing Plan clearly indicating the proposed development of the residential units, in conjunction with the necessary infrastructure, including the Glenamuck District Distributor Road (GDDR), water and wastewater.

2. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s and retail/ crèche area. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).

3. A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.

4. A quantitative and qualitative assessment which provides a breakdown of the communal and public open space. The assessment shall detail the functionality of the public space and shall disregard any areas required for circulation space such as footpaths between buildings etc.

5. Design of the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site, discharge rates equal to greenfield sites, integration of appropriate phased works

6. Submission of a Taking in Charge Map.

7. Submission of Wind and Pedestrian Comfort Study.

8. Submission of a Construction Management Plan.

9. A response to the Drainage Department issues raised in the Galway County Council (sic) submission in relation to the delivery of SuDS on the site.

10. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.

11. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan 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.

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

5.4. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which include the following:

1. Irish Water.
2. Transport Infrastructure Ireland.
3. National Transport Authority
4. The relevant Childcare Committee

5.5. **Applicant's Statement**

- 5.5.1. A document titled 'Response to An Bord Pleanála Pre-Application Opinion' dated June 2022, prepared by McCutcheon Halley was submitted with the application as provided for under Section 8(1)(iv) of the Act of 2016.

The following information was provided in response to the opinion:

Issues to be addressed – Design and Layout: The proposed scheme is to be developed with the buildings having regard to the context of the landscape setting. The design is simple and uses a mix of brick and render for the external treatment. The design has regard to the current setting of the site and the proposed Glenamuck District Distributor Road. The applicant has provided additional CGI's in the submitted Urban Design and Architectural Report and a full set of photomontages have been provided by 3D Design Bureau in support of the application. A Daylight, Sunlight and Overshadowing report has been prepared by Avison Young and demonstrates that the development is acceptable in term of the recommendations of the 2022 BRE Guidelines. Further information on the façade design and material finishes is provided in the Urban Design and Architectural Report prepared by HJL architects.

Requested Specific Information of the ABP Opinion:

1. Phasing Plan: A Phasing Plan, by way of Drawing No. DR-C-1204, has been prepared by DBFL Consulting Engineers. This outlines the phasing of the proposed development in conjunction with the phasing of the Glenamuck District Road Scheme; this road was approved by An Bord Pleanála under Ref. PL06D.303945 in December 2019. The Kiltiernan/ Glenamuck Local Area Plan, 2013, which is extended to September 2023, provides details on the phasing of development within the plan area. The Core Strategy has identified Kiltiernan-Glenamuck as one of five 'New Residential Areas' within the county. Appendix 1 of the Development Plan is the Infrastructure Assessment and included Table 2.11. This references the availability of 59.34 hectares of land within the Kiltiernan-Glenamuck area as suitable for the development of 2,015 units. 700 units can be provided in advance of the road upgrades in the area, though reference is made to decisions from An Bord Pleanála where the total number of units is not dependent on the provision of

the new road network. The Glenamuck District Road Scheme is a key objective of the Dun Laoghaire-Rathdown Development Plan 2022 – 2028.

2. Proposed Materials & Finishes: Full details are provided in the Urban Design and Architectural Report prepared by HJL architects on the facade design and materials and the Landscape Masterplan (Drawing no. 101) prepared by KFLA Landscape Architects.
3. Traffic and Transport Assessment: Full details are provided in the Traffic and Transport Assessment and Mobility Management Plan prepared by DBFL Consulting Engineers in support of the application.
4. Quantitative and Qualitative assessment: Full details are provided in Section 8 of the Urban Design and Architectural Report prepared by HJL Architects and in the Landscape Design Statement prepared by KFLA Landscape Architects.
5. Surface Water Management System: A system has been designed in accordance with the Dun Laoghaire-Rathdown Development Plan 2022 – 2028 and the requirements of the GSDSDS. Full details are provided in the Infrastructure Design Report prepared by DBFL Consulting Engineers.
6. Taking in Charge Map: Details are provided by way of Drawing No..DR-C-1205 prepared by DBFL Consulting Engineers.
7. Wind and Pedestrian Comfort Study: This is addressed by the Wind and Microclimate Assessment prepared by IES.
8. Construction Management Plan: A suitable plan has been prepared by DBFL Consulting Engineers.
9. Drainage Department Requirements: Full details are provided in the Infrastructure Design Report prepared by DBFL Consulting Engineers.
10. Proposed Strategic Housing Development: A Material Contravention Statement prepared by MH Planning has been prepared and submitted in support of the application.
11. Statement of Consistency: Two Statements of Consistency have been prepared and submitted in support of the application. One addresses

national, regional and relevant section 28 Ministerial Guidelines, and the other addresses local planning policy.

12. Article 299B(1)(b)(ii)(II) and Article 299B(1)(c): The application is accompanied by an Environmental Impact Assessment Report and an Article 299(b)(i)(c) report, both prepared by MH Planning.

The applicant has also notified the Statutory Bodies a per Section 5.4 of this report.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Planning Objective 11 provides that ‘In meeting urban development requirements, there 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’.
- National Planning Objective 13 provides that “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”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘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’.
- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.1.2. **Climate Action Plan**

This Plan seeks to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and to reach net-zero emissions no later than by 2050.

6.1.3. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 – Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights – Guidelines for Planning Authorities – (DoHPLG, 2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2020).

I wish to draw the Board’s attention to the fact that The Apartment Guidelines were updated in December 2022, subsequent to the lodgement of the subject application.

The updated Guidelines do not include Specific Planning Policy Requirements (SPPRs) 7 and 8, which relate to BTR development. The amended Guidelines came into effect on 22nd December 2022. Transitional arrangements are set out in Circular Letter NRUP 07/2022, which states:

‘All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022 will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8’.

Therefore, the subject development will be assessed in accordance with the 2020 guidelines.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2021).

Other Relevant Policy Documents include:

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy (RSES) 2019 – 2031

The RSES including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on the 3rd of May 2019.

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region.

RPO 4.3 supports ‘the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs.’

Section 5.3 identifies guiding principles for development of the metropolitan area, which include: Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built-up areas, supported by improved services and public transport.

TABLE 5.1 – ‘Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing’ under the section on Dún Laoghaire – Rathdown states ‘New and emerging mixed-use districts of Cherrywood and Sandyford. New residential communities in Ballyogan and environs and Kiltiernan-Glenamuck’. Short to Medium term Phasing/ Enabling Infrastructure includes ‘LUAS green line upgrades. Public transport and roads upgrades. New road and bridge and N11 junction (Cherrywood) and water upgrades’.

6.3. Local/ County Policy

Dun Laoghaire-Rathdown Development Plan 2022 – 2028:

- 6.3.1. The site is located within the Dun Laoghaire-Rathdown area and is located on lands that are zoned ‘A’ which have a stated objective ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’. The site is located within the boundary of a Local Area Plan – Kiltiernan-Glenamuck Local Area Plan and there are ‘6 Year Road Objectives/ Traffic Management/ Active Travel Upgrades’ indicated to the north west and to the west of the subject site.

- 6.3.2. Section 13.2 – ‘Definition of Use Classes’, defines Residential – Build to Rent as ‘Purpose built accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord’.
- 6.3.3. Table 13.1.2 provides a list of developments that are ‘Permitted in Principle’ and which includes ‘Childcare Service’ (‘Where the use will not have adverse effects on the ‘A’ zoning objective, ‘to provide residential development and improve and improve residential amenity while protecting existing residential amenities’), and Residential. Under the heading ‘Open for Consideration’ is included ‘Residential – Build to Rent’.
- 6.3.4. Under Section 12.3.3.2 – Residential Density’ it is stated, ‘As a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location, and accessibility to public transport. (See policy PHP18, Chapter 4)’. Policy Objective PHP18 states: ‘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’.
- 6.3.5. Policy Objective PHP20 states, ‘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. PHP27 states ‘It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.’ Section 2.9.2 of the Housing Demand Need Assessment

(HDNA), contained within Appendix 2 of the Development Plan, relates to housing mix.

6.3.6. Table 12.1 provides 'Apartment Mix Requirements'. Policy Objective PHP28 states 'It is a Policy Objective to facilitate the provision of Build-to-Rent in suitable locations across the County and accord with the provisions of 'Sustainable Urban Housing: Design Standards for New Apartments', 2020 (and any amendment thereof). Proliferation of Built to rent should be avoided in any one area. As the HNDA does not support provision of shared accommodation there shall be a presumption against granting planning permission for shared accommodation/co-living development'. 'Build-to-rent (BTR) accommodation will be facilitated at appropriate locations across the County in accordance with land use zoning objectives. For the avoidance of doubt, BTR is:

- Permitted in principle in areas zoned objective MTC (major town centre) and DC (district centre).
- Open for consideration in areas zoned objective NC (subject to retaining an appropriate mix of uses), A, A1 and A2.

BTR shall be located within a 10 minute walking time from high frequency public transport routes. BTR will be considered as a component part of achieving an appropriate mix of housing, however, a proliferation of Build to Rent in any one area shall be avoided'.

6.3.7. PHP42 '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).'

6.3.8. The following are also noted as relevant:

T19 'It is a Policy Objective to manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5'.

OSR4 'It is Council policy 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) and the accompanying 'Urban Design Manual – A Best Practice Guide'.

Section 12.3.4 contains stated aims of ensuring orderly and sustainable development through the use of objectives and standards for development management.

- 6.3.9. The Site is located in Parking Zone 3 and 'Within parking zone 3 maximum standards shall apply to uses other than residential where the parking standard shall apply. In zone 3 additional parking shall be provided for visitors in residential schemes at a rate of 1 per 10. In some instances, in zone 3 reduced provision may be acceptable dependent on the criteria set out in 12.4.5.2 (i) with particular regard to infill/ brownfield developments in neighbourhood or district centres'.

The Parking Requirement is set out in Table 12.5 Car Parking Zones and Standards.

- 6.3.10. BHS 1, in Appendix 5 states:

'It is a policy objective to support the consideration of increased heights and also to consider taller buildings where appropriate in the Major Town Centres of Dún Laoghaire and Dundrum, the District Centres of Nutgrove, Stillorgan, Blackrock, and Cornelscourt, within the Sandyford UFP area, UCD and in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area'. (NP0 35, SPPR 1& 3).

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. 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 and extended to September 2023

- 6.4.1. The site is zoned for Medium/ Higher Density Residential development. Chapter 4 – Residential Development states:

'As noted, there are three residential density bands proposed for the LAP lands, measured as dwelling units per hectare (dph): 35-40dph, 40-45dph and 45-55dph. Overall, this proposed residential density range for the area (of between 35 and 55dph) represents, in relative terms, a medium density framework and will provide for a mix of house types from traditional semi-detached and terraced houses to duplex units and some apartment development, particularly within the catchment of the Luas station.

The overwhelming majority of the undeveloped residential land (over 80%) is categorised within the two lower density bands and will therefore be developed at densities of 45dph and below. Twenty percent of the lands lie within the upper residential density band and will be developed at a density of 45 to 55dph.'

- 6.4.2. The site is located in Area 2 and as per Table 4.1, it has the potential for between 360 and 440 units.

- 6.4.3. The lands to the south west/ adjoining the site, are within an area that is for an 'Indicative Greenway Link'. The Glenamuck District Distributor Road, which is on an east-west axis, is to the north of the site and the Glenamuck Link Distributor Road,

which is on a south-north axis, is to the west with the greenway area between the subject site and this road. The two roads meet at a junction to the north west of the subject site.

- 6.4.4. Chapter 10 – ‘Phasing and Monitoring’ sets out the phasing of infrastructure in relation to the development of housing on site. I note under Section 10.6 the following:

‘Dun Laoghaire-Rathdown’s Transportation Department considers that up to 700 dwelling units could be accommodated on an upgraded existing road network (Phase 1). The development of units (sic) additional units in excess of these 700 dwelling units would, however, require the construction of the Glenamuck District Distributor Road Scheme roads. The possibility exists that the GDDR Scheme could possibly be further phased with the Main Distributor Road being constructed first to be followed by the construction of the Link Distributor Road’. Details are provided of requirements in conjunction with the development of the first 700 units.

7.0 Third Party Submissions

- 7.1. A total of three submissions were received, two were in support of the development and the other was opposed. The submissions grouped under appropriate headings, can be summarised as follows:

7.1.1. Principle of development

- Support is given for the development of housing on these lands. This will meet housing need and promote population growth in the area.
- The site is within walking distance of good public transport and will promote sustainable development in the area.

7.1.2. Legal Issues

- The development should be refused as to have regard to Section 28 guidance would be contrary to the Constitution and also be contrary to the SEA Directive.

7.1.3. Density

- The development would be contrary to the density requirements of the Dun Laoghaire-Rathdown development plan.

7.1.4. Development Plan

- The development would be contrary to the open space requirements of the Dun Laoghaire-Rathdown development plan.
- The development would be contrary to the height and visual impact requirements of the Dun Laoghaire-Rathdown development plan.
- The development would be contrary to the car parking requirements of the Dun Laoghaire-Rathdown development plan.
- The development would be contrary to the childcare requirements of the Dun Laoghaire-Rathdown development plan.

7.1.5. Other Issues

- Welcome for the fact that the applicant consulted with adjoining landowners about the proposed development.
- References that the submitted EIAR and AA Screening are inadequate.
- Reference is made to the development contravening the development plan for a number of reasons; however, these are incorrect.
- Reference is made to development plans that are not relevant to this site.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of Section 8(5)(a) of the 2016 Act, was received by An Bord Pleanála on the 25th of August 2022. The report states the nature of the proposed development, details of the site location and description, comment on received submissions, details the relevant Development and Local Area Plan policies and objectives, and provides a planning assessment of the proposed development.

8.2. **Comments of the elected members:** The Chief Executive's report also includes a summary of the views of the elected members of the Dundrum Area Committee Meeting held on the 25th of July 2022, and these are outlined as follows:

- Welcome for the open space provision of 28%, though also stated that there is a need for additional communal space.
- Welcome for the proposed development by some of the elected members.

- Should be an effort to replant trees and retain hedgerows, older trees add to biodiversity.
- Negative impact on biodiversity and the on the character of the area.
- Concern about the cost of the units to the Council.
- Need for school places to serve the future population and bus links to existing schools will also be required.
- Impact on services in the area.
- Lack of public transport in the area.
- Concern about the quality of the roads in the area.
- Concern about the type of tenure that is proposed.
- The proposed development is too high and is contrary to the development plan and local area plan. Examples provided in the Local Area Plan have not been used in the proposed design.
- The proposed design is considered to be poor, monolithic, and unattractive.
- Need for more houses rather than apartments on site.
- Need for level footpaths across driveways and continuous paths throughout the site.
- Need for 24-hour access and universal access.
- Excessive provision of car parking and car sharing should be provided, but also stated that there was insufficient car parking provided for.
- Revisions to the layout proposed including a grass verge between the road and the footpath, revisions to the proposed road layout and other changes.
- Need for a Construction Management Plan to take account of construction vehicles.
- No consultation with the local community.
- Glenamuck road has been covered in dust during dry weather periods.

8.3. **Planning Assessment:** The Planning Authority have recommended that permission be refused for the proposed development due to it being premature pending road

improvements in the area, due to the poor quality of design, excessive building heights, the development would be contrary to Policy Objective PHP28 in relation to a BTR scheme in an area with poor public transport, and poor quality of residential amenity.

8.4. The assessment of the development is summarised as follows in the CE report:

- **Principle of Development:** The site is zoned 'A' and which allows for residential development of the nature proposed and 'Childcare Service' is also permitted in principle. 305 units are proposed, out of which 289 are to be Build to Rent (BTR) apartments. Policy Objective PHP 28 of the Dun Laoghaire-Rathdown Development Plan requires such development to be within 10 minutes walking distance of high frequency public transport, and a proliferation of BTR in any one area is to be avoided.

The Planning authority report that there is not a proliferation of BTR developments in the area at present, but the site is not within 10 minutes of a high frequency public transport route. The site is located within Car Parking Zone 3 of the development plan, not Zone 2 which allows for reduced car parking provision. Reference is made to SPPR 8(iii) of the apartment guidelines which requires a reduction in car parking for BTR developments as they are a type of development that would be found in central locations or close to public transport services. As the site is not adjacent to high frequency public transport and is not within an accessible town centre location, the subject site is not suitable for a BTR development. In terms of providing on housing on site, reference is made to Policy Objective PHP1 and the need to ensure that housing is provided in tandem with enabling infrastructure. Phasing is important and is considered further in the CE report.

- **Residential Density:** The proposed development of 305 units on a site area of 2.8 hectares provides for a density of 109 units per hectare. The Local Area Plan (LAP) sets out a density of 45-55 units per hectare. The Planning Authority refer to Policy Objective PHP18 – Increased density/ compact urban form and ensure protection of existing residential amenity and also PHP20 – Protection of existing residential amenity.

The Planning Authority report that as the site is located within a greenfield area, the provisions around protection of adjoining amenity are not as relevant except in the case of the existing units to the east of the site.

Full regard is had to the Sustainable Residential Development in Urban Areas, 2009 and the Apartment Guidelines, 2020. The remoteness of the site to high quality public transport is reported by the Planning Authority. It is considered that a density of 35 units per hectare would be appropriate here. The proposal would be inconsistent with the 2009 guidelines and the apartment guidelines would define the site as a 'peripheral and/ or less accessible urban location'. Reference is made to other permitted development in the area, and which provide for a density in the range of 35.5 to 57 units per hectare. Reference is made to Circular NRUP 02/2021, and which allows for flexible density depending on a site's location. The Planning Authority have serious concerns about the nature of the development as proposed.

- Residential Amenity: The impact on residential amenity is considered in the context of the A zoning that applies to the site but also in terms of density. Reference is made to Section 4.3.1.3 of the development plan and which requires an assessment of a development to ensure that it does not provide over development of a site, to provide a height compliance report for schemes of over 4 storeys, provide a buffer if a scheme adjoins a lower density development (less than 35 units per hectare) and to use a step back in cases that a four or more storey development adjoins a lower height development.

Consideration is given to potential overlooking from the proposed development. There is a general requirement in the development plan for a minimum of 11 m between the rear first floor windows of a unit and the boundary it faces. The submitted development provides for adequate separation distances between the proposed buildings and the boundary they face. It is reported that separation distances between the proposed blocks may not comply with the standard and revisions would be required, separations of only 14 m between Block A and B, and C and D are reported. Revisions are recommended including the use of angled windows. The Planning Authority consider that the proposed development is acceptable in terms of overlooking subject to conditions.

110kV power lines are located outside the site and no issues of concern in relation to separation distances have been raised by the Planning Authority.

Generally, the issue of noise is not a concern, however it is noted that submitted noise assessments do not consider the impact from the operation of the GDRS road scheme. It is recommended that the Board ensure that adequate mitigation measures are put in place.

Daylight and Sunlight assessments indicate that 90% of the tested rooms (769 out of 853 rooms) meet the Average Daylight Factor (ADF). There is a variance between the blocks: 93% for Block A, 94% for Block B, 87% for Block C, 85% for Block D and 84% for Block E. The Planning Authority are not satisfied with these results and consider that proposed compensatory measures are not adequate. The number of tests undertaken was limit and assumptions regarding reflectance appear to be very high for a development of this nature. Concern was also expressed about the impact of the proposed development on adjoining lands and these issues may only be addressed by way of further information. As this cannot be sought, it is recommended that permission be refused for the proposed development.

100% of the amenity areas were assessed and these tested areas would achieve between 94% and 100% of the areas been sunlit for at least two hours on the recommended date.

- Standard of Accommodation: Appendix 2 of the Dun Laoghaire-Rathdown Development Plan provides a Housing Need and Demand Assessment (HNDA) and this indicates the housing need for the county over the life of the plan. The unit mix was deemed to be consistent with SPPR 1 of the Apartment Guidelines 2020. A Ministerial Direction applies to the development plan at present and requires the deletion of need for a certain percentage of apartments in a scheme to be three-bedroom units. Table 12.1 of the development plan provides the mix requirements for an apartment scheme. The proposed development provides for 142 (49%) one-bedroom units and 147 (51%) two-bedroom units. There is a concern that the proposed development provides for an excess of one-bedroom units, does not comply with Table 12.1 of the development plan and that permission should be refused.

The proposed apartment and housing units meet the requirements for minimum floor areas as set out in Section 28 guidance and as per the development plan. The applicant has indicated that 150 (52%) of the apartments are dual aspect, however the Planning Authority assessment has found that only 48% could be deemed to be dual aspect, which is not acceptable. Having regard to the greenfield nature of the site, there is no reason why compliance cannot be met by the applicant. No single aspect, north facing only units are proposed.

Floor to ceiling heights is considered to be consistent with the development plan requirements. Apartment units per lift core are acceptable. Adequate internal storage is provided for each apartment. Section 12.3.5.2 of the development plan requires the provision of external storage areas, such as at ground floor or basement level. This has not been provided for by the applicant. Adequate private open space is provided and would provide for suitable amenity as identified by the Wind Microclimate Study.

Details are provided on the management/ maintenance of the development, but the Planning Authority consider that there is a shortfall in the provision of residential amenity space. The provision equates to 3.6 sq m per unit, when a minimum of 5 sq m would be more acceptable. It is recommended that units be omitted and revised to make up the lack of residential amenity space.

- **Public and Communal Open Space:** The development plan under Section 12.8.3.1, requires that a minimum of 0.422 hectares be allocated as open space. The applicant has proposed that 0.4355 hectares of open space be provided. The Planning Authority have assessed the open space and consider that 0.2760 is useable space and this equates to 10% of the total site area. The public open space is not proposed to be taken in charge. The Planning Authority report that the open space will receive good passive surveillance. Overall, the open space to be provided is acceptable subject to a levy in relation to the deficit of amenity lands. The Planning Authority recommend against the omission of the houses as a means of providing additional open space as this space would not be adequately overlooked.

The proposed development would result in the loss of 86 trees and whilst this is regrettable, it is to be expected for a development of this nature. The proposed

landscaping plan is welcomed. Comments from the Parks Department are noted by the Planning Authority with particular reference to the lack of connection to a greenway in the area; this may be addressed by way of condition.

A total of 0.3759 hectares of communal open space is to be provided and which exceeds the development plan requirements for 0.1711 hectares. This area will be suitably landscaped, and which is acceptable to the Planning Authority.

- Urban Design and Layout: An 'Urban Design and Architectural Report' has been submitted with the application and which demonstrates compliance with Policy Objective PHP44 of the development plan. The Planning Authority do have a number of concerns with the design element of the proposed development.

Particular concern is expressed about the how the proposed development addresses the proposed Glenamuck District Distributor Road (GDDR). The 'Urban Design Statement' that was provided as part of the EIAR for the road indicated the need for a strong frontage along this road, to create a street rather than a road.

Concern about the proposed building heights of 6 to 7 storeys as they will read as 7 to 8 storeys due to the use of a podium level and also due to the site levels which increase by 5 m at this point of the site.

The lack of active frontages is also a concern for the Planning Authority and it is recommended that permission be refused for this reason. The use of different materials and the layout of the blocks does break up the somewhat homogeneous nature of the design.

The indicative greenway is not in accordance with that indicated for the GDDR and the greenway would be to the rear of the proposed houses, it is therefore recommended that if permission were granted, that the houses would be omitted in their entirety. Welcome is provided for the retention of some of the existing hedgerows on site. The layout is such as to allow for permeability between the site and adjoining lands, though this is not the case to the south west of the site where such links are not provided for. Revisions may be undertaken by condition but which may include the omissions of the proposed houses. Internal permeability is acceptable and the mix of activities and variety is acceptable,

though there is concern about the number of one-bedroom units that are proposed.

The Planning Authority report that they must consider the impact from overshadowing on the development potential of lands to the east of the subject site.

Overall regarding the design/ layout of the development, there are such fundamental revisions necessary that the proposed development should be refused permission. If permission is to be granted, the heights of the blocks to be reduced by a floor in each case.

- Design and Finishes: The proposed finishes are acceptable, except for the use of textured render on the external treatment. This should be replaced with a brick finish. The proposed boundary treatments are acceptable and final details can be agreed by way of suitable conditions.
- Building Height: Regard is had to Policy Objective PHP42 of the Dun Laoghaire-Rathdown Development Plan 2022 – 2028 and the Kiltiernan-Glenamuck Local Area Plan, which locates the site within a suburban/ edge location. Increased heights may be considered in terms of Policy Objective BHS2 of the local area plan. The Planning Authority have assessed the development against Table 5.1 of the Building Height Strategy which is developed from the Building Height Guidelines. In conclusion it is found that the development does not comply with the development plan, the local area plan and Table 5.1.
- Phasing: The development of the GDDR guides the amount of development that can be permitted in this area. Under Phase 1(a) of the LAP, 350 dwelling units can be developed, upgrades of road junctions allow for up to 1,050 units. A total of 1,338 units were permitted at the time the Planning Authority wrote their report. The Planning Authority consider that any future development be paused until the road infrastructure is complete in the area. The quantum of permitted development is double the proposed threshold as set out in the local area plan.

The Planning Authority reported that if the Board grant permission for this development, commencement of construction should be limited until such time as the Glenamuck District Roads Scheme (GDRS) has commenced/ or agreed with the Planning Authority. A suitable Construction Management Plan should be

agreed and which ensures that the development of the residential scheme does not impede the delivery of the roads network in the area.

- **Transport, Connectivity, Car and Bicycle Parking:** Concern is expressed about the lack of links to adjoining lands, the creation of ransom strips, issues with compliance with DMURs and there is also a lack of a suitable cycle way provision to the GDDR to the north of the site. The site is not located in an area with high capacity/ high quality public transport.

A total of 313 car parking spaces should be provided for the residential element of the development and 12 spaces for the creche. A total of 295 parking spaces are proposed and this is considered to be deficient.

A total of 520 cycle parking spaces are proposed, this complies with Dun Laoghaire-Rathdown standards but not those of the Apartment Guidelines. It is reported that there is concern regarding the use of double stacked bicycle parking spaces. Further details are provided in the Dun Laoghaire-Rathdown Transportation Section report.

- **Surface Water Drainage and Flood Risk:** The site is not located within an area at risk of flooding. The Local Authority Drainage Section welcome the proposed surface water drainage to be used on site and suitable conditions are provided in the event that permission is to be granted.
- **Part V Social Housing:** It is proposed that 30 units (16 x one-bed, 8 x two bed – three person and 6 x two bed – four person) will be leased long-term to the Local Authority. It is reported that such housing is to be phased out and an alternative response to Part V housing be provided by way of condition.
- **Childcare and Community Facilities:** The Planning Authority refer to the submitted Childcare Demand Report and it is calculated that a childcare facility that can accommodate a minimum of 43 children be provided on site. A unit of 489 sq m is proposed and this is acceptable to the Planning Authority, and this also demonstrates compliance with Policy Objective PHP6 in that such units be suitably integrated into a development. A Social Infrastructure Audit has been submitted in support of the application and there is no requirement for community facilities on site.

- **Construction Management and Construction and Operational Waste Management:** The Local Authority Environmental Enforcement Department welcome the submitted Construction and Environmental Management Plan, the Operational Waste Management Plan, Resource and Waste Management Plan and the Outline Construction Management Plan. It is noted that insufficient consideration has been given to planning for operational noise in relation to the externally heat pump and the design of other building services. Suitable conditions are recommended.
- **Building Life Cycle Report:** A Building Life Cycle Report has been submitted in accordance with Section 6.13 of the Apartment Guidelines. The Planning Authority welcome this and the fact that the development will be designed to be low maintenance. It is recommended that details of the Owner's Management Company be provided to the Planning Authority in the event that permission is granted.
- **Ecological Impacts:** The submitted Ecological Impact Assessment is noted and in the event that permission is granted, conditions should be included as recommended by the Planning Authority Biodiversity Report in regard to appropriate mitigation measures.
- **Development Contributions:** If permission is granted, the development shall be levied for Section 48 contributions and also for Section 49 in respect of the Glenamuck Road Scheme and the Luas Green Line B1 Scheme.
- **Taking in Charge:** Final details in relation to taking in charge would require agreement with the Planning Authority prior to the commencement of development. Areas to be taken in charge need to comply with the requirements of the Local Authority.
- **Environmental Assessments:** The Planning Authority report that An Bord Pleanála is the competent authority to assess the development for appropriate assessment and ecological impact assessment.

Conclusion: It is recommended that permission be refused for the proposed development. The revisions necessary to provide for an acceptable development would be significant and would provide for a substantially different form of development. The reasons for refusal included, in summary:

1. The development was premature in advance of upgrades to the local road network as the existing road network is deficient in terms of capacity, width, alignment and structural condition.
2. The development does not provide for a suitable street frontage onto the proposed Glenamuck District Distributor Road (GDDR) and does not provide for suitable links to adjoining lands.
3. The proposed building heights are in excess of the requirements set out in Section 4.3.1.3 of the Dun Laoghaire-Rathdown Development Plan 2022 – 2028.
4. The site is not located in an area that is suitable for a BTR scheme. It is not located within an area with suitable public transport and is located outside of any appropriate suburban/ urban centre.
5. There are concerns that the proposed development would not provide for adequate residential amenity in terms of ensuring that units received adequate sunlight/ daylight, there is an excess of one-bedroom units and the development does not provide for adequate dual aspect units.

Although not listed as reasons for refusal, the Planning Authority identify a number of other areas of concern that would require to be addressed such as a lack of bulky storage spaces within the development, a shortfall in car parking provision, poor bicycle parking and concerns about noise from the GDRS.

8.5. Internal Reports:

Biodiversity Officer Report: No objection subject to recommended conditions.

Environmental Health Officer Report: No objection subject to recommended conditions.

Drainage Planning Report: No objection subject to recommended conditions.

Transportation Planning Report: Refusal recommended due to prematurity of the development having regard to the delivery of road infrastructure in the area. A list of issues that may be addressed by way of condition are provided.

Environment Section Report: No objection subject to recommended conditions.

Parks Department Report: No objection subject to recommended conditions.

Housing Department Report: An alternative proposal to meet Part V requirements is sought.

Public Lighting Report: Revisions to the proposed lighting scheme are required.

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

1. Irish Water.
2. Transport Infrastructure Ireland.
3. National Transport Authority
4. The relevant Childcare Committee

9.2. Responses were received from Irish Water and Transport Infrastructure Ireland only. The following is a brief summary of the issues raised and includes any conditions/ recommendations that were made.

9.2.1. Irish Water: A connection to the public water supply system is possible without a need for infrastructure upgrades by Irish Water. A wastewater connection is possible subject to infrastructure upgrades by Irish Water. This will require a connection via third party lands and relevant wayleaves/ permissions would be required from the owners of these lands. A Statement of Design Acceptance was issued by Irish Water on the 14th of June 2022. A list of recommended conditions are provided by Irish Water as follows:

- '1. The applicant shall sign a connection agreement with Irish Water prior to any works commencing and connecting to the Irish Water network.
2. Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices shall be achieved. (a) Any proposals by the applicant to build over/near or divert existing water or wastewater services subsequently occurs, the applicant shall submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement.

3. The applicant must identify and procure transfer to Irish Water of the arterial water and wastewater Infrastructure within the Third-Party Infrastructure.

4. The applicant must demonstrate that the arterial infrastructure is in compliance with requirements of Irish Water Code of Practice and Standard Details and in adequate condition and capacity to cater for additional load from the Development

5. All development shall be carried out in compliance with Irish Water Standards codes and practices’.

9.2.2. Transport Infrastructure Ireland (TII): TII will rely on the Planning Authority to abide by policy in relation to development on/ affecting national roads as set out in the ‘Spatial Planning and National Roads Guidelines for Planning Authorities (2012)’. As the site is located within the designated area of the Luas Line B1 Section 49 Supplementary Development Contribution Scheme, should the development be permitted, a suitable contribution should be levied under the Section 49 Luas Line Levy.

10.0 **Assessment**

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive’s Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Density
- Design and Layout
- Development Height
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents

- Transportation, Traffic and Parking
- Infrastructure and Flood Risk
- Childcare, Social Infrastructure and Part V Social Housing Provision
- Comment on Submission/ Observations of the Dundrum Area Committee
- Other Matters
- Appropriate Assessment Screening
- Environmental Impact Assessment Screening

10.2. Principle of Development

10.2.1. Having regard to the nature and scale of proposed development, which is in the form of 305 no. residential units consisting of 289 apartments and 16 houses, a creche and all associated works on a site area of approximately 2.8 hectares on lands zoned for residential development under the 'A' zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2.2. The subject site is zoned 'A' in the Dun Laoghaire-Rathdown Development Plan 2022 – 2028 with the objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities. This zoning objective permits a range of uses including residential and related uses, childcare, and open space. I am satisfied that the development is in accordance with the 'A' zoning objective.

10.2.3. **Conclusion on Section 10.2:** It is national and local policy to maximise the use of available lands and in established urban areas. The site zoning allows for residential development, and the immediate area is predominately characterised by a mix of agriculture and recently developed residential units. I consider that the proposed development is acceptable in principle in terms of the 'A' zoning objective that applies to this site.

10.3. Density

10.3.1. The proposal of 305 apartment units on a site area of 2.8 hectares provides for a density of 109 units per hectare. The Dun Laoghaire-Rathdown Development Plan allows for a general density of 35 units per hectare unless a site is within 1 km/

pedestrian catchment of a rail station, a Luas line, a Core/ Quality Bus Corridor and/or 500 metres/ 5-minute walking time of a Bus Priority Route, and/or 1 kilometre / 10-minute walking time of a Town or District Centre. In such cases a higher density at a minimum of 50 units per hectare will be encouraged. The Kiltiernan-Glenamuck Local Area Plan has defined Area 2, within which the subject site is located, as 'Medium Density Residential' and Table 4.1 defines this as 45-55 units per hectare.

- 10.3.2. The subject site is not located within or adjacent to an established town or district centre. The most accessible public transport is the in form of the 63/A bus route and which does not provide for a high frequency service in the area. The nearest Luas stop is approximately 1.8 km walking distance from the subject site.
- 10.3.3. **CE Report Comments:** The Planning Authority have reported that the site is not located within an area of accessible high capacity/ frequent public transport, is located on a greenfield site, and permitted development in the area are within the range of 35 to 57 units per hectare. The proposed development would provide for a density far in excess of what has been permitted/ constructed in this area.
- 10.3.4. **Conclusion on Section 10.3:** The proposed development would provide for a development with a density of 109 units per hectare. This would be far in excess of what has been permitted to date in this area, but also there is insufficient services in the area to support this development. Public transport is available on the Glenamuck Road, but it does not operate on a frequent basis. The 63/A route only operates every thirty minutes and whilst it does provide good connections to other more frequent public transport services, the frequency here is not sufficient to allow for a development of this density.
- 10.3.5. The Planning Authority report also on the need for significant road improvements in the area and which have not progressed to date. I will comment further on this issue later in this report but suffice to say that in addition to inadequate public transport, the road network is not suitable to cater for the potential additional volume of traffic that such a development as this may generate.
- 10.3.6. The Planning Authority have outlined the permitted density of developments in the area, and which range from 35 to 57 units per hectare and demonstrate that they are generally within the range of 35 to 55 units per hectare as would be expected for a development in such an area as this. The LAP sets out a density of 45 – 55 units

per hectare, but the provision of 109 units per hectare is clearly far in excess of what is planned for this site.

10.3.7. I therefore recommend that permission be refused as the proposed density is excessive for a development of this nature in this location on the Glenamuck Road.

10.4. **Design and Layout**

10.4.1. As already reported, the site is located on lands that are zoned 'A' and are suitable for residential development. The focus is therefore to integrate such a development into the existing established character of the area, and this is detailed in the submitted 'Urban Design & Architectural Report' by Henry J Lyons. The development is considered against the 12 criteria detailed in the Urban Design Manual, 2009.

10.4.2. The applicant has outlined how the development can integrate with adjoining lands if required in the future. Connections are provided for, to the Glenamuck District Distributor Road to the north west of the site. I note that connections are indicated from four points along the south east and north east boundary to the adjoining lands. These are existing connections to third party lands and do not appear to provide for connections to Willow Glen to the north east/ south east of the site. These links to third party lands could be opened to full public access in the future if required.

10.4.3. The proposed development consists of a mix of five apartment blocks which, as already reported, vary in height with maximums of six and seven storeys over a podium level, and the development also includes 16 houses which are either semi-detached or detached units. Open space is provided towards the centre of the site, though communal open space is provided around the apartment blocks.

10.4.4. Within Block E, a childcare facility is provided on the ground floor level, with an outdoor play area of 250 sq m provided. The basement and the ground floor of Block C includes a gym, residents lounge, concierge, amenity areas, meeting room, and co-working area for the use of residents of this development. This area is accessible from ground floor level and also from the basement level car park. A single basement/ podium level car park is provided, and each block has access to the car parking by lift/ stair cores.

10.4.5. **CE Report comments:** The Planning Authority raised concern about the lack of connection to the indicative greenway to the west of the site, though notes that a link

could be provided in the area of the surface car parking/ access road on the south western side of the site. The lack strong frontage along the north western part of the site, is raised as an issue of concern.

10.4.6. **Conclusion on Section 10.4:** In general, the proposed design is considered to be acceptable for this location. The site is constrained by the available site area and the surrounding area is mostly greenfield in character. The area is also constrained by the proposed road schemes which have not progressed to construction stage to date.

10.4.7. I have no objection to the proposed internal layout, and I consider that the provision of improved connections to adjoining sites can be done by way of condition. I have no reason to recommend a refusal of permission to the board due to the proposed site layout.

10.5. **Development Height**

10.5.1. Development in the immediate area was defined by single and two storey houses, but more recent residential schemes such as at Willow Glen which adjoins the front the of the site along the Glenamuck Road South, provides for three storey apartment blocks with pitched roofs. These units are set into the landscape and do not read as high buildings when viewed from the public road.

10.5.2. The proposed development attempts to have regard to its setting and the landscape by providing the three storey houses to the south east of the site and the apartment blocks are located towards the north west. As already reported, the applicant has attempted to have regard to the proposed Glenamuck District Distributor Road, which is to be located to the north west of the site.

10.5.3. The issue of height was identified as an issue of concern by the Planning Authority, as the proposed development varies in height between three and eight storeys and the site is identified as suitable for two to five storeys in height. The Planning Authority report that the height is not in accordance with the Kiltiernan-Glenamuck Local Area Plan and the development has been assessed as per Table 5.1 of the development plan Building Height Strategy; this is in accordance with the 'Urban Development and Building Heights' guidelines. As reported, the onus is on the applicant to demonstrate compliance with the building height criteria.

10.5.4. Section 3.2 – ‘Development Management Criteria’ of the ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, December 2018, sets out a number of considerations for developments with increased heights.

In the interest of convenience, I have set these out in the following table:

At the scale of the relevant city/ town	
Criteria	Response
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	<ul style="list-style-type: none"> Public transport is available in the form of Go-Ahead Ireland route 63/A, which operates off-peak every 30 minutes. This route provides connections to the Luas Green Line at Ballyogan Wood and to the railway network at Dun Laoghaire. Access to other public transport is over 1 km from the subject site. The bus frequency is limited and consequently capacity is also limited. The area is therefore not well served by public transport.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view.	<ul style="list-style-type: none"> No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to this site. The development is not located within a landscape character area worthy of particular protection. An ‘Urban Design & Architectural Report’ has been prepared by Henry J Lyons.

<p>Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<ul style="list-style-type: none"> • A ‘Verified Views’ report by 3D Design Bureau has been prepared and submitted in support of the application. • A ‘Landscape Design Statement’ has been prepared by Kevin Fitzpatrick Landscape Architecture. • A ‘Landscape & Visual Impact Assessment’ has been prepared by AECOM.
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<ul style="list-style-type: none"> • The proposed apartment blocks A, C and E to the north west of the site, are designed to address the proposed Glenamuck District Distributor Road. • This elevation would present a seven storey over a podium level to the proposed road, effectively an eight-storey elevation. This is contrary to the Kiltiernan-Glenamuck Local Area Plan and the Dun Laoghaire-Rathdown Development Plan 2022 – 2028. • Blocks B, D and southern part of Block E are proposed to be six storeys in height, these are also contrary to the heights of the local area plan and the development plan. • The proposed houses to the front/ south east of the site provide for a good integration with the existing form of development along the Glenamuck Road South.

At the scale of district/ neighbourhood/ street	
Criteria	Response
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.</p>	<ul style="list-style-type: none"> • The south east elevation is acceptable. There is a mix of housing types along the Glenamuck Road and the provision of three storey houses here will integrate with the existing houses and the apartments in Willow Grove to the north east. • The height of the apartment blocks would be an overly dominant feature on the landscape due to their excessive height and the topography of the site.
<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<ul style="list-style-type: none"> • The proposed development provides for a mix of heights in the form of six/ eight storey apartment blocks and three storey houses. The apartments are in the form of five separate blocks with good separation distances between them. • The houses are in the form of semi-detached and detached units. • The design includes careful articulation of fenestration and detailing that ensure that the massing of the blocks is suitably broken up to ensure that the design of the development is not monolithic.
<p>The proposal enhances the urban design context for public spaces and</p>	<ul style="list-style-type: none"> • The submitted design provides for residential development with supporting

<p>key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<p>tenant amenities including a gym, meeting rooms, lounge, a childcare facility.</p> <ul style="list-style-type: none"> • A variety of open space is provided for on site, and which includes space that is proposed to be accessible to public use. Communal open space is also provided for. • The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with, and a Site-Specific Flood Risk Assessment Report has been prepared by DBFL Consulting Engineers.
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<ul style="list-style-type: none"> • The proposed development consists of six and eight storey apartments, which would have a dominating appearance on the immediate area and the wider character of the area.
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<ul style="list-style-type: none"> • The proposed development will provide for a mix of one and two-bedroom apartment units, and also five-bedroom houses. The immediate area is characterised by a mix of houses and more recently built apartments. The immediate area is predominately greenfield at present, and the height of the proposed development is excessive.

At the scale of the site/ building	
Criteria	Response
The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.	<ul style="list-style-type: none"> • The development is in the form of five apartment blocks, the structure provides for a mix of building heights. This allows for good access to natural light and reduces the potential for overshadowing of adjoining sites. • 16 houses are proposed in the form of detached and semi-detached units.
Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2 nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.	<ul style="list-style-type: none"> • The applicant has engaged the services of Avison Yount to prepare a 'Daylight, Sunlight & Overshadowing Report' and which is included with the application. • Compensatory measures have been provided for in the form of room sizes in excess of minimum standards, open space provision in excess of minimum standards and good views from units that may not receive good levels of daylight and sunlight.
Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion,	<ul style="list-style-type: none"> • As above.

<p>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.</p>	
<p>Specific Assessment</p>	
<p>Criteria</p>	<p>Response</p>
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<ul style="list-style-type: none"> • Daylight and Overshadowing analysis have been submitted and demonstrate compliance with standards, as applicable.
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential</p>	<ul style="list-style-type: none"> • An Ecological Impact Assessment, an Appropriate Assessment Screening Report and a Bat Fauna Assessment have been prepared by Altamar in

<p>interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<p>support of the application and which fully consider the impact of the development on biodiversity.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<ul style="list-style-type: none"> • A Telecommunications Impact Assessment Report has been prepared by Independent Site Management Limited and no issues of concern were raised.
<p>An assessment that the proposal maintains safe air navigation.</p>	<ul style="list-style-type: none"> • The applicant has engaged the services of O'Dwyer and Jones Design Partnership to prepare an 'Aeronautical Assessment Report'. No issues of concern were raised and 'complies fully with all aviation and aeronautical considerations and requirements affecting the site'
<p>An urban design statement including, as appropriate, impact on the historic built environment.</p>	<ul style="list-style-type: none"> • Included with the application is an Architectural Design Statement prepared by Henry J Lyons and which outlines how the development will integrate into its surroundings. • As I have reported, the height and layout of the development in the context of its setting are issues of concern.
<p>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</p>	<ul style="list-style-type: none"> • SEA and EIA not required/ applicable due to the scale of the development. • EclA and AA screening report are submitted with the application.

- 10.5.5. The above table considers how the development complies with Section 3.2 of the 'Urban Development and Building Height' guidelines and that the criteria are suitably incorporated into the development proposal. Many of the issues identified in the table are assessed in greater depth in the following sections of my report.
- 10.5.6. I am not satisfied that the proposed height is acceptable in this location. The site is not in an established urban location and high capacity/ frequency public transport is not available at present. There are no proposals to significantly improve public transport services in the area. High density development is focused on existing high capacity/ frequency public transport in the area. The Kiltiernan-Glenamuck Local Area Plan, which has been extended to September 2023, provides clear guidance on the type, density, and height of development that this area may be able to accommodate. Development is phased in conjunction with the implementation of approved road improvements in the area. This is considered further in this report. However, the lack of physical construction of the road schemes, the excessive height of the development which is not in accordance with the development plan and the local area plan, the nature of the development and the non-availability of suitable public transport, demonstrate that the development is not appropriate and should be refused permission.
- 10.5.7. **CE Report Comments:** The Planning Authority, consider that the proposed development is excessively high, with a density that does not demonstrate compliance with the Kiltiernan-Glenamuck Local Area Plan. The proposed development does not demonstrate compliance with Table 5.1 of the Building Height Strategy as provided in the Dun Laoghaire-Rathdown Development Plan 2022 – 2028. The applicant has provided a suitable justification as to why the development should contravene the development plan in terms of height.
- 10.5.8. **Conclusion on Section 10.5:** I have considered in full the report of the Planning Authority and relevant documentation in support of the design aspect of this development. I would agree with the assessment of the Planning Authority, and I have provided an assessment of the issue of height.
- 10.5.9. The Board may decide to grant permission for the proposed development but may remove floors in line with the requirements of the local area plan and development plan. There are other fundamental issues outlined in the Chief Executives report, that I agree with in most cases, and that the revisions required to provide for an

acceptable development on this site, may be more significant than just the removal of floors from the apartment blocks.

10.5.10. I recommend that permission be refused for the proposed development on the basis that the apartment units are excessively high and do not demonstrate compliance with the Kiltiernan-Glenamuck Local Area Plan, extended to September 2023 and the Dun Laoghaire-Rathdown Development Plan 2022 – 2028.

10.6. Visual Impact

10.6.1. The 'Urban Design and Architectural Report' supported by the 'Verified Views' and the 'Landscape Design Statement', indicate how the proposed development will integrate into its surroundings. As reported, there is a concern about the excessive height of the development and this aspect of visual impact has been fully considered already in this report.

10.6.2. As the entrance to the site is from the Glenamuck Road South, the proposed houses will be the most evident aspect of the development. These units are gable fronted and are three storey units. The first house is Type H2 and has its main entrance to the south east, thereby providing a frontage to the public road, though this will become less apparent over time as the landscaping of the site matures. This aspect of the design is welcomed though and the proposed houses with brick frontages and rendered sides, are considered to be visually acceptable.

10.6.3. The proposed apartment blocks are also to be finished in brick and render. There is some variety in the materials and proportions to be finished in either brick or render. Final details would be agreed with the Planning Authority by way of condition if permission were to be granted. The slight pitch in the roof level of the apartments is also considered to be acceptable.

10.6.4. The apartment blocks provide for good overlooking of the open space areas within the development site. Balconies are provided for the private amenity spaces for the upper floors of the blocks and metal balustrades will provide the enclosure of these spaces. The balconies are provided one over the other, i.e., they are not staggered.

10.6.5. Whilst the layout and visual design of the houses to the south of the site are acceptable, concern must be expressed about the apartment blocks to the north west of the site and how they will address the Glenamuck District Distributor Road. I

am not convinced that the design provides for a suitable frontage along this proposed road, and it cannot be considered as an active frontage. The proposed apartment blocks will be set back from the road and Block C, which is the nearest to the road, will be 8.5 m away. Block A will be 13.4 m away and Block E will be 21.5 m. The boundary treatment consists of a plinth wall with railings over and will be 1.5 m in height.

10.6.6. As reported by the Planning Authority through the CE Report, the ground level of the apartment block is a podium level and as such this does not provide for an active frontage. The submitted CGIs indicate activity at the entrances between the development and the proposed road, however the CGIs also indicate that the blocks are too high and dominate the area.

10.6.7. **CE Report comments:** The Planning Authority have reported concern that the development does not provide for an active streetscape along the proposed Glenamuck District Distributor Road. The Planning Authority expresses concern about the need for steps to access the podium, which is not a good design solution. The Planning Authority also report that the apartment blocks end onto the proposed road and do not provide for a suitable form of enclosure.

10.6.8. **Conclusion on Section 10.6:**

10.6.9. The proposed apartment blocks to the north west of the site are problematic in terms of their height, and design. I note the concerns of the Planning Authority and would generally agree with them. I do not fully agree about the concern in relation to the blocks being end on to the proposed road. This is a trade off between good urban design and ensuring that the individual apartments receive good daylight/ sunlight, and this is considered later in this report. The issue is more to do with the height of the blocks and the excess height over emphasises that they end on to the road.

10.6.10. The proposed set back, lack of active frontage and form of boundary, provide a very blank/ inactive street frontage. The intention to develop a suitable urban area would be lost if developments are inward looking and do not provide for a suitable frontage to the roads that they adjoin.

10.6.11. The issue is more than the height of these blocks and would require a fundamental redesign of this section of the scheme. Such a redesign would result in a significantly different scheme to that submitted. I would therefore recommend that

permission be refused due to the impact on visual amenity and on the character of the area.

10.7. Residential Amenity – Future Occupants

10.7.1. Unit Mix: A total of 142 one-bedroom apartment units, 147 two-bedroom apartment units and 16 five-bedroom houses are proposed in this development. Table 12.1 of the Dun Laoghaire-Rathdown Development Plan 2022 – 2028 provides a breakdown of ‘Apartment Mix Requirements’. As part of the preparation of this plan, a Housing Need and Demand Assessment (HNDA) was undertaken, and the unit mix as provided for in the development plan is consistent with SPPR 1 of the Apartment Guidelines. SPPR 1 allows for a statutory plan to specify a unit mix but only on the basis of a prepared HNDA. There is a Ministerial Direction in place at present in relation to the provision of three-bedroom apartment units. So effectively a scheme can be 100% one- and two-bedroom units.

10.7.2. In the interest of Clarity, I outline the relevant requirements of the guidelines with comment as appropriate:

- The relevant guidelines for this development, which was lodged prior to the end of 2022, are the Sustainable Urban Housing: Design Standards for New Apartments, 2020.
- SPPR 1 allows for up to 50% of units within a scheme to be one-bedroom units. However, specified unit mix can be provided within a development plan if a Housing Need and Demand Assessment has been prepared. Dun Laoghaire-Rathdown have done this as part of their development plan preparation, and which specifies that no more than 30% of units (Table 12.1 of the development plan) be one bedroom or studio units.
- SPPR 8 states that there are ‘No restrictions on dwelling mix and other requirements of these Guidelines shall apply, unless specified otherwise’. There is clearly a contradiction here as a HNDA has been prepared and the Local Authority specify a unit mix, however SPPR 8 states that there are no restrictions on unit mix for a BTR scheme.
- Letter NRUP 07/2022, states:

‘All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022 will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8’.

- The Dun Laoghaire-Rathdown Development Plan is subject to Ministerial Direction and includes the section, ‘That the requirement for certain percentages of 3-bed units in apartments shall apply to Build To Rent developments to accord with mix on page 237.’

10.7.3. It is considered that the provision of 49% of apartments as one-bedroom units is excessive in this location. Table 12.1 of the development plan provides for no more than 30% of a scheme to be a combination of one bedroom and studios; 49% is clearly in excess of the development plan requirements. The maximum should be around 87 units, therefore a total of 55 units could be excluded from the proposed development.

10.7.4. A ‘Housing Quality Assessment Report’ has been prepared in support of the application and this provides a detailed breakdown of each of the proposed apartment units. All units exceed the minimum required floor areas. 131 units meet or exceed the 110% of the minimum floor area, this is 45% of the total and therefore the development does not comply with the Apartment Guidelines in that a majority of units should exceed the total of 110%. The floor areas for the proposed houses are acceptable.

10.7.5. Storage: All units are provided with adequate storage space, and which is accessible within the individual apartment. Storage is provided in different areas within the individual apartment units.

10.7.6. Aspect: A total of 150 units (52%) are dual aspect units and none of the single aspect units are north facing only. This is acceptable and in accordance with SPPR 4 of the apartment guidelines.

10.7.7. The proposed floor to ceiling heights within the apartment units are 2.5 m and the ground floor is provided with 2.7 m. This is in accordance with SPPR 5 of the

'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

- 10.7.8. Lift Cores: Lift/ stair cores are proposed for each of the apartment blocks, and these extended into the basement/ podium level car parking area. SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' provides for a maximum of 12 units per core. The number of units per core varies, but no core has to serve more than 12 units per floor.
- 10.7.9. **Ancillary Residential Amenity:** Within Block E, a childcare facility of 489 sq m is provided on the ground floor level, with an outdoor play area of 250 sq m to serve the play needs of children using this facility. The basement and the ground floor of Block C includes a gym, residents lounge, concierge, amenity areas, meeting room, and co-working area for the use of residents of this development. This area is accessible from ground floor level and also from the basement level car park, and Block C is accessible to all residents of the proposed development.
- 10.7.10. **Comment on Section 10.7.1 – 10.7.9:** The internal layout of the proposed units is acceptable and complies with recommended requirements. The provision of one-bedroom units is excessive and the removal of a sufficient number of units would result in a significantly revised design of development.
- 10.7.11. **Quality of Units – Amenity Space:** All units are provided with adequate private amenity space in the form of balconies and the depth of this amenity space is acceptable. Access to the balconies is from the living/ dining room area for all units. The balconies project off the individual units. The use of the balcony space would not negatively impact on adjoining bedrooms.
- 10.7.12. The applicant has proposed a total of 4,355 sq m of public open space. The breakdown of the open space provision is clearly demonstrated in the 'Urban Design and Architecture Report'. Public open space is primarily in a large single area towards the centre of the site with a smaller, narrow strip of land, to the northern part of the site. The Planning Authority have recommended that this northern area be excluded from the calculations and in doing so the applicant has still provided for 10% of the site as public open space. I would be inclined to include some of the northern area in the calculations, as the section to the north most corner would provide for a useful amenity function.

10.7.13. Communal open space, 3,759 sq m, is proposed in the areas between the apartment blocks. These areas connect the public open space areas and therefore the residents of the development would have access to relatively good areas of open space throughout the site. The Planning Authority have reported no objection to the proposed communal space provision.

10.7.14. I am satisfied that the developer has proposed an adequate area of open space on site to serve the future residents of this development. The proposed open space will be appropriately overlooked ensuring passive surveillance.

10.7.15. **CE Report comments:** The comments of the Planning Authority in relation to the public open space areas have already been reported and commented on. The Planning Authority have reported no concern in relation to the landscaping of the open space areas which provide for good quality of amenity.

10.7.16. **Conclusion on Sections 10.7.11 to 10.7.15:** The proposed development provides for adequate private, communal, and public open space areas. There is no reason to recommend a refusal of permission to the Board in terms of the quality of the amenity spaces.

10.7.17. **Daylight and Sunlight:** The applicant has engaged the services of Avison Young to prepare a 'Daylight, Sunlight & Overshadowing Report' to assess the impact of the development in relation to daylight and sunlight on residential amenity. This assessment has been prepared based on best practice guidance set out in the following documents:

- The British Research Establishment's 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide' by PJ Littlefair, 2022 Third Edition.
- European Standard target criteria (EN 17037)
- Daylight – British Standard (BS EN 17037)

This sets out minimum Lux values depending on room types as follows:

Bedroom - 100

Living Room - 150

Kitchen - 200

The submitted assessment undertook a number of tests and these are detailed in the following section of this report. A detailed description of the development and the adjoining area is provided in the submitted report. A list and consideration of relevant planning policies is also provided.

10.7.18. Chapter 5 of the applicant’s report provides details on the ‘Proposed Development’. Figure 1 indicates the layout of the site and the relationship of the development to the adjoining lands.

10.7.19. Chapter 6 provides ‘Internal Daylight, Sunlight and Overshadowing Assessments’. The proposed habitable rooms are assessed for their receipt of daylight in accordance with BS EN 17037. Out of 853 tested rooms, it was found that 665 (78%) will comply with the relevant minimum standards. 188 (22%) fall below the minimum recommended targets. The applicant has broken down the results for each of the five apartment blocks:

Block	Compliance	Non-Compliant
A	116 (76%)	36 (24%)
B	87 (81%)	20 (19%)
C	96 (68%)	45 (32%)
D	79 (74%)	28 (26%)
E	159 (73%)	59 (27%)
Houses 1 – 16	128 (100%)	

10.7.20. As detailed in Appendix A of the applicant’s report, the following do not comply with the requirements for daylight in accordance with BS EN 17037:

Block	Floor	Room	Room Type	% Achieved
A	Ground	R3/700	LKD	41.7
A	Ground	R5/700	LKD	41.7
A	Ground	R8/700	LKD	45.9

A	Ground	R13/700	Bedroom	34.9
A	Ground	R15/700	LKD	10.1
A	Ground	R17/700	Bedroom	43.7
A	Ground	R18/700	Bedroom	24
A	Ground	R19/700	LKD	30.5
A	First	R4/701	LKD	49.7
A	First	R7/701	LKD	45.2
A	First	R9/701	LKD	44.8
A	First	R13/701	LKD	36.6
A	First	R14/701	Bedroom	34.1
A	First	R16/701	LKD	7.3
A	First	R19/701	LKD	11.7
A	Second	R7/702	LKD	45.6
A	Second	R9/702	LKD	45.7
A	Second	R13/702	LKD	44.5
A	Second	R14/702	Bedroom	41.5
A	Second	R16/702	LKD	9.7
A	Second	R19/702	LKD	13.8
A	Third	R7/703	LKD	46
A	Third	R9/703	LKD	46.4
A	Third	R14/703	Bed	47.8
A	Third	R16/703	LKD	13.6
A	Third	R19/703	LKD	17.6
A	Fourth	R7/704	LKD	47.5
A	Fourth	R9/704	LKD	47.9

A	Fourth	R16/704	LKD	19.4
A	Fourth	R19/704	LKD	21.4
A	Fifth	R7/705	LKD	48.7
A	Fifth	R9/705	LKD	48.3
A	Fifth	R16/705	LKD	26.7
A	Fifth	R19/705	LKD	30.6
A	Sixth	R16/706	LKD	39.1
A	Sixth	R19/706	LKD	44.7
B	Ground	R24/700	LKD	41.8
B	Ground	R27/700	LKD	38.2
B	Ground	R34/700	LKD	12.6
B	Ground	R36/700	Bedroom	28.6
B	Ground	R37/700	LKD	30.7
B	First	R26/701	LKD	48.1
B	First	R29/701	LKD	42.1
B	First	R36/701	LKD	15.2
B	First	R39/701	Bedroom	49.3
B	First	R40/701	LKD	35.4
B	Second	R29/702	LKD	45.6
B	Second	R36/702	LKD	17.6
B	Second	R40/702	LKD	38.9
B	Third	R29/703	LKD	46
B	Third	R36/703	LKD	21.3
B	Third	R40/703	LKD	41.4

B	Fourth	R29/704	LKD	47.9
B	Fourth	R36/704	LKD	27.8
B	Fourth	R40/704	LKD	46
B	Fifth	R36/705	LKD	40.2
C	Ground	R38/700	LKD	5.7
C	Ground	R39/700	Bedroom	42.1
C	Ground	R40/700	Bedroom	32.4
C	Ground	R42/700	Bedroom	32.5
C	Ground	R43/700	LKD	45.4
C	Ground	R44/700	LKD	12.7
C	Ground	R45/700	Bedroom	19.7
C	Ground	R46/700	Bedroom	37.7
C	First	R62/701	LKD	16
C	First	R65/701	LKD	10.3
C	First	R67/701	LKD	11.6
C	First	R69/701	Bedroom	43.7
C	First	R70/701	LKD	48.2
C	First	R71/701	LKD	14.7
C	First	R72/701	Bedroom	29.8
C	First	R74/701	LKD	11
C	First	R77/701	LKD	30.6
C	Second	R62/702	LKD	18.4
C	Second	R65/702	LKD	12.7
C	Second	R67/702	LKD	13.5

C	Second	R71/702	LKD	24.8
C	Second	R73/702	Bedroom	37.2
C	Second	R74/702	LKD	13
C	Second	R77/702	LKD	31.3
C	Third	R62/703	LKD	21.4
C	Third	R65/703	LKD	15.9
C	Third	R67/703	LKD	17.5
C	Third	R71/703	LKD	42.9
C	Third	R72/703	Bedroom	43.6
C	Third	R74/703	LKD	15.8
C	Third	R77/703	LKD	32.5
C	Fourth	R62/704	LKD	27.7
C	Fourth	R65/704	LKD	22.4
C	Fourth	R67/704	LKD	24
C	Fourth	R74/704	LKD	20.5
C	Fourth	R77/704	LKD	34.2
C	Fifth	R62/705	LKD	37
C	Fifth	R65/705	LKD	32.1
C	Fifth	R67/705	LKD	33.3
C	Fifth	R74/705	LKD	27.3
C	Fifth	R77/705	LKD	38.4
C	Sixth	R29/706	LKD	45.6
C	Sixth	R31/706	LKD	47.5
C	Sixth	R38/706	LKD	38.6
C	Sixth	R41/706	LKD	49.3

D	Ground	R47/700	LKD	28.6
D	Ground	R48/700	Bedroom	46.1
D	Ground	R50/700	LKD	14.3
D	Ground	R53/700	LKD	16.4
D	Ground	R60/700	LKD	12.6
D	Ground	R62/700	Bedroom	22.4
D	Ground	R63/700	LKD	18.2
D	First	R41/701	LKD	35.1
D	First	R44/701	LKD	16.9
D	First	R47/701	LKD	18.7
D	First	R54/701	LKD	14.2
D	First	R57/701	Bedroom	40
D	First	R58/701	LKD	20.7
D	Second	R41/702	LKD	44.8
D	Second	R44/702	LKD	20.1
D	Second	R47/702	LKD	21.8
D	Second	R54/702	LKD	17.2
D	Second	R58/702	LKD	29.1
D	Third	R44/703	LKD	29.6
D	Third	R47/703	LKD	26
D	Third	R54/703	LKD	21.3
D	Third	R58/703	LKD	35.8
D	Fourth	R44/704	LKD	35.3
D	Fourth	R47/704	LKD	34.9

D	Fourth	R54/704	LKD	26.8
D	Fourth	R58/704	LKD	44.6
D	Fifth	R47/705	LKD	47.5
D	Fifth	R54/705	LKD	40.2
E	Ground	R64/700	LKD	20.7
E	Ground	R65/700	Bedroom	24.2
E	Ground	R67/700	LKD	7.7
E	Ground	R69/700	LKD	12.2
E	Ground	R71/700	LKD	16.8
E	Ground	R73/700	LKD	16.1
E	Ground	R74/700	LKD	10.2
E	Ground	R79/700	LKD	47.3
E	Ground	R82/700	LKD	41.8
E	First	R82/701	Bedroom	37.3
E	First	R84/701	LKD	10
E	First	R86/701	LKD	14.1
E	First	R88/701	LKD	16.9
E	First	R90/701	LKD	9.5
E	First	R91/701	LKD	4.9
E	First	R92/701	Bedroom	48.8
E	First	R93/701	LKD	8.9
E	First	R95/701	LKD	14.9
E	First	R105/701	LKD	44.9
E	First	R110/701	LKD	49.7
E	First	R113/701	LKD	41.9

E	Second	R84/702	LKD	13.8
E	Second	R86/702	LKD	16.4
E	Second	R88/702	LKD	20.3
E	Second	R90/702	LKD	14.5
E	Second	R91/702	LKD	12
E	Second	R93/702	LKD	13.5
E	Second	R95/702	LKD	18.5
E	Second	R105/702	LKD	46.1
E	Second	R110/702	LKD	49.7
E	Second	R113/702	LKD	41.8
E	Third	R84/703	LKD	17.3
E	Third	R86/703	LKD	20.7
E	Third	R88/703	LKD	23.9
E	Third	R90/703	LKD	25.4
E	Third	R91/703	LKD	23.5
E	Third	R93/703	LKD	21.2
E	Third	R95/703	LKD	24.2
E	Third	R105/703	LKD	46.8
E	Third	R113/703	LKD	43.1
E	Fourth	R84/704	LKD	23.1
E	Fourth	R86/704	LKD	26.1
E	Fourth	R88/704	LKD	30
E	Fourth	R90/704	LKD	39
E	Fourth	R91/704	LKD	37.8
E	Fourth	R93/704	LKD	30.4

E	Fourth	R95/704	LKD	33.2
E	Fourth	R105/704	LKD	47.5
E	Fourth	R113/704	LKD	44.2
E	Fifth	R84/705	LKD	31.3
E	Fifth	R86/705	LKD	33.9
E	Fifth	R88/705	LKD	37.1
E	Fifth	R93/705	LKD	48
E	Fifth	R95/705	LKD	45.9
E	Fifth	R113/705	LKD	43.1
E	Sixth	R48/706	LKD	45.9
E	Sixth	R50/706	LKD	47.4
E	Sixth	R52/706	LKD	49.5
E	Sixth	R57/706	LKD	49.4

10.7.21. Generally, it is the Living/ Kitchen/ Dining Spaces (LKD) that do not demonstrate compliance. These are usually the largest internal spaces within the blocks, have a balcony attached to them and the balcony serving the above floor unit will overshadow the relevant unit. Dual aspect units generally score better though it is noted that lower-level units in the eastern corner of Block C score badly, even though they are dual aspect facing north east and south west. All the tested rooms in the houses complied with the minimum target value.

10.7.22. The receipt of sunlight to units was assessed in accordance with BS EN 17037 and out of 853 habitable rooms that were tested, 643 (75%) met the recommended criteria. The remaining 210 (25%) fell below the recommended criteria. The minimum is 1.5 hours of sunlight on a selected dated between the 1st of February and the 21st of March.

10.7.23. The applicant refers to Section 3.1.10 of the 2022 BRE Guidelines which states, 'For dwellings, at least one habitable room, preferably a main living room, should meet at least the minimum criterion'. Out of 305 tested houses/ apartments,

270 (89%) demonstrate that at least one habitable room meets the minimum recommended receipt of sunlight.

10.7.24. As detailed in Appendix A of the applicant's report, the following do not comply with the requirements for sunlight in accordance with BS EN 17037:

Block	Floor	Apartment Number	Unit Number	Room Type	Sunlight Achieved
A	Ground	A-05	R3/700	LKD	40
A	Ground	A-05	R4/700	Bedroom	0
A	Ground	A-06	R5/700	LKD	0
A	Ground	A-06	R6/700	Bedroom	40
A	Ground	A-07	R7/700	Bedroom	0
A	Ground	A-07	R8/700	LKD	0
A	Ground	A-08	R9/700	Bedroom	0
A	First	A-12	R14/701	Bedroom	0
A	First	A-12	R15/701	Bedroom	0
A	First	A-11	R16/701	LKD	55
A	First	A-11	R17/701	Bedroom	0
A	First	A-10	R18/701	Bedroom	0
A	First	A-10	R19/701	LKD	50
A	First	A-09	R20/701	Bedroom	10
A	First	A-09	R21/701	Bedroom	0
A	First	A-09	R22/701	LKD	55
A	Second	A-21	R14/702	Bedroom	0
A	Second	A-21	R15/702	Bedroom	15
A	Second	A-20	R16/702	LKD	65
A	Second	A-20	R17/702	Bedroom	15

A	Second	A-19	R18/702	Bedroom	20
A	Second	A-19	R19/702	LKD	80
A	Second	A-18	R20/702	Bedroom	35
A	Second	A-18	R21/702	Bedroom	0
A	Second	A-18	R22/702	LKD	55
A	Third	A-30	R14/703	Bedroom	0
A	Third	A-30	R15/703	Bedroom	35
A	Third	A-29	R16/703	LKD	85
A	Third	A-29	R17/703	Bedroom	35
A	Third	A-28	R18/703	Bedroom	50
A	Third	A-27	R20/703	Bedroom	35
A	Third	A-27	R21/703	Bedroom	0
A	Third	A-27	R22/703	LKD	55
A	Fourth	A-39	R14/704	Bedroom	10
A	Fourth	A-39	R15/704	Bedroom	55
A	Fourth	A-38	R17/704	Bedroom	60
A	Fourth	A-37	R18/704	Bedroom	65
A	Fourth	A-36	R20/704	Bedroom	40
A	Fourth	A-36	R21/704	Bedroom	0
A	Fourth	A-36	R22/704	LKD	75
A	Fifth	A-48	R14/705	Bedroom	40
A	Fifth	A-48	R15/705	Bedroom	85
A	Fifth	A-46	R18/705	LKD	75
A	Fifth	A-45	R20/705	Bedroom	55
A	Fifth	A-45	R21/705	Bedroom	10

A	Sixth	A-57	R14/706	Bedroom	75
A	Sixth	A-55	R18/706	Bedroom	85
A	Sixth	A-54	R20/706	Bedroom	85
A	Sixth	A-54	R21/706	Bedroom	40
B	Ground	B-03	R32/700	Bedroom	70
B	Ground	B-01	R36/700	Bedroom	5
B	Ground	B-01	R37/700	LKD	75
B	First	B-10	R34/701	Bedroom	80
B	First	B-08	R38/701	Bedroom	65
B	First	B-08	R39/701	Bedroom	5
B	First	B-08	R40/701	LKD	75
B	Second	B-17	R34/702	Bedroom	80
B	Second	B-15	R38/702	Bedroom	65
B	Second	B-15	R39/702	Bedroom	5
B	Second	B-15	R40/702	LKD	75
B	Third	B-24	R34/703	Bedroom	80
B	Third	B-22	R38/703	Bedroom	70
B	Third	B-22	R39/703	Bedroom	5
B	Third	B-22	R40/703	LKD	75
B	Fourth	B-31	R34/704	Bedroom	80
B	Fourth	B-29	R38/704	Bedroom	70
B	Fourth	B-29	R39/704	Bedroom	5
B	Fourth	B-29	R40/704	LKD	85
B	Fifth	B-38	R34/705	Bedroom	40

B	Fifth	B-36	R38/705	Bedroom	30
B	Fifth	B-36	R39/705	Bedroom	46
C	Ground	C-03	R39/700	Bedroom	70
C	Ground	C-01	R45/700	Bedroom	0
C	Ground	C-01	R46/700	Bedroom	0
C	First	C-10	R64/701	Bedroom	50
C	First	C-09	R66/701	Bedroom	80
C	First	C-07	R72/701	Bedroom	0
C	Fifth	C-07	R73/701	Bedroom	0
C	First	C-06	R74/701	LKD	50
C	First	C-06	R75/701	Bedroom	0
C	First	C-05	R76/701	Bedroom	0
C	First	C-05	R77/701	LKD	50
C	First	C-04	R78/701	Bedroom	0
C	First	C-04	R79/701	Bedroom	0
C	First	C-04	R80/701	LKD	30
C	Second	C-19	R64/702	Bedroom	70
C	Second	C-16	R72/702	Bedroom	0
C	Second	C-16	R73/702	Bedroom	15
C	Second	C-15	R74/702	LKD	65
C	Second	C-15	R75/702	Bedroom	15
C	Second	C-14	R76/702	Bedroom	15
C	Second	C-14	R77/702	LKD	65
C	Second	C-13	R78/702	Bedroom	10

C	Second	C-13	R79/702	Bedroom	0
C	Second	C-13	R80/702	LKD	40
C	Third	C-25	R72/703	Bedroom	0
C	Third	C-25	R73/703	Bedroom	30
C	Third	C-24	R74/703	LKD	85
C	Third	C-24	R62/702	Bedroom	35
C	Third	C-23	R65/702	Bedroom	30
C	Third	C-23	R67/702	LKD	65
C	Third	C-22	R71/702	Bedroom	15
C	Third	C-22	R73/702	Bedroom	0
C	Third	C-22	R80/703	LKD	55
C	Fourth	C-34	R72/704	Bedroom	10
C	Fourth	C-34	R73/704	Bedroom	15
C	Fourth	C-33	R75/704	Bedroom	55
C	Fourth	C-32	R76/704	Bedroom	35
C	Fourth	C-32	R77/704	LKD	80
C	Fourth	C-31	R78/704	Bedroom	30
C	Fourth	C-31	R79/703	Bedroom	0
C	Fourth	C-31	R80/703	LKD	70
C	Fifth	C-43	R72/705	Bedroom	40
C	Fifth	C-43	R73/705	Bedroom	85
C	Fifth	C-42	R75/705	Bedroom	80
C	Fifth	C-41	R76/705	Bedroom	55
C	Fifth	C-40	R78/705	Bedroom	50
C	Fifth	C-40	R79/705	Bedroom	5

C	Sixth	B-52	R36/706	Bedroom	75
C	Sixth	B-51	R39/706	Bedroom	85
C	Sixth	B-50	R40/706	Bedroom	80
C	Sixth	B-49	R42/706	Bedroom	75
C	Sixth	B-49	R43/706	Bedroom	30
D	Ground	D-07	R49/700	Bedroom	60
D	Ground	D-03	R58/700	Bedroom	75
D	Ground	D-01	R62/700	Bedroom	5
D	Ground	D-01	R63/700	LKD	75
D	First	D-10	R52/701	Bedroom	80
D	First	D-08	R56/701	Bedroom	70
D	First	D-08	R57/701	Bedroom	5
D	First	D-08	R58/791	LKD	75
D	Second	D-17	R52/702	Bedroom	80
D	Second	D-15	R56/702	Bedroom	70
D	Second	D-15	R57/702	Bedroom	5
D	Second	D-15	R58/702	LKD	75
D	Third	D-24	R52/703	Bedroom	80
D	Third	D-22	R56/703	Bedroom	70
D	Third	D-22	R57/703	Bedroom	5
D	Third	D-22	R58/703	LKD	75
D	Fourth	D-31	R52/704	Bedroom	80
D	Fourth	D-29	R56/704	Bedroom	70
D	Fourth	D-29	R57/704	Bedroom	5

D	Fourth	D-29	R58/704	LKD	85
D	Fifth	D-38	R52/705	Bedroom	80
D	Fifth	D-36	R56/705	Bedroom	70
D	Fifth	D-36	R57/705	Bedroom	30
E	Ground	E-09	R65/700	Bedroom	60
E	Ground	E-09	R66/700	Bedroom	70
E	Ground	E-08	R68/700	Bedroom	85
E	Ground	E-04	R74/700	LKD	85
E	Ground	E-04	R75/700	Bedroom	0
E	Ground	E-04	R76/700	Bedroom	75
E	Ground	E-05	R78/700	Bedroom	80
E	Ground	E-01	R84/700	Bedroom	80
E	First	E-23	R82/701	Bedroom	65
E	First	E-23	R83/701	Bedroom	75
E	First	E-14	R91/700	LKD	80
E	First	E-19	R92/701	Bedroom	35
E	First	E-19	R94/701	Bedroom	80
E	First	E-16	R101/701	Bedroom	80
E	First	E-15	R104/701	Bedroom	80
E	First	E-14	R106/701	Bedroom	0
E	First	E-14	R107/701	Bedroom	70
E	First	E-13	R109/701	Bedroom	80
E	First	E-10	R115/701	Bedroom	80
E	Second	E-33	R92/702	Bedroom	75

E	Second	E-30	R101/702	Bedroom	80
E	Second	E-29	R104/702	Bedroom	80
E	Second	E-28	R106/702	Bedroom	0
E	Second	E-28	R107/702	Bedroom	70
E	Second	E-27	R109/702	Bedroom	80
E	Second	E-24	R115/702	Bedroom	80
E	Third	E-44	R101/703	Bedroom	80
E	Third	E-43	R104/703	Bedroom	80
E	Third	E-42	R106/703	Bedroom	0
E	Third	E-42	R107/703	Bedroom	70
E	Third	E-41	R109/703	Bedroom	80
E	Third	E-38	R115/703	Bedroom	80
E	Fourth	E-58	R101/704	Bedroom	80
E	Fourth	E-57	R104/704	Bedroom	80
E	Fourth	E-56	R106/704	Bedroom	0
E	Fourth	E-56	R107/704	Bedroom	70
E	Fourth	E-55	R109/704	Bedroom	80
E	Fourth	E-52	R115/704	Bedroom	80
E	Fifth	E-72	R101/705	Bedroom	80
E	Fifth	E-71	R104/705	Bedroom	80
E	Fifth	E-70	R106/705	Bedroom	0
E	Fifth	E-70	R107/705	Bedroom	75
E	Fifth	E-69	R109/705	Bedroom	80
E	Fifth	E-66	R115/705	Bedroom	80
E	Sixth	E-80	R59/706	Bedroom	80

- 10.7.25. The assessment has been undertaken for the proposed houses and more than one room per house will comply with the minimum criteria.
- 10.7.26. Sunlight to amenity spaces: The assessment has been undertaken for March and June in accordance with the 2022 BRE Guidelines. The minimum standard is that 50% of an area will receive two or more hours of sunlight on the 21st of March. All areas achieve in excess of 50% on this date, with a rate of 61% to 100% recorded on this site. The test was also undertaken on the 21st of June and all areas were compliant. Full details are provided in Appendix II of the applicant's report.
- 10.7.27. The applicant has also undertaken the assessment for balcony spaces, even though the BRE Guidelines do not give specific recommendations for these areas of private amenity space. Out of 289 balcony/ terrace areas, 244 (84%) will receive at least two hours sunlight over 50% of their area on the 21st of March. Some areas do not receive the same level of sunlight due to their orientation but will receive adequate sunlight to allow for a good level of amenity for the residents of these units.
- 10.7.28. Average Daylight Factor (ADF): The applicant has undertaken this assessment in accordance with the 2011 BRE Guidelines. ADF Targets are 1% for a bedroom, 2% for a Living/ Kitchen/ Dining Space and 1.5% for a Living Room. 769 out of 853 habitable rooms or 90% of the total would meet the recommended ADF targets. Further details are provided in Table 1 of Chapter 7 of the submitted report and Compensatory Design Measures are outlined in Chapter 8.
- 10.7.29. **CE Report Comments:** Note that a Daylight, Sunlight & Overshadowing study has been submitted in support of the application. The Planning Authority are concerned about the results of these assessments and that further assessments in the form of Annual Probable Sunlight Hours, Winter Probably Sunlight Hours and No Sky Line should have been undertaken. The subject site is relatively unconstrained and therefore higher results/ levels of compliance would be expected. Assumptions made in relation to reflectance appear to be relatively high and are not in accordance with what would normally be expected.
- 10.7.30. **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the BRE 'Site Layout Planning for Daylight and Sunlight' and I note the comments of the Planning Authority through the CE report. I

agree that the site is relatively unconstrained and units that do not achieve the minimum standards are only constrained by the nature of the development as proposed and submitted. This is effectively a site within a greenfield location and does not be impacted by neighbouring sites as would be the case in an established urban area.

10.7.31. As per the CE report, reference is made to overhanging balconies rather than staggered balconies serving the proposed units and the revision of balconies to be staggered, would likely improve the results that units receive.

10.7.32. A reduction in unit numbers and height may improve the results, but a revised layout and design would be more appropriate in addressing the issues of concern. As the proposed development does not provide for the optimum high-quality results, it is recommended that permission be refused for the proposed development due to daylight and sunlight reasons.

10.7.33. **Childcare Provision:** The proposed development provides for a total of 305 residential units, the majority of which are either one- or two-bedroom apartment units. The applicant has proposed to provide a childcare facility with a stated floor area of 489 sq m. A 'Childcare Demand Report' has been prepared by McCutcheon Halley in support of the application and this details the likely demand and availability of childcare in the area. It concluded that there is an adequate availability of childcare to serve this development/ the needs of the area.

10.7.34. The submitted report also details the childcare provision that this development is proposing to meet. The proposed childcare facility could accommodate up to 89 children and this is acceptable for the proposed development. If all units were included in the assessment, there would be a requirement for 81 spaces in accordance with the Childcare Guidelines, 2001 and omitting the one-bedroom units would see a requirement for 43 spaces. The proposed facility more than meets this requirement.

10.7.35. **CE Report Comments:** No objection to the proposed childcare provision.

10.7.36. **Conclusion on Childcare Provision:** The proposed development provides for adequate childcare and the proposed facility would allow for children from outside of this development to be accommodated.

10.7.37. **Conclusion on Residential Amenity:** The proposed development complies with most requirements in relation to residential amenity, however there are significant concerns in relation to the availability of daylight and sunlight to the units. The site is located in a mostly greenfield area and the only major restriction on the layout of the development is the site itself. There are no units adjoining that give rise to overshadowing etc. and it is hard to justify why so many apartments do not comply with the minimum standards as used by the applicant.

10.7.38. I therefore recommend that permission be refused for the proposed development as the applicant has failed to justify why so many apartments receive poor levels of daylight and sunlight.

10.8. Residential Amenity – Existing/ Adjacent Residents

10.8.1. Existing Site: The development of any site of the scale proposed will give rise to a level of nuisance and disturbance to residents, especially during the demolition and subsequent construction phases. Some temporary nuisance is to be expected and this has to be weighed up against the long-term impact of the development of this site. The site is located within the lands of an approved local area plan, and it should be expected that residential development of the nature proposed was likely to occur over time.

10.8.2. A Construction and Environmental Management Plan has been prepared by DBFL in support of the application and in the event that permission were to be granted, final details can be agreed with the Planning Authority by way of condition.

10.8.3. **Daylight and Sunlight:** The impact of the development in terms of daylight and sunlight on adjoining properties is considered in the 'Daylight, Sunlight & Overshadowing Report' prepared by Avison Young. This assessment has been prepared based on best practice guidance set out in the following documents:

- The British Research Establishment's 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide' by PJ Littlefair, 2022 Third Edition.
- European Standard target criteria (EN 17037)
- Daylight – British Standard (BS EN 17037)

The submitted assessment undertook a number of tests and these are detailed in the following section of this report.

- 10.8.4. **Daylight & Sunlight Analysis:** This assessment was undertaken using the 25 Degree Line Test. Figure 5 of the applicant's report indicates the location of the seven 25-degree line tests that were undertaken. The test results indicate that the tested units/ windows meet the test and therefore these units should receive adequate daylight/ sunlight amenity. No further tests are therefore required.
- 10.8.5. **Overshadowing to existing amenity areas:** Appendix VII provides details on the overshadowing of existing amenity spaces for the 21st of March and the 21st of June. The test results indicate that a 100% of the neighbouring amenity areas will comply with the recommended 50% of the area to receive direct sunlight for two or more hours. The results indicate that between 84% and 100% will receive sunlight for at least two hours. Similar results were found for June with between 97% and 100% receiving at least two hours of direct sunlight.
- 10.8.6. **CE Report Comment:** The Planning Authority through the CE Report, note the results of these tests and although other tests were not undertaken, due to the separation distances between the existing units and the proposed development, no issues of concern are foreseen.
- 10.8.7. **Conclusion on sunlight/ daylight/ overshadowing impacts to neighbouring properties:** The submitted assessments do not give rise to any concern and demonstrate that the proposed development can be provided without impacting on the receipt of daylight/ sunlight to existing properties on adjoining sites. No issues of concern in relation to overshadowing have been raised through the submitted assessments. I have no reason, therefore, to recommend to the Board that permission be refused.
- 10.8.8. **Potential overlooking:** In addition to the issues of height, availability of daylight/ sunlight, the issue of overlooking is one that may impact on residential amenity. Though there are many issues with the proposed development, the submitted layout ensures that overlooking, leading to a loss of privacy is not a significant concern. Separation distances of between 38 m and 41 m are proposed between the south east of Block E and existing residential units to the south east. The proposed houses to the south of the site are over 30 m away from the existing units to their north east. These separation distances are considered to be acceptable and appropriate in this location.

10.8.9. **CE Report comment on residential amenity:** No particular issues of concern have been raised.

10.8.10. **Conclusion:** Overall I am satisfied that the development will not have a unduly negative impact on the existing residential amenity of the area. The site zoning allows for residential development and a mix of apartments/ houses is appropriate. The applicant has taken suitable measures to protect the residential amenity of adjoining sites.

10.8.11. Whilst I recommend that permission be refused due to excessive density, heights, poor residential amenity for future occupants and poor urban design, I have no reason to recommend to the Board that permission be refused due to impact on the residential amenity of the existing area.

10.9. **Transportation, Traffic and Parking**

10.9.1. The application is supported with a number of documents in relation to traffic and parking as follows:

- Traffic & Transport Assessment – DBFL
- DMURS Compliance Statement – DBFL
- Infrastructure Design Report – DBFL
- Preliminary Design Stage Quality Audit – DBFL
- Mobility Management Plan – DBFL
- Public Transport Capacity Study – Derry O’Leary – Public Transport Consultant
- Site Lighting Report – IN2

10.9.2. The Traffic & Transport Assessment provides full details on walking/ cycling provision in the area, public transport services and also details the road network serving the area. Car parking provision is also provided in this report. Details are also provided on proposed infrastructure improvements in the area.

10.9.3. Traffic: The major issue in the area is the provision of the approved new road network including the Glenamuck District Distributor Road (GDDR) and the Glenamuck Link Distributor Road (GLDR) forming the Glenamuck District Road Scheme (GDRS). These roads are out to tender and the overall project was due to be complete within two years, towards the end of 2024/ early 2025.

10.9.4. Section 6.0 of the applicant's report considers 'Trip Generation and Distribution' and in addition to Census data, TRICS data is also used as appropriate. Full regard is had to other approved developments in the area. Chapter 7.0 looks at the 'Network Impact' using two scenarios – Base (Do-Nothing) and Post Development (Do-Something). The assessment found that the Glenamuck Road/ Golf Lane Roundabout would be predicted to be slightly over the 5% threshold for congested networks. Chapter 8.0 provides a 'Network Analysis' and a further assessment was made of the Glenamuck Road/ Golf Lane Roundabout. As part of the analysis it was assumed that 78 either of the new roads would be in place by the 2024 opening year of the development. It was found that the junction would operate within capacity for the AM Peak and for the PM Peak. The opening of the proposed roads will provide for additional reserve capacity at this junction. In conclusion the report has found 'that the impact on the surrounding road network, as a result of the proposed development on the surrounding road network will be negligible'. Appendix A of the applicant's report provides 'Traffic Flow Diagrams' and Appendix B provides the 'TRICS Database Outputs'.

10.9.5. I note the submitted DMURS Compliance Statement and this demonstrates that the layout of the development is acceptable. Full consideration is given to pedestrians and cyclists in the layout of the site. The submitted 'Preliminary Design Stage Quality Audit' identified a number of general and specific issues with the proposed development in relation to traffic, pedestrian and cyclist safety. A response to the identified points has been included with the applicant's report. I note that the audit was undertaken by DBFL, the designers of the road/ transportation aspects of this development. This is referenced as an issue of concern by the Dun Laoghaire-Rathdown Transportation Planning Section.

10.9.6. Car Parking: The Traffic & Transport Assessment provides details on the proposed car parking to serve this development by way of a 'Car Parking Strategy' provided in Chapter 5.0 of the applicant's report. A total of 295 car parking spaces are proposed to serve all uses on site. This is broken down as follows:

Houses: 32 spaces all in-curtilage
2 on street visitor parking spaces

Apartments: 208 basement parking spaces

29 surface level parking spaces

13 surface level visitor parking spaces

Car Share: 6 spaces

Crèche: 5 parking spaces. Two set down spaces are also provided but these are not considered as parking spaces.

10.9.7. All houses will be designed to allow for future installation of EV charging and 53 no. EV charging points will be provided for the proposed apartment units. Ducting will be provided for the future installation of charging for all parking spaces. Full details on EV charging is provided in section 5.5 of the applicant's report.

10.9.8. Bicycle/ Motorcycle Parking: The Dun Laoghaire-Rathdown policy document 'Standards for Cycle Parking & Associated Cycling Facilities for New Developments' which requires a provision of 371 parking spaces. The applicant has provided for a total of 520 bicycle parking spaces to serve the development. These will be provided throughout the site. 428 long stay spaces will be provided for the apartments and 80 short stay spaces will also be provided. Parking spaces will also be provided for the houses, which are not included in the total of 520 spaces, and 8 long stay/ 4 short stay spaces will be provided for the childcare facility. The proposed development also includes parking for 10 motorcycles which is in excess of the development plan requirement for 3 such spaces.

10.9.9. Public Transport: The applicant has outlined the public transport provision in the area in the submitted Planning Report but also through the Public Transport Capacity Study prepared by Derry O'Leary. I am not satisfied that the 'subject site is well served in terms of public transport provision'. Route 63/A only operates on a 30-minute frequency and as an orbital route between Dun Laoghaire and Kiltiernan, its use may be limited. Whilst the 63/A route provides connections to other modes of public transport, the infrequent nature of this bus route reduces the convenience of such connections.

10.9.10. Consideration is generally only given to the existing availability of public transport, but I have already reported on the proposed network changes in the area that are part of the Bus Connects project and there is no indication that the bus service in the area will significantly improve in terms of frequency and capacity from

what is currently available. Whilst it is possible to increase bus frequency to meet demand, the existing service is adequate to serve the development of the area in accordance with the adopted Kiltiernan Glenamuck Local Area Plan.

10.9.11. Suitable details in relation to public lighting are provided in the IN2 report, though final details can be agreed with the Local Authority.

10.9.12. **CE Report Comments:** The Planning Authority have reported that the proposed car parking provision is not adequate and refers to Table 12.5 of the development plan. 313 parking spaces should be provided for the apartments and 12 for the creche, a total of 325 spaces would be required. The site is located in Parking Zone 3 and for which there is no reduction in car parking, especially in an area that is not served by high quality public transport. Adequate bicycle parking is provided on site, though there is concern about the use of double stacking bicycle parking areas.

10.9.13. The Dun Laoghaire-Rathdown Transportation Planning Department have prepared a comprehensive report and recommend that permission be refused due to the development been premature pending the construction of the GDRS. A long list of conditions is recommended in the event that permission is granted for the proposed development.

10.9.14. The Dun Laoghaire-Rathdown Public Lighting section have requested that revisions be made to the proposed public lighting scheme to serve the site/ development. This can be addressed by way of condition in the event that permission is to be granted for the development.

10.9.15. **Conclusion on Transportation, Traffic and Parking:** I note the submitted details and also the comments of the Planning Authority. The area is not served by high quality public transport in terms of frequency/ capacity and there is no indication that this will significantly improve in the future. The proposed development does not provide for an adequate number of car parking spaces and as reported by the Planning Authority, the site is located in Car Parking Zone 3 where generally there is no reduction permitted in car parking provision.

10.9.16. I am concerned that the applicant has become overly reliant on public transport to justify a number of aspects of this development, when in reality the service is not there to justify the density, height, and scale of development and

similarly the reduced car parking cannot be justified. The site is not located in an established urban area and the distance to local centres is such that the car will be the primary form of transport for such trips. I am not satisfied that the Luas stop at Ballyogan Wood is suitably located for walking to/ from on a daily basis by the majority of users from this site. I note that the site is located within the Section 49 Contribution area for the Luas Green Line, but it is not easily accessible by walking to and from the subject site. Similarly, the 44/ 118 bus are not easily accessible to future residents. Walking distances of over 1 km are not acceptable, for a site to be considered to be well served by public transport.

10.9.17. The applicant has reported that the local road network can accommodate the increased traffic generated by the proposed development in advance/ in absence of the construction of the GDRS. I would query this in the context of the under provision of car parking over reliance on public transport, with no significant proposals for public transport upgrades. Permitting the proposed development in advance of the construction of the GDRS is a concern as this does not comply with the phasing of the Kiltiernan Glenamuck Local Area Plan.

10.9.18. The number of units permitted is in excess of what the LAP set out and to permit this development of 305 units, or even a reduced version of this total, would significantly exceed the requirements of the LAP. The phasing of the development of this site could be conditioned to align with the development of the road network, however there is some uncertainty over the construction of these roads and a suitable phased alignment may not be possible. The phasing as set out in the LAP seems appropriate and considering the fundamental issues with this development, a significantly revised development would be more appropriate.

10.9.19. I note that other SHD developments have been permitted in the area, but the referenced acceptable cut-off was for 700 units and as the Planning Authority have reported, over 1300 units have been permitted to date. Permitting this development would bring the exceedance to over double what would be acceptable, and as set out in the adopted local area plan. Permitting this development would indicate that all development was acceptable in principle and the requirements of the local area plan would not apply.

10.9.20. I recommend that permission be refused as it is premature in the context of the phasing of the Kiltiernan Glenamuck Local Area Plan and the development of the Glenamuck District Road Scheme (GDRS) which is a key objective of this plan. The proposed development would provide for a deficit in car parking provision, is located in an area with an insufficient public transport services in terms of capacity/frequency and is located on a greenfield site, not within an established urban area.

10.10. Infrastructure and Flood Risk

10.10.1. Irish Water and Dun Laoghaire-Rathdown Drainage Section have reported no objection to this development in relation to the connection to public foul drainage and the public water supply systems. The applicant has engaged with Irish Water and has submitted design proposals. Irish Water have recommended conditions in the event that permission is granted.

10.10.2. Similarly, the Dun Laoghaire-Rathdown Drainage Section have provided conditions in the event that permission is granted, in relation to surface water drainage serving the development. Some issues of concern have been raised, but these can be addressed by way of condition.

10.10.3. A 'Site-Specific Flood Risk Assessment Report' – prepared by DBFL has been included with the application, and this report is dated June 2022. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'.

10.10.4. The site area is 2.8 hectares and is located to the north west of Glenamuck Road South. The applicant reports that the 'site is sloped from the south-west to north-east, with a low point in the north-western most corner of the site. Glenamuck road is the highest point at 101.99m AOD on the site with the rest of the site sloping away from Glenamuck Road to 93.22m AOD in the north-eastern corner of the site'. Groundwater vulnerability is classified as high to extreme for this site and the adjoining lands, and the site is located in a poor aquifer zone – bedrock here is generally unproductive except for localised zones. The nature of the development, residential, is that it is categorised as highly vulnerable and should only be located in areas that are categorised as Flood Zone C.

10.10.5. A Stage 1 Flood Risk Identification is undertaken, and Table 5-1 provides a 'Review of Available Flood Risk Assessment Information'. The submitted information

indicates that the site is within Flood Zone C and there is no history of flooding in the area.

10.10.6. Under Section 5.2 of the applicant's report, 'Identified Flood Risk/ Flood Sources' are assessed. A walkover survey found that there was no evidence of flooding or flow paths on site.

10.10.7. The submitted report has considered the following forms of potential flooding:

- **Fluvial Flooding:** The OPW's Eastern CFRAM study included the preparation of flood risk maps and assessment of fluvial flood plains within the Eastern District. The report identifies that the site is wholly within Flood Zone C. No records of flooding on site have been identified, but flooding has occurred on the Glenamuck Road to the east of the site. Full details are provided in Appendix B of the applicant's report. The Strategic Flood Risk Assessment prepared as part of the Dun Laoghaire Rathdown Development Plan 2022 – 2028 indicates that the site is wholly within Flood Zone C. Any areas of risk are well outside the subject site area.
- **Tidal Flooding:** The site is approximately 5 km from the coast and is located at a minimum level of 75 m AOD. The Eastern CFRAM indicates that the site is outside of the coastal flood risk zone.
- **Pluvial Flooding:** This is considered in Section 6.0 of the applicant's report, 'Stage 2 Initial Flood Risk Assessment'. Measures have been taken in the proposed surface water design, including full implementation of GSDS measures, use of green podiums, bioretention, rain gardens etc. and use of attenuated outlet and flood volume storage to reduce existing runoff rates. Further details are provided in the 'DBFL Infrastructure design report 180110-DBFL-XX-XX-RP-C-0003'.

10.10.8. Section 7.0 of the applicant's report provides a 'STAGE 3 DETAILED FLOOD RISK ASSESSMENT & MANAGEMENT'. The site is located within Flood Zone C and it therefore passes the initial screening exercise. A number of measures to take account of potential flooding are detailed in the applicant's report under 'Surface Water Attenuation and Storage' – Section 7.3.2. Hydrobrakes will be used where appropriate, attenuation on site and proposed finished floor levels will be set at least

0.5 m above the top water level in the proposed surface water storage system. Surface water will be fully accommodated on site and discharge will be equivalent to greenfield runoff rate. There will therefore be no impact to adjoining sites/ lands. Climate change has been considered in the proposed design with an allowance for 20% increase in rainfall intensities.

10.10.9. 'Residual Risks' are considered under Section 7.8 and Section 7.9 provides details on 'Flood Risk Mitigation'.

10.10.10. The applicant concludes their report with a number of summarised comments including:

'the subject site is located within Flood Zone 'C', i.e. low flood risk and suitable for all types of land use, including the proposed 'highly vulnerable' residential development. The proposed development therefore passes the Planning Guidelines Sequential Approach'.

The applicant's report is supported with a number of maps, assessments, and relevant details.

10.10.11. **CE Report Comments:** The Planning Authority did not raise any issues in relation to flooding/ surface water drainage. The Dun Laoghaire-Rathdown Drainage Planning Report did not report any objection to the development subject to conditions, though did note some errors in relation to the flow rate of the four catchments having been labelled with the wrong flow restriction. This can be addressed by way of condition. The submitted Dun Laoghaire-Rathdown drainage report concludes that the applicant's Site-Specific Flood Risk Assessment is acceptable and is in accordance with Appendix 15 – 'Strategic Flood Risk Assessment' of the Dun Laoghaire-Rathdown Development Plan 2022 – 2028.

10.10.12. **Conclusion on Infrastructure and Flood Risk:** The site can be served by a public water supply and public foul drainage network. The submitted flood risk assessment is thorough and no issues of concern have been raised. I have no reason to recommend a refusal of permission to the Board due to water services/ drainage infrastructure, and flood risk.

10.11. Social Infrastructure

- 10.11.1. A 'Social Infrastructure Audit' has been prepared by McCutcheon Halley and which provides details on services and community infrastructure in the vicinity of the subject site. This outlines available childcare facilities, education, sports and recreation, community services and faith, health and retail & services in the area. Generally, a radius of 2 km from the site is drawn and the number of facilities within this area is identified. The population in the study area was found to be 8,117. Due to Census issues, it was not possible to determine the population change in relation to the 2011 Census. The age profile is provided in Section 6.2 of the report.
- 10.11.2. Childcare details are provided, and these are further detailed in the separate 'Childcare Demand Report'. The proposed development includes a childcare facility that can accommodate 89 children, though demand is likely to be for only 27 children. Schools in the area are detailed under Section 8.2 and four primary schools and one secondary school are located within the study area. Table 8.3 provides 'Details of all sports and recreation facilities' in the area and Table 8.4 provides 'Details of community and faith services'. Health services are detailed in Table 8.5 and Section 8.6 outlines 'Retail & Services' in the area. Other services and facilities are outlined in the report.
- 10.11.3. Overall, the area appears to be well served by social, education, community, and sporting facilities. Retail provision is available at Stepside and Leopardstown. Non-food retail is available at Carrickmines Park, with a number of restaurants/ cafes also located here.
- 10.11.4. **CE Report Comments:** The Planning Authority have reported no issue of concern with the submitted Social Infrastructure Audit. There is a designated neighbourhood centre at Kiltiernan, and which should meet any need for additional community infrastructure serving this area.
- 10.11.5. **Part V:** The applicant proposes to meet their Part V requirements by long term leases of 30 units on site. The Housing Department have reported that it is their policy to acquire housing and to phase out long-term leasing. This issue can be addressed by way of condition.
- 10.11.6. **Conclusion on 10.10:** The proposed development is located in an area with a good range of services and facilities. Part V housing can be addressed by way of condition in the event that permission is to be granted for the proposed development.

10.12. Comment on Submission/ Observations of the Dundrum Area Committee

- 10.12.1. The views of the elected members were submitted alongside and included in the Chief Executive report. Having regard to their important role in plan and place making, I have considered the strategic points raised by them, as outlined below.
- 10.12.2. Concern about the impact of the development on the biodiversity and character of the area. There are no tree preservation orders on the site and the site is zoned for residential development, therefore it has to be expected that development of the site would take place over time.
- 10.12.3. Concern about the height of the proposed apartment blocks. This issue has been assessed in this report and I agree with the comments raised. The design and finish of the units could be addressed by way of condition in the event that permission was to be granted.
- 10.12.4. Question on the public transport provision and suitable services in the area. I am satisfied that community infrastructure is available in the area to serve the development, however I consider the existing public transport provision to be inadequate to serve this development. There is an overreliance on a bus service that only operates on a 30-minute frequency.
- 10.12.5. Concern about the road infrastructure in the area. This issue has been addressed in my report. The development is premature pending the completion of the GDRS. The submitted Transport Assessment indicates that existing junctions have capacity to cater for the proposed development.
- 10.12.6. Welcome is made for the development of the site, provision of housing and type of housing proposed. This is noted. The site is zoned for development of the type proposed; however, the Local Area Plan sets out certain parameters that are not complied with through the submitted details.
- 10.12.7. Concerns raised about layout and amenity space provision. Adequate open space is provided for. There are issues with aspects of the layout, and these are detailed in my report.
- 10.12.8. All other issues that were raised in the meeting by the elected members have been addressed through my report.

10.13. Other Issues

- 10.13.1. **Microclimate Analysis:** IES have been engaged by the applicant to prepare a 'Wind Microclimate Study'. Sitting and Standing Comfort Criteria are in accordance with the Lawson's Comfort Criterion. The submitted report includes a significant number of Figures and a CFD model was generated from the available information. The assessment concludes that the site is typical for a development of this nature within the Dublin area. Most of the amenity areas are suitable for standing and sitting and Lawson's Walking Criteria requirements are met for all pathways. The submitted details are noted and give rise to no concerns.
- 10.13.2. **Telecommunications:** The applicant has engaged ISM to prepare a 'Telecommunications Impact Assessment Report' and this finds that the proposed development does not impact on any telecommunication channels in the area. There are no telecommunication facilities in the immediate vicinity of the subject site.
- 10.13.3. **Archaeology:** IAC Archaeology have prepared an 'Archaeological Assessment' in support of the proposed development. This detailed report concludes that the site has been subject to ground disturbance over time, due to the development of the farm complex, and the potential for there been significant archaeological remains on site is low. It is recommended that an archaeologist be employed during the course of any ground disturbances on site.
- 10.13.4. I agree with the applicant that any archaeology on site is likely to have been significantly disturbed by development on site over the years. I therefore have no concern regarding the impact of the development on potential archaeology in the area. I note the recommendation of the IAC report.
- 10.13.5. **Arboriculture:** Charles McCorkell Arboricultural Consultancy have prepared an 'Arboricultural Report' on behalf of the applicant, in accordance with BS 5837:2012 – 'Trees in relation to design, demolition and construction'. A total of 86 trees are to be removed, two are Category B, 66 are Category C and the 18 are Category U. Full details of these are provided in Appendix B of the applicant's report. The submitted Landscaping Design Statement by KFLA, provides details on the tree planting strategy for the site. These details are considered to be acceptable.
- 10.13.6. **Other Reports:** An Aeronautical Assessment Report has been prepared by O'Dwyer & Jones Design Partnership and no impact on flight paths or aviation instrumentation is foreseen.

- 10.13.7. Cortland Consult have prepared a BTR Management Plan for the relevant element of this development. This outlines all services on site that will serve the BTR residents and the management/ maintenance of this element of this development. No issues of concern are raised.
- 10.13.8. McCutcheon Halley Chartered Planning Consultants have prepared a 'Building Life Cycle Report' and this outlines the measures to reduce energy use and carbon emissions. DBFL have prepared a Construction and Environmental Management Plan and final details can be agreed with the Planning Authority by way of condition if permission is granted.
- 10.13.9. **Potential revisions:** As I have already commented on in this report, there are serious issues with a number of aspects of this development. The site is zoned for residential development and therefore the nature of development is acceptable. Density and height are not acceptable. An acceptable development would be in the range of 126 to 154 units with standard heights of four storeys with five storeys in key locations. Such a revision would be significantly different from what was proposed, and it would be more straightforward for a new application to be lodged.
- 10.13.10. A revised development would have a reduced car parking requirement, but the site would still not be serviced by suitable public transport and the BTR element would be better replaced with apartments with an alternative form of tenure. Consequently, the size of creche and supporting facilities/ spaces could be revised. There remains a need for a suitable frontage addressing the proposed road to the north west of the site.

10.14. **Ecological Impact Assessment (EclA)**

- 10.14.1. An Ecological Impact Assessment (EclA) has been prepared by Altemar – Marine & Environmental Consultancy; the report is dated June 2022. I have had full regard to the contents of same. The Introduction provides details on relevant guidance, the study objectives and details on the consultancy as well as describing the proposed development. Reference is also made to other assessments submitted in support of the application such as the drainage proposal and public lighting report. The National Parks and Wildlife Service (NPWS) were consulted during the assessment process.

- 10.14.2. Site surveys were undertaken in September 2020 and August 2021, and which included bat surveys. The site situation was such that a full survey of the site was possible. The subject site is described as consisting of derelict greenhouses, built land, recolonising bare ground and small areas of scrub. Impact Assessment Significance Criteria are provided in the applicant's report within Table 1a.
- 10.14.3. Table 2 provides a list of 'Natura 2000 sites within 15km of the proposed site', a total of 10 SACs and 4 SPAs are identified. Table 3 provides a list of '(proposed) NHAs and Ramsar sites within 15km of the proposed development site, 2 Ramsar sites and 25 NHAs are identified. Suitable location maps are provided in Figures 11. To 19 of the applicant's report.
- 10.14.4. The assessment found that 'No rare or protected habitats were noted. No habitats of moderate or high biodiversity value were noted on site'. There was evidence of Sika deer on site but no other mammals of conservation importance. As there are no watercourses on site, frogs were not found here. No bat roosting was identified on site and only common bats were noted foraging on site. I note that a separate 'Bat Fauna Assessment' by Altemar has been prepared and which adequately identifies the level of bat activity on site. No bird species of conservation importance were identified on site and the development would not impact on wintering birds due to the lack of suitable habitat. Table 4 of the EclA provides details on 'Recorded species, associated designations and grid references' and Table 5 provides a list of 'Recorded species within NPWS Records'.
- 10.14.5. Potential impacts are considered at the Construction and Operational phases of the proposed development. No issues of concern are raised through the nature of the development and the potential for impact on habitats and species. No protected terrestrial mammals/ terrestrial mammals of conservation importance were noted on site and similarly no protected flora or invasive species were identified within the site area. Bats were noted foraging on site, but no bat roosts were identified. No birds of conservation value were identified on site. No impacts to watercourses are foreseen and the proposed landscaping plan will improve the biodiversity value of the site. Standard construction and operational controls will be deployed during the construction phase of the development. Details are provided in Table 5 – 'Sensitive Receptors/ Impacts and mitigation measures'.

10.14.6. Adverse effects are unlikely to occur, post construction, subject to the implementation in full of the construction and operational controls. Cumulative impacts are considered in full, and it is considered that significant effects are unlikely from in combination effects. The report concludes by stating:

‘The overall impact on the ecology of the proposed development will result in a long term slight adverse not significant residual impact on the ecology of the area and locality overall. This is primarily as a result of the loss of terrestrial habitats on site, supported by the creation of additional biodiversity features including the landscaping strategy’.

10.14.7. **Conclusion on the EclA:** I note the information and details provided in the Ecological Impact Assessment report and I am satisfied that the submitted information indicates that the proposed development will not impact on any designated or protected ecological sites. The development does not directly impact on any bats, birds, terrestrial mammals, or plant species.

10.15. **Material Contravention**

10.15.1. The applicant has submitted a ‘Material Contravention Statement of the Dún-Laoghaire-Rathdown County Development Plan 2022-2028’ and the Kiltiernan/Glenamuck Local Area Plan 2013-2023 (this plan was extended to September 2023) with the application. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). A total of seven (7) issues have been raised in the applicant’s Material Contravention statement as follows:

- Building height.
- Density
- Unit Mix
- Locational Criteria for Build to Rent (BTR) apartments
- Development Phasing
- Carparking
- External Storage

The submitted report outlines the procedure and requirements in relation to Material Contravention.

10.15.2. **Building Height:** Chapter 4 of the Kiltiernan/Glenamuck Local Area Plan outlines the requirements in relation to building height. Heights are to be generally 3-4 storeys with some areas of 5 storeys, that may be acceptable. As the applicant reports, all of the five blocks exceed 5 storeys, thereby contravening the Local Area Plan.

- Block A – max 7 storeys
- Block B – max 6 storeys
- Block C – max 7 storeys
- Block D – max 6 storeys
- Block E – max 7 storeys
- Houses – 3 storeys

The applicant refers to the requirements of Chapter 4 of the county development plan and refers to the three policy objectives outlined in the plan – BHS1 to BHS3. The applicant refers to SPPR 2 of the Building Height Guidelines, 2018.

10.15.3. A justification for the material contravention is provided in Section 4.1 of the applicant's report. The Kiltiernan-Glenamuck LAP was prepared to provide for 2,015 units within the overall housing target for the county. This area is one of five designated as a 'New Residential Area' within Dun Laoghaire-Rathdown. Reference is made to the National Planning Framework and its policy objectives 3a, 3b, 8, 11 and 35. The applicant has provided a number of supporting documents justifying the exceedance of height here.

10.15.4. The applicant refers to SPPR 3 (a) of the Building Height Guidelines, 2018 and provides a justification based on this. The following are summaries of the justification:

1. Does the development assist in securing National Planning Framework objectives, to deliver compact growth: Is located within the Dublin suburbs, site is underutilised and will provide for new homes.
2. Is the development in line with the development plan: Site is located within lands subject to a LAP. Kiltiernan-Glenamuck is a designated key growth area.

3. Does the plan predate the guidelines: The LAP was adopted in 2013 and therefore predates the 2018 Height Guidelines.
4. The site is well served by public transport: Served by route 63/A and nearby is served by routes 44 and 118 and the Luas Green Line at Ballyogan Wood.
5. Is the area architecturally sensitive: Not within an Architectural Conservation Area and supporting documentation has been provided to demonstrate that it would not negatively impact on the visual environment.
6. Positive contribution to place making: The design has regard to the topography of the site, development on adjoining lands and provides for suitable amenity.
7. Positive contribution to the area: Proposal includes a tree walk and suitable amenity areas within the site.
8. Development is not monolithic: Variety of heights and the apartments are within five blocks and the houses are within a mix of detached and semi-detached units.
9. Enhances the urban design context for open spaces: Design has regard to the location of the open spaces and has full regard to the Flood Risk guidelines.
10. Positive contribution to legibility: Single vehicular access point is proposed onto the Glenamuck Road, two pedestrian/ cyclist accesses are provided for.
11. Mix of building types: Mix of houses and apartments on site.
12. Designed to provided for good light etc: Daylight, Sunlight and Overshadowing assessment has been prepared and submitted in support of this application.
13. Impact on daylight etc: Daylight, Sunlight and Overshadowing assessment has been prepared and submitted in support of this application.

14. Rationale for the development: Suitably zoned site for housing in an area that there is a demand for housing. The proposed development will provide for housing on an underutilised area of land.
15. Further assessments: Micro-climatic effects have been assessed and no issues of concern arise.
16. Impact on birds and/ or bats: AA Screening Report and Bat Fauna Impact Assessment do not give rise for concern.
17. Impact on Telecommunications: No issues of concern.
18. Impact on air Navigation: No issues of concern.
19. Urban Design Statement: An Architectural Design Statement prepared by Henry J Lyons Architects has been submitted in support of this application.
20. SEA, EIA and AA: EIA and AA Screening reports have been submitted; SEA is not required for this development.

10.15.5. The Planning Authority through the CE report note the exceedance of height and recommend that permission be refused for the proposed development as it contravenes the development plan and the local area plan.

10.15.6. Comment: The subject site is zoned for residential development and as such the nature of development is acceptable. The development as submitted contravenes the Dun Laoghaire-Rathdown Development Plan and the Kiltiernan-Glenamuck Local Area Plan. The LAP indicates what height would be acceptable in this location. The applicant has assessed the proposal against Section 3.0 of the Urban Development and Building Heights – Guidelines, 2018 and I do not consider that the proposed heights can be justified against this. Whilst the development does provide for housing in an area where there is clear demand for such units, there are fundamental issues with the submitted development.

10.15.7. The LAP provides clear parameters as to the permissible height on site, the development contravenes this. The site is not within an established urban area and the site can be defined as a greenfield site, in a low-density area. The site is not well served by public transport, a bus route operating every 30 minutes is not adequate

for a development of this nature. The proposed height is excessive in this location where existing units do not exceed three or four storeys. The proposed layout/ design does not provide for the expected street frontage to the north west where is adjoins the permitted Glenamuck District Distributor Road. The proposed blocks would be visually out of character with the established form of development on this section of the Glenamuck Road South.

10.15.8. The development does not demonstrate why it should contravene the Building Height Strategy as provided in the development plan. I therefore consider there to be insufficient justification to recommend a material contravention of the Dun Laoghaire-Rathdown Development Plan 2022 – 2028 and the Kiltiernan-Glenamuck Local Area Plan, extended to September 2023.

10.15.9. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I consider that the submitted development contravenes the Dun Laoghaire-Rathdown Development Plan 2022 – 2028 and the Kiltiernan-Glenamuck Local Area Plan, in relation to building height. The proposed height of the development is in the form of 6 or 7 storeys, over a podium level, and this is above the maximum of 4 or 5 storeys as specified for a mid-rise location. The proposed development exceeds the maximum heights specified in the local area plan. The area is not well served by public transport, is located on a greenfield site and the proposed heights would be out of character with the established form of the area.

10.15.10. **Density:** The Kiltiernan-Glenamuck Local Area Plan identifies the subject site as suitable for supporting medium/ higher density residential development and as per Table 4.1 of the LAP, a maximum density of 45 – 55 units per hectare net applies to development within parcel 2, within which the subject site is located. The proposed density of this development is stated to be 108 uph. Therefore, a material contravention of the density requirements of the LAP occurs.

10.15.11. The applicant has attempted to justify the provision of 305 units with a density of 108 uph as an attempt to meet the housing needs of the area. Reference is made to National Planning Framework Policy Objectives 13 and 33 which seeks to

increase the number of housing units in appropriate locations. The site is served by bus and this service connects to other public transport services along its route.

- 10.15.12. The Planning Authority through the CE report note the proposed density and consider that a density of 35 units per hectare would be suitable in this location. A density of 50 units per hectare would be acceptable for development within a public transport corridor, however the subject site is not within such a corridor with a high frequency/ capacity of service.
- 10.15.13. Comment: The local area plan provides a clear indication of the scale of density that would be acceptable in this location and the provision of 305 units or a density of 108 uph would be far in excess of what the adopted LAP allows for.
- 10.15.14. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I consider that the submitted development contravenes the Dun Laoghaire-Rathdown Development Plan 2022 – 2028 and the Kiltiernan-Glenamuck Local Area Plan, in relation to density. The proposed development of 305 residential units on a site area of 2.8 hectares would provide for a density of 108 units per hectare, in an area with an acceptable density of 45 to 55 units per hectare. The site is not located within a public transport corridor of suitable capacity/ frequency and is not located within an established urban area.
- 10.15.15. **Unit Mix:** Section 12.3.3 of the Dun Laoghaire-Rathdown Development Plan provides the quantitative standards for all residential development and there is a requirement for a certain percentage of 3-bed units in apartment schemes to apply to Build To Rent developments, such as this. The applicant reports that there is a Ministerial Direction on this section of the plan, and it therefore does not apply at present. The proposed development proposes 49% one-bedroom units and 51% two-bedroom units within the apartment blocks, and which are to be for Build to Rent (BTR). No three-bedroom apartments are proposed.
- 10.15.16. The Planning Authority through the CE report have, commented on the lack of three-bedroom units and which if proposed, would provide for a better unit mix in the development.

- 10.15.17. Comment: I note the applicant's report, and the ministerial direction on housing mix. The direction effectively removes the need for three-bedroom units from the mix at present and the issue of material contravention does not arise.
- 10.15.18. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dun Laoghaire-Rathdown Development Plan 2022 – 2028 in relation to unit mix.
- 10.15.19. **Locational Criteria for Build to Rent (BTR) apartments:** Section 4.3.2.4 of the development plan states 'Build-to-rent (BTR) accommodation will be facilitated at appropriate locations across the County in accordance with land use zoning objectives. For the avoidance of doubt, BTR is:
- permitted in principle in areas zoned objective MTC (major town centre) and DC (district centre)
 - open for consideration in areas zoned objective NC (subject to retaining an appropriate mix of uses), A, A1, and A2.
- BTR shall be located within a 10 minute walking time from high frequency public transport routes. BTR will be considered as a component part of achieving an appropriate mix of housing, however, a proliferation of Build to Rent in any one area shall be avoided.'
- 10.15.20. The site is located on A Zoned lands and is more than a 10-minute walk from high capacity/ frequency public transport. The applicant considers it to be a material contravention of the development plan.
- 10.15.21. The site is located in an area with a need for additional housing and the proposed development would provide for housing to meet some of the needs of the area. The provision of BTR housing in the area would increase the housing mix and type of tenure that is available here.
- 10.15.22. The Planning Authority through the CE report have commented that the proposed BTR element of this development is not acceptable as it is not located within a central town centre/ suburban centre, there is a lack of parking and suitable

public transport and there is a lack of variety of uses in the area which such a development should be located within/ adjacent to.

- 10.15.23. Comment: I agree with the comments of the Planning Authority. The site is not located within a suitable urban centre, the site lacks access to high capacity/ frequency public transport and the proposed development does not provide for adequate car parking to compensate for the lack of public transport.
- 10.15.24. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I consider that the submitted development contravenes the Dun Laoghaire-Rathdown Development Plan 2022 – 2028 to the location of the BTR element of this development. The site is not located within a public transport corridor of suitable capacity/ frequency and is not located within a suitable established urban area.
- 10.15.25. **Development Phasing:** The Kiltiernan-Glenamuck Local Area Plan 2013, includes a comprehensive phasing plan and under Phase 1 a total of 700 units are permitted. Development in excess of this would require the completion of the Glenamuck District Distributor Road Scheme and which has not commenced to date. Between 890 and 1150 units have been permitted to date within the LAP lands. The provision of this development would further exceed the phasing numbers and would materially contravene the local area plan.
- 10.15.26. The Planning Authority through the CE report recommend that development be paused until such time as the road network proposed for the area is implemented in full. Attached to the CE report is a list of permitted housing developments in the area and provides for a total of 1,338 units to date. Not all of these have commenced or been completed to date.
- 10.15.27. Comment: The local area plan provides a clear phasing plan that aligns development with the implementation of road improvements in the area. Considering the poor quality of public transport and the road network in the area, and that there is no proposal at present to significantly improve public transport serving the site, then the development of the area will rely on the upgrades and provision of new road infrastructure in the area.

10.15.28. The provision of the GDRS is a key deliverable in the local area plan and no date has been provided as to when work on the new road network will commence. A total of 700 units was identified in Section 10.6 as suitable for development in advance of the road, and to date over 1300 units have been permitted. A number of these were permitted through the SHD process and the remainder through normal planning applications. Not all of these will be developed, but the total number of units was considered acceptable when assessed. I consider that no additional units should be permitted with the total paused at 1300 until such time as a new LAP is prepared and/ or the development of the road network commences. The submitted reports from the Planning Authority indicate that there is some uncertainty over the development of the road network and I therefore consider that the proposed development is premature at this time.

10.15.29. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I consider that the submitted development contravenes the Kiltiernan-Glenamuck Local Area Plan in relation to the phasing plan provided as part of this LAP. Development in the area is reliant on the implementation and completion of the GDRS and the number of units permitted to date is in excess of the 700 units that are acceptable under Phase 1. The proposed development is therefore premature and would materially contravene the Kiltiernan-Glenamuck Local Area Plan.

10.15.30. **Car Parking:** The car parking requirements are provided in Section 12.4.5.1 of the Dun Laoghaire-Rathdown Development Plan 2022 – 2028. The subject site is located within Parking Zone 3 and in addition to the number of car parking spaces per unit type, parking for other uses and visitors is also detailed.

10.15.31. The proposed car parking provision is calculated as:

- 16 houses = 32 car parking spaces
- 289 1-bed & 2-bed units = 289 car parking spaces
- Apartment Visitors = 29 car parking spaces
- Creche (489 sq.m) = 12 spaces
- Total = 362 spaces

The applicant is proposing the following:

- 16 houses = 32 car parking spaces
- 289 1-bed & 2-bed unit apartments = 224 car parking spaces
- Visitors Apartments = 13 car parking spaces
- Creche (489 sq.m) = 7 spaces (5 permanent + 2 set down)

Total 276 spaces

There is a shortfall of 86 spaces.

10.15.32. National policy is to promote the use of sustainable forms of transport and to promote a modal shift towards public transport use. The site is adjacent to a bus route and is within 1.6 km of Ballyogan Wood, a stop on the Luas Green Line.

10.15.33. The Planning Authority through the CE report note the shortfall in car parking provision on site.

10.15.34. Comment: As previously stated, the site is located in Car Park Zone 3, and which clearly outlines the required car parking provision for the area. It is accepted that car use will be higher in these locations than in more centrally located urban sites. The area is not well served by public transport and the site is approximately 1.8 km walking distance from the nearest Luas stop at Ballyogan Wood. The Luas Green Line is the only form of good public transport in the area that provides for a suitable frequency and capacity of service.

10.15.35. I have considered the issue raised in the applicant's submitted Material Contravention Statement and whilst I consider that there is a shortfall in car parking provision, I consider that the provision does not materially contravene the requirements of the Dun Laoghaire-Rathdown Development Plan.

10.15.36. **External Storage:** The development plan requires the provision of external storage; however quantitative standards are not provided for. The applicant refers to the requirements of SPPR 8 of the apartment guidelines and the need for a mix of storage options.

10.15.37. The Planning Authority have reported that options should be provided for bulky storage on site, but they consider that this may be addressed by way of condition.

10.15.38. Comment: Adequate storage is provided to serve each of the units in accordance with the apartment guidelines. Additional storage may be provided within the footprint of the development, but this would require a significant revision to the building and unit provision.

10.15.39. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the submitted development contravenes the Dun Laoghaire-Rathdown Development Plan 2022 – 2028 in relation to the provision of storage for bulky items.

11.0 **Appropriate Assessment**

11.1. **Stage 1 – Appropriate Assessment Screening**

- 11.1.1. The applicant has engaged the services of Altemar, to carry out an appropriate assessment screening; the report is dated August 2022. I have had regard to the contents of same.
- 11.1.2. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 as amended are considered fully in this section.

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

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

- 11.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.
- 11.2.2. The subject site is located to the north west of the Glenamuck Road South on a site area stated to be 2.8 hectares. The site is currently occupied by a detached house, a large area of glasshouses and the remainder is undeveloped, primarily under grass or trees. A total of 305 residential units in the form of 289 apartment units consisting of 142 one-bedroom, and 147 two-bedroom units and 16 three-storey five bedroom houses are proposed. The apartments are to be provided in five blocks and will range in height from 6 to 7 storeys over a basement level. Also proposed is a childcare facility of 489 sq m, car parking, bicycle parking, open space and all

associated site works. Vehicular access will be from the Glenamuck Road. The surrounding area consists of a mix of residential and agricultural uses. Glenamuck Stream is approximately 60 m to the north of the subject site. This stream flows into the Carrickmines Stream and which in turn enters the Shanganagh River, and eventually discharges to the sea at Shanganagh. A number of supporting documents/ assessments are listed in the applicant's report.

11.2.3. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

11.2.4. A total of 14 European Sites have been identified as located within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
Knocksink Wood SAC	(000725)	3.7 km to the south
Ballyman Glen SAC	(000713)	4.2 km to the south east
Wicklow Mountains SAC	(002122)	5.2 km to the south west
South Dublin Bay SAC	(000210)	5.9 km to the north
Rockabill to Dalkey Island SAC	(003000)	6.4 km to the north east
Bray Head SAC	(000714)	8.4 km to the south east
Glenasmole Valley SAC	(001209)	10.8 km to the south west
North Dublin Bay SAC	(000206)	11.2 km to the north east
Glen of the Downs SAC	(000719)	12.0 km to the south east
Howth Head SAC	(000202)	14.5 km to the north east
Wicklow Mountains SPA	(004040)	5.2 km to the south west

South Dublin Bay and River Tolka Estuary SPA	(004024)	4.9 km to the south
Dalkey Islands SPA	(004172)	7.1 km to the north east
North Bull Island SPA	(004006)	11.2 km to the north east

The location of these sites is indicated on Figure 7 and Figure 8 of the applicant's submitted AA Screening. No designated Natura 2000 sites located outside of the Zone of Influence could be influenced by the proposed development.

- 11.2.5. Table 2 of the applicant's report provides an initial screening of the identified European sites with potential of a hydrological connection to the proposed development site. Each of the above sites is assessed and all sites are screened out, as there are no direct or indirect pathways from the subject site to these designated sites. Under the section on Potential Impact, it was found that there would be no significant effects likely.
- 11.2.6. In-combination effects are considered, and a list of the relevant applications are summarised in a table within the applicant's report. The AA screening of each of these is summarised and in conclusion it was found that there would be no significant effects on any designated Natura 2000 sites as a result of the proposed development in combination with other projects in the assessed area.
- 11.2.7. The applicant concludes that the proposed development will not give rise to significant likely effects to any designated Natura 2000 sites. No direct hydrological connections are identified, and indirect connections can be screened out due to the nature of the distance to the designated site, and the dilution effect that would reduce any potential effects. Wastewater will be treated at the Shanganagh Wastewater Treatment Plant.
- 11.3. **Stage 1 Screening – Test of Likely Significant Effects**
- 11.3.1. The proposed development is examined in relation to any possible interaction with European sites, the relevant sites have been detailed in the previous sections of this report to assess whether it may give rise to significant effects on any designated European Site. 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).

- 11.3.2. A description of the site is provided in this Appropriate Assessment Screening Report; I have already outlined the development description under Section 3.0 of this report. In summary the development is for 305 residential units in the form of 289 apartment units consisting of 142 one-bedroom, and 147 two-bedroom units and 16 three-storey five-bedroom houses. The apartments are to be provided in five blocks and will range in height from 6 to 7 storeys over a basement level. Also proposed is a childcare facility, open space, car parking and all associated site works. An EIAR Screening has been submitted in support of the application.
- 11.3.3. **Submissions and Observations:** The comments raised in the third-party submissions are noted and are summarised in Section 7, the Local Authority (Chief Executive report and internal departments) submissions are summarised in Section 8.0 and Prescribed Bodies are summarised in Section 9.0 of this report.
- 11.3.4. **Zone of Influence:** A summary of European sites that are located proximate to the proposed development, including their conservation objectives and Qualifying Interests has been examined by the applicant. A precautionary approach in the submitted Screening Report of including all SACs within 15 km of the development site was taken to be the zone of influence of the development site, which are listed in Section 11.2.4 of this report.
- 11.3.5. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.
- 11.3.6. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. The nearest European sites are Knocksink Wood SAC which is 3.7 km to the south of the subject site, Ballyman Glen SAC, which is 4.2 km to the south east and the Wicklow Mountains SPA and SAC which are 5.9/ 5.2 km to the south

west of the subject site. There are no watercourses on the subject site but the Glenamuck Stream, which flows into the sea via the Carrickmines Stream and Shanganagh River, to the north of Shankill, is located approximately 60 m to the north of the site. There are no hydrological connections between the subject site and this stream and therefore the proposed development will not impact on the Glenamuck Stream and any of its hydrological connections.

11.4. Screening Determination

- 11.4.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out a Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) would not be likely to have a significant effect on any designated Natura 2000 sites. The possibility of significant effects on European sites has been excluded on the basis of the nature and scale of the works proposed, scale of intervening distances involved, lack of a direct hydrological link, dilution effect, and lack of substantive ecological linkages between the proposed works and the sites in question.
- 11.4.2. In reaching the conclusion of the screening assessment, no account was taken of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.
- 11.4.3. **Appropriate Assessment Conclusion:**
- 11.4.4. The proposed residential development at Ashwood Farm, Glenamuck Road, Carrickmines, Dublin 18, has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 11.4.5. Having carried out screening for Appropriate Assessment of the project, it was concluded that the development would not be likely to give rise to significant effects on any designated Natura 2000 sites.
- 11.4.6. I have had full consideration of the information, assessment and conclusions contained within the submitted AA Screening. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the AA

Screening report, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of any designated site.

12.0 Environmental Impact Assessment Screening

- 12.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 12.2. The proposed development is described and consists of 305 residential units in the form of 289 build to rent apartments and 16 houses, a creche and all associated site works, located to the north west of the Glenamuck Road South, Carrickmines, Dublin 8. The subject site area is given as 2.8 hectares.
- 12.3. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Screening Report prepared by McCutcheon Halley, dated June 2022, and I have had regard to same. The report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, and the number of residential units (305), and the fact that the proposal is unlikely to give rise to significant environment effects, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development.
- 12.4. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:
- 500 dwellings
 - Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.

- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’.

12.5. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: “Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

12.6. Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

12.7. The proposed development is for the construction of 305 residential units in the form of 289 build to rent apartments and 16 houses, a creche and all associated site works, located to the north west of the Glenamuck Road South, Carrickmines, Dublin 8. The subject site area is given as 2.8 hectares. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

12.8. Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

12.9. The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

12.10. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning Statement – McCutcheon Halley – Chartered Planning Consultants
- Statement of Consistency with National, Regional and S.28 Guidelines – McCutcheon Halley Chartered Planning Consultants
- Statement of Consistency with Local Planning Policy – McCutcheon Halley Chartered Planning Consultants
- Response to ABP Opinion Report – McCutcheon Halley Chartered Planning Consultants
- Landscape Design Statement – Kevin Fitzpatrick Landscape Architecture
- Infrastructure Design Report– DBFL Consulting Engineers
- DMURS Design Statement– DBFL Consulting Engineers
- Traffic & Transport Assessment – DBFL Consulting Engineers
- Mobility Management Plan – DBFL Consulting Engineers
- Public Transport Capacity Assessment – Derry O’Leary
- Stormwater Audit – DBFL Consulting Engineers
- Quality Audit – DBFL Consulting Engineers
- Construction & Environmental Management Plan – DBFL Consulting Engineers
- Site Specific Flood Risk Assessment – DBFL Consulting Engineers

- Verified Views – 3D Design Bureau
- LVIA – AECOM
- Appropriate Assessment Screening Report – Altemar
- Ecological Impact Assessment – Altemar
- Bat Fauna Assessment – Altemar • Utilities Report – IN2
- Site Lighting Report – IN2 • Energy Analysis Report – IN2
- Aeronautical Assessment Report – O’Dwyer Jones
- Arboricultural Report – Charles McCorkell
- Resource and Waste Management Plan – AWN
- Operational Waste Management Plan – AWN
- Wind Microclimate Study – IES Engineering
- Telecommunications Impact Assessment Report – ISM
- Building Lifecycle Report – Cairn Homes
- Archaeological Assessment – IAC Archaeology
- Daylight, Sunlight and Overshadowing Assessment – Avison Young

12.11. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account and are listed in the ‘299B (1)(b)(ii)(II)(c) Statement’ prepared by McCutcheon Halley. The documents are summarised as follows (only those relevant are listed here):

Document:	Comment:	Relevant Directives:
National Planning Framework, Eastern and Midlands Regional Spatial Economic Strategy and Dun Laoghaire-Rathdown		Strategic Environmental Assessment (SEA) Directive

County Development Plan 2022 – 2028.		
Appropriate Assessment (AA) Screening prepared by Altemar		Birds Directive (Directive 2009/147/EC) and Habitats Directive (Council Directive 92/43/EEC)
Ecological Impact Assessment (EclA) prepared by Altemar		Birds Directive (Directive 2009/147/EC) and Habitats Directive (Council Directive 92/43/EEC)
Bat Assessment prepared by Altemar		Birds Directive (Directive 2009/147/EC) and Habitats Directive (Council Directive 92/43/EEC)
Infrastructure Design Report by DBFL Consulting Engineers	Proposed SuDS management on site	Water Framework Directive (WFD) (Directive 2000/60/EC)
Resource and Waste Management Plan and the Operational Waste Management Plan by AWN		Waste Framework Directive 2008/98/EC
Site Specific Flood Risk Assessment – DBFL Consulting Engineers		Floods Directive (Directive 2007/60/EC)

12.12. The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

12.13. I have completed an EIA screening assessment as set out in Appendix A of this report.

12.14. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. I have had full regard to the Ecological Impact Assessment (EcIA) submitted in support of the application and which details the potential impact on habitats and species including mammals, bird and bats.

12.15. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment, at construction and operational stages of the development, and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

12.16. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

12.17. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

13.0 Recommendation

13.1. I consider the principle of development as proposed to be unacceptable on this site and that permission should be refused for the proposed development. Whilst the site is suitably zoned for residential development under the 'A' zoning that applies under the Dun Laoghaire-Rathdown Development Plan 2022 – 2028, the site is zoned for Medium Density Residential as part of the Kiltiernan-Glenamuck Local Area Plan (LAP) 2013, which is extended to September 2023. This zoning provides for a density of 45 – 55 units per hectare. The proposed development of 305 units on a site area of 2.8 hectares provides for a density of 109 units per hectare, far in excess of the density specified in the Local Area Plan. In addition, the proposed development provides for apartments with heights of 6 and 7 storeys over a podium level and which is contrary to the LAP which allows for heights of 2 – 4 storeys with 5 storeys acceptable in certain locations. The development is also premature pending the completion of the Glenamuck District Road Scheme, under Section 10.6 approximately 700 units could be permitted in advance of this road, however the Planning Authority have reported that 1,338 units have been approved to date over the life of the local area plan.

13.2. A number of significant concerns have been identified as follows:

- The proposed development provides for 289 BTR apartment units in one- and two-bedroom units, however there is a shortfall in car parking which cannot be justified for a Car Park Zone 3 area.
- The subject site is not served by high frequency/ capacity public transport. Route 63/A operates on a 30-minute frequency along the Glenamuck Road South and the nearest high frequency/ capacity public transport is the Luas Green Line at Ballyogan Wood and which is 1.6 km from the subject site.
- The poor public transport provision, shortfall in car parking and distance from an established urban centre demonstrate that the subject site is not a suitable location for a Build to Rent scheme.
- The elevation onto the proposed Glenamuck District Distributor Road (GDDR) does not provide for a suitable street frontage as would be expected.

- 13.3. The proposed development would therefore be contrary to National Guidance and Local Policy and would not be in accordance with the proper planning and sustainable development of the area.
- 13.4. Having regard to the above assessment, I recommend that section 9(4)(d) of the Act of 2016 be applied, and that permission be **REFUSED** for the development, for the reasons and considerations set out below.

14.0 **Recommended Draft Order**

14.1. 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 1st of July 2022 by Cairn Homes Property Ltd.

14.2. Proposed Development:

- Construction of a residential development of 305 units consisting of:
 - 289 Build to Rent apartments to be located within 5 apartment blocks and consisting of 142 one-bedroom units and 147 two-bedroom units.
 - 16 houses in the form of detached and semi-detached units.
- A childcare facility and rooms/ services for use of the BTR units.
- Access from the Glenamuck Road South and the provision of an internal road network within the site.
- Car parking and bicycle parking provided throughout the site.
- Open space areas including public, private and communal open space.
- All associated site works.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 and the Kiltiernan/ Glenamuck Local Area Plan 2013, extended to 2023. A full Housing Quality Assessment is submitted which provides details on compliance

with all relevant standards including private open space, room sizes and storage areas.

The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.

Seven issues were raised in the submitted material contravention statement as follows:

- Building height.
- Density
- Unit Mix
- Locational Criteria for Build to Rent (BTR) apartments
- Development Phasing
- Carparking
- External Storage

Other than Unit Mix, Car Parking, and External Storage provision, the other issues were considered to contravene the Dun Laoghaire-Rathdown Development Plan 2022 – 2028 and/ or the Kiltiernan/ Glenamuck Local Area Plan 2013, extended to 2023.

14.3. **Decision:**

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

Matters Considered:

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

15.0 Reasons and Considerations

The Board Considers that:

1. The site is located in an area zoned objective 'A' – zoned for residential use in the current Dun Laoghaire-Rathdown Development Plan 2022 – 2028 and within a medium density area as per the Kiltiernan-Glenamuck Local Area Plan 2013, extended to 2023. The proposed development provides for a density of 109 units per hectare which is contrary to the density specified in the local area plan at 35 – 55 units per hectare. Considering the location of the subject site, the limited availability of services and the established character of the area, it is considered that this policy objective as applied to these lands is reasonable at this time. The Board considers that the proposed development would materially contravene the above-mentioned policy objective.
2. The proposed development provides for five apartment blocks between six and seven storeys in height, over a podium level. Appendix 5 of the current Dun Laoghaire-Rathdown Development Plan 2022 – 2028 provides a 'Building Height Strategy' for the county and the site is not identified as one where a height of over four storeys would be encouraged. The Kiltiernan-Glenamuck Local Area Plan 2013, extended to 2023, indicates on the Building Heights Map that heights of two to five storeys would be acceptable here. The proposed development would provide for a development with an excessive height, would be out of character with the established form of the area and would have a negative impact on the visual amenity of the area.
3. Section 10.6 of the Kiltiernan-Glenamuck Local Area Plan 2013, extended to 2023, outlines an indicative phasing of development such that residential units be provided in conjunction with the improvement of the local road network. Approximately 1300 units have been approved to date under the Strategic Housing Development process and by way of normal planning applications. The Local Area Plan allows for the development of up to 700 units, subject to upgrades to the existing road network, however the provision of units above this

number would require the full completion of the approved Glenamuck District Distributor Road Scheme. The proposed development of 305 units is considered to be premature having regard to the need for the road improvements specified in the local area plan, and the proposed development would be contrary to the proper planning and sustainable development of the area.

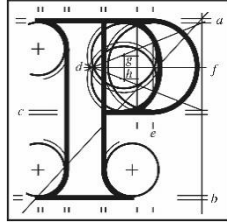
4. The proposed development does not provide for a suitable high quality of urban design, with particular reference to the north west elevation which faces onto the permitted Glenamuck District Distributor Road. A strong street frontage would be expected here and the proposed development through its excessive height, set back from the roadside edge and the design of the elevations does not provide for a suitable frontage. The proposed development would, therefore, seriously injure the visual amenities of the area and 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.

Paul O'Brien

Inspectorate

11th May 2023



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-313963
Development Summary		The provision of 305 residential units in the form of 16 houses and 289 apartments in five apartment blocks, a childcare facility, residential amenities, open space, car/ bicycle parking and all associated site works/ infrastructure.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report were submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	A Site-Specific Flood Risk Assessment that addresses the potential for flooding was undertaken in response to the EU Floods Directive. An AA Screening Report in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) has

	<p>been submitted with the application. The Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 and the Kiltiernan/ Glenamuck Local Area Plan 2013, extended to 2023, were subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) Screening.</p>
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment ? Yes/ No/ Uncertain
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		Mitigation measures – Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The development comprises the construction of residential units on suitably zoned lands. Five apartment blocks of 6 to 7 storeys are proposed as part of the development in an area predominantly characterised by agricultural and low density residential development.	No

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposed development is located on a mostly greenfield site, zoned for residential development. A single house and agricultural units are proposed for demolition but subject to a separate planning application.</p>	<p>No.</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded</p>	<p>No.</p>

		as significant in nature.	
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No</p>	<p>No.</p>

		operational impacts in this regard are anticipated.	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and</p>	<p>No.</p>

		<p>implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The</p>	<p>No.</p>

		<p>operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction</p>	<p>No.</p>

		<p>Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on</p>	<p>No.</p>

		human health. No significant operational impacts are anticipated.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.	No.
1.10 Will the project affect the social environment (population, employment)	Yes	The development of this site as proposed will result in a change of use	No.

		<p>and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, primarily characterised by residential development.</p>	
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No.</p>	<p>Similar developments have been constructed in this area over the last twenty years. The development changes have been considered in their entirety and will not give rise to any significant additional effects.</p>	<p>No.</p>

2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	<p>No European sites located on the site. A submitted AA Screening demonstrated that the development would not impact on any designated sites and that Stage 2 AA was not required.</p>	No.
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	<p>No such species use the site and no impacts on such species are anticipated. This is confirmed through the submitted EcIA.</p>	No.
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	Yes	<p>None identified on site or on adjacent lands that would be impacted by this development.</p>	No.

<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No.</p>	<p>There are no such features arising in this location.</p>	<p>No.</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No.</p>	<p>None on site.</p>	<p>No.</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No.</p>	<p>Site is located in a location where such impacts are not foreseen.</p>	<p>No.</p>
<p>2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No.</p>	<p>The site is served by a local urban road network. The site is served by a bus route 63/A which provides for a thirty minute frequency. Although increased traffic would be expected, no significant contribution to traffic congestion to key routes</p>	<p>No.</p>

		would be anticipated.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are no such sites adjacent to this site.	No.

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No.	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No.

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.	No trans-boundary effects arise.	No.
3.3 Are there any other relevant considerations?	No.	No.	No.
C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required.
Real likelihood of significant effects on the environment.			
D. MAIN REASONS AND CONSIDERATIONS			
<p>Having regard to: -</p> <p>a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>c) the location of the site on lands governed by zoning objective ‘A’ which seeks ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’ in the Dun Laoghaire-Rathdown Development Plan 2022 – 2028,</p> <p>d) The existing use on the site and pattern of development in surrounding area,</p> <p>e) The planning history relating to the site,</p> <p>f) The availability of mains water and wastewater services in the area to serve the proposed development,</p> <p>g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),</p> <p>h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”,</p>			

issued by the Department of the Environment, Heritage and Local Government (2003),

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

j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction Management & Waste Management Plan and a Construction Management Plan (CMP) to be agreed with the Planning Authority , It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Senior Inspector: _____

Date: 11th May 2023

Paul O'Brien