



An
Bord
Pleanála

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

Inspector's Report ABP-314131-22

Strategic Housing Development	118 no. residential units (21 no. houses, 97 no. apartments), crèche and associated site works
Location	Townland of Kilgobbin, Stepaside, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Applicant	McGarrell Reilly Homes Limited
Prescribed Bodies	(1) Uisce Eireann
Observer(s)	Adam & Ruth Weatherley & Others and others

Date of Site Inspection

24th June 2023

Inspector

Colin McBride

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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 lands are situated c.11 km south of Dublin City Centre and c.400 metres from Stepside village. They are situated to the west of Clay Farm Phase 2, currently under construction (as approved under ABP Reg. Ref. 301522), and to the north-east and north-west of Stepside Park. Stepside Golf Club and Cruagh Manor housing estate are located to the south-east of the subject lands with undeveloped lands adjoining the site to the north. The subject site has an area of 1.97 hectare is irregular in shape and is bound by existing two-storey residential dwellings along its south western and southern boundaries (Stepside Park), three-storey townhouses to the east (the Courtyard) and by Clay Farm - Phase 2 lands to the east.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises permission for strategic housing development at the townland of Kilgobbin, Stepside, Dublin 16. The proposed development consist of 118 no. residential units comprising, 21 no. houses and 97 no. apartments, crèche and associated site works.

Table 1: Key Figures

Gross Site Area	1.97 hectares
Net Site Area	
Site Coverage	28%
Plot Ratio	0.63.1

No. of Houses	21
No. of Apartments	97
Total	118
Commercial/childcare	Crèche 156sqm
Density – Total Site Area	79 units per hectare (net density)
Public Open Space Provision	4,002 sqm (20.3%)
Communal Open Space	1,454 sqm
Car Parking – Apartments Houses Visitor Crèche Total	153 97 under podium 42 in curtilage 10 4 317
Bicycle Parking	248 170 long-stay 56 short-stay 22 crèche

Table 2: Unit Mix

	Bedrooms			
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	1 Bed	2 Bed	3 Bed	4 Bed	Total
Apartments	28 (23.7%)	69 (58.4%)			97
Houses			10 8.4 (%)	11 (9.3%)	21
Total	28 – 23.7%	69 – 58.4%	10 – 8.4%	11 – 9.3%	118

- 3.2 The development is consist of 21 no. two-storey houses, a mixture of semi-detached and terraces located backing onto the southern and south eastern boundary with 3 no, terraced dwellings to the north of the site. The 97 apartments are located in a U-shaped block (Block 1) adjoining the south western boundary of the site. This block is part six-storeys, part four-storeys over podium level and part three-storeys over podium level with a communal open space at podium level with under croft parking.
- 3.3 Access to the site is through a section of Clay Farm Loop road being provided as part of the permitted Clay Farm development on the site to the north east and the proposal provides a further 137m long section of such through the northern portion of the site and facilitating access to the lands to the north west.
- 3.4 A 156sqm two-storey crèche is located to north of the site. Three areas of public open space are provided, Public Open Space A (650sqm) at the northern corner of the site, Public Open Space B (1,409sqm) central to the site and to the south east of Block 1 and Public Open Space C (1,943sqm) located to the east of the site and south of the loop road. The development provides a number of connections to existing development in the vicinity including pedestrian entrances to Stepside Park to the west of the site and The Courtyard to the east of the site. A connection is provided with the existing service road within Stepside Park to the south of the site adjacent the existing playground/Meadow Court apartments that provides pedestrian/cycling access as well as emergency vehicles with removable bollards.

3.5 The application was accompanied by various technical reports and drawings, including the following:

- Statement of Consistency with National and Regional Policy and S.28 Guidelines
- Statement of Consistency with DLRCDP 2022- 2028 & BELAP 2019-2025
- EIA Screening Report Article 299B Statement
- Social Infrastructure Audit
- Unit Justification Mix Report
- Material Contravention Statement
- Statement of Response to ABP Opinion & DLR Opinion Childcare Assessment Report
- Architectural Design Report
- Housing Quality Audit
- Part V Proposal
- Building Lifecycle Report
- Outline Landscape Specifications
- Landscape & Visual Impact Assessment
- Verified Photomontages & CGIs
- Infrastructure Design Report
- Traffic & Transport Assessment and Framework Mobility Management Plan
- Quality Audit
- DMURS Compliance Statement
- Outline Construction & Environmental Management Plan
- Infrastructure Design Report
- Stormwater Audit
- Site Specific Flood Risk Assessment
- Telecommunications Impact Assessment
- Independent Site Management
- Outdoor Lighting Report
- Telecommunications Impact Assessment
- Daylight, Sunlight & Overshadowing Report

- Ecological Impact Assessment
- AA Screening Report
- Arboricultural Assessment
- Resource & Waste Management Plan
- Operational Waste Management Plan
- Wind Microclimate Modelling Report
- Archaeological Impact Assessment

4.0 Planning History

4.1 ABP PL.06D.242585 / Reg. Ref. D13A/0190: Permission Granted (March 2014) for development consisting of 46 no. houses, open space including play areas, surface water attenuation and associated site works.

4.2 Amendment Application - DLR Reg. Ref. D16A/0650: Permission granted (March 2017) for revisions to permitted development Reg. Ref. D13A/0190 regarding internal house layouts.

4.3 PL06D.236375/ Reg. Ref. D09A/0934: Planning permission refused (December 2010) for 206 dwellings, a 228sq.m crèche and a 52sq.m local commercial unit all on lands at Stepside Park, Stepside, Co. Dublin. Applicant McGarrell Reilly Homes.

1. The proposed development would be accessed by circuitous and steep access roads from the R117 through Stepside Park. The proposed development would also contravene conditions attached to previous permissions relating to lands at Stepside Park granted under planning register reference numbers/appeal reference numbers D98A/1000 (PL 06D.111521), D00A/1279 (PL 06D.124391) and D03A/1213 (PL 06D.207092), all of which sought to limit the quantum of development accessed directly from the R117 through Stepside Park pending completion of the Ballyogan Loop Road. The proposed development would,

therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed emergency access route on the southern side of Stepside Park would contravene the zoning objective 'F', as set out in the current development plan for the area, "to preserve and provide for open space with ancillary active recreational amenities" by reason of the introduction of hard surfacing, which would prevent the use of the lands as a kickabout area. The proposed development would, ABP-312231-21 therefore, be contrary to the proper planning and sustainable development of the area.

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

NOTE: The Board concluded that the development was premature by reason of pending completion of the Ballyogan Loop Road. In addition, the design of the emergency access was contrary to the zoning objective for the area and the provision of public amenity space was considered to be sub-standard.

- 4.4 PL 06D.111521 Reg. Ref. D98A/1000: Permission grant (Septemebre 1999) to amend approved plans D96A/0197 for residential development - to alter lower or eastern part of the site to provide 264 dwellings. Stepside Park, Enniskerry Road, Stepside, Co. Dublin.

Planning History in the Surrounding Area of Relevance

- 4.5 ABP Reg. Ref. 304288-19 Permission Granted July 2019 for Strategic Housing Development – Phase 1 Clay Farm The application site relates to the western-most part of Phase 1C of the under construction / permitted Phase 1 Clay Farm development (ABP Ref: PL06D.246601 / DLRCC Ref.: D15A/0247).
- 4.6 ABP Reg. Ref. 301522-18 Permission Granted August 2018 SHD application (Clay Farm Phase 2) submitted for 927 no. residential units, neighbourhood centre, childcare facility, section of the Clay Farm Loop Road from the bridge road link with Phase 1 Clay Farm and all associated site development works. Of particular note: Compliance with Condition no. 2 – On 19 October 2018, the Council approved the compliance submission made in relation to the extension of the Loop Road over the adjoining lands which are under the control of the developer. The Planning Authority concluded:
- Submitted phasing is acceptable; and were satisfied that the full extent of the Loop Road within their ownership has been included within the proposal.
- 4.7 D15A/0247 Planning permission – Permission Granted April 2016 for Phase 1 Clay Farm Residential development of 410 no. residential units and a childcare facility of 339sqm and including vehicular access from Ballyogan Rd.

5.0 Section 5 Pre Application Consultation

- 5.1 A Section 5 Pre-Application Consultation took place via Microsoft Teams on the 24th of March 2022; Reference ABP-312231-21 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for the construction of...

137 no. residential units comprising of:

97 no. apartments and 40 no. houses.

- 28 no. 1 bed and 97 no. 2 bed apartment units, in a block up six-storeys.

- 11 no. 3 bed and 29 no. 4 bed two-storey houses.

- The provision of a childcare facility with a floor area of 156sqm (30 child places);

The development is on a site of 2.75 hectares consisting of what labelled the 'upper site' (0.68 hectares) and the 'lower site' (2.07 hectares).

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 constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission arising from this notification.

1. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:

(a) 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 zoning 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.

(b). 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 specific objectives of the Ballyogan and Environs Local Area Plan (BELAP) 2019 – 2025 for area 11 Kilglobbin South and area 13 Stepside East. Such statement should have regard to the development plan and or local area plan in place or, likely to be in

place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

(c). A detailed statement demonstrating how the building height by neighbourhood and density proposed is appropriate, given the Dun Laoghaire Rathdown Development Plan 2016 – 2022 and the new Draft Dun Laoghaire Rathdown Development Plan 2022 – 2028 and the BELAP 2019 – 2025.

(d). A detailed statement demonstrating further justification and clarity of the proposal with respect to:

(i) access to the upper site (19 units) via Stepside Park, given the issues raised by the planning authority with respect to circuitous route, steep gradients, junction access with Enniskerry Road, phasing requirements for the Clay Farm Loop Road, access arrangements and density requirements set out the in BELAP 2019 – 2025.

(ii) proposals to further increase the number of dwellings (118 units) accessing via Clay Farm Loop Road which is essentially a cul de sac.

(iii) clear indication on plans and drawings what section of the Loop Road will be delivered by the applicant under the subject application.

(iv) Further justification for the proposal in relation to section 12.1 phasing of the BELAP 2019 – 2025 regarding the provision of Clay Farm Loop Road.

(e). A detailed statement demonstrating how the proposed development ties in with the wider development strategy for the landholding and the overall Stepside Area, with regard to a phasing strategy.

(f). A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory County Development Plan or LAP for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

(g). Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.

(h). A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:

- Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
- Impact to any neighbouring properties devoid of proposed and existing landscaping and trees.

(i). Additional CGIs are required, as well as a Landscape and Visual Impact Assessment with photomontages, to include, consideration of winter views from the surrounding areas.

(j). An up to date Ecological Assessment, inclusive of a Bat Survey.

(k). Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.

(l). A response to matters raised within the PA Opinion submitted to ABP on the 21st January 2022.

(m). A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials and

finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. 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.

(n). A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

(o). Site Specific Construction and Demolition Waste Management Plan.

(p). Details of public lighting.

5.3 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 included the following:

1. Irish Water
2. Dun Laoghaire Rathdown County Childcare Committee

5.4 Applicants Statement

A report prepared by McCutcheon Halley Chartered Planning Consultants, entitled 'Response to ABP Opinion' was submitted in accordance with Section 8(1)(iv) of the Act of 2016. The proposed development is amended and features 118 units instead of 137 units and on a site of 1.97 hectares instead of 2.75 hectares.

The following information was provided in response to the opinion:

(a) Two separate Statements of Consistency (SoC) prepared by MHP are included with this planning application one assessing the proposal against planning policy under the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the

Ballyogan and Environs Local Area Plan (BELAP) 2019-2025 the other in relation to national and regional policy and relevant Section 28 Ministerial Guidelines.

(b) The submitted SoC set out how building height is appropriate in the context of development plan policy and also refers to the Material Contravention Statement submitted. It is noted there is no specific height limit specified for this location.

(c) In relation to density the policies of the BELAP 2019-2025 and the Kilgobbin Site Development Framework (SDF) included at Section 12 of the BELAP provides for target density band of 55-80 uph with the proposal having a net density of 79 uph.

(d)

(i) The proposal omits the 19 no. units on the site classified as 'upper site' for which concern were erased regarding access of additional through Stepside Park and onto the R117.

(ii) The response indicates that the proposal provides for an additional section of Loop road, which in turn will facilitate a further development of such by providing access to adjoining lands.

(iii) The drawings submitted show the extent of Clay Farm Loop road being provided.

(iv) The response indicates that provision of the Clay Farm Loop road has been contingent on permissions granted to enable construction of sections and that in absence of new development its full delivery would be undermined or potentially be unviable. The applicant refers to the Material Contravention statement in this regard.

(e) An Architectural Design Statement is submitted with the application and sets out how the development links into the wider area and its future development including provision of linkages to adjoining lands design of the development to provide an urban edge along Clay Farm Loop Road.

(f) A Material Contravention Statement is submitted with application.

(g) A Landscape report and detailed Landscape drawings are submitted with the application.

(h) A Daylight, Sunlight & Overshadowing Analysis is submitted with the application.

(i) A full set of photomontages and CGI's are submitted from 13 no. viewpoints on site and the surrounding area and the application is accompanied by a Landscape and Visual Impact Assessment that assessed visual impact from each viewpoint.

(j) An Environmental Impact Assessment including an updated Bat Survey carried out in the appropriate time period to accurately assess bat activity is submitted with the application.

(k) An Environmental Impact Assessment Screening Report and Article 299(1)(b)(ii)(II)(C) Statement are both submitted with the application.

(l) A separate document responding to the issue raised by Dun Laoghaire Rathdown County Council Opinion is submitted with the application.

(m) A Building Lifecycle Report is submitted with the application and provides detail on the assessment of long-term running and maintenance costs including management of the Owners' Management Company's assets and service charge budget, detail relating to the external and building fabric material selection, energy and building services, landscape material selection, waste management, human health and well-being, residential management and transport and accessibility.

(n) An Architectural Drawing No. 1806-SHD-107 submitted with the application indicates the full extent of lands proposed to be taken in charge.

(o) A Resource & Waste Management Plan setting out waste management strategy for the construction phase and An Operational Waste Management Plan are submitted with the application.

(p) An Outdoor Lighting Report and Lighting Drawings are submitted with the application and outline the details of the proposed public lighting arrangements. The proposed lighting strategy has been designed in accordance with the specification requirements of Dun-Laoghaire Rathdown County Council.

6.0 Relevant Planning Policy

6.1 National Policy

6.1.1 Project Ireland 2040 - National Planning Framework

Chapter 4 of the Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 4 sets out 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.

The directly relevant National Policy Objectives as contained within the NPF include:

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

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

National Policy Objective 13: In urban areas, planning and related standards, including in particular building 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.

National Policy Objective 33: 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: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

6.1.2 Relevant Section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets (Interim Advice Note Covid -19, May 2020)
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2021),

- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

6.1.3 Other Relevant Policy Documents include

- Housing for All (2021).
- 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

- Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR).

6.2.1 The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region

6.3 Local Policy

6.3.1 Dun Laoghaire Rathdown development Plan 2022-2028

The subject lands are zoned Objective A in the Dun Laoghaire Rathdown County Development Plan and the objective is 'to protect and-or improve residential amenities.' With a portion of the upper site zoned OS – Open Space.

Policy Objective PHP27: Housing Mix It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the

County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.

Section 12.3.3.1

In order to demonstrate compliance with Policy Objective PHP27 and based on the findings of the Housing Strategy and HNDA, planning applications received for 50+ residential units either individually or cumulatively with lands located within the neighbourhood (10-minute walk) will be required to incorporate a variety and choice of housing units by type and size so as to meet the differing household need in the County. Council Part 8 or Part 10 residential schemes, may propose a different mix having regard to the specific needs of the Council Housing Department.

The proposed provision of residential units (both houses and apartments), shall provide a mix that reflects existing, and emerging household formation, housing demand patterns and housing demand patterns and trends identified locally and/ or within the County. New residential communities (as set out in the Core Strategy and Figure 2.9 of the Core Strategy Map) shall ensure an appropriate mix including a proportion of larger units. Applications received in both new residential communities and within the residual built up area shall include:

- Details of existing and permitted unit types within a 10-minute walk of the proposed development.
- A detailed breakdown of the proposed unit type and size including a percentage split between 1/2/3+ bed units which in the case of apartments (and duplexes) shall generally be in accordance with Table 12.1.

Table 12.1

Area	Threshold	Mix Studio/1/2 bed Requirement (Apartments and duplexes)	Minimum 40% 3+ bedroom units

New Residential Community (See figure 2.9 Core Strategy Map)	Schemes of 50+ units	Apartment Developments may include up to 60% studio, one and two bed units and with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios	Minimum 40% 3+ bedroom units
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Ballyogan & Environs LAP 2019-2025

In addition to the current County Development Plan, a Local Area Plan has been designed to ensure the successful development of the area. The Ballyogan & Environs Local Area Plan (BELAP) 2019-2025 was adopted on 1st July 2019. The primary land use within the BELAP area is residential, and the two undeveloped greenfield land holdings are all zoned to accommodate residential development. The BELAP identifies five distinct quarters and 16 neighbourhoods within the boundary of the LAP. The Quarter and Neighbourhood relevant to the development sites are the Kilgobbin Quarter and Neighbourhood no. 11 – Kilgobbin South ‘Kilgobbin Quarter. The Plan will guide the further sustainable development of Kilgobbin East and Kilgobbin South as a high-quality residential area and will seek to preserve where possible the sylvan character of Kilgobbin West, and in particular the central section of Kilgobbin Road. A Site Development Framework for the western portion of the Quarter will be prepared. Delivering pedestrian and cycle links along the Ballyogan Stream corridor and to Stepside will be a focus of the plan.’

Policy BELAP RES2 – Density by Neighbourhood: Any residential scheme within each of the Neighbourhoods shall as a general rule have a target net density as set out in Table 5.4, subject to the provisions of any Site Development Frameworks, where applicable. Within the site boundary, any major and local distributor roads; primary schools, churches, local shopping etc.; open spaces serving a wider area; and significant landscape buffer strips shall be deducted from gross site area to give a figure for net site area.

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

Link No.	Link Name	Link Description	Link Type	Link Origin
4	Ballyogan Road to Stepside Park	This Link would connect the established residential area of Stepside Park with Ballyogan Road, providing a direct desire line to the Luas, schools, Samuel Beckett Campus and neighbourhood centre facilities and negating the need to traverse Enniskerry	Road Link – All modes (existing road to south to be Cul-De-Sac'd)	Development Management. A requirement of existing planning permissions

		Road and Kilgobbin Road.		
16	Clay Farm Loop Road	This road, which is provided for in Specific Local Objective 135 of the CDP would loop off Ballyogan Road, providing access to the undeveloped zoned lands of Kilgobbin South. It is similar to the implemented Belarmine Avenue / Village Road loop road to the west of Kilgobbin Road. This road would also assist in providing access between the Stepside Quarter and the Luas. At the time of writing, western parts of the Clay Farm	Road link-All modes.	County Development Plan. Is also being pursued through Development Management.

		Loop Road exist along to the east of Kilgobbin North and parts of the eastern section are under construction in the eastern part of Kilgobbin East.		
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7.0 Third Party Submissions

7.1 Third party submission has been received from...

Victoria Higgins.

Noel Donnelly & Dr. Susan Gibney

Jonathon Holt

Lisa Smith & Noel Caffrey

Declan Brady

Eoin Murphy

Jevgenij Charcenko & Zhongyua Yuan

Michelle & John Massey

Owen Blee

Wendy Mullholland

Pdraig Duggan

Triona Ferriter

Irwin & Janice Johnston and Kieran & Susan Holland

Robert Cousins & Simon Heaney
Alfonso Quaraniello
Patrick Downes
Liz & Rob Mortell
Albert & Mary White
Siobhan Maguire
Karina Carroll
Paul Sharpe
Richard Spence
Lawless Family
Cllr Lettie McCarthy
Marie Oswald Caffery and Peter Oswald
Adam & Ruth Weatherley
Esmond Poynton
Kieran Keane
Suzanne Bailey & Vincent Smith
Denis & Maresa Dowling
Mary Lee-Campling
Colm Roe
Stepaside Park Management Company CLG (SPMC)
Roy Madden
Barry O'Donovan and Cherrie Wade
James O'Riordan
Aidan Lonergan & Carol Cavanagh
Stepaside Park Residents
Jack Layden
Paul Bradley
Mark O'Shea
Gillian Daly

Steve Flanagan

- The development is premature pending provision of Clay Farm Loop Road. Accessing the development and the other permitted development using a single access off Ballyogan Road is inappropriate and
- Access proposals through Stepside Park has previously been refused under PL06D.236375 (D09A/0934) due to access through Stepside Park being deemed inappropriate and contravening conditions for a number of permitted developments limiting quantum of access from R117 through Stepside Park pending completion of Loop road. This reason for refusal is still relevant in this case.
- Division of top part from bottom part of Stepside Park does not make sense with loss of access to Enniskerry Road inappropriate. The cul-de-sac should be beside house no. 20.
- Health and safety concerns regarding emergency vehicle gaining access to Stepside Park if the top is cut off from the bottom of Stepside Park. The proposal would increase journeys to get to the local village.
- Concerns regarding amount of traffic accessing the site via Stepside Park. Despite the link road into Clay farm not being complete a temporary access could be installed.
- Proposal for all construction traffic from Enniskerry Road through Stepside Park is inappropriate and would impact residential amenity for a significant period of time, with heavy traffic, noise, dust. The existing service road through Stepside Park is narrow and winding with concerns regarding the traffic safety issues concerning construction traffic accessing the site through Stepside Park. An alternative route is available for construction traffic through Clay Farm Loop road.
- The observers raise concerns regarding implications of construction traffic prior to construction of the Loop road distributor road and has been an issue that arisen in previous applications in the area.
- The current application ends a temporary arrangement at house no. 124 as per condition 9 of ref no. PL06D111521 (D98/1000) and is inappropriate to ignore existing conditions.

- The observers refer to the refusal of housing development at this location previously under PL06D.236375 and note that the reasons for refusal still apply.
- Condition no. 9 of ref no. PL06D111521 (D98/1000) requires the northern side of the approved development be accessed from Ballyogan Loop road leaving 114 units on the southern side accessed from the R117. The main access road through Stepside Park is overused and condition no. 9 has not been complied with. Traffic volumes into and out of Stepside Park are excessive currently, traffic calming measures are inadequate and there are existing road safety issues. The proposal for additional traffic volumes from construction is unacceptable.
- Concern regarding destruction of green space and nature with no restriction on quantity of development permitted.
- Overdevelopment of the site and an overbearing impact due to its design and scale with adverse impact on privacy of existing dwellings.
- The design and scale of apartment block will negatively impact on visual amenity of the area and is out of character with adjoining development
- Lack of infrastructure for new development in the area in terms of road, retail, car parking and community services, childcare spaces and lack of school capacity.
- Stepside Park Phase 1 has been in place for a considerable period of time and the residents have not been able to have the developers progress the taking in charge process. This application should be delayed until the developers of complete the taking in charge of Stepside Park Phase 1.
- Some of the submissions question the applicants' consent to access the site from Clay Farm access road noting the letter of consent given only facilitates making of the planning application and not formal consent to access the site through the adjoining lands.
- Capacity of public transport infrastructure in the area is oversubscribed.
- Stepside Park should be taken in charged by the Council and the conditions relation to ref no. PL06D.242585 (D13A/0190) should be complied with.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála. The report details the site location/site zoning, provides a description of the proposed development, details pre-submission meetings, planning history, lists the issues in the received submissions, the internal reports of Dun Laoghaire Rathdown County Council are summarised, details the relevant Development Plan policies and objectives, and provides a planning assessment of the development. The CE report refers to policies under the Dun Laoghaire Rathdown County Development Plan 2022-2028.

8.2. The CE report, also includes a summary of the views of the elected members for the area, Dundrum Area Committee (23rd August 2022), and these are outlined as follows:

- Link with Stepside Park should be for emergency traffic only. Construction traffic should not use Stepside Park for access.
- Noted that there are badgers and bats on site.
- Lack of cycleway to the village.
- Maintenance of hedgerows required.
- Taking in charge should be accelerated.
- Insufficient public transport capacity no enough, lack of bus shelter.
- Lack of school capacity in the area.
- Excessive height of development.
- No sustainable development due to traffic it will generate.
Concerns about access to public transport and safety of vulnerable people in the area. .

8.3 A summary of the submissions made by third parties is provided.

8.4 A submission has been received from Irish Water.

8.5 Planning Assessment

This is summarised as follows under the headings of the Chief Executive Report. The CE report recommend refusal of permission based on the 3 no. reasons outlined below, however does include suggested conditions that should be applied in the event of a grant of permission.

Principle of Development and Planning Policy:

- The CE report highlights the zoning of the site for residential development and that the proposed uses including housing and childcare are permitted in principle under zoning policy. In relation to provision of housing on site the CE Report refers to Overarching Policy Objective PHP1 of the CDP.

Density:

- The CE report identifies that density proposed is acceptable and within the density range specified for this development parcel under the LAP. The density is also consistent with the provisions of the Sustainable Residential in Urban Area Guidelines (2009) by virtue of its location within 1km of a LUAS stop.

Residential Amenity:

- The CE report outlines satisfaction with the proposed development in the context of residential amenity with specific reference to overlooking, noise, sunlight and daylight and impacts on adjoining properties. It does raise some concerns regarding potential overbearing impact at the south-east end of the apartment block and the impact of the projecting front building line of south-east aspect of Block 1 on views from Stepside Park.

Standard of accommodation:

- The ratio of 3 bed apartments is 18% and is contrary Policy Objective PHP27 which requires a minimum of 40% and permission should be refused on this basis. The Planning Authority deem there to be 47 dual aspect apartment units (48%) and not 58 (60%) as identified by the applicant and is contrary the criteria set out in the Apartment Guidelines for 50% in areas classified as suburban or

intermediate. Floor to ceiling heights in the apartments (2.65m) of is marginally below the standard required under the CDP (2.7m)

Public and Communal Open Space:

- The CE report considers public open space is inadequate and notes that the space to the east cannot be counted due to presence of attenuation tanks, that the central space is too steep in topography to be useable and that only the space to the east is useable with less than half the required open space is provided in this regard It is indicated that a special contribution in lieu of shortfall in public open space may be merited.

Urban Design and Layout:

- The CE report raises concern regarding the interaction between the apartment block and Stepside Park noting the break in the established building line to the south east of the site with blank gable and an overbearing and visually intrusive streetscape from the surrounding area. A revision is suggested entail moving the building line setback of Block 1 in line with established building line with the removal of 10 no. apartments and alteration of single-aspect apartments to dual aspect.
- The lack of a vehicular link from Stepside Park from the Clay Farm Loop road fails to comply LAP Policy MOV12. , which requires such at this location.
- The shortfall in useable public open space (due to steep topography) could be dealt with by way of a Section 48(2)(c) levy should permission be granted.

Design and Finishes:

- The external finishes are considered to be of an acceptable standard and quality.

Building Height:

- The CE report identified that increased building height is supported under Policy BHS 2 of the CDP on the basis that site is within an LAP area. The Building Height Strategy of the CDP identifies increased height to be considered within 1km of a LUAS stop. Table 5.1 of the Building Height Strategy set out criteria for

consideration of increased height. Some deficiencies are identified in layout in terms of concerns regarding visual dominance of block 1 along the eastern/south-eastern façade. The Planning Authority consider that the proposal could only satisfy the criteria under Table 5.1 of design modifications of the proposed facade and general layout were considered.

Transport, Connectivity, Car and Bicycle Parking:

- The level of connectivity does not comply with BELAP Policy MOV and in particular link no. 4 due to not providing vehicular access/all user link as required by such.
- The proposal would be a contravention of existing permission, condition no. 9 of D98A/1000 and condition no. 8 of D13A/0190, which entails provision of future access to north for a portion of Stepside Park on completion of the loop distributor road.
- It is highlighted that the Board refused permission under PL06D.23675 for 206 residential units on the basis of prematurity of completion of the Loop road.
- If the applicants wish to amend extant permissions then the red line should include Stepside Park.
- The quality and accessibility of cycling space is questioned by the Council Transportation Section.

Phasing

- It is suggested that a condition should be applied in event of a grant of permission restricting construction until completion of the Loop road.

Surface Water Drainage and Flood Risk:

- The Water Services Section indicates that the proposal broadly meets the requirements of Meath County Council and is acceptable subject to conditions requiring compliance with Greater Dublin Strategic Drainage Study.
- No objection is raised in regards to Flood Risk.
- The correspondence from Irish Water indication confirmation of feasibility is noted.

Phasing:

- The lack of phasing is noted with the Planning Authority of the view that if permission is granted that a condition be attached restricting commencement of construction of the development until construction of the remaining portion of the Clay Farm Loop Road.

Surface Water Drainage and Flood Risk:

- The CE report states that the issue of flood risk does not impact the site.
- The Drainage Section report details all concerns in relation to the proposed drainage system design with concern regarding the lack of green/blue roofs and drainage system design in regards to climate change. It is indicated that these are issues that can be dealt by way of condition.

Part V/Social Housing:

- A condition is required ensuring compliance with Part V obligations.

Childcare and Community Facilities:

- The childcare facility proposed is adequately sized to cater for the potential demand generated by the proposed development.

Construction Management and Construction and Operational Waste Management:

- The CE report expresses satisfaction with the documents submitted in regards to construction management and construction waste and recommends appropriate conditions in this regard.

Building Life Cycle Report:

- The CE report notes that the Building Life Cycle report and raise no objection noting that details of the Owner's Management Company should be provide in the event of a grant of permission.

Ecological Impacts:

- The CE report refers to the submitted Ecological Impact Assessment, Bat Fauna Impacts Assessment and AA Screening Report. The development is considered satisfactory in regards to ecological impact submit to attaching conditions recommended by the DLR Biodiversity report.

Development Contributions:

- The CE Report identifies that the development is subject to a Section 48 Development Contribution and is within an area subject to Luas Line B1 supplementary S.49 development contribution scheme.

Taking in Charge:

- A taking in charge plan is to be agreed with the Planning Authority prior to the commencement of development in the event of a grant of permission.

Appropriate Assessment/Environmental Impact Assessment:

- The CE report notes that the Board is the competent authority in terms of screening and assessing the development at application stage on these matters.

Conclusion:

The Planning Authority recommended that the Board refuses permission for the following reasons...

1. The proposed development would be dependent on a single vehicular access point form Clay Farm onto Ballyogan Road. There is a large amount of permitted development dependent on this single access point already, and the western arm of the Clay Farm Loop Road is not in place, nor is there evidence that the Loop Road will be available to serve the development as the proposed homes are completed. As such, the proposed development would be premature by reference of existing deficiencies in the road network serving the area of the proposed development and

the period within which constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic where deficiencies in capacity, with and alignment and structural condition of the road prevail. The area has reached capacity in terms of unit numbers and no further development can take place until these infrastructure developments have been constructed. As such, the proposed development is contrary Section 12.1 'Phasing' of the Ballyogan and Environs Local Area Plan (BELAP).

2. The proposed development fails to provide all-users link between the Clay Farm Loop Road and Steapside Park, as shown in the Ballyogan and Environs Local Area Plan ('Link No. 4'). The proposed to provide a pedestrian and cycle link only would be contrary to conditions attached to extant planning permissions Reg. Ref. D98A/1000 and D13A/0190 regarding long-term access arrangements for Steapside Park. As such, it is considered that the proposed development would not be in accordance with relevant transport, access, movement and phasing policies of BELAP 2019-2025m, including Policy MOV12 'New Linkages', and 'Figure 12.8: Site Development Framework-Kilgobbin', and would be contrary to the terms of the extant permission. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

3. The qualitative issues noted below are considered deficient by reference to the greenfield site location and considered to be indicative of the overdevelopment of the site given the proposed layout, height and density of the scheme:

- a. The Planning Authority is not satisfied that the open space provided is of high quality and usable as much of the open space proposed serves as transitional space and is too steep in nature to be meaningfully useful.
- b. The unit mix of the proposed development provides for an excessive number of one-bedroom and two-bedroom units. The proposed development, therefore, does not provide for a sustainable housing mix that is consistent with the housing needs in the area as identified in the robust Housing Needs and Demand Assessment,

Included in Appendix 2 of the County Development Plan. The proposed development is therefore, not consistent with the requirements of Table 12.1 and contrary to Policy Objective PHP27.

c. The application has not displayed to the satisfaction of the planning authority that the quantum of dual-aspect units within the scheme are compliant with the requirements of the County Development Plan. This is contrary to policy under Section 12.3.5.1.

9.0 Prescribed Bodies

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

1. Uisce Eireann
2. Dun Laoghaire Rathdown County Childcare Committee

9.2. The following is a brief summary of the issues raised.

9.2.1 Uisce Eireann: Uisce Eireann has issued a Confirmation of Feasibility for the proposed development to connect to the public water and wastewater networks. The applicant has engaged with Irish Water and has submitted design proposals. The following points are made:

In respect of Water: Feasible without upgrades by Irish Water.

In respect of Wastewater: Feasible with upgrades by Irish Water.

A statement of Design Acceptance was issue by Irish Water.

Irish Water requests the Board apply a number of condition in the event of a grant of permission.

- ‘The applicant must sign a connection agreement with Irish Water prior to any works commencing and to connecting to our network’.
- ‘Where any proposals by the applicant to build over or divert existing water or wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to any commencement of works’.
- ‘All development is to be carried out in compliance with Irish Water Standards codes and practices’.

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:

10.2 In addition, the assessment considers, and addresses issues raised by any observations on file, under relevant headings. I have visited the site and its environs.

The assessment of the submitted development is therefore arranged as follows:

- Principle of Development
- Core Strategy
- Density
- Unit Mix/Type
- Design and Layout

- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic and Parking
- Drainage infrastructure and Flood Risk
- Ecological Impact
- Trees and Vegetation
- Archaeology
- Childcare/Social/Community Infrastructure

10.3 Principle of development:

10.3.1 The application site is located on lands zoned as Objective ‘A’ under the Dun Laoghaire Rathdown Development Plan 2022-2028, where it is an objective to: “to provide residential development and improve residential amenity while protecting the existing residential amenities.” Provision of housing development and childcare facilities are both identified as development that are ‘permitted in principle’ under section Table 13.1.2 of the CDP for this zoning objective.

10.3.2 CE Report Comment: The CE report outlines the zoning of the site and the fact that the principle of the proposed development is acceptable in this context.

10.3.3 Conclusions on principle of development: The proposed use, which is residential in nature with an ancillary childcare facility is a use that is acceptable in the context of the zoning of the site as Objective ‘A’ under the Dun Laoghaire Rathdown County Council Development Plan 2022-2028. The principle of the proposed development is acceptable.

10.4 Core Strategy:

10.4.1 The application site is within the development envelope of Ballyogan and Environs Local Area Plan. Chapter 2 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 relates to Core Strategy. Table 2.9 outlines zoned lands and

residential capacity for various areas with Ballyogan & Environs providing 71.8 hectares of residentially zoned land giving an a potential residential yield of 4,147 units. Table 2.11 Core Strategy Table confirms this level of residential development as the proposed residential yield for the area for the life of the County Development Plan.

10.4.2 CE Comment: The CE report makes no comment on core strategy and no objection is raised to the proposal in the context of core strategy.

10.4.3 Conclusion on section Core Strategy: The proposed development entails the provision of 118 units on lands zoned for residential development under the Dun Laoghaire Rathdown County Development Plan 2022-2028 and the Ballyogan and Environs LAP 2019-2025. The development of the site in a comprehensive manner as proposed is also consistent with the national objectives set down under the National Planning Framework (NPO Objectives 3a, 3c, 33 and 35). I am of the view that the planning policy both national and local, advocates the provision of additional residential development on appropriate lands identified for such. In this case the lands are clearly identified for development of this type and I have no reason to believe that the level of development is not within the capacity identified for the area under the core strategy of the development plan.

10.5 Density:

10.5.1 The application site has a total site area of 1.97 hectares. The proposal is for 118 at a net density specified as 79 units per hectare. The Ballyogan and Environs LAP 2019-2025 (BELAP), divides the area into neighbourhoods with the site split between neighbourhood 11 and 13 with target densities of 60 and 35 respectively. RES2 states that the neighbourhood area shall have a target net density as per Table 5.4 subject to the provisions of Site Development Frameworks. The site development framework for Kilgobbin (Fig 12.8) gives a target density of 55-80 dwelling per hectare with the proposed development consistent with such.

10.5.2 Under the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (May 2009) appropriate locations for increased densities are identified. The application site is located within 1km of 2 stops on the Luas Green Line (the Gallops and Leopardstown Park), which would constitute a 'public transport corridor' (section 5.8 of the guidelines) site. The guidelines indicates that "the bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities." Circular NRUP 02/2021 highlights SPPR 4 of the Building Height Guidelines cross-references the application of residential density:

SPPR 4 It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;
 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and
 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.
- Some of the third part observations raise concerns regarding the density of development proposed.

10.5.3 CE Report Comment: The CE report identifies that density proposed is acceptable and within the density range specified for this development parcel under the LAP. The density is also consistent with the provisions of the Sustainable Residential in Urban Area Guidelines (2009) by virtue of its location within 1km of a LUAS stop.

10.5.4 Conclusion on density: The proposal provides for a net density specified as 79 units per hectare (net density) and is within the target range identified for these lands under the BELAP, in particular the Kilgoobin Site Development Framework. The density level is in keeping with national policy guidance and local policy and there is no reason to recommend refusal in regards to the density proposed.

10.6 Unit Mix/Type:

10.6.1 The unit mix can broken down as follows...

118 no. residential units comprising...

28 no. one-bed apartments

69 no. two-bed apartments

10 no. three-bed two-storey dwellings

11 no. four-bed two-storey dwellings

10.6.2 The proposed development will provide 28 one-bed apartments comprising 23.7% of the overall scheme and 29% of the apartments proposed. It is relevant to state that SPPR 1 of the 2020 Apartment Guidelines looks for a greater mix of units particularly studio, one and two bed units; and that specified mixes in statutory plans should only follow a Housing Need and Demand Assessment (HNDA). SPPR 1 does allow for up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. A HNDA has been prepared by the planning authority, Housing Delivery Assessment 2022-2026 and

such informs development Plan Policy. Policy Objective PHP27 in relation to Housing Mix state that is “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 12.3.1 of the CDP relates to residential Size and Mix and Table 12.1 specifies apartment mix requirements. For schemes of 50+ in new residential community areas the mix of apartment “may include up to 60% studio, one and two bed units and with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios”. A minimum of 40% of 3+ bed units shall be provided.

10.6.3 The applicant submitted a Unit Mix Justification report and such provides an analysis of the demographics for the Glencullen ED including age profile, existing housing stock, permitted residential development, housing tenure and social housing to argue that a greater proportion of 1-2 type dwellings to cater demand in the area and notwithstanding such the proposed development provides for a mix of units including one, two, three and four bed units.

10.6.4 CE Report Comment: In the CE report the Planning Authority have stated that the the ratio of 3 bed apartments is 18% and is contrary Policy Objective PHP27 which requires a minimum of 40% and permission should be refused on this basis.

10.6.5 Conclusion Unit Mix. The proposed unit mix does provides for a variety of units with the proposal including of 1 and 2 bed apartment units, and 2, 3 and 4 bedroom dwelling units. This level of variation is in keeping with national policy objectives under the NPF, Housing for All and the Apartment Guidelines (SPPR 1). The lack of provision of 3 bed apartment units is contrary development plan policy under Policy Objective PHP27 and the apartment mix specified under Table 12.1, which have been informed by the HDNA prepared. I would acknowledge that the applicant has

submitted a Unit Mix Justification report and claims in the application documents that the scope of the HNDA is too wide. Notwithstanding such the Dun Laoghaire Rathdown County Development Plan is a recently adopted Development plan, which has regard to national policy in the form of the NPF, Housing for All and the Apartment Guidelines. Development Plan policy on unit mix is clearly outlined under Objective PHP27 and table 12.1 of the Development Plan, is based on a Housing Need and Demand Assessment (HNDA) and such is in accordance with SPPR 1 of the apartment guidelines. I do not consider that there is sufficient justification to set aside development plan policy on unit mix and would note that the proposal is a material contravention of development plan policy. I refer to this aspect of the proposal further under the section regarding material contravention later in this report.

10.7 Design and Layout:

10.7.1 The overall layout is defined by the provision of an extension to the Clay Farm Loop Road which will traverse the northern portion of the site and provide further access to lands to the north west. The development is a mixture of two-storey dwelling units and a part six, part four over podium level and part three storey over podium level apartment block (Block 1). The dwelling units are located on the eastern portion of the site and are concentrated around an area of public open space. The apartment Block, Block 1 is on the western part of the site and is u-shaped block with a podium level communal open space with the height of the block stepping down to where it adjoins existing dwellings in Stepside Park. There is a public open space area provided to the south east of Block 1. The proposal entails a number of linkages into the surrounding area and development with vehicular access being from Clay Farm Loop Road, which emanates from the Ballyogan Road to the north of the site. This linkage provides vehicular pedestrian and cycling infrastructure. There are a further 3 no. pedestrian/cycling connections, one into The Courtyards Development to the east, one into the cul-de-sac of Stepside Park to the west of the site and one into the existing service road adjoining the southern boundary (adjacent existing

playground and Meadow Court apartments (this linkage provides for emergency vehicle access with removable bollards).

10.7.2 The third party submission raise concerns about the layout in relation to access and in particular the level of connection provided from Stepside Park to the north. I address this aspect of the proposal in more detail under the traffic section later in the report.

10.7.3 In regards to building height the Development Plan policy refers to the Urban Development and Building Height Guidelines for Planning Authorities and contains a Building Height Strategy (BHS) under Appendix 5. Policy Objective BHS 2 – Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan) supports compliance with specific building height specified in Local Area Plans or Urban Framework Plans. The BELAP does not specific height limits but does (Policy RES5) state that buildings over four-storeys should be accompanied by an analysis of building height in the context of a number of criteria (streetscape, adjoining structures sunlight and daylight, wind and microclimate and place making). The Statement of Consistency (Local Policy) and Section 10 of the Design Report submitted with the application outlines a justification for the building height in the context of the criteria set out under BELAP policy

10.7.4 The application is accompanied by a Design Report prepared by Conroy Crowe Kelly Architects. This report provides a significant level of detail regarding the overall design and layout with Section 13 providing an evaluation of the scheme in context of the 12 criteria under the DoEHLG Urban Design Manual, details of different housing and building typologies, the mix of materials to be used in the proposed structures and landscaping.

10.7.5 CE Report Comments: The CE report raise a number of issues concerning design and layout. The relationship between the apartment block and existing dwellings within Stepside Park, in particular the protruding building line on the south eastern

elevation and blank gable being overbearing and visually intrusive streetscape with revision to setback this elevation suggested (omission of 10 no. units). The lack of a vehicular link from Stepside Park from the Clay Farm Loop Road fails to comply LAP Policy MOV12, which requires such at this location. The shortfall in useable public open space (due to steep topography) could be dealt with by way of a Section 48(2)(c) levy should permission be granted.

10.7.6 Conclusion of Design and Layout: The proposal provides for a mix of dwelling unit types and building typologies. All dwellings are two-storeys featuring a pitched roof and the apartments are in U-shaped block setting down from six-storeys to three-storeys over podium level adjacent existing residential development. In relation to overall design and layout the site layout is constrained by a number of aspects, firstly the requirement to provide a further section of the Clay Farm Loop road dictates the layout to a certain degree as well as changes in levels on site moving north to south. I would be of the view that the overall site layout is of sufficient quality and would refer to the later section regarding residential amenity for future occupants with in excess of the required amount of public, communal and private open space within the scheme, provision of such open space central to the scheme, accessible to dwellings and sufficiently overlooked. I would not be of view that the provision of some open space on a sloped area would be justification for precluding the development or requiring a special development contribution in lieu of a shortfall in open space. There are three main areas of public open space as detailed in the development description earlier (A, B and C). Public Open Space C (due to attenuation infrastructure) may not be counted in the overall calculation for Development Plan standards, however such does provide for useable and accessible open space. Taken in conjunction with the level of open space provided and the accessibility of the development to the playground facility that is located to the south of public Open Space B, the development well served in terms of public open space and a development contribution in lieu is not merited. In regards to reference to PL06D.236375 and the reason for refusal relating to provision of a link/hardstanding through lands zoned Objective F-Open Space (within Stepside Park adjoining the western corner of the site) , the provision of a pedestrian connection would be appropriate in terms of quality of design and layout and would

provide access to the Loop road and its pedestrian facilities. I do not consider that provision of a defined link including hard paving through the lands zoned Objective F as being contrary zoning policy.

10.7.7 In relation to urban design and building height, the proposal provides for a variation in building typologies and external finishes. In regards to building height Block 1 is designed to take into account the difference in ground levels between existing dwellings in Stepside Park and the site with a podium level to provide communal open space at a similar level to the ground level of adjoining development. Block 1 is stepped down from six-storeys at its north eastern elevation down to three-storeys over podium level adjoining existing dwellings in Stepside Park. The footprint of block takes account of the alignment of existing dwellings within Stepside Park. In terms of building height in the area there are existing structures over four-storeys in height with Meadow Court apartments to the south five-storeys in height and a number of structures along Clay Farm Loop road in excess of four-storeys. I consider that the design and height of the Block 1 has sufficient regard to the pattern of development on the adjoining site to the west and is stepped down to a height similar to the existing dwellings. The alignment of the short sides of the U-shaped blocks also have adequate regard to the building line and pattern of development of the existing dwelling and I would disagree that the level of protrusion beyond the building line of the existing dwellings (no. 183-187) is excessive or inappropriate in regards to design and layout. I deal with the issue of impact on residential amenity in a later section of this report.

10.7.8 The proposed development provides a sufficient level of public, communal and private amenity spaces with public open space provided in a clear hierarchy, well distributed through the site and a good variation of hard and soft landscaping as well as function. Levels of passive surveillance is of a good standard with open space areas overlooked by multiple (majority) units. The development exhibits a high degree of connectivity to the surrounding area including to existing residential neighbourhoods to the south, west and north west (I deal with issue of vehicular connection to Stepside Park under the traffic section). There is good permeability

and connectivity through the site with adequate provision of infrastructure for pedestrians and cyclists with clear separation from vehicular traffic routes. The documents includes a statement of compliance with the Design Manual for Urban Streets and Roads (DBFL Consulting Engineers). I would consider that the layout proposed is successful in measuring up to the 12 criteria set down under the Urban Design Manual and provides for a layout that is of acceptable quality in terms of design and layout.

10.8 Visual Impact:

10.8.1 The site is located c.400 metres from Stepside village and situated to the west of Clay Farm Phase 2, currently under construction (as approved under ABP Reg. Ref. 301522), and to the north-east and north-west of Stepside Park. Stepside Golf Club and Cruagh Manor housing estate are located to the south-east of the subject lands with undeveloped lands adjoining the site to the north. The site is currently undeveloped lands in an existing built up area. The applicant has submitted a number of documents in support of the proposed development and with particular reference to the issue of height as follows:

- Design Report prepared by Conroy Crowe Kelly Architects
- Verified Photomontages & CGI imagery prepared Digital Dimensions
- Landscape and Visual Impact Assessment prepared by Mitchell + Associates

The submitted documents in conjunction with the submitted elevational and contiguous elevational drawings, clearly demonstrate what the visual impact will be on the character of the area.

10.8.2 The LVIA gives comprehensive description of the site and the surrounding context of the site, details of potential impacts of both the construction and operational phase, mitigation measures (remedial/reductive measures) and details of how the LVIA assesses effect on landscape character and visual amenity. The LVIA includes assessment of the development from 13 viewpoints located in the surrounding area including viewpoints from existing residential development to the south/south west. The LVIA outlines the impact of the development each viewpoint. The impact from

seven of the viewpoints is classified as imperceptible (1, 2, 3, 4, 8, 11 and 12), slight and neutral from two (5 and 9), moderate and positive from one (6) and moderate and neutral from one (10). In terms of cumulative impact the LVIA notes 7 developments that are under construction or planned in the surrounding area that may have a bearing visual aspect of the development.

10.8.3 CE Report Comments: The CE Report raises concerns regarding the visual impact of Block 1 and in particular the protruding elevation to the south east beyond the existing dwellings to the south and suggest omission of 10 no. apartments to set back the elevation.

10.8.4 Conclusion on Visual Impact: The application site is located on lands zoned for residential development within an existing built up area. The proposed development represents a continuation of residential development on lands zoned for such uses. Existing residential development is mainly two-storey in nature to the south and south west with some five-storey apartment blocks (Meadow Court) and three-storey townhouses (the Courtyard). The development does include structures over two-storeys and up to six, however such are designed in manner to have regard to changes in site levels and are stepped down to where they adjoin existing residential development. The proposed development features a high level of amenity space and infrastructure and a comprehensive landscaping scheme that includes for retention of existing trees on site and additional planting. I am of the view that the overall visual impact of the development can be adequately absorbed at this location and that the development would not be highly visible in the wider area, with visual impact being mainly localised impact. As stated above, I am satisfied that the design of Block 1 has adequate regard to the visual amenities of the area and in particular the pattern of development within Stepside Park. I would reiterate that the level of projection beyond the building line of existing dwellings at the south eastern elevation is not excessive to the degree it would be detrimental to the visual amenities of the area.

10.9 Residential Amenity-Future Occupants:

10.9.1 Quality of Units – Floor Area/Layout: A ‘Housing Quality Assessment’ prepared by Conroy Crowe Kelly Architects has been submitted with the application and this provides a detailed breakdown of each of the proposed houses and apartment units. For assessment purposes the houses are assessed against the standards set out under the Quality Housing Sustainable Communities (Department of the Environment, Heritage and Local Government) with the apartments assessed against the standards set out under Sustainable Urban Design Standards for New Apartments (Department of the Environment, Heritage and Local Government). In the case of all dwelling units such meet the recommended standards in relation to gross floor area, room dimensions and storage provision.

10.9.2 In the case of apartment units, all units exceed the minimum required floor areas, with 73 of 97 units providing for over 110% of the required minimum floor area, which is compliant with safeguarding higher standards under the apartment guidelines. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

10.9.3 In the case of the apartment units 39(40%) of the units are identified as being single aspect with 52 (54%) dual aspect and 6 (6%) and in compliance with SPPR 4 of the apartment guidelines for development in suburban or intermediate location (50% requirement). The proposed floor to ceiling heights are in accordance with SPPR 5 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ with the ground floor level apartments having a floor to ceiling height of 3m (levels above have a floor to ceiling height of 2.65m).

10.9.4 The proposed houses are all in compliance with the guidance set out under the under the Quality Housing Sustainable Communities in relation to minimum floor areas, room dimensions, storage provision and open space provision.

10.9.5 CE Report Comment Section: The CE Report raises concerns about certain aspects of the development in terms of quality. The Planning Authority deem there to be 47

dual aspect apartment units (48%) and not 58 (60%) as identified by the applicant and to be contrary the criteria set out in the Apartment Guidelines for 50% in areas classified as suburban or intermediate. It is noted that floor to ceiling heights of apartments on all levels are 2.65m and do not meet the requirements of Section 12.3.5.6 of the CDP.

10.9.6 Conclusion on Sections 10.9.1 - 10.9.4: The internal layout of these units is acceptable and complies with recommended requirements. I have examined the internal layout of each floor and my assessment is the there are 58 units with dual/triple aspect units, which is based on having windows on more than one façade/orientation and 39 single aspect units giving a percentage of 60% of the total apartments and in compliance with the apartment guidelines (SPPR 4). The CE report is incorrect regarding floor to ceiling height of apartments. The proposal is fully complaint with section 12.3.5.6 of the CDP with ground level apartments having a 3m floor to ceiling height above the requirement for 2.7m specified in the CDP for ground floor units.

10.9.7 Quality of Units – Amenity Space: All apartment units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units at first floor units facing communal space at podium level. Access is from the living room/shared kitchen-living room area for all units. All balconies have at least 1.5 m depth. In the case of houses all units provide for the above the recommended standard of private amenity under Quality Housing Sustainable Communities (QHSC) (307).

10.9.8 The proposal also entails the provision of communal amenity space to serve the apartment units in addition to private amenity space. The development has a first floor podium level communal open space with an area of 1,454sqm. Based on standards set out under Appendix 1 of the apartment guidelines the development has communal open space requirement of 618sqm. The proposal provides well in excess of the recommended standard of communal open space.

10.9.9 The applicant has proposed a total of 4,002sqm of public open space (20% of site area) split over three areas labelled A, B and C. The open space area calculation does not include a further 926sqm of open space area in area C that contain the attenuation tanks (cannot be counted under CDP policy). The CDP requirement for public open space in residential developments in new residential communities is 15% of site area (Table 12.8 of CDP).

10.9.10 CE Report Comment: The CE Report does not raise concerns regarding the quantity of public open space, however does raise issues of quality with concern that a significant level of such is not useable due to steep gradient/topography and that a shortfall in useable space could be dealt with by way of a development contribution in lieu.

10.9.11 Conclusion on Sections 10.9.7 – 10.9.9: The provision of private and communal amenity space is consistent with the target level of the relevant national guidelines, the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' and the Quality Housing Sustainable Communities (QHSC). The level of public open space provided is compliant with the required levels set out under development plan standards. In relation to criticism of public open space, I would consider that the level of public open space provided is well in excess of development plan requirements and is configured in manner sufficient to cater for the residential amenity of future residents. I would acknowledge that the site layout is constrained by certain factors such as the requirement to provide major piece of road infrastructure (Clay Farm Loop road) and topography. The flattest area of public open space is disputed from consideration due to containing attenuation infrastructure, however such is still a functional open space area even if not included in consideration of quantity in the context of development plan policy. The central area is sloped space but does include a flat area and pedestrian paths and still contributes towards the amenity value of the development. In addition to such there is a sizeable level of communal open space within Block 1, which also includes dedicated play space.

10.9.12 Daylight and Sunlight: The applicant has engaged the services of Passive Dynamic Sustainability Consultants to assess the impact of the development on daylight and sunlight and a 'Daylight, Sunlight and Overshadowing Analysis' report has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2022.
- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)
- Dun Laoghaire Rathdown County Development Plan 2022-2028

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

10.9.13 Site Sunlight and Shading: The submitted analysis includes an assessment of the communal open space and public open space areas. The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. The submitted analysis indicates that of 3 public and communal open space areas tested, all meet the target values. An analysis was undertaken for the private amenity space (rear gardens) serving the dwelling units and all meet the target value. The analysis report includes an assessment of sunlight to balcony area although there is no recommendation regarding suitable levels of sunlight for balconies. It is noted that the majority of balconies meet the target value and those that do not are north facing and shaded from the sun from the development itself.

10.9.14 The submitted analysis includes an assessment of sunlight within habitable rooms with a such appearing reasonably sunlit if they receive a minimum of 1.5 hours on March 21st (BRE Guide-BR209:2022). This target value applies to rooms of all orientation however the guidance does state that if a room faces significantly north of due east or west it is unlikely to meet the standard. The assessment indicates that all habitable rooms (living spaces) on the all facades apart from the north western and north eastern meet the target value. These two facades would not be expected to meet the target values due to their orientation, however it is indicates that the majority of rooms tested on each of these facades do meet the target value.

10.9.15 The submitted analysis also includes an assessment of Annual Probable Sunlight Hours (APSH) for the proposed development (BR209:2011 guidelines superseded by 2022 guidelines). The target value is that a living space will appear adequately sunlit provided they receive 25% of the annual probable sunlight hours during the year and 5% of their probable sunlight hours during the winter months of a living room window has a main window facing within 90 degrees of due south. The assessment does not include windows that are more than 90 degrees from due south. The majority of openings tested meet the 25% annual target with the window opening of the living space of 3 no. apartments not achieving the target (south east internal courtyard elevation). In regards to the 5% winter target value all window openings serving living spaces tested meet such.

10.9.16 Daylight Analysis: The submitted analysis assesses the proposed units (apartments) in terms Annual Daylight Factor (ADF) (BRE209:2022 and BRE209:2011). The BRE target values for bedroom is 1% and kitchen/living rooms 2. All bedrooms within the apartment block, Block 1 achieve the target value of $\geq 1\%$. All kitchen/living rooms meet achieve the target value of $\geq 2\%$. The proposal (apartments) was also assessed in terms of Spatial Daylight Autonomy (SDA) (EN17037 and BS EN17037). The target values for EN17037 are all rooms achieving lux levels of 300 lux (50% of area) and 100 lux (90% of area). The results indicate that 99.62% of the rooms tested (263) meet the target value with one bedroom in apartment 6 at first floor level marginally below the 50% area. The target

values for BS EN17037 are kitchen living rooms achieving 200 lux, living rooms 150 lux and bedrooms 100 lux (over 50% area for at least 50% of daylight areas). The result indicate that 100% of rooms tested meet the target value (167). The results in terms of daylight indicate that all rooms assessed for daylight meet the standards recommended by BRE209:2011, BRE209:2022, EN17037 and BS EN17037 with the exception of bedroom 2 of Apt 6 (which achieves all target values apart from under EN17037) due to a few factors including an overhead balcony and limited width of window serving the room. A number of compensatory measures are noted including the unit being at ground level of a generously sized landscaped courtyard, the aspect of the courtyard provides good sunlight levels, a good floor to ceiling height of the unit and full glazing of the external wall of the room.

10.9.17 CE report Comments: The CE report raises no concerns regarding daylight and sunlight standards in relation to the proposed residential units.

10.9.18 Conclusion on Daylight and Sunlight: I have had appropriate and reasonable regard of quantitative performance approaches to daylight and sunlight provision, as outlined in Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2022, Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209), BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting, BS EN 17307:2018 – Daylight in Buildings – British Standard and IS EN 17037: 2018 – Irish Standard. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban development of this accessible and serviced site, in accordance with national policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants of this development. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units.

10.10.19 I have taken account of compensatory measures provided as part of the development and outlined under Section 10.9.16 above. These compensatory measures are considered to be sufficient in this instance.

10.11 Residential Amenity – Existing/ Adjacent Residents

10.11.1 Adjoining Amenities (Separation and physical scale adjoining existing development): The site is adjoined by an existing residential development in form of Stepside Park, which consists of mainly two-storey detached dwellings where its adjoins the site to south/west and three-storey terraced dwellings (the Courtyard) to the south east. Block 1, which is part six-storey part, part four-storey over podium level and part three-storeys over podium level is located adjacent existing two-storey dwellings to the south west with no.s 173 and 187 having side boundaries adjacent the south western elevations of the three-storey over podium portion of the block. The rear gardens of no.s 174-177 back onto the south western boundary of the communal open space area at podium level. In the case of proposed dwellings, no. 20-28, which are two-storey semi-detached area back to back with existing two-storey detached dwelling in Stepside Park (no. 139-142). No.s 30-32, which are two-storey terraced dwellings are back to back with no. 139 Stepside Park and nos. 33-37, which are also two-storey terraced dwellings back onto the north western boundary of the Courtyard, which are three-storey terraced dwellings with their side gables adjoining the boundary with the site.

10.11.2 The third party observations raise concerns regard the bulk and scale of development (Block 1 in close proximity to existing dwellings in Stepside Park with concerns about an overbearing impact, overlooking/loss of privacy and overshadowing/loss of light cited as concerns.

10.11.3 CE Report Comment: The CE report is generally accepting that the design, scale and orientation of the development has adequate regard to adjoining residential amenity, however concerns are expressed regarding the projecting building line at the south east elevation relative to existing dwellings in Stepside Park with such deemed to have an overbearing impact on those properties.

10.11.4 Conclusion on Adjoining Amenity (Separation and physical scale adjoining existing development): The proposal is a mixture of apartments and two-storey dwellings. There are no issue of concerns regarding the impact of the two-storey dwellings, which adjoin existing residential of a similar scale and pattern of development. In the case of the apartments, Block 1 is a U-shaped that steps down as it adjoins the south eastern boundary and existing two-storey dwellings in Stepside Park. The structure steps down from six-storeys at its north western elevation to three-storey over podium level adjoining the existing dwelling and has ridge height (flat roof) similar to the existing dwellings. The short side of the U-shaped Block both take account of the building line and pattern of development of the existing dwellings with an orientation of facades similar to the existing dwellings and provision of communal open space at similar ground level.

10.11.5 I would consider that the layout of the block has adequate regard to the amenities of existing dwellings to the south east in terms of its configuration and orientation and that the six-storey element (five-storeys relative to ground level of existing properties) is sufficiently distant from existing dwellings to have no significant or adverse impact. The orientation of the nearest elements of the block conform to the orientation and building lines of the existing dwellings. The south eastern elevation of Block 1 does project beyond the building line of no. 183-187 Stepside Park, however I do not consider that this is an excessive amount or would lead to an overbearing impact given its location to north of the dwellings in question and the orientation of the existing dwellings (front elevation) being south east.

10.11.6 Daylight and Sunlight: The applicant has engaged the services of Passive Dynamic Sustainability Consultants to assess the impact of the development on daylight and sunlight and a 'Daylight, Sunlight and Overshadowing Analysis' report has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2022.

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)
- Dun Laoghaire Rathdown County Development Plan 2022-2028

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

10.11.7 Vertical Sky Component (VSC) is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.

10.11.8 The applicant has assessed the potential impact on 169-177 and 183-187 Stepside Park, which are the dwelling located immediate to the south west of Block 1. The analysis of the above listed units found that the majority of all windows analysed have a VSC above 27% and will retain a value above 27% post development with most windows unchanged in value. Only two windows do not achieve the target values and are located on the north east façade of no. 173 and 187 Stepside Park serving a hallway and storage space respectively. It is noted that all bedroom, kitchen and living space windows in Stepside Park achieve the target values for VSC.

10.11.9 The submitted analysis includes an assessment of sunlight in relation to the private amenity spaces associated with unit no.s 169-177 and 183-187 Stepside Park, which are located to the south west of Block 1. The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. The submitted analysis indicates that all of gardens assessed (14) achieve the minimum target value of 50% with the lowest value being 83.30%.

10.11.10 Shadow Diagrams have been prepared/ included in the analysis. These are prepared for the summer season, mid-season and winter at hourly intervals from 8.00 hours to 18.00 hours. The analysis focus on the shadow impact of Block 1 on adjoining residential development of Stepside Park. The submitted details give no rise for concern. The summer shadow diagrams indicate low level of shading in the surrounding area. The mid-season shadow diagrams indicate that shading will be at its most significant to the north and west early morning (08:00) and reduce significantly as the day progresses. The winter shadow diagrams indicate minimal shading in the surrounding areas.

10.11.11 CE Report Comment: The CE report does not raises no concerns regarding daylight and sunlight standards or overshadowing impact in relation to the existing residential units adjoining the site.

10.11.12 Conclusion on Daylight and Sunlight: The Sunlight, Daylight and Overshadowing analysis submitted provides sufficient information to assess the proposal in regards to daylight, sunlight and overshadowing impact of the development on existing development adjoining the site, which is all residential in nature. The information on file demonstrates that existing dwellings will have access to sufficient levels of daylight and sunlight post development of the site as proposed. The level of overshadowing generated by the development in relation to adjoining properties does not give rise for concern with the overall design, scale and pattern of development having sufficient regard to the existing pattern of development and for the most part is a continuation of established development patterns.

10.11.13 Overlooking/loss of privacy: The relationship between Block 1 and existing dwellings to Stepside Park is adequately described earlier. The apartment in Block 1 feature windows and balconies on six elevations excluding the south eastern gables of the short sides of the U-shaped blocks. The configuration of the Block is such that the units closest to existing dwellings have an orientation consistent with that of existing dwellings in Stepside Park. I would be of the view that level of separation between the south western faced of Block 1 overlooking the courtyard area is sufficiently separate from the existing dwellings and their amenities spaces. The orientation of the short sides of the U-shaped blocks area consistent with the orientation of the existing dwellings within Stepside Park. The proposal does include projecting balconies with balconies on the outer elevations of Block 1 overlooking public areas. The balconies overlooking the courtyards area on the short sides of the Block are set back from the boundary with adjoining dwellings and the balconies on the south western elevation are set back a significant distance (up to 41m from the rear boundary of dwellings backing onto the podium level courtyard. The third party observations from residents in Stepside Park have raised concern regarding overlooking/loss of privacy due to the relationship between Block 1 and existing dwellings to the south west.

10.11.14 CE report Comment: The CE Report raise concerns regarding impact on the amenities of adjoining properties in relation physical overbearance but not in terms of overlooking.

10.11.15: Conclusion on Overlooking/loss of privacy: As noted above the configuration of Block 1 does have regard to the existing pattern of development on the adjoining site to the south west with the portion of the block with greatest bulk and height located furthest form the boundary with existing development and providing a reasonable degree of separation. The remaining portion of the block has a configuration that echoes the pattern of development in terms of general footprint and orientation as well reducing in scale. I would consider that the level of overlooking is commensurate with a an area designated for new housing and for densities that are consistent with LAP policy and dictated by the location of the site in an accessible location in terms of local services and public transport.

10.12 Transportation, Traffic and Parking

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

- Traffic and Transport Assessment & Framework Mobility Management Plan – DBFL Consulting Engineers.
- Construction and Environmental Management Plan – DBFL Consulting Engineers.
- DMURS Design Compliance Statement – DBFL Consulting Engineers.

10.12.2 Traffic: The site is to be accessed from the Clay Farm Loop road with a section of such to be constructed through the site and link into a section permitted/under construction as part of housing development to the south east linking into existing sections of such (Clay Farm Way), which form junction Ballyogan Road to the north east of the site. The section of Clay Farm Loop road through the site will link up further section to be developed to the north west of the site. A number of connections into existing development at Stepside Park area proposed including a pedestrian link at the western corner of the site adjacent no. 177 Stepside Park and a pedestrian link with The Courtyard on the south eastern boundary of the site. A pedestrian and cycle linkage is proposed at the southern boundary of the site to link into the existing service road in Stepside Park adjacent the playground/ Meadow Court Apartments. This linkage will also facilitate emergency service access with removable bollards proposed.

10.12.3 The submitted Traffic and Transport Assessment reports (TTA) indicates that the proposed development will not adversely impact on traffic flows in the area with the impact on all existing junctions negligible apart from slight impact on the Clay Farm / Ballyogan Road / Leopardstown Valley signalised junction. This assessment accounts for traffic associated with committed development in the area, of which 6 no. area identified. The slight impact on this junction is below the 5% threshold for a congested network. The capacity of the existing and proposed junctions are shown

to operate within capacity for an opening year of 2023 (opening year) and design years 2028 (+5), 2043 (+15)(incorrectly referred to in TTA as 2038). The junctions assessed include...

Junction 1 : Clay Farm / Ballyogan Road / Leopardstown Valley

Junction 2 : Glencairn Crescent / Ballyogan Road

Junction 3 : N31 Leopardstown Road / M50 Roundabout

Junction 4 : R113 Leopardstown Road / Murphystown Way

Junction 5 : Ballyogan Road / Glenamuck Road / M50 Roundabout

Junction 6 : Ballyogan Grove / Glenamuck Road / M50 Roundabout

10.12.4 CE Report Comment: The CE report raises a number of concerns in terms of traffic with a concern regarding over dependency on the existing access off Ballayogan Road and Clay Farm Loop Road to access the site. This concern also relates to the failure to provide further sections of the Clay Farm Loop Road that would facilitate alternative access at the other end of the Loop Road consider the proposal premature pending provision of the further sections that would allow alternative access.

10.12.5 Conclusion on traffic: The application has demonstrated that the proposal would be satisfactory in the context of traffic impact with the existing road networks and proposed traffic layout operating within capacity including the main junction of Clay Farm / Ballyogan Road / Leopardstown Valley through which vehicular traffic entering the site in the short term will use. The proposal provides for an additional section of Clay Farm Loop road that will further allow accessibility to lands to the west of eth site. The PA have raised concerns about the level of development serviced by this one junction and consider the proposal premature pending provision of further sections of Loop Road that would facilitate an alternative access when completed further north west along Ballyogan Road. The Clay Farm Loop Road is currently partially provided with one access off Ballyogan Road, the proposal will provide for a further section and links into a recently constructed section part of the adjoining Clay Farm development to the east. The Loop Rod is identified as a road

objective under Table 6.3 of the CDP and is identified as being 'developer delivery'. Given there appears to be a number of different landowners and developers involved the provision of the entire remaining section of Loop Road prior to permitting any more development at this location does not appear to be reasonable or feasible. The proposal if constructed would provide for access to lands to the west that may be landlocked without provision of sections of the road by other developers. I am satisfied that that the applicant has demonstrated that the existing road network and specifically the Clay Farm / Ballyogan Road / Leopardstown Valley junction would have sufficient capacity to cater for the proposed development and this assessment takes account of committed developments in the area. The constructed sections of Clay Farm Loop road provide good quality vehicular access in addition to pedestrian and cycling infrastructure. In addition the site is within 1km of the Leopardstown Valley Luas stop (green line) as well as in walking distance of a number of bus routes which are subject to improvements under the Bus Connects scheme. I would be of the view that the access to the proposed development is satisfactory and that the existing road network is of sufficient standard to cater for the additional traffic without any congestion issues.

10.12.6 Access/Connectivity to Stepside Park: The proposal entails a connection to the existing service road in Stepside Park at the southern boundary of the site. The connection is to allow pedestrian and cyclist access from Stepside Park in addition to emergency vehicle access with removable bollards. The BELAP contains a transport Objective (MOV12) that provides for a number of transport linkages including two relevant to the proposed development. No. 16 the provision of the Clay Farm Loop Road and no. 4 a road connection from Stepside Park to Ballyogan Road. Section 12 of the BELAP in relation to Site Development Framework for Kilgobbin under Guiding Principles indicates that "development within the SDF area is contingent on commitment to the completion of the Loop Road and key pedestrian and cyclist linkages". The third party observations refer to a permission refused by the Board under PL06D.236375 for 206 units on the basis of prematurity pending completion of the Loop road noting that the same reason for refusal apply in this case.

10.12.7 The planning history of Stepside Park includes two permissions (D98A/1000/ PL 06D.111521) and D13A/0190/ PL.06D.242585) that have conditions making provision for access to the north and provision of a cul-de-sac of the service road within Stepside Park adjoining apartment Block no. 2/house no. 124. This requirement would appear to be based on provision of completion of the loop road and would split Stepside Park for the purposes of vehicular access with a portion accessing Enniskerry Road to the south as is currently the case for the entire development and a portion accessing the loop road and Ballyogan Road to the north. It is notable that a high proportion of the third party observations raise objection to the possible implementation of such in that it would split Stepside Park in terms of accessibility. It is also notable that there are third party observations that raise concern regarding the lack of provision of vehicular access to the north from Stepside Park, the lack of implementation of the conditions associated with these permissions and the lack of provision of the completed loop road prior to more development at this location. I would note that the applicant documents state that the linkages illustrated in Fig 4.11 of the LAP are indicative and may be subject to change with a detailed design. The applicant documents highlight that the proposal does provide for pedestrian and cyclist linkages from Stepside Park in line with the transportation and movement objectives of the LAP.

10.12.8 CE Report Comments: The CE report highlights concerns the proposal is contrary to LAP policy objectives regarding transport links and that the proposal fails to provide link no. 4 from Stepside Park and that development is premature pending completion of Clay Farm Loop road (link no. 16) referring to a permission refused by the Board on this basis (PL06D.236375). The CE report also highlights that the proposal is contrary to extant permission (ref no. D98A/1000 and D13A/910) and the conditions attached to each providing for a vehicular access from Stepside Park to the north and a cul-de-sac adjacent to no. 124 Stepside Park.

10.12.9 Conclusion on Access/Connectivity: As noted above in relation to traffic, I am satisfied that the provision of part of the loop road is in compliance with LAP policy objectives and I would not recommend refusal of permission on the basis of prematurity pending provision of a complete loop road. In relation to the permission

refused by the Board on the basis of prematurity pending completion of the Loop road (PL06D.236375), the Board has granted permission for 2 no, strategic housing developments (ABP-304288-19 and ABP-301522-18) in more recent times that provide a section of the Loop road and has not precluded development on the basis of failure to provide the full extent of such. In regards link no. 4, there is no physical reason this link cannot be provided and the development provides for a partial link catering for pedestrian, cycling and emergency vehicle access. I would consider that the level of linkage proposed gives a good level of pedestrian and cycling access to the north but does fail to provide for all modes of transport as required. There is no reason that this link could not be revised to provide vehicular access alongside pedestrian infrastructure in compliance with BELAP MOV 12, however such a change would be beyond the scope of a condition.

10.12.10 In terms of implementation of the full terms of the provisions permissions (ref no. D98A/1000/ PL 06D.111521 and D13A/910/ PL.06D.242585) such is not possible until vehicular access for existing units north of no. 124 Stepside Park is facilitated to the loop road and to Ballyogan Road. The requirement for a cul-de-sac within Stepside Park when access to north and Ballyogan road is facilitated is a requirement of existing permissions that was applied to permissions granted significant time ago and I would question the overall stagey and whether such is appropriate given it does split an existing development. Notwithstanding such, the application has not sought to vary the terms of these conditions or included the areas in question within the redline boundary and it may be the case that revised strategy of access is merited, however such would need to deal with the these requirements by way of variation of such.

10.12.11 I would be of the view that the proposed development does fail to provide an all road-users link between the Clay Farm Loop Road and Steapside Park, as shown in the Ballyogan and Environs Local Area Plan ('Link No. 4'). The proposal to provide a pedestrian and cycle link only, although being a positive factor and a minimum requirement in terms of connectivity, would be contrary to conditions attached to extant planning permissions Reg. Ref. D98A/1000/PL 06D.111521 and D13A/0190/PL.06D.242585 regarding long-term access arrangements for Stepside

Park. As such, it is considered that the proposed development would not be in accordance with relevant transport, access, movement and phasing policies of BELAP 2019-2025m, including Policy MOV12 'New Linkages', and 'Figure 12.8: Site Development Framework-Kilgobbin', and would be contrary to the terms of the extant permissions. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

10.12.12 Construction Traffic: A high proportion of the third party observations raise concerns regarding the use of Steapside Park for the purpose of construction traffic with concerns over impact on residential amenity through disturbance and traffic safety having regard to the use of the existing service roads within Stepside Park. The proposed development is to provide vehicular access off the Clay farm Loop road with the development providing an additional section of such and connecting to a recently constructed section that traverses a development site to the east (Clay farm development under construction). Having inspected the submitted Construction and Environmental Management Plan, construction access is confirmed to be through Stepside Park.

10.12.13 CE Report Comment: The CE report makes no comment on this aspect of the proposal.

10.12.14 Conclusion of Construction Traffic: As noted above the operational vehicular access to the site is from Clay farm Loop road with the proposal providing a further section of such and connection to a recently constructed section to the west (through construction site for Clay Farm development). In terms of construction impact use of Stepside Park is likely to be disruptive and the access to the site is located quite deep into the existing housing development and does require use of an existing access road that passes a significant number of dwellings. I would be of the view that appropriate construction management measures including limit on construction hours and appropriate monitoring and liaison taken in conjunction with temporary nature of such works would deal with issues concern construction management including traffic management. The applicants are proposing a Traffic Management Plan to be put in pace prior to the commencement of construction and

such could be specified by way of condition. Notwithstanding such I would question the reason that construction could not be facilitated from the same access as the operational access point and use of such for construction traffic would minimise disruption and traffic impact on existing residences within Stepside Park.

10.12.15 Car Parking/Bicycle parking: For car parking the requirement under the County Development Plan (Table 3.1) is 97 spaces for the 97 no. apartments and 42 no. spaces for the 21 no. houses it is (2 spaces per unit). For the crèche the requirement is 4 spaces (1 per 40sqm). This gives a total of 143 spaces. Provision is 97 plus 10 visitor spaces for the apartments, 42 off-street spaces for the houses and 4 no. spaces for the crèche giving a total of 153 and in excess of development plan requirements by 10 spaces. The proposal includes 4 mobility impaired spaces for the apartments (requirement is 4%), provision 4 motorcycle spaces (apartments) in compliance with Development Plan requirements and provision of 22 EV charging spaces (apartments) in compliance development plan requirements of 1 per 5 spaces (ducting for EV charging in the remaining spaces is provided).

10.12.16 For bicycle parking the requirement under the County Development Plan (Table 3.2) is for the apartments, 117 (97 long stay, 20 short stay), houses 25 (21 long stay, 4 short stay) and the crèche 4 (1 long stay, 3 short stay) giving a total of 146. Under the apartment guidelines the standard is 215 (166 long stay and 49 short stay). Bicycle parking is provided within the curtilage of the houses. In the case of the apartments the requirement is 25 bicycle spaces (1 bicycle space per bed space with a minimum of 2). In the case of childcare facilities the requirement is 4 spaces (1 per 40dqm). Provision of cycle parking for the apartment is 230 (170 long stay, 50 short stay), for houses in curtilage and 6 short stay spaces and for the crèche 22 spaces (6 long stay, 16 short stay). The provision of bicycle parking is well in excess of Development Plan standards and the standards under the apartment guidelines

10.12.17 CE Report Comment: The CE Report confirms that the level of both vehicular and bicycle parking is in accordance with development standards. The report highlights

concerns regarding the proposed set down for the crèche (Loop Road) and is compliance with DMURS. The undercroft car parking is considered to be substandard with multiple cul-de-sac and reorientation needed. In curtilage parking for dwelling also should be reoriented in a number of cases to ensure overlooking of the spaces. The level of bicycle parking is compliant with development plan standards but does not meet the Apartment guidelines standards. The Transportation section raises concerns regarding quality and accessibility of bicycle spaces and that such are only accessible externally.

10.12.18 Conclusion on Parking: The level of car parking and bicycle parking proposed is in excess of the Development plan standards and for the apartment element compliant with the recommendations of the Apartment guidelines. The layout of parking on site is satisfactory and is accessible to the all units it serves and sufficiently overlooked by the proposed development.

10.12.19 Public Transport Capacity: The third party observations raise concerns that public transport capacity at this location is oversubscribed with particular reference to Luas services (green line). The applicants TTA does include details of public transport facilities and outlines capacity for both AM and PM peak times. Capacity of the three bus routes is for 2112 and 2400 respectively and for the Luas is 4488 for both the AM and PM peak hours.

10.12.20 CE Report Comment: The CE report make no comment on public transport capacity.

10.12.21 Conclusion on Public Transport Capacity: The proposal is for residential development on land zoned appropriately for such uses. The application site is in close proximity to a wide range of local services including employment activities. The development itself would be relatively low level in terms of demand due to its overall scale, however I would acknowledge that the development is in an area with a significant level of planned/permitted residential development. There are a number of factors that can be taken into account. The application site and area is served by

good quality public transport infrastructure with both bus and rail infrastructure in close proximity and comfortable walking distance. This infrastructure is high capacity and frequent in terms of service and such is also subject to planned upgrades to improve both frequency and capacity. In addition I would consider that a factor for consideration is the likely time scale of implementation of the permission and build out of all units and planned public transport improvements that may be in place. I would also highlight that demand for public transport services have been altered by expected long-term changes to working patterns and associated commuting patterns following the covid-19 pandemic. In regard I would be of the view that the issue of public transport capacity is not a reason to preclude development of the site.

10.13 Drainage infrastructure and Flood Risk

10.13.1 Drainage Infrastructure: The application is accompanied by an Infrastructure

Design Report prepared by DBFL Consulting Engineers. Foul water drainage will be discharged by gravity to the existing 225 mm diameter public foul sewer serving Steapside Park.

10.13.2 In the case of surface water drainage, all surface water run-off from roof areas and hardstanding areas shall be collected in the site's drainage network. It is proposed to connect the drainage system to the existing surface water drainage system with outfall to Ballyogan Stream to the north of the site. The drainage system has been designed with the aim of providing a sustainable drainage solution ensuring, in so far as feasible, that the development has a minimal impact on the existing public surface water sewer system. This is achieved with the incorporation of Sustainable Urban Drainage Systems (SuDS) such as attenuation tank, infiltration/detention basin, swales, rain gardens, green podium, green roof, a flow control device and separator. The outflow from the site shall be restricted to the greenfield run-off rate. The attenuation tank has been sized to attenuate the 1:100 year return period storm event, plus 20% climate change.

10.13.3 The development is proposed to connect to the 150mm diameter main located in Steapside Park in terms of water supply.

10.13.4 CE report Comments: In relation to drainage infrastructure including foul water drainage, surface water drainage and water supply it is noted that there are some concerns arising in terms of the development drainage system and highlighted by the Councils' Drainage Section, however these issues can be dealt by way of suitable conditions in the event of a grant of permission.

10.13.5 Conclusion on Drainage Infrastructure: In regards to wastewater sufficient capacity is confirmed to be available for the Shanganagh Bray WWTP and proposals for surface water drainage are designed to retain discharges at greenfield rates with provision to prevent contamination during the operational phase of the development. Uisce Eireann have also confirmed feasibility of connection without infrastructure upgrades. I am satisfied that subject to appropriate conditions regarding drainage the proposed development would be satisfactory in the context of surface water, foul drainage and water supply.

10.13.6 Flood Risk: A 'Site Specific Flood Risk Assessment' (SSFRA) – prepared by DBFL Consulting Engineers has been included with the application. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'. The report examines historical flood records (OPW Flood Hazard mapping) with no historical flood events effecting the site. CFRAMS mapping demonstrates that the site is not susceptible to coastal or fluvial flooding. And is within Flood Zone C.

The report has regard to the following forms of potential flooding:

- Fluvial Flooding: A review of the CFRAM Mapping was carried out and indicates that the closest source of fluvial flooding is the Ballyogan stream to the north of the site.

- Pluvial Flooding: The potential for pluvial flooding is based on future drainage proposal for the site. The proposal includes surface water drainage measures that include for storm-water drainage including surface water attenuation and sustainable urban drainage systems proposals (SuDs).
- Coastal/Tidal: the site is located in land and due to levels on site and surrounding area no considered to be at risk from coastal/tidal flooding.
- Groundwater: There is no evidence of groundwater flooding on site and no risk of such anticipated.

10.13.7 Climate Change: Full regard has been had to climate change in the consideration of flood risk on site. An allowance of 20% additional flow should be taken for designing for flood events. The system is designed for storms up to and including the 1 in 100-year storm and 20% extra for climate change. Hence the development can be considered to be climate change resilient.

10.13.8 The initial flood risk assessment found that the risk of coastal flooding ground water was low and the site is located in Flood Zone C in the case of fluvial flooding. The risk of pluvial flooding was found to be low due to the surface water drainage measures on site and SuDs strategy as part of the proposed development. In relation to fluvial flooding all residential development is proposed within lands that are Flood Zone C.

10.13.9 Flood mitigation measures are proposed and outlined in Section 4.4 of the 'Site Specific Flood Risk Assessment'. These include...

- Regular maintenance of drainage system.
- In the event of storms exceeding the 100-year design capacity of the drainage system, then possible flood routing for overland flows towards the drainage outfalls to the south should not be blocked.
- Floor levels are set a minimum of 500mm above predicted 100-year flood levels.;

The SSFRA concludes that the residential development proposed is appropriate for the site's flood zone category and that the Planning System and Flood Risk Management Guidelines Sequential Approach is met and the 'Avoid' principal achieved. The development was concluded as having a good level of flood protection up to the 100-year return event. For pluvial floods exceeding the 100-year capacity of the drainage system then proposed flood routing mitigation measures are recommended.

10.13.10 CE Report Comments: The CE report notes the comments of the Councils' Environment section and the fact that no objection is raised in relation to the issue of flood risk.

10.13.11 Conclusion on Flood Risk: The submitted flood risk assessment is thorough and no issues of concern have been raised. I am satisfied that the development can proceed without giving rise to flooding issues in the area. I have no reason to recommend a refusal of permission to the Board due to infrastructure and flood risk.

10.14 Ecological Impact:

10.14.1 The application is accompanied by a number of reports including...

Ecological Impact Assessment- prepared by Altemar.

Aboriginal Assessment & Impact Report- prepared by CMK Hort + ARB Ltd.

The application is also accompanied by an Appropriate Assessment Screening report with AA dealt with in a later section of this report.

10.14.2 The Ecological Impact Assessment set out details of surveys carried out including a desktop survey and field surveys including a bat survey (assessing the site for roosting suitability). The site habitat classification of the site is mainly Recolonising Bare Ground (ED3) with a number of Scrub (WS1) areas WL2 Linear Treeline, WL1 Hedgerows and BL3 buildings and artificial surfaces.

10.14.3 No rare or threatened plant species were recorded on site however Japanese knotweed recorded on an adjacent site. In relation to mammals sika deer were noted on site during both surveys and such are noted as being an invasive species protected under the Wildlife Act. No badgers, setts or other terrestrial mammals of conservation importance were noted on site. Eurasian badger (*Meles meles*), Eurasian pygmy shrew (*Sorex minutus*), Eurasian red squirrel (*Sciurus vulgaris*), European otter (*Lutra lutra*) and West European hedgehog (*Erinaceus europaeus*) have been located within 2km of the proposed development site. In relation to amphibians the common frog or newts (*Triturus vulgaris*) were not observed on site. Frogs have been recorded by the NBDC within the 2km square grid and there are no ponds or watercourses are on site.

10.14.4 The bat surveys (carried out 13/09/21 and the 27/06/22) bat foraging was noted on site by Soprano pipistrelle (*Pipistrellus pygmaeus*). No trees of bat roosting potential are located within the site. Brown Long-eared Bat (*Plecotus auritus*), Lesser Noctule (*Nyctalus leisleri*), pipistrelle (*Pipistrellus pipistrellus sensu lato*) (aggregate of soprano and common pipistrelle) and Soprano Pipistrelle (*Pipistrellus pygmaeus*) have been recorded within 2km grid square.

10.14.5 Bird species noted on site included, magpie (*Pica pica*), coal tit (*Periparus ater*), wren (*Troglodytes troglodytes*), dunnock (*Prunella modularis*), robin (*Erithacus rubecula*), goldfinch (*Carduelis carduelis*), woodpigeon (*Columba palumbus*), blue tit (*Cyanistes caeruleus*), blackbird (*Turdus merula*), song thrush (*Turdus philomelos*), hooded crow (*Corvus cornix*) Chaffinch (*Fringilla coelebs*) and great tit (*Parus major*). No bird species of conservation importance were noted on site. This site is 5.5 km from South Dublin Bay and River Tolka SPA where the Light-bellied Brent Goose (*Branta bernicla hrota*) is a qualifying interest. This species is known to frequent terrestrial grassed sites near the SPA. During high tide when *Zostera* sp. (and *Ulva intestinalis*) is not available to feed on due to the presence of overlying water, Brent geese move inland to feed in large managed greenfield sites. Brent geese have not been recorded by National Biodiversity Data Centre or NPWS Rare and protected species data on site. The proposed development site would not be

used by Brent Geese due to the lack of managed grassland on site. The site predominantly consists of recolonising bare ground and long unmanaged grassland.

10.14.6 The report outlines a description of the development and the nature of activity part of the construction and operational phases of the proposed development. The report refers to the Appropriate Assessment Screening in relation to designated European sites and notes that there are no NHA or pNHA's with a source pathway linkages to the site. The potential impact of the proposed development on habitats and flora, fauna, bats and birds is outlined.

Construction: For terrestrial mammals no protected terrestrial mammals were detected on site. Loss of habitat and fragmentation may affect common mammal species (low adverse/site/negative impact/not significant/short term).

Construction phase will result in removal of flora on site with no protected species detected (low adverse/site/negative impact/not significant/short term).

One bat species was recorded foraging on site with no roosting habitats identified. Lighting during construction may impact foraging activity (low adverse/site/negative impact/not significant/short term).

In relation aquatic biodiversity there are no watercourses of aquatic habitats on site, however there is potential for impact of silt and sediment to enter drainage network with downstream effects (low adverse/local/negative impact/not significant/short term). In regards to birds no species of conservation importance have been noted on site (low adverse/local/negative impact/not significant/short term).

Operational: For terrestrial mammals, no protected species were identified on site and the proposal will create additional habitat (low adverse/site/negative Impact/not significant/short term). For flora no protected species were detected on site and the proposal entails increased flora diversity with additional landscaping (negligible beneficial/site/negative Impact/not significant/short term). For bat fauna proposed development will change the local environment as new structures are to be erected and some of the existing vegetation will be removed. No bat roosts or potential bat roosts will be lost due to this development and the species expected to occur onsite should persist. (low adverse/international/negative impact/not significant/long term).For aquatic habitats there is potential for downstream impacts on biodiversity

from silt or petrochemicals via the indirect pathway of surface water to the Shanganagh River (low adverse/local/negative impact/not significant/long term). For birds the proposed development will change the local environment as new structures are to be erected. These buildings would be clearly visible to bird species and would not pose a significant collision risk. The presence of buildings on site and landscaping may provide additional nesting and foraging potential for garden bird species (low adverse/site/negative impact/not significant/long term).

10.14.7 The report includes details of mitigation measures and enhancements under Section 5 and include for the construction phase, the carrying out of construction management in terms of surface water, air and dust, for birds measures in accordance with Section 40 of the Wildlife Acts, for bats a pre-construction survey, lighting directed away from hedgerows and treelines, for invasive species and for mammals a pre-construction survey. For the operational phase bat sensitive lighting. Cumulative impacts in the context of a number of permitted residential developments are outlined with no significant effects anticipated. Residual impacts for the various ecological receptors after implementation of mitigation measures range from long term low 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.

10.14.8 Some of the third party submissions raise concerns regarding the impact of the development on existing biodiversity on the site with the presence of sika deer on site.

10.14.9 CE Report Comment: The CE Report includes no comment specifically on ecological impact and does not appear to raise any objection to proposal in this regard.

10.14.10 Conclusion on Ecological Impact: The issue of ecological impact is raised in the third party submission with concern regarding overall ecological impact and some

the submission highlight the site is used by sika deer. The application is accompanied by an Ecological Impact Assessment report, which outlines the characteristics of the site including habitats and species present on the site and the immediate vicinity with the conclusion that subject to application of mitigation measures that the proposal would have no significant ecological effects. In relation to bat species the report identifies that the site is use for foraging by one bat species, however there is no suitable roost habitat on site. A number of measures are proposed including a pre-construction bat survey and a lighting scheme designed to minimise light impact on bat species. In relation to sika deer I consider that the change in the site from undeveloped land to urban development may displace such, however there is existing greenfield habitat adjoining the site and in the wider area that could cater for any displacement of this nature. I am satisfied that the report identifies the potential of the site as a foraging habitat for bat species and provides for appropriate measures to ensure no significant effects on such species. I consider that the report submitted is sufficiently robust and thorough in its assessment of the site and immediate vicinity. The site is not a site that is especially sensitive in terms of ecological value with habitats and species identified widespread in nature. I would consider that the mitigation measures applied are sufficient to protect any species of conservation value and that the proposed development would not be likely to have significant effects.

10.15 Trees and hedgerow:

10.15.1 The application was accompanied by an Arboricultural Assessment & Impact Report prepared by CMK Hort + ARB Ltd. The report includes an assessment of existing trees and hedgerow on site. The assessment indicates that the only trees on site is a double line of Monterey cypress trees towards the north of eth site. These trees are classified as category B2 and of good condition. The tree survey indicates that there are a number of mature beech tress adjoining the western boundary and such influence the layout of the proposal adjoining the western boundary. The proposal entails retention of the existing trees identified on site. Tree protection measures are proposed during construction (Drawing TSTE003 102).

10.15.2 CE Report Comments: The CE Report recommends that should permission be granted conditions be attached as recommended by the DLR biodiversity report to mitigate effects of the proposed development.

10.15.3 Conclusion on Trees and Vegetation: The application is accompanied by a sufficiently robust Arboricultural Impact Assessment, which identifies and evaluates existing trees and hedgerows on site. The proposal entails the retention of all trees identified on site and there are no significant hedgerows identified on site.

10.16 Archaeology:

10.16.1 The application is accompanied by an Archaeological Impact Assessment. The report outlines the archaeological and historical background of the site and the surrounding area. There are no known recorded monuments on site. The site has been subject test trenching. No sites, features or objects of archaeological significance were recorded. The reports concludes that the site has low-moderate potential for the continued survival of buried archaeological remains within the subject site. The report recommends that all ground disturbance works across the development site should be monitored by a suitably qualified archaeologist. In the event that archaeological material is recorded during monitoring, further discussion/consultation with the DHLGH should be sought in order to ascertain the appropriate treatment (i.e. preservation by record/preservation in situ) of any additional archaeological remains. Should the preservation by record/full archaeological excavation be recommended, this work should be undertaken under the appropriate licence.

10.16.2 CE Report Comment: The Planning Authority made no specific comment on archaeology.

10.16.3 Conclusion on Archaeology: I am satisfied that an appropriate condition requiring archaeological excavation and monitoring is sufficient to ensure the continued preservation of any features of archaeological significance on site.

10.17 Social and Community Infrastructure/Childcare provision:

10.17.1 The application was accompanied by a Social Infrastructure Audit (SIA) report and a Childcare Assessment (CA) report (both prepared by McCutcheon Halley). The SIA identifies childcare, education, social & recreation, health and retail services within a study area of 1km from the site. In the case of the study area there are a significant level of social and community infrastructure under all categories within the study area or in close proximity to such. The third party observations raise concerns regarding social infrastructure with particular mention of school capacity. The SIA identifies 2 no. primary schools within the study area, a further 2 no. primary schools just outside the study area and 1 no. secondary school a short distance outside the study area. These school current cater for 1,710 pupils in the case of the primary schools and 314 pupils in the case of the secondary school.

10.17.2 The CA identifies that based on demographics taken from census data that the proposed development would generate a demand for 23 childcare places with the proposed childcare facility on site providing capacity for 27 spaces. 15 existing childcare facilities area identifies in the study area (1km radius) and 3 no. childcare facilities part of other residential development permitted/planned in the area. The CA assesses existing capacity within these facilities and estimated demand of the proposed and permitted developments and states that the proposed childcare facilities part of the proposed development and the other permitted/planned developments are sufficient to cater for the demand likely to be generated.

10.17.3 CE Report Comment: The Planning Authority raised no concerns or objection to the proposal in the context of demand on social/community infrastructure.

10.17.4 Conclusion on Social and Community Infrastructure/Childcare provision: I am satisfied that the proposal entails development of a zoned and serviced site to an appropriate extent at a location that can adequately absorb the additional population without strain on existing social and community infrastructure. I am satisfied that the level of childcare provision on site is adequate to cater for the demand likely to be

generated and will be beneficial to existing residents and housing development in the vicinity of the site.

10.18 Material Contravention

10.18.1 The applicant has submitted a 'Material Contravention Statement' of the Dun Laoghaire Development Plan 2022 - 2028 prepared by McCutcheon Halley Planning Consultants 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 four (4) issues have been raised in the applicant's Material Contravention statement as follows:

- Density
- Unit Mix
- External Storage
- Proposed Transport Linkages

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

10.18.2 Density: The applicant outlines that under Section 4.31 of the County Development Plan densities of County development plan policies, which encourages higher densities at minimum of 50uph are specified within 1km walking catchment of a rail/Luas line with the site approximately 800m from the green line Laus stop Leopardstown valley. The applicant outlines that the proposal is for 118 at a net density specified as 79 units per hectare. The Ballyogan and Environs LAP 2019-2025 (BELAP), divides the area into neighbourhoods with the site split between neighbourhood 11 and 13 with target densities of 60 and 35 respectively. RES2 states that the neighbourhood area shall have a target net density as per Table 5.4 subject to the provisions of a Site Development Frameworks. The site development framework for Kilgobbin (Fig 12.8) gives a target density of 55-80 dwelling per hectare with the proposed development consistent with such.

10.18.3 The applicant states that the density proposed is justifiable in the context of section 37(2)(b)(ii) in that there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned. This is on the basis the BELAP indicates target density for neighbourhoods 11 and 13 and that the Kilgobbin SDF included within the BELAP provides for a target density band that applies to the whole of the application site that appear to conflict. The applicant also states that it is justified under 37(2)(b)(iii), having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government with reference to Housing for All, the Apartment Guidelines, the NPF, RSES and Sustainable residential development in Urban Areas guidelines.

10.18.4 Unit Mix: The unit mix with no. 3 bed plus apartment in scheme providing for more than 50 plus apartments units is contrary section 12.3.3 and Table 12.1 of the County Development Plan.

10.18.15 The proposed unit mix is justified in the context of 37(2)(b)(i) in that the proposed development is of strategic or national importance. The applicant also states that it is justified under 37(2)(b)(iii), having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government with reference to Housing for All, the Apartment Guidelines, the NPF, RSES and Sustainable residential development in Urban Areas guidelines and on the basis that the HNDA carried out is not area specific but countywide.

10.18.6 External Storage: Section 12.3.5.3 of the Development Plan references External Storage for apartments and states; Apartment schemes should provide external

storage for bulky items outside individual units (i.e., at ground or basement level), in addition to the minimum apartment storage requirements. These storage units should be secure, at ground floor level, in close proximity to the entrance to the apartment block and allocated to each individual apartment unit. The proposal does not provide external storage for bulky items outside of bicycle storage structures.

10.18.7 The applicant states that the development is justified in the context of 37(2)(b)(i) in that the proposed development is of strategic or national importance. The applicant also states that it is justified under 37(2)(b)(iii), having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government with reference to the Apartment Guidelines, the NPF and the Sustainable Residential Development in Urban Areas guidelines.

10.18.8 Transport Linkages: Under BELAP a number of transport linkages are to be provided and are detailed under policy BELAP MOV12, Table 4.6 and Fig 4.11. These include Link no. 4 Ballyogan Road to Stepside Park and no. 16 Clay Farm Loop Road. The applicant highlights that the proposal will provide for an additional Section of the Clay Farm Loop Road and that the remaining section is on third party lands and that successive development of sections of the road facilitates the development of adjoining lands. In regards to Link no. 4 the applicant highlights that the proposal provides for a number of pedestrian/cyclist linkages from Stepside Park to Ballyogan Road. The applicant also highlights that the CDP states that the linkages illustrated in Fig 4.11 of the LAP are indicative and may be subject to change with a detailed design. The applicant states that the development is justified in the context of 37(2)(b)(i) in that the proposed development is of strategic or national importance. The applicant also states that it is justified under 37(2)(b)(iii), having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any

local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government with reference to the Apartment Guidelines, the NPF, RSES and Sustainable residential development in Urban Areas guidelines.

10.18.9 CE Report Comments: The CE report raised concerns regarding the unit mix noting such to be contrary development plan objectives and the lack of provision of Link no. 4 under the BELAP and recommended refusal of permission on the basis of both these issues stating both were contrary Development Plan/LAP policy. The CE Report did not identify these elements as material contraventions of Development Plan/Lap plan policies in the report and it subsequent recommendation for refusal.

10.18.10 Conclusion on Material Contravention: I note the comments of the applicant, however I am satisfied that there is no material contravention issues in case of density or external storage. In regards to density the BELAP does provide a site development framework for Kilgobbin (Fig 12.8) gives a target density of 55-80 dwelling per hectare for the area including the site and the proposal is consistent with such. Notwithstanding such the density proposed is consistent with Development Plan policy in relation to density (a minimum of 50uph with 1km of rail/Luas) and national policy objectives and guidelines including the NPF and Sustainable Residential Development in Urban Areas.

10.18.11 In relation to external storage under Section 12.3.5.3 of the CDP, this does not appear to be an explicit requirement based on the wording of the section stating that Apartment schemes should provide external storage for bulky items outside individual units (i.e., at ground or basement level), in addition to the minimum apartment storage requirements. This is not a definitive requirement and would appear to allow for discretion to be exercised.

10.18.12. In the case of unit mix the CDP outlines an explicit requirement for unit mix under Section 12.3.3 and Table 12.1 of the CDP. This unit mix relates to apartment schemes of 50+ and in areas defined as New Residential Community (Figure 2.9 core Strategy Map), the requirement is for provision of 40% of 3+ bedroom units. The unit mix requirement is based on a Housing Demand and Needs Assessment (HDNA) that was carried out as part of the CDP (Appendix). SPPR 1 of Apartment Guidelines states that “developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)”. In my view the unit mix of the apartment portion of the development is a material contravention of the CDP and that there is no justification for contravening the plan, which is recently adopted and for which policy on unit mix is based on a HNDA in compliance with a specific planning policy requirement of the Apartment Guidelines.

10.18.13 In regards to transport links a number of transport linkages are to be provided and are detailed under policy BELAP MOV12, Table 4.6 and Fig 4.11 of the LAP. These are Link no. 4 providing a road access connecting Stepside Park to Ballyogan Road and Link no. 16 provision of Clay Farm Loop road. The proposal does entail provision of a further section of Clay Farm Loop Road, which is to be developer led. I would consider that the proposal is consistent with this objective in that it provides further development of such. In relation to link no. 4, the proposal provides for a linkage that facilities pedestrian and cycling access as well emergency vehicle access with removable bollards. The level of access proposed is not in accordance with the objective with this link to be road access, which implies vehicular traffic. The applicant does refer to Fig 4.11 and the statement that the links are indicative and may be subject to change with a detailed design. In this regard the specific design and position of the linkages are not set and although I would consider that the lack of a road connection between the site and the existing development is contrary development plan policy, I would not consider it to be material contravention of such.

11.0 Environmental Impact Assessment Screening

- 11.1. 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.
- 11.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report (prepared by McCutcheon Halley – Dated July 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, number of residential units (118) 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.
- 11.3 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.
 - 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’.
- 11.4 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.”

- 11.5 The proposed development is for a residential development of 118 dwelling units including 97 no. apartments and 21 no. houses with a 156 sqm childcare facility. The site is not within an area that could be classified as business district based on existing uses on site and is less than 10 hectares in size (1.97 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 a site less than 10 hectares in a other parts of a built-up area).
- 11.6 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.
- 11.7 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.
- 11.8 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.

Statement of Consistency with National and Regional Policy and S.28 Guidelines – McCutcheon Halley

Statement of Consistency with DLRCDP 2022- 2028 & BELAP 2019-2025 – McCutcheon Halley

Landscape & Visual Impact Assessment – Mitchell + Associates

Construction & Environmental Management Plan – DBFL Consulting Engineers

Site Specific Flood Risk Assessment – DBFL Consulting Engineers

Ecological Impact Assessment – Altemar Marine & Environmental Consultancy

AA Screening Report – Altemar Marine & Environmental Consultancy

Archaeological Impact Assessment – Archer Heritage Planning Ltd.

- 11.9 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 Appendix A of the EIAR. The documents are summarised as follows:

Document:	Comment:	Relevant Directives:
Ecological Impact Assessment prepared by Altemar.		Directive 92/43/EEC, The Habitats Directive

Appropriate Assessment Screening prepared by Altemar.		
Infrastructure Design Report prepared by DBFL Consulting Engineers. Construction & Environmental Management Plan (CEMP) prepared by DBFL Consulting Engineers.		Directive 2000/60/EC, EU Water Framework Directive
Planning Statement prepared by McCutcheon Halley. Statement of Consistency (Local policy and National policy) prepared by McCutcheon Halley.		Directive 2001/42/EC, SEA Directive
Construction & Environmental Management Plan (CEMP) prepared by DBFL Consulting Engineers.		Directive 2002/49/EC, Environmental Noise Directive
Construction & Environmental Management Plan		Directive 2008/50/EC on ambient air quality and cleaner air for Europe

(CEMP) prepared by DBFL Consulting Engineers.		
Site Specific Flood Risk Assessment prepared by DBFL Consulting Engineers.		Directive 2007/60/EC on the assessment and management of flood risks
N/A	No Seveso sites within the vicinity of the application site.	SEVESO DIRECTIVE 82/501/EEC, SEVESO II DIRECTIVE 96/82/EC, SEVESO III DIRECTIVE 2012/18/EU

11.10 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.

11.11 I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that having regard to the nature and scale of development proposed in conjunction with the habitats/species on site and in the vicinity that the proposal would not have significant effects on the environment. 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 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.

11.12 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.

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

12.0 Appropriate Assessment

12.1 Applicant's Stage 1 – Appropriate Assessment Screening

12.1.1 The applicant has engaged the services of Altemar Marine and Environmental Consulting, to carry out an appropriate assessment screening. I have had regard to the contents of same.

12.1.2 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

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

12.2.1 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.

12.2.2 The subject lands comprise 2.75 ha, c.11 km south of Dublin City Centre and c.400 metres from Stepside village. They are situated to the west of Clay Farm Phase 2, currently under construction (as approved under ABP Reg. Ref. 301522), and to the north-east and north-west of Stepside Park. Stepside Golf Club and Cruagh Manor housing estate are located to the south-east of the subject lands with undeveloped lands adjoining the site to the north.

12.2.3 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).

12.2.4 The screening report identifies 5 European Sites within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
<p>Knocksink Wood SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>	(000725)	4.7km

<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>		
<p>Wicklow Mountains SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	<p>(002122)</p>	<p>4.8km</p>
<p>South Dublin Bay SAC</p> <p>Conservation Objectives:</p>	<p>(000210)</p>	<p>5.5km</p>

<p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>		
<p>Ballyman Glen SAC</p> <p>Conservation Objectives:</p> <p>To restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p>	(000713)	5.8km
<p>Rockabil to Dalkey SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Reefs [1170]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p>	(003000)	7.7km
<p>Glenasmole Valley SAC</p> <p>To restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p>	(001209)	9.7km

<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>		
<p>Bray Head SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>	(000714)	10.1km
<p>North Dublin Bay SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p>	(000206)	10.6km

<p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>		
<p>Glen of Downs SAC</p> <p>Conservation Objectives:</p> <p>To restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>	(000719)	13.5km
<p>Howth Head SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>	(000202)	14.3km
<p>Wicklow Mountains SPA</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Merlin (Falco columbarius) [A098]</p> <p>Peregrine (Falco peregrinus) [A103]</p>	(004040)	5.2km

<p>South Dublin Bay and River Tolka Estuary SPA</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>	(004024)	5.6km
<p>Dalkey Islands SPA</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>	(004172)	7.8km

<p>North Bull Island SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>	(004006)	10.6km
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12.2.5 Connectivity-Source-Pathway-Receptor: The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified Natura 2000 sites. The following is found in summary:

Site	Connection	Comment
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Knocksink Wood SAC	No Screened out.	No pathway link the development and the SAC with sufficient distance between the two to exclude significant effects.
Wicklow Mountains SAC	No Screened out.	No pathway link the development and the SAC with sufficient distance between the two to exclude significant effects.
South Dublin Bay SAC	No Screened out.	Insignificant hydrological pathway via the Irish Sea, open marine buffer (dilution factor) with sufficient distance between the two to exclude significant effects.
Ballyman Glen SAC	No Screened out.	No pathway link the development and the SAC with sufficient distance between the two to exclude significant effects.
Rockabil to Dalkey Island SAC	No Screened out.	Insignificant hydrological pathway via the Irish Sea, open marine buffer (dilution factor) with sufficient distance between the two to exclude significant effects.
Glenasmole Valley SAC	No Screened out.	No pathway link the development and the SAC with sufficient distance between the two to exclude significant effects.

Bary Head SAC	No Screened out.	Indirect hydrological pathway concerning discharge to of foul water to Shangangah WWTP and discharge of surface water to Ballyogan Stream, via the Irish Sea, open marine buffer (dilution factor) with sufficient distance between the two to exclude significant effects.
North Dublin Bay SAC	No Screened out.	Indirect hydrological pathway concerning discharge to of foul water to Shangangah WWTP and discharge of surface water to Ballyogan Stream, via the Irish Sea, open marine buffer (dilution factor) with sufficient distance between the two to exclude significant effects.
Glen of Downs SAC	No Screened out.	No pathway link the development and the SAC with sufficient distance between the two to exclude significant effects.
Howth Head SAC	No Screened out.	Indirect hydrological pathway concerning discharge to of foul water to Shangangah WWTP and discharge of surface water to Ballyogan Stream, via the Irish Sea, open marine buffer (dilution factor) with sufficient distance between the two to exclude significant effects.
Wicklow Mountains SPA	No	No pathway link the development and the SPA with sufficient distance between the two to exclude significant

	Screened out.	effects. The site is not an ex-situ habitat for qualifying interests.
South Dublin bay and Tolka Estuary SPA	No Screened out.	Indirect hydrological pathway concerning discharge to of foul water to Shangangah WWTP and discharge of surface water to Ballyogan Stream, via the Irish Sea, open marine buffer (dilution factor) with sufficient distance between the two to exclude significant effects. The site is not an ex-situ habitat for qualifying interests.
Dalkey Islands SPA	No Screened out.	Indirect hydrological pathway concerning discharge to of foul water to Shangangah WWTP and discharge of surface water to Ballyogan Stream, via the Irish Sea, open marine buffer (dilution factor) with sufficient distance between the two to exclude significant effects. The site is not an ex-situ habitat for qualifying interests.
North Bull Island SPA	No Screened out.	Indirect hydrological pathway concerning discharge to of foul water to Shangangah WWTP and discharge of surface water to Ballyogan Stream, via the Irish Sea, open marine buffer (dilution factor) with sufficient distance between the two to exclude significant effects. The site is not an ex-situ habitat for qualifying interests.

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12.2.6 In-combination effects are considered in the applicant's report and following the consideration of a number of planning applications in the area, there is no potential for in-combination effects given the scale and location of the development.

12.2.7 Applicants' AA Screening Report Conclusion: The AA Screening Report has concluded that the possibility of any significant effects on identified designated European sites can be ruled out and there is no requirement for a Stage 2 Appropriate Assessment.

12.2.8 Appropriate Assessment Screening: 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 any Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

12.2.9 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. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura 2000 areas, there are a number of Natura 2000 sites sufficiently proximate or linked (indirectly) to the site to require consideration of potential effects. These are listed earlier with approximate distance to the application site indicated. The specific qualifying interests and conservation objectives of the above sites are described above. In carrying out my assessment I have had regard to the nature and scale of

the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies, and I have also visited the site.

12.2.10 I concur with the conclusions of the applicant's screening that significant effects on any European sites can be ruled out. There is an indirect hydrological connection with discharge of surface water during the operational phase to the Ballyogan Stream (located to north/north west of the site), which outfalls to Carrickmines Stream, which in turn outfalls to Shanganagh Bay and ultimately Killiney bay and the potential impact associated with contamination of surface and/or ground water during construction and/or operation. I consider that significant effects on any other designated Natura 2000 sites can be ruled given the lack of source pathway receptors between the application site and other designated sites, the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from designated sites in the marine environment (dilution factor).

12.2.11 I am of the view in relation to the marine based designated sites that significant effects as a result of deterioration of water quality can be ruled out on the basis of implementation of construction management measures during the construction phase that would prevent discharge of sediment and pollution materials to surface and groundwater. At the operational phase surface water drainage proposal including SuDS measures and standard surface drainage measures associated with urban development are sufficient to prevent contamination of surface water or ground water. In relation to foul water drainage the proposal is connected to the Shanganagh WWTP, which is operated under licence and has existing capacity to cater for the proposed development. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/ operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local

receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the marine environment, from surface water runoff, can be excluded given the interrupted hydrological connection, the nature and scale of the development and the designated sites being part of the marine environment (dilution factor).

12.2.12 The applicant's screening report relies on the results of bird surveys (outlined in the Ecological Impact Assessment), which indicate that the application site is not used by populations of bird species that are qualifying interests of any of SPA sites identified within the potential zone of influence of the site. Given the separation of application site from the designated sites, the conclusions of the AA screening report is that it not likely that the application site provides significant ex situ habitat to support the protected species of the SPAs is accepted.

12.2.13 In relation to the potential for disturbance of habitats and species that are qualifying interests of designated sites, the application as noted above is 4.7km from the nearest designated site. In relation to construction activity the application site is sufficiently separated from any designated Natura 2000 site so as the impact of construction (noise, dust and vibration) would cause no disturbance and implementation of standard construction management measures (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites) would prevent construction disturbance beyond the immediate vicinity of the site.

12.2.14 In-combination effects are considered in the applicant's screening report and following the consideration of a number of planning applications in the area, which are mainly relating to other residential development, there is no potential for in-combination effects given the scale and location of the development and the fact that such is subject to the same construction management and drainage arrangements

as this proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites).

12.2.15 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 Screening for Appropriate Assessment I consider that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Sites, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The location of the proposed development physically separate from the European sites.
- The scale of the proposed development involving a change in the condition of lands 2.75 hectares in area from greenfield to residential use on lands zoned for urban expansion.

This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

The following are noted:

1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement therefore to prepare a Stage 2 – Appropriate Assessment.

13.0 Recommendation

I recommend refusal based on the following reasons...

14.0 Reasons and Considerations

1. The proposed development entails the provision of 97 no. apartment units with a unit mix split between 28 no. one bed apartments and 69 no. two bed apartments units. Table 12.1 of the Dun Laoghaire Rathdown County Development Plan specifies that in areas classified as 'New Residential Communities' as identified on the Core Strategy Map (Figure 2.9) within which the application site is located in, for developments of 50+ units (apartments) a minimum requirement is the provision of a minimum of 40% of 3+ bedroom units (apartments). The proposed unit mix does not comply with the requirement explicitly set out under Development Plan policy and the proposed development would constitute a material contravention of Development plan policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development fails to provide all road users link between the Clay Farm Loop Road and Steapside Park, as shown in the Ballyogan and Environs Local Area Plan ('Link No. 4'). The proposed to provide a pedestrian and cycle link only would be contrary to conditions attached to extant planning permissions Reg. Ref. D98A/1000/PL 06D.111521 and D13A/0190/PL.06D.242585 regarding long-term access arrangements for Steapside Park. As such, it is considered that the proposed development would not be in accordance with relevant transport, access, movement and phasing policies of BELAP 2019-2025m, including Policy MOV12 'New Linkages', and 'Figure 12.8: Site Development Framework-Kilgobbin', and would be contrary to the terms of the extant permissions. The proposed development would,

therefore, not be in accordance with the proper planning and sustainable development of the area.

Appendix A EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-314131-22
Development Summary		118 no. residential units (97 no. apartments and 21 no. houses), crèche and associated site works
	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 was 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	SEA undertaken in respect of the Dun Laoghaire Rathdown County Development Plan 2022 - 2022 and the results of the Strategic Environmental Assessment of the plan. See also Section 11.9 of the Inspectors Report for details of other relevant assessments.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and	Is this likely to result in significant
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		extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures – Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	effects on the environment ? Yes/ No/ Uncertain
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 is in the built up area of the town	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development is located on a greenfield site within the development envelope set out under Ballyogan Kilgobbin Local Area Plan.	No.

<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 as significant in nature.</p>	<p>No.</p>
<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</p>	<p>No.</p>

		<p>implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<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</p>	<p>No.</p>

		<p>be local and temporary in nature and 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 operational development will connect to mains</p>	<p>No.</p>

		<p>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 Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential</p>	<p>No.</p>

		operational impacts.	
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	No	<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 human health. No significant operational impacts are anticipated.</p>	No.
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	No	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and</p>	No.

		temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.	
1.10 Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site as proposed will result in a change of use 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.	No.
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No.	The proposal is a self-contained stand-alone development of a site and is not part of larger landholding or a phase of larger	No.

		planned development.	
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	No European sites located on the site. An Appropriate Assessment screening accompanied the application which concluded the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any designated European sites.	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	Potential for bat to species to forage on site. Implementation of bat sensitive lighting.	No.
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	The site is not within or adjacent to any such sites.	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,</p>	No.	There are no such features arise in	No.

<p>agriculture, water/coastal, fisheries, minerals?</p>		<p>this urban location.</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>There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.</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 built-up urban 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. No significant contribution to traffic congestion is anticipated.</p>	<p>No.</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as</p>	<p>No</p>	<p>None adjacent to the subject site.</p>	<p>No.</p>

hospitals, schools etc) which could be affected by the project?			
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3. Any other factors that should be considered which could lead to environmental impacts			
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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			
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No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required.
Real likelihood of significant effects on the environment.		Refuse to deal with the application	

	pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	
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D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands governed by zoning objective A2 New Residential Objective to ‘provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate.’ in the Meath County Development Plan 2021 - 2027,
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- 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),
- h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- 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 Construction & Demolition Waste Management Plan (CDWMP) and Construction & Environmental Management Plan (CEMP),

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____

Date:

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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.

Colin McBride
Senior Planning Inspector

30th June 2023

List of third party observers

Victoria Higgins

Noel Donnelly & Dr. Susan Gibney

Jonathon Holt

Lisa Smith & Noel Caffrey

Declan Brady

Eoin Murphy

Jevgenij Charcenko & Zhongyua Yuan

Michelle & John Massey

Owen Blee

Wendy Mullholland

Padraig Duggan

Triona Ferriter

Irwin & Janice Johnston and Kieran & Susan Holland

Robert Cousins & Simon Heaney

Alfonso Quaraniello

Patrick Downes

Liz & Rob Mortell

Albert & Mary White

Siobhan Maguire

Karina Carroll

Paul Sharpe

Richard Spence

Lawless Family

Cllr Lettie McCarthy

Marie Osvald Caffery and Peter Osvald

Adam & Ruth Weatherley

Esmond Poynton

Kieran Keane

Suzanne Bailey & Vincent Smith

Denis & Maresa Dowling

Mary Lee-Campling

Colm Roe

Stepaside Park Management Company CLG (SPMC)

Roy Madden

Barry O'Donovan and Cherrie Wade

James O'Riordan

Aidan Lonergan & Carol Cavanagh

Stepaside Park Residents

Jack Layden

Paul Bradley

Mark O'Shea

Gillian Daly

Steve Flanagan