



Development	Residential development of 74 apartments
Location	Hayden's Lane, Adamstown, Lucan, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21A/0359
Applicant(s)	Jackie Greene Construction Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Patricia Houston & Others Jean Desmond & Others Lynda McElherron & Others
Observer(s)	None
Date of Site Inspection	21 st September 2023
Inspector	Ian Boyle

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site comprises a vacant plot of land on the eastern side of Hayden's Lane, between the established built-up areas of Lucan and Adamstown, in south County Dublin. The property comprises mainly hardstand area and is overgrown with dense vegetation. The vegetation takes the form of mature trees, hedges and shrubs, and is particularly prevalent along the site boundaries.
- 1.2. The site is bounded to the west by Hayden's Lane, existing residential development to the northeast, north and west, respectively. Griffeen Valley Park is directly to the south and east. The property previously accommodated a light industrial/goods manufacturing factory with an overall floorspace of c. 2,750sqm. It included extensive surface car parking situated at the centre, northern and western parts of the site. The structure has since been demolished with only the concrete floor slab remaining.
- 1.3. There is a metal palisade fence running the length of the western site boundary. Two existing vehicular access points are situated at the northwestern and southwestern corners of the site, respectively. The entrances are closed over and locked and the site is not accessible to the public. There is extensive on-street car parking on western side of the laneway, which is likely associated with the existing housing on the far side of the street.
- 1.4. The site has good access to public transport services. Bus services are nearby and serve the area frequently (c. roughly 600m away). They include routes connecting the site with Dublin City Centre, Adamstown, Sandymount and various other destinations in the wider area. The nearest such bus service is the C1/C2 route, which runs 10 to 15 minutes at peak morning and evening times. Adamstown train station is roughly c.1.6km to the west (a 22min walk).
- 1.5. The surrounding vicinity is characterised by mainly one and two-storey, residential development in terrace and semi-detached houses. This is reflective of the site being situated within a suburban residential area.
- 1.6. The site has an overall site area of approximately 1.09ha.

2.0 Proposed Development

2.1. The proposed development is for the construction of a residential scheme with a total of 74 no. apartments in 3 no. three to five storey blocks.

2.2. The proposal also includes:

- A vehicular and pedestrian access from Hayden's Lane at the northwest corner of the site and closure of the second existing vehicular entrance at its southwest corner.
- Pedestrian access from Griffeen Park to the southeast of the site.
- Provision of car and cycle parking, public and communal spaces, bin stores, landscaping, boundary treatments and all associated site development and clearance works.

2.3. The Planning Authority requested further information on 24th February 2022, including the following:

- A zoning map overlaid on the site layout plans, a more detailed site layout plan, correct labelling of buildings, clarification of details regarding balconies and terraces, and an updated Ecological Impact Assessment, Bat Assessment and Appropriate Assessment Screening Report (Item 1).
- The overall limited access to public transport services is a concern. A revised proposal with a reduced density more appropriate to the site's context is required (Item 2).
- The proposed heights in proximity to existing residential development is not acceptable, in particular Blocks 2 and 3. Further setbacks also required from existing residential development on Hayden's Lane (Item 3).
- The proposed internal setbacks between buildings should be increased for Blocks 2 and 3, all single aspect north facing units should be omitted, and the surface car parking spaces around the central eastern area should be omitted (Item 4).
- An analysis of the proposed development in relation to the Childcare Facilities Guidelines for Planning Authorities (2001) should be provided (Item 5)

- The proposed blocks are bulky and monolithic. The variation in height and materials is welcome, however, the proposal is not acceptable visually. The design of the buildings should be amended to reduce their bulk and monolithic appearance. Photomontages and CGIs of the proposed development should be submitted (Item 6).
- Revised details regarding landscaping, public realm improvements, SuDS measures, play equipment and a sensitive lighting proposal for local bat populations (Item 7).
- Revised car parking strategy (with a higher ratio car parking), taking in charge maps, a revised layout showing a pedestrian access to Hansted Estate and pedestrian crossing point to the footpath on the west side of Hayden's Lane (item 8).
- A noise impact assessment (Item 9).

2.4. The Applicant provided further information (FI) on 14th April 2022.

2.5. The Planning Authority requested clarification of further information 11th May 2022, including the following:

- Confirmation of the total amount of usable communal open space and a revised Housing Quality Statement (Item 1).
- All single aspect north facing units should be omitted (Item 2).
- A revised proposal to improve the blocks' design and reduce their bulky and monolithic appearance (Item 3).
- Details in relation to car parking, pedestrian access and items to be taken-in-charge (Item 4).

2.6. The Applicant provided clarification of further information (CFI) on 14th June 2022.

2.7. Post further information, the proposed scheme is for a total of 65 no. apartments with a dwelling mix comprising 20 no. 1 bed units (30%), 38 no. 2 bed units (58%) and 7 no. 3 bed units (11%).

3.0 Planning Authority Decision

3.1. Decision

3.2. The Planning Authority issued a Notification of Decision (NoD) to Grant Permission on 11th July 2022, subject to 18 no. conditions.

3.3. Notable conditions include:

Condition 6: Retention of an arborist during the construction phase

Condition 7: Details re: site access, pedestrian pathways, cycle parking and public lighting

Condition 9: Retention of an Ecologist

Conditions 10 and 11: Landscaping masterplan and requirements

Condition 12: SuDS measures

Condition 13: Play area and related equipment

Condition 14: Revised plans and minor design amendments

3.4. Planning Authority Reports

3.4.1. Planning Reports

- The Applicant has submitted a drawing 'Application Site on SDCC Zoning Map'. The area zoned Open Space is to be landscaped and form open space, which is acceptable to the Planning Authority.
- The dual/triple aspect ratio of the revised development submitted as CFI is 63%. This exceeds the requirements of the Apartment Guidelines and is considered acceptable.
- The proposed scheme has been modified as part of CFI to address concerns relating to height, massing, layout and setback distance. The total number of units proposed is now 65 no. The mix of units has also been revised to:
 - 20 no. 1 bed units (30%),
 - 38 no. 2 bed units (58%) and

- 7 no. 3 bed units (11%).
- The revised internal layout of Block 3 omits all single aspect, north facing units from the proposed development.
- The elevational treatment of the three blocks have been revised with the following changes:
 - Glass has been omitted from all of the balconies and replaced with painted steel uprights.
 - Further improved vertical articulation and elements.
 - Larger, deeper and more pronounced parapet capping.
 - Window orientations and their horizontal layout have been changed.
- Block 1 has been changed so that the roof form has been altered from flat to three mono-pitch roof forms. This amendment is acceptable and helps to further breakup the bulk of the building. As the revised Proposed Site Plan still shows this block with the flat green roof this should be updated to reflect the revised roof and block form.
- The revisions to Blocks 2 and 3 made under further information are welcome. However, some minor revisions, such as the brick recesses and window reveals being a minimum of one full brick (190mm) to provide depth and articulation to the façade, should be done. This can be dealt with by condition.
- The CFI version of the proposed development is sufficiently setback from adjacent residential properties and would not be overbearing. The scheme would have an acceptable relationship with the adjoining properties in the area.

3.4.2. Other Technical Reports

Water Services Department:

- First Report: No objection subject to standard conditions, including that there is complete separation of foul and surface water drainage and all works for comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
- Second Report: No objection subject to standard conditions (as per above).

Roads Department:

- First Report: Further information requested in relation to vehicular and pedestrian access, fire tender and bin collection access, car parking, cycle parking, boundary treatments and taking-in-charge items.
- Second Report: Clarification of further information requested in relation to the previously submitted traffic assessment (including re: the junction between Hayden's Lane and the Old Forge), taken in charge items, pedestrian crossing details and to address inconsistencies in car parking numbers.
- Third Report: No objection, subject to conditions.

Parks and Landscape Services (Public Realm):

- First Report: Further information requested in relation to impact on existing trees and hedgerows, impact of development on bat foraging routes and potential bat roosts, insufficient street trees, Lighting Design, the conveyance swale should also act as an attenuation feature, Boundary Treatment of water features and ditches, details of the proposed crossing of the water feature, further accessible play equipment.
- Second Report: No objection, subject to conditions, mainly in relation to tree protection measures, external lighting must ensure it is not casting light onto areas of ecological sensitivity, retention of an arborist prior to the commencement of development, requirement for a tree bond and arboricultural agreement, retention of ecologist, retention of a landscape architect, further landscaping and SuDS details to be provided and play equipment.

Housing Department: No objection. A Part V condition should be attached to any grant of permission for this application.

3.5. Prescribed Bodies

Uisce Éireann (formerly Irish Water): No objection subject to standard conditions, including that the Applicant must sign a connection agreement with Uisce Éireann in relation to water and foul water prior to the commencement of the development.

Irish Aviation Authority: No objection. Report states there are no observations on the application from the Safety Regulation Division.

Department of Defence: No objection. Report states that given the proximity to Casement Aerodrome, the operation of cranes should be coordinated with Air Corps Air Traffic Services.

Environmental Health Officer (HSE):

- First Report: Requests additional information, including preparation of a noise impact assessment, whether noise from a nearby railway line would impact the proposed development and adherence to the South Dublin County Council Environmental Noise Action Plan 2018-2023.
- Second Report: No objection, subject to conditions, including in relation to control of noise levels, the construction phase, storage of refuse onsite, the implementation of a pest control contract for the duration of the construction works and that the development should be so operated that there would be no emissions of malodours, gas, dust, fumes or other deleterious materials, or noise vibration onsite as would give reasonable cause for annoyance.

3.6. **Third Party Observations**

The Planning Authority received several third party observations, including from residents in the area and two Councillors (Cllrs Liona O'Toole and Paul Gogarty).

The main issues raised can be summarised as follows:

- Residential amenity and visual impact.
- Excessive size, scale and height.
- Lack of open space and amenities.
- There are existing problems in relation to schools and amenities.
- Traffic, access and parking.
- Proposal overstates the proximity and efficiency of public transport services in the area.
- Insufficient resident car parking proposed.

- Traffic noise.
- Removal of mature trees is not supported.
- Impact on wildlife and habitat, including bats.
- The risk of flooding would be exacerbated through the removal of trees increase in impermeable surface area. There are existing flooding issues in the area.
- There is asbestos buried onsite.
- The previous permitted nursing home development is more appropriate for the site.

4.0 Planning History

Subject Site

Reg. Ref. SD21A/0144: An application seeking permission for the construction of a residential development comprising of 3 three storey blocks (54 duplex units) was made in May 2021. The application was subsequently **withdrawn**.

ABP Ref. PL06S.245936 (Reg. Ref. SD15A/0301): The Planning Authority granted permission for the demolition of an existing industrial / factory unit and construction of a residential nursing home. A First Party Appeal against Condition (Financial Contribution) was made to An Bord Pleanála in December 2015. **Permission was granted** in May 2016.

Surrounding Area

The surrounding area comprises existing residential development, much of which has been permitted and constructed in recent years. The locality is characterised by mainly one and two-storey housing spread across terrace and semi-detached houses, which is reflective of the setting of the site within a suburban residential area.

5.0 Policy Context

5.1. South Dublin County Development Plan 2022-2028

5.1.1. Zoning

The subject site is zoned 'RES – Existing Residential' under the *South Dublin County Development Plan 2022-2028* ('Development Plan'), which seeks 'to protect and/or improve residential amenity'.

Residential is listed as Permitted in Principle.

5.1.2. Green Infrastructure (Chapter 4)

Section 4.2.2 relates to sustainable water management, and includes:

Policy GI4: Sustainable Drainage Systems

Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

- **GI4 Objective 1:** *To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.*

5.1.3. Housing Policy (Chapter 6)

Section 6.7 relates to **quality of residential development**, and includes:

Policy H7 Residential Design and Layout

Promote high quality design and layout in new residential developments to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

- **H7 Objective 1:** *To promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards*

set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020), or as may be updated and Chapter 12: Implementation and Monitoring.

- **H7 Objective 4:** *To ensure that residential development provides an integrated and balanced approach to movement, placemaking and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTAS and DEHLG (2013, updated 2019).*

Policy H8: Public Open Space

Public Open Space Ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provide for active and passive recreation and enhances the visual character, identity and amenity of the area.

- **H8 Objective 1:** *To ensure that public open space in new residential developments complies with the quantitative and qualitative standards set out in Section 8.7 of Chapter 8: Community Infrastructure and Open Space and Chapter 12: Implementation and Monitoring.*

Policy H10: Internal Residential Accommodation

Ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.

- **H10 Objective 1:** *To promote the provision of high-quality houses and apartments / duplexes within sustainable neighbourhoods by achieving the appropriate quantitative and qualitative standards, in accordance with Ministerial Guidelines and as set out in Chapter 12: Implementation and Monitoring.*

Policy H11: Privacy and Security

Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

- **H11 Objective 4:** *To ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity.*

Policy H13: Residential Consolidation

Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

- **H13 Objective 1:** *To promote and support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.*
- **H13 Objective 2:** *To maintain and consolidate the County’s existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.*
- **H13 Objective 5:** *To ensure that new development in established areas does not unduly impact on the amenities or character of an area.*

Policy QDP10: Mix of Dwelling Types

Ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028.

- **QDP10 Objective 1:** *To ensure that all new residential developments provide for a wide variety of housing types, sizes and tenures in line with the South Dublin County Housing Strategy 2022-2028.*

5.1.4. Implementation and Monitoring (Chapter 12)

Chapter 12 sets out development standards and criteria that arise out of the policies and objectives of the County Development Plan to ensure that development occurs in an orderly and efficient manner.

- **Section 12.5.3** is in relation to **Density and Building Heights**. It states that *inter alia* development proposals for increased building heights and densities

shall be accompanied by a contextual analysis by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development (see Section 5.2.7 and Appendix 10).

- **Section 12.6.8** is in relation to **Residential Consolidation**. It sets out the criteria for developing 'infill sites' and 'corner / side garden sites'. In relation to the former, it is policy *inter alia* to meet certain design and information criteria, including completion of a site analysis to assess the scale, siting and layout of new development, taking account of the local context. (A full bullet point list of requirements is set out under Pages 481 to 482 of the Development Plan.)
- **Appendix 12** of the Development Plan is entitled '**Our Neighbourhoods**'. It has key objectives specific to particular Neighbourhood Areas, which includes the aspiration to deliver compact, sustainable and connected neighbourhoods.

5.2. National and Regional Planning Policy

- *Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines')*¹
- *Sustainable Urban Housing: Design Standards for New Apartments, 2023 ('the Apartment Guidelines')*
- *Design Manual for Urban Roads and Streets, 2019*
- *Project Ireland 2040 National Planning Framework, 2018*
- *Urban Development and Building Height, Guidelines for Planning Authorities, 2018, (the 'Building Height Guidelines')*.
- *BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011*
- *The Planning System and Flood Risk Management, including the associated Technical Appendices, 2009 ('the Flood Risk Guidelines')*

¹ The Guidelines replace the 'Sustainable Residential Developments in Urban Areas- Guidelines for Planning Authorities, 2009'.

- *Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007,*
- *Childcare Facilities: Guidelines for Planning Authorities, 2001, and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme, and*
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031*

5.3. Natural Heritage Designations

5.3.1. The subject site is not directly located within, or in close vicinity, to a European Site.

5.3.2. The nearest European Site is the Rye Water Valley / Carton SAC (Site Code: 001398), which is roughly 3.9km to the northwest.

5.3.3. Other European Sites in proximity include:

- The Glenasmole Valley SAC (Site Code: 001209) is roughly 10km to the southeast.
- The Wicklow Mountains SAC (Site Code: 002122) is roughly 11.9km to the southeast.
- The South Dublin Bay and River Tolka SPA (Site Code: 004024) is roughly 14.5km to the southeast.
- The Wicklow Mountains SPA (Site Code: 004040) is roughly 14.9km to the east.

5.4. EIA Screening

5.4.1. Having regard to the nature and relative small-scale of the proposed development, which is for of 65 no. apartments in an established urban and serviced area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Appendix 1 of this report for further information (EIA Form 1: Pre-Screening and Form 2: EIA Preliminary Examination).

6.0 The Appeal

6.1. Grounds of Appeal

The Board has received three third party appeals from residents in the area, who raise the following main concerns:

Design and Layout

- Excessive residential density.
- Dwelling mix – there is an inappropriate high proportion of one-bedroom units (20 units of the 65 total proposed or 31% of the overall scheme).
- While the redesign and height reduction proposed under further information is welcomed, this still does not address the concerns regarding privacy, overshadowing, bulk and height.
- The proposed height is disproportionate and out of character with existing dwellings, many of which are one-storey.
- Insufficient separation distances from existing residential dwellings on Hayden's Lane.
- Development proposals over three storeys in residential areas should be supported by a strong urban design rationale, including a statement which addresses the impact of the development.

Traffic, Access and Pedestrian Safety

- Hayden's Lane is a narrow country lane which was never designed to facilitate the volume of traffic that would be generated by the proposed development.
- The additional traffic would be an unacceptable traffic hazard which would endanger pedestrian and traffic safety.
- The site is not in an accessible urban location and the proposed amount of car parking is inadequate.
- The existing footpath along the western boundary of the site is narrow and overgrown meaning pedestrians must walk on the road. This is not currently an issue, but it would be if additional traffic were to use the laneway.

- The traffic survey implies that previous traffic levels from the factory would be consistent with the traffic levels from the proposed development, which is not accurate.
- The entrance to the lane where it meets The Old Forge (road) is on a blind corner which has poor visibility and right-of-way is regularly confusing for motorists in this area.

Public Services and Local Amenities

- The site does not have appropriate access to public transport, local facilities or amenities.

Drainage and Surface Water

- Neighbouring properties were subject to flooding in 2000, leading to widespread damage to many homes and ongoing issues regarding accessing insurance due to flooding.
- There have been flood upgrade works implemented in the area recently. However, the Griffeen River still regularly bursts its banks following heavy rainfall.

Other Issues

- There are discrepancies in the number of car parking spaces proposed by the application (44 no. vrs 50 no.)
- The application drawings have incorrectly plotted the site boundary for along the northern part of the site. The proposed development therefore encroaches onto third party lands, which are not owned or controlled by the applicant.

6.2. Applicant Response

Background

- In December 2015 permission was granted for the demolition of the existing factory and construction of a 3-storey 147-bed nursing home with surface car parking for 39 no. vehicles².

² ABP Ref. PL06S.245936 (Reg. Ref. SD15A/0301) refers.

- The nursing home was significant development and positioned closer to many residential properties. However, it was not objected to by residents (see elevational drawings and 3D images on Page 6 of Appeal Response).

Density

- The density of the proposed development is appropriate for the subject site. The permitted scheme would have a gross density of 60 units per hectare (uph) (or 75uph net).
- A detailed analysis contained in the application, and assessment by South Dublin County Council (SDCC), demonstrates that the proposed development would be in proximity to a wide range of public transport routes and local services.
- The proposal would assist in increasing the overall density of the area and provide a wider mix of residential units to help meet future housing needs. This is in accordance with local and national planning policy a to secure compact and sustainable urban growth in the county and focus on developing 'brownfield' infill sites served by public transport.

Height, Scale and Layout

- The proposed height ranges from 1 to 3 storeys on the north part of the site and 4 to 5 storeys towards the east and south where the development overlooks Griffeen Valley Park. This would be to the benefit of the park and make it a more inviting public space.
- The downwards transition in height seeks to respect the adjoining lower height houses in the area and appropriate setback distances are proposed. This was assessed and considered acceptable by SDCC.
- The boundary hedgerows and trees along the north and east will be maintained insofar as possible.

Traffic, Parking and Pedestrian Safety

- The Hayden's Lane / Old Forge (The Avenue) Junction includes traffic calming measures which slow vehicles upon approach and forces oncoming cars to reduce speeds. The majority of road users are also local and aware of the

design and layout of the junction and the laneway, which is a cul-de-sac with no-through traffic.

- The proposed number of 46 car parking spaces to serve the 65 residential units is adequate, as supported by the detailed traffic assessment. The car parking standards in this area are 'maximum standards' where a lower rate of parking is acceptable, subject to meeting certain criteria. This is in accordance with local and national planning policy, the latter being the 'Apartment Guidelines'.
- There is good access to public transport services, 160 no. cycle parking spaces are provided and refuse and emergency vehicles can safely access the site and avoid impacting Hayden's Lane.
- A new pedestrian and cyclist access will be created from the appeal site through to Griffeen Valley Park and then connect onwards with bus routes on Griffeen Avenue (a c. 5 to 6 mins walk).
- A new pedestrian crossing is proposed across Hayden's Lane to the west with direct access to Hampstead Park and a variety of social infrastructure amenities (school, local retail, childcare, etc.), which are within a 5 to 15 mins walk.

Flooding

- There is only a low risk of flooding at the site.
- The Site Specific Flood Risk Assessment (SSFRA) demonstrates that a reduction in the surface water outfall rate and implementation of SuDS features will reduce flood risk onsite and to the surrounding area.
- The SSFRA was deemed acceptable by the Council's Water Services Department.

Third Party Lands / Site Incursion

- The site boundaries have been correctly drawn on the submitted plans and particulars forming part of the application. However, there is an undefined boundary between the subject site and property to the north as a result of extensive planting, ditches and undergrowth.

- There are no proposed buildings or structures sitting within this undefined boundary area. However, the precise legal boundary will be confirmed under conveyance post-planning.

6.3. **Planning Authority Response**

- The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the Planner's Report.

6.4. **Further Responses**

The Board has received further responses from third parties. The main concerns raised are as follows:

- The traffic report submitted by the Applicant is based upon questionable baseline data and cannot be relied upon.
- The report does not provide sufficient, realistic or verifiable level of public transport carrying capacity or road capacity as required by national guidelines and policy contained in the County Development Plan (2016-2022) regarding traffic and transport assessments.
- The traffic surveys are not dated, and no author is stated.
- The demographics of the area suggest there is a need for one car parking space per person.
- The Applicant does not justify as to why Car Parking Zone 2 (from the Development Plan) is appropriate for calculating the required car parking provision.
- The proposed development is likely to give rise to overspill parking and impact on Hayden's Lane and other local residential streets.
- The amount of cycle spaces is underprovided and no information is included in the application regarding how storage units would be accessible to the general public.
- The autotracking analysis does not account for larger, modern waste collection vehicle. Failure to accommodate the safe turning of refuse vehicles and their

exit from the site in a forward direction has the potential to give rise to serious traffic hazard, congestion and obstruction.

- The Planning Authority has not considered the Road Safety Audit in any meaningful way.
- The Applicant has not taken the opportunity to make the appropriate design modifications to the development to address the above concerns.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues are as follows:

- Design, Height and Scale
- Traffic and Parking
- Drainage and Flooding
- Land Ownership
- Appropriate Assessment

7.1. Design, Height and Scale

- 7.1.1. The proposed development is for the construction of a residential apartment scheme on an infill site near the established built-up urban centres of Lucan and Adamstown, in south County Dublin. It is zoned 'RES – Existing Residential' under the South Dublin County Development Plan 2022-2028 ('Development Plan'), which seeks 'to protect and/or improve residential amenity'. Residential uses are permitted in principle in this zone.
- 7.1.2. In terms of providing an overview of its physical context, the property comprises a large hardstand area and is overgrown with dense vegetation. It previously functioned as goods manufacturing factory (light industry), but the buildings have since been demolished with only the concrete floor slab remaining. In May 2016, permission was granted for the demolition of the then existing industrial building and

construction of a nursing home facility (c. 2,700 sqm / 147 no. bedspaces). The permission, however, was never implemented.

- 7.1.3. The subject application – as originally submitted to SDCC – sought permission for 74 no. apartments over three blocks of varying height between 1 to 5 storeys. I note that the Applicant amended the scheme design as part of further information and, subsequently, clarification of further information, submitted to the Planning Authority. The revised version sought to address several concerns raised by SDCC, and included a reduction in the height, scale and volume of the overall scheme, and a higher quality architectural design, particularly along the sensitive site boundaries facing towards existing residential houses (i.e., to the northeast, north and west, respectively).
- 7.1.4. The current version of the proposed development, as permitted under the Council's NoD to Grant Permission, therefore comprises 65 no. units which are laid out over three separate blocks facing towards a central area of public open space. The mix of tenure is 20 no. 1 bed units (31%), 38 no. 2 bed units (58%) and 7 no. 3 bed units (11%) across a range of apartment types. This is acceptable under the Apartment Guidelines and consistent also with QDP10 Objective 1 of the CDP which requires new residential developments to provide for a wide variety of housing types, sizes and tenures. The site access would be from an upgraded, existing vehicular entrance in the northwestern corner of the property. Three separate areas of communal open space are evenly positioned throughout the site and cumulatively significantly exceed the minimum required under the Apartment Guidelines.
- 7.1.5. The property can be described as an urban infill site, but which has development constraints, including its proximity to adjoining residential houses, which gives rise to *inter alia* residential and visual amenity considerations and the appropriate scale and quantum of development which is achievable on the site. I note that there are several local policies and objectives included in the County Development Plan which generally support more compact forms of residential development on such urban sites. This is consistent with national and regional planning policy documents, including the National Planning Framework (2018) (NPF) and Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019) (RSES). The need to secure more compact forms of development in urban and service areas is, therefore, cited at national, regional and local policy level, and increased building height and

density is recognised as a method by which to realise this. The recently published Residential Development Guidelines (2024) also seek to facilitate more compact forms of residential development and places an emphasis on more intensive use of previously developed land and infill sites.

- 7.1.6. However, I consider that a key consideration relevant in the assessment of this appeal case, is whether the proposed scale, size and quantum of development sought is appropriate for the site, and its receiving physical context, and if it would provide a high quality of design, layout and living environment for future occupants. In this regard, I note that Section 6.8.1 of the Development Plan states that in established residential areas sustainable intensification can be achieved through infill development. Sensitive intensification will be important to revitalise areas that have stagnant or falling populations, to secure the ongoing viability of facilities, services and amenities and to meet the future housing needs of the County. [The relevant objectives are set out above under Section 5.1.3 of my report.]
- 7.1.7. Section 12.5.3 of the CDP is also relevant and is in relation to density and building heights. It states that a development proposal for increased building heights and densities should be accompanied by a contextual analysis by which the suitability, or otherwise, of different density and height levels can be assessed against the receiving environment (see Section 5.2.7 and Appendix 10). Section 12.6.8 is concerned with residential consolidation and I note that this sets out the criteria for developing infill sites. It states such applications should meet certain design and information criteria, including completion of a site analysis to assess the scale, siting and layout of the new development and take account of its local context. [A full list of requirements is set out under Pages 481 to 482 of the Development Plan, and I confirm that I have read and had regard to this as part of my assessment.]
- 7.1.8. The Applicant has prepared a Design Statement which includes a site analysis, housing quality assessment, review of the site zoning, and other local policy, justification for building height, description of the development proposed, and a series of photomontages and CGI's – the latter which provides a useful visual representation of the proposed development and its surrounding vicinity.
- 7.1.9. In terms of locational context, the site is a relatively large property, situated within an urban environment of established residential housing. Hayden's Lane to the west

provides a single, long road frontage along this side of the property, and which is a cul-de-sac with no through-road towards the south. The site extends to the east towards Griffeen Valley Park, which is an important local and regional amenity in the area. The prevailing height in the area is mainly one and two-storey residential across a mix of semi-detached and terrace type units. However, the size, depth and conventional layout of the site, together with its back-to-back relationship next to a green open space, is such that a higher density residential density would be appropriate in this circumstance, in my opinion, subject to a high-quality design and architectural treatment.

- 7.1.10. The proposed residential density provides a gross density of 60 units per ha (or 75 units per ha net). I consider that the site falls within the category of an 'Intermediate Urban Location', as per the description provided in the Apartment Guidelines (2022). The Guidelines state that such locations are generally suitable for smaller-scale, higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (broadly >45 dwellings per hectare net). In taking this view, I consider that the site meets the criteria required to qualify for this type of location as it is within easy walking distance (i.e., up to 5 minutes or 400-500m) of reasonably frequent urban bus services (min. 15-minute peak hour frequency).
- 7.1.11. The recently published Residential Development Guidelines (2024) aims to create more attractive, liveable, well-designed, high quality urban places, and to provide a broader range of housing options to meet the needs of the growing population. The Guidelines sets out the recommended density range for suburban / urban extension areas, which are described as the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. The Guidelines state that it is policy that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork. In my opinion, the site falls within this category.

- 7.1.12. I acknowledge the concerns raised by third parties in that the site is not currently well-connected or served by high-quality pedestrian facilities or footpaths. At present, pedestrians cannot get to nearby public transit services, or to local amenities, via a clear and comfortable route and the current environment is not particularly conducive for walking as a preferred means of transport to other locations. I observed during my site inspection that existing pedestrian facilities were generally sub-standard and footpath narrow and of a poor surface condition. I note that walkability concerns were referenced in the initial Planner's Report and the Applicant was requested to address the matter via further information.
- 7.1.13. However, the current version of the scheme (i.e., post further information) would see access to nearby services and amenities considerably improved, in my opinion. This is mainly due to the better pedestrian linkages and facilities which would be delivered as part of the proposed development. The Proposed Site Layout Plan (CFI version) shows that access to the bus services on Griffeen Avenue would be via the Griffeen Valley Park and that this would be facilitated by a new, dedicated pedestrian link at the southeast corner of the site.
- 7.1.14. I note that there are several bus services on Griffeen Avenue which travel in both directions, including the C2 and L53 routes, and which run roughly every 5 to 15 minutes throughout the day (including at peak times). From my site inspection, I observed that there is an existing network of high-quality pedestrian footpaths and a dedicated cycle-route running through Griffeen Valley Park. The footpath connecting the site to Griffeen Avenue is roughly 450m (or a 6-minute walk). Furthermore, the National Transport Authority (NTA) has plans to upgrade the cycle path as part of the GDA Cycle Network Plan and that there is a specific 'Cycleway Proposal (Cycle South Dublin)' objective denoted on Zoning Map 4 of the CDP. Whilst some concern has been expressed about people using the park at night-time, I note that the Applicant has offered to contribute towards the cost of a public lighting upgrade and that improved passive surveillance of the park would be provided by the new development.
- 7.1.15. I further note that the proposal includes a new pedestrian crossing over Hayden's Lane connecting the site to Hansted Park (residential street). The pedestrian crossing is via a raised platform and connects with the new pedestrian footpath to run alongside the western boundary of the site. This would improve access for

future residents of the scheme who wish to walk to either the centres of Adamstown (west) or Finnstown (north) where there are several local amenities, shops and services available. I note that the Council's Roads Department was satisfied with this arrangement and that the detailed design of the crossing, and access point into Hansted Park, could be submitted and agreed with the Planning Authority prior to commencement of construction. I estimate the distance to each of these centres would be c. 900m, respectively (i.e., a 12-min walk or 5-min cycle approx.), which is not excessive, in my opinion, and would be on footpaths passing through relatively quiet residential streets which have good public lighting.

Adamstown train station is roughly a 20-min walk time (1.5km), which is not an inconsiderable distance. However, this is a high-capacity public transport interchange where there are frequent commuter rail services connecting the area directly to Dublin City (Heuston Station) and other regional destinations in the country. It is not therefore unrealistic that a proportion of residents would walk to the train station for morning and evening commutes. In summary, the proposed improvements to accessibility in the area would lead to reduced walking times and a safer, more comfortable, pedestrian environment.

- 7.1.16. In terms of the physical design of the proposed development, I consider that the proposal would not be out of scale with its surrounding area or present as discordant or an incongruous form of development for the area. I accept that a noticeable change in building height would be apparent, particularly against the backdrop of 1 and 2-storey houses. However, the scheme has been designed to a good architectural standard, in my opinion, and includes generous setbacks, a tapering down in building height and high-spec elevational treatments along the more sensitive site boundaries. In this regard, I note that the proposed building height ranges from 1 to 3 storeys along the northern boundary of the site and that increased heights have been focused towards the east and south of the property where upper-level apartments would overlook the park (and not residential properties).
- 7.1.17. The proposed development is well setback from neighbouring dwellings and properties, and this is shown in the most recent proposed Site Layout Plan (i.e., post CFI). The issue of overshadowing has also been addressed by a Sunlight, Daylight & Shadow Assessment which was submitted to the Planning Authority as further information. I have reviewed the assessment and consider that it clearly shows that

there would be no significant negative impact on existing adjoining residential development in terms of overshadowing. The assessment has been completed in accordance with the Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good Practice (BRE 2011).

- 7.1.18. I conclude that the design, height and scale of the proposed development would not give rise to unacceptable overbearing or domineering impacts on the surrounding vicinity, such that it would seriously injure the visual or residential amenities of the area. The proposal is in accordance with Objectives H13 Objective 1 and H13 Objective 2 of the County Development Plan, which seek to promote and support residential consolidation and sustainable intensification at appropriate locations and to maintain and consolidate the County's existing housing stock through the consideration of applications for infill development on large sites in established areas, respectively. The site is also capable of increased residential densities, in the range proposed and I consider that this is in accordance with the relevant national and regional policy documents, including the NPF, the Apartment Guidelines and the Residential Development Guidelines (2024).

7.2. Traffic and Parking

Traffic Congestion and Road Safety

- 7.2.1. Hayden's Lane is a narrow cul-de-sac running along the western boundary of the appeal site. There are two existing vehicular entrances leading from the lane into the property which served the previous industrial complex; one near the northwestern corner of the site, the other at its southwestern corner. The proposal seeks to upgrade the entrance at the northwestern corner for vehicular access / egress and a new pedestrian only opening will be at the southwest corner of the property.
- 7.2.2. A recurring concern raised by third parties is that the additional traffic generated by the proposed development will lead to serious traffic congestion and road safety issues. Parties state that the road is a narrow country lane which was never designed to facilitate this increase in traffic volumes. The existing junction between Hayden's Lane and the Old Forge (The Avenue) is also referenced as dangerous,

that visibility at this section of the road is poor, and right-of-way for approaching vehicles is regularly confusing for motorists.

- 7.2.3. During my site inspection, I observed several vehicles were parked on the far side of the lane, adjacent Halsted Park, such that vehicles would have difficulty in passing each other when coming from opposite directions. However, the road widens further northwards and there was no presence of parked vehicles past the appeal site. Also, as a cul-de-sac, there was minimal traffic movements on the road, and whilst the volume of traffic would increase on foot of the proposed development, it is important to note that there is no possibility of through-traffic.
- 7.2.4. I have reviewed the traffic report and trip generation data submitted as part of the appeal response (Tables 1 and 2), and do not consider that the proposal would generate such significant amounts of traffic that the performance of the surrounding road network, including Hayden's Lane, would be materially negatively impacted. The proposed development is for 65 no. apartments and the generation of 19 to 20 trips per AM and PM, respectively, is deemed as consistent with other similar sized residential developments in such a context. The overall daily number of 76 arrivals and 82 departures to/from the site would also not be excessive. I consider the findings of the traffic survey acceptable, and realistic for a development of this size and scale, and I have no reason to believe the information presented is misleading or misrepresentative in some manner.
- 7.2.5. During my site inspection I also noticed that the footpath, along the western boundary of the site was narrow and overgrown with overhanging branches and bushes, such that I was forced to walk on the road. I expect this is a recurring experience for other pedestrians also. I note that the sub-standard pedestrian environment was a concern for the Planning Authority and the subject of further information during the application process. The Applicant has addressed these concerns however, in my opinion, including through the provision of a new 2m wide footpath along the eastern side of Hayden's Lane, new street lighting, a raised pedestrian platform and crossing point, a dedicated pedestrian entrance at the southwestern corner of the site and new pedestrian link into Griffeen Valley Park.
- 7.2.6. The removal and future management of existing scrub along the eastern side of Hayden's Lane would provide more space for pedestrians and improve the

appearance of the site and its roadside environment. In summary, I consider that the pedestrian environment of the area would be much improved due to the proposed street enhancements forming part of the application.

- 7.2.7. In relation to the issue of road safety, where Hayden's Lane meets the Old Forge (The Avenue), I note that an updated traffic assessment was prepared by the Applicant as part of further information. The report includes detailed traffic modelling confirming that the likely additional traffic volumes generated by the proposal – under the worst-case scenario – would continue to see free-flowing traffic conditions at the junction with no material queuing or stacking of vehicles. I note that the Planning Authority's Roads Department reviewed the junction as part of their interdepartmental reports and were satisfied with the revised Traffic Assessment.
- 7.2.8. I accept that the current layout of the junction is unlikely to meet contemporary technical standards and guidance. However, the junction is pre-existing and needs to be considered as such and I do not consider that its current design, layout or likely future through-put of traffic is such that this would warrant a reason to refuse permission. I also consider that a Road Safety Audit (Stages 1 and 2) would help address this issue and should be completed as part of potential future improvements to the public road network in the immediate vicinity. The RSA could identify potential hazards for road users and assist in improving road safety, including where Hayden's Lane meets and the Old Forge (The Avenue), if this transpires to be an issue. The completion of the RSA can be achieved under condition and should be considered for inclusion by the Board, if they are minded to grant permission.

Car Parking

- 7.2.9. The application site is a brownfield / infill site. It is within walking and cycling distance of several public transport services, many of which operate on a frequent basis. The priority is also within proximity to the existing neighbourhood centres of Adamstown and Finnstown. Therefore, I consider the appropriate zone for which to calculate the appropriate amount of car parking in this case is Zone 2 (Residential), as specified under Section 12.7.4 'Car Parking Standards'.
- 7.2.10. The proposed development provides for 46 car parking spaces which is to cater for 65 apartments. This equates to a car parking ratio of 74% of the maximum rate as required under Table 12.26 of County Development Plan. Table 12.26 sets out

maximum parking rates – i.e., the required amount quantum of car parking should only be provided where it can be justified. This is in accordance with national planning policy, including the Apartment Guidelines where planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

- 7.2.11. The car parking arrangement avoids long banks of uninterrupted parking bays and is broken up with intermittent green strips and planted trees, which is aesthetically welcome. The proposal also includes 160 no. cycle parking spaces equating to c. 2.5 no. spaces per apartment unit. The cycle parking is well-designed and positioned through the site to serve future residents.
- 7.2.12. I am satisfied that proposed quantum of car parking is appropriate in this case and in accordance with the provisions of the Development Plan and national policy.

Car Parking Discrepancies

- 7.2.13. In relation to the third party contention that there are discrepancies in the application regarding the number of car parking spaces proposed, I have reviewed the appeal response, traffic report and all other relevant plans and particulars. It is clear to me that the quantum of car parking proposed is 46 no. spaces and that this figure is consistent across the material.
- 7.2.14. I further note that the Planning Authority based their assessment on this amount of car parking (i.e., 46 no. spaces) and considered this acceptable.

Heavy Vehicle Manoeuvrability

- 7.2.15. The Traffic Report and related drawings show that heavy vehicles, including refuse collection vehicles and fire tenders, can enter the property in a forward-moving direction. Subsequently, the vehicle would use one of the hammer-head type arrangements to reverse and safely turn onsite before exiting once more in a forwards-direction.
- 7.2.16. I refer the Board to Drwg. Nos. 121-A27-SP05 and 121-A27-SP06 which provide a swept path analysis. The analysis indicates that the proposed layout and design of the development would allow for the smooth and practical flow of such vehicles. Therefore, the proposed site access, and circulation of heavy vehicles internal to the site, is such that the arrangement would contribute to operational efficiency. The risk

of accidents relating to vehicles manoeuvring onsite would also be minimised due to the simplifying of traffic movements.

- 7.2.17. For a potential scenario whereby one, or both, of the hammerhead turning areas could be occupied and, therefore, inaccessible for its intended purpose, I consider that this could be addressed by employing certain traffic management measures, such as line-marking and signage.

7.3. Drainage and Flooding

Flood Risk

- 7.3.1. Flood risk is raised as a concern by some parties. It is asserted that this would be exacerbated through the removal of existing trees on the site and increase in impermeable surface area. The application is accompanied by a Site Specific Flood Risk Assessment (SSFRA).
- 7.3.2. I have examined the OPW CFRAMS³ flood extent maps and observed that the development is not within a flood risk area and is not, therefore, at significant risk of fluvial flooding. The proposed access to the property is from a public road, Hayden's Lane, where there is also no identified flood risk. The flood mapping therefore identifies the site as being within Flood Zone C where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding).
- 7.3.3. The SSFRA states that Stage 3 flood risk assessment was carried out as the property has been impacted by flooding in the past and due to its proximity to the Griffeen River. However, flood alleviation works were completed on the Griffeen River in c. 2005. This is confirmed by the OPW 2018 Flood Risk Management Plan. The site is now within Zone C where development is appropriate from a flood risk perspective, according to the Flood Risk Guidelines.
- 7.3.4. I conclude that the proposed development complies with the relevant Ministerial Guidelines, including the Justification Test, and would not be prejudicial to public health.

³ Catchment Flood Risk Assessment and Management (CFRAM)

SuDS

- 7.3.5. G14 Objective 1 of the Development Plan is in relation to surface and storm water systems. It seeks to limit surface water run-off from new developments through the use of Sustainable Urban Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and appropriately designed.
- 7.3.6. It is my opinion that the application has satisfactorily explored the potential for including SuDS measures as part of the proposed scheme, including utilising opportunities for reducing stormwater runoff. This includes sections of permeable surfaces and paving, green and landscaped sections of land and planted trees, bushes and shrubs. The provision of wet meadows and a pond near the south and southeastern parts of the site is also welcome. This would provide further amenity and biodiversity benefits to the wider area and help support certain aquatic species.
- 7.3.7. In summary, the proposed development comprises expansive permeable areas, and good use of SuDS features, which would assist with the sustainable management of drainage and stormwater runoff.

7.4. Land Ownership

- 7.4.1. An Appellant states that the plans and particulars submitted with the application are incorrect and that the drawings submitted as part of the application have incorrectly plotted the site boundary along the northern part of the site. It is asserted that the proposed development therefore encroaches onto third party lands, which are not owned or controlled by the Applicant.
- 7.4.2. Conversely, the Applicant states that the site boundaries shown on the plans and particulars are accurate and have been drawn accurately. However, it is acknowledged that there is an undefined boundary between the appeal site and property to the north and that this has come about because of extensive and unmanaged planting, ditches and undergrowth. I note that the Planning Authority did not raise any issues at validation stage regarding the strip of land or query whether it is in the ownership of the Applicant, or not.
- 7.4.3. Having reviewed the details before me, I do not consider that the information presented raises sufficient doubt as regards the legitimacy of the Applicant's legal

interest to make the application. I note the Applicant's position that the precise legal boundary will be confirmed under conveyance post-planning, which is common practice in such scenarios, and that there are no proposed buildings or structures within the contested area of land.

7.4.4. Further, there is clearly an ongoing dispute in relation to the matter of property rights and land ownership, the Board cannot adjudicate on such matters. In this regard, I note the provisions of Section 34(13) of Planning and Development Act, 2000 (as amended) relating to 'Permission for Development', which states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. Therefore, in the event permission is granted, there may be other legal considerations that apply, and which the landowner may need to address outside of the planning system.

7.4.5. Section 5.13 of the Development Management Guidelines also states that the planning system is not designed as a mechanism for resolving disputes about title to land, or premises, or rights over land. These are ultimately matters for resolution in the Courts. However, the Applicant must be certain under civil law to ensure that they have all rights in relation to the land for which they intend to implement any grant of planning permission.

7.5. **Appropriate Assessment**

7.5.1. The subject site is not directly located within, or in close vicinity, to a European Site. The nearest European Site is the Rye Water Valley / Carton SAC (Site Code: 001398), which is roughly 3.9km to the northwest.

7.5.2. Other European Sites within proximity include:

- The Glenasmole Valley SAC (Site Code: 001209), which is roughly 10km to the southeast.
- The Wicklow Mountains SAC (Site Code: 002122), which is roughly 11.9km to the southeast.
- The South Dublin Bay and River Tolka SPA (Site Code: 004024), which is roughly 14.5km to the southeast.

- The Wicklow Mountains SPA (Site Code: 004040), which is roughly 14.9km to the east.

7.5.3. However, none of these designated sites are within the zone of influence. There is also no direct hydrological pathway or ecological connection between the subject site and any European Site. All foul and surface water runoff from the development will be contained onsite and discharged to the public wastewater drainage system.

7.5.4. All necessary connections or diversions of sections of sewer lines running through the property would be able to be made following a connection and diversion agreement with Uisce Éireann, if so required. No likely significant in-combination effects are identified for the purposes of AA.

7.5.5. Having regard to the nature and scale of the proposed development on these urban and serviced lands, the intervening land uses, and absence of a pathway to, and the distance from, any European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the South Dublin County Development Plan 2022-2028, including the residential zoning of the site, the pattern and character of development in the area, and the design, scale and layout of the proposed development on an urban infill site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would provide an acceptable standard of amenity for future residents and be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th April 2022 and 14th June 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the applicant shall submit revised plans for the written agreement of the Planning Authority incorporating the following amendments:</p> <ul style="list-style-type: none">a) Privacy screens on the balcony of Apartment No. 19 in Block 3 and balconies at the northeast corner of Block 3 and southwest corner of Block 2.b) Revised drawings of Block 1 with correct labels for the elevational drawings, window fenestration accurately shown on the elevational drawings and no internal bedroom store covering windows.c) Brick recesses and window reveals to be a minimum of a full brick length.d) Windows on the top floor level on the eastern elevation of Block 2 full length to match the windows on the below floors.e) The private terrace for Apartment No. 06 in Block 2 relocated to the northern elevation of this apartment, the footpath along the northern elevation of this apartment omitted and the bicycle store at this location moved to another accessible area onsite. An adequate privacy strip should still be provided along the western elevation of this apartment. <p>Reason: In the interests of residential amenity.</p>

3.	<p>a) Prior to commencement of development, the location, design and construction details of the proposed pedestrian crossing and access to Hansted estate from Hayden's Lane, to be constructed by the applicant/developer at their own expense, shall be submitted for the written agreement of the Planning Authority. The agreed plan, along with the written agreement of the Roads Department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.</p> <p>b) All bicycle parking spaces shall be designed in accordance with the requirements of the National Cycle Manual, NTA (2011).</p> <p>c) All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.</p> <p>Reason: In the interest of traffic and public safety and the proper planning and sustainable development of the area.</p>
4.	<p>a) The proposals, mitigation measures and commitments set out in the Ecological Impact Assessment (EclA) submitted with the application shall be implemented in full as part of the proposed development.</p> <p>b) A completion certificate shall be signed off by an ecologist when all permitted development works are completed and in line with the recommendations of the EclA and the certificate shall be submitted to the planning authority for written agreement upon completion of the works.</p> <p>Reason: In the interest of clarity and the protection of the environment.</p>
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan (CMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and traffic</p>

	<p>management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of sustainable waste management.</p>
7.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>a) A Road Safety Audit (Stages 1 and 2) shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, in order to demonstrate that appropriate consideration has been giving to all relevant aspects of the development including in accordance with the road design standards of Transport Infrastructure Ireland.</p> <p>b) The measures recommended by the Auditor shall be undertaken, unless the Planning Authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report should also be submitted.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

9.	<p>Details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and take account of trees within the landscape plan.</p> <p>Reason: In the interest of public safety and visual amenity.</p>
10.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall:</p> <ul style="list-style-type: none"> a) Include a plan to scale of not less than 1:500 showing – b) Existing trees, hedgerows, shrubs, stone walls, etc., specifying which are proposed for retention as features of the site landscaping. c) The measures to be put in place for the protection of these landscape features during the construction period. d) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder. e) Details of boundary planting. f) Details of roadside/street planting. g) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels. h) Include specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment. i) Be carried out within the first planting season following substantial completion of external construction works. j) The proposals, mitigation measures and commitments set out in the submitted Tree Report and Plans shall be implemented in full as part

	<p>of the proposed development and incorporated as part of the landscaping scheme.</p> <p>k) A completion certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.</p> <p>l) A completion certificate shall be signed off by an arborist when all permitted development works are completed and in line with the recommendations of the tree report lodged as part of the planning application. The certificate shall be submitted to the planning authority for written agreement upon completion of the works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
11.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
12.	<p>a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p>

	<p>b) The oil interceptor shall be removed from its current location as it is a potential source of contamination and replaced by a SuDS component, such as a swale or rain garden, prior to discharge to the attenuation feature.</p> <p>c) Full details of SuDS measures shall be submitted to the planning authority for written agreement prior to commencement of development.</p> <p>Reason: In the interest of public health and in the interest of protecting the environment.</p>
13.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
14.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
15.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800</p>

	<p>and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
17.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
18.	<p>The developer shall pay to the planning authority a financial contribution towards expenditure incurred in the provision of the Irish Rail Kildare Route Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the</p>

	<p>terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
19.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the protection of the trees on the site.</p>
20.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

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

Ian Boyle
Senior Planning Inspector

1st February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	314272		
Proposed Development Summary	The proposed development is for the construction of a residential scheme with a total of 65 no. apartments, new and upgraded vehicular and pedestrian access, car parking, cycle parking, open space, landscaping, landscaping, boundary treatments and all associated site development and clearance works.		
Development Address	The site is on the eastern side of Hayden's Lane, between the established built-up areas of Lucan and Adamstown, in south County Dublin.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	✓	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No	N/A		No EIAR or Preliminary Examination required

Yes		<p>10. Infrastructure Projects</p> <p>(b)(i) Construction of more than 500 dwelling units.</p> <p>(iv) 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.</p>		Proceed to Q.4
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4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	314272	
Proposed Development Summary	The site is on the eastern side of Hayden's Lane, between the established built-up areas of Lucan and Adamstown, in south County Dublin.	
Development Address	The site is on the eastern side of Hayden's Lane, between the established built-up areas of Lucan and Adamstown, in south County Dublin.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The subject development comprises a residential development in an area characterised by existing housing and commercial lands uses. The proposed development is not exceptional in the context of its existing, receiving environment.</p> <p>The site and the adjoining properties are zoned for residential development.</p> <p>During the construction phase the proposed development will create demolition waste. It is proposed to demolish a hardstand area on the site. The site is vacant.</p> <p>Given the moderate size of the proposed development, I do not consider that the demolition</p>	No.

	<p>waste arising would be significant in a local, regional or national context.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which is for residential use.</p>	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The site is in a serviced and urban location.</p> <p>The proposed development is for the construction of a residential scheme with a total of 74 apartments (reduced to 65 units as part of further information to the Planning Authority).</p> <p>The proposal also includes:</p> <ul style="list-style-type: none"> • A vehicular and pedestrian access from Hayden's Lane at the northwest corner of the site and closure of the second existing vehicular entrance at its southwest corner. • Pedestrian access from Griffeen Park to the southeast of the site. • Provision of car and cycle parking, public and communal spaces, bin stores, landscaping, boundary treatments and all associated site development and clearance works. <p>I do not consider there is potential for significant cumulative impacts.</p>	No
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an</p>	<p>The application site is not within, or immediately adjoining, any protected area(s). There are no waterbodies on the site and there are no hydrological links between the subject site and any European designated site.</p>	No

<p>ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The nearest European Site is the Rye Water Valley / Carton SAC (Site Code: 001398), which is roughly 3.9km to the northwest.</p> <p>There are no direct hydrological pathways between the site and any European Site. All foul and surface water runoff from the development will be contained onsite and discharged to the public wastewater drainage system.</p>	
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required. ✓</p>		

Inspector: Ian Boyle

Date: 1st February 2024