



An
Bord
Pleanála

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

Inspector's Report ABP-314459-22

Strategic Housing Development	360 no. apartments, creche and associated site works.
Location	Blackglen, Sandyford, Dublin 18. (www.bgrshd.ie)
Planning Authority	Dun Laoghaire Rathdown County Council
Applicant	Zolbury Limited
Prescribed Bodies	An Taisce Department of Housing, Local Government and Heritage Irish Water Transport Infrastructure Ireland

Observer(s)

Andrew and Darragh Tighe
Andrew and Naomi O’Kane
Anouska Kemple
Brian and Fiona Mackle
Christopher Cullen
Dudley Dolan
Eugene and Carol Roe
Howard Farrell
Isobel McCoy
Jacqueline Butler
Jenny Hassett
John and Lili Higgins
John and Madeline Casey
John and Mary Wilkinson
John Hassett
Josepha Madigan
June Lane
Kevin and Ann Cullen
Kevin Cullen and Others
Lorna and Jane Whelan
Michael Van Turnhout
Niall Mackle
Olga Maguire
Orla Cluff
Paul Cunningham
Sean and Olga Maguire and others
Sean Maguire
Stuart Hayes

Susan and Andy Reid

Tom McDaid

Vivienne Byrne

Wendy Vard Ryan

Winnie Dunne

Date of Site Inspection

21st April 2022

Inspector

Elaine Power

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site is located in Sandyford, c. 9km south of Dublin City centre. The site is bound to the north by Blackglen Road and to the south west by Woodside Road. The site is at a transitional location within the urban fringe of Dublin, at the foothills of the Dublin Mountains and c. 1.4km south west of the M50 interchange at Kilgobbin Road. The lands to the immediately adjacent to the site are rural in nature, with a number of detached dwellings fronting directly onto both Blackglen Road and Woodside Road. However, the wider area is characterised by low density suburban housing with a small retail centre on the southern side of Lambs Cross containing a convenience shop and other small commercial units, c. 400m east of the subject site.
- 2.2. The site comprises undeveloped land, which is currently heavily overgrown. It is irregular in shape and has a stated area of 3.7ha. The topography is undulating with a 22m difference between the highest point in the south west portion of the site, adjacent to Woodside Road, and the lowest point in the north eastern portion of the site, adjacent to Blackglen Road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises 360 no. apartments with associated resident amenity space and a creche in 9 no. blocks (A1 – C3). The blocks range in height from 2 – 6 storeys over basement level. Given the topography of the site the basement level of some of the blocks appear as the ground floor level from differing elevations. A breakdown of the blocks is provided below:
- Block A1 (4 storeys) comprising 18 no. apartments (3 no. 1 bed units and 15 no. 2 bed units), a crèche facility (c. 401sqm) of with associated outdoor play space (c. 20 sqm) and internal resident amenity facilities (c. 30sqm).

- Block A2 (3-4 storeys) comprising 24 no. apartments (2 no. 1 bed units and 22 no. 2 bed units) and internal resident amenity facilities (c. 390sqm).
- Blocks B1 and B2 (2-6 storeys) comprising 69 no. apartments (30 no. 1 bed units, 34 no. 2 bed units, 5 no. 3 bed units).
- Blocks B3 and B4 (2-6 storeys) comprising 62 no. apartments (30 no. 1 bed units, 27 no. 2 bed units and 5 no. 3 bed units).
- Blocks C1, C2 and C3 (3-6 storeys) comprising 187 no. apartments (58 no. 1 bed units, 126 no. 2 bed units and 3 no. 3 bed units) and resident amenity facilities (c. 187.5 sqm).

3.2. Each residential unit is provided with private open space in the form of a terrace / balcony. The scheme incorporates public open space (c. 17,025 sqm) and residential communal open space (c. 5,008 sqm).

3.3. Podium level / basement level areas are proposed adjacent to / below Blocks A2, B1, B2, B3, B4, C1, C2 and C3 (c. 12,733 sq. m GFA). A total of 419 no. car parking spaces (319 no. at podium/basement level and 100 no. at surface level) and 970 no. bicycle spaces and 19 no. Motorcycle spaces are proposed.

3.4. Vehicular, pedestrian and cyclist access to the development will be provided via Blackglen Road to tie in with the Blackglen Road Improvement Scheme. An additional emergency and pedestrian and cyclist access is proposed via Woodside Road

3.5. The proposal also provides for bin storage areas and 4 no. substations. The associated site and infrastructural works include provision for water services, foul and surface water drainage and connections, attenuation proposals, permeable paving, all landscaping works, green roofs, boundary treatment, internal roads and footpaths, electrical services and all associated site development work.

3.6. Key Development Statistics are outlined below:

	Proposed Development
Site Area	3.7 ha gross
No. of Units	360 no.
Unit mix	123 no. (34%) 1-beds, 224 no. (62%) 2-beds and 13 no. (4%) 3-beds.

Density	97.3 units per ha.
Plot Ratio	1.11
Site Coverage	35.3%
Height	2 – 6 storeys
Dual Aspect	50%
Other Uses	Creche (401sqm) Residential Amenity Space (607sqm)
Public Open Space	17,025 sqm public open space
Car Parking	419 no.
Bicycle Parking	970 no.

3.7. The application included the following:

- Planning Report and Statement of Consistency
- Statement of Response to An Bord Pleanála Opinion
- Architectural Design Statement
- Response to An Bord Pleanála and Dun Laoghaire Rathdown County Council Opinion
- Material Contravention Statement
- Daylight, Sunlight and Overshadowing Report
- Traffic Impact Assessment
- DMURS Compliance Statement
- Mobility Management Plan
- Engineering Services Report
- Construction and Environmental Management Plan
- Site Specific Construction and Demolition Waste Management Plan
- Operational Waste Management Plan
- Engineering Report - Site Services Report
- Engineering Report – MEP Basis of Design Report
- Site Specific Flood Risk Assessment
- Building Lifecycle Report

- Energy and Sustainability Report
- Property Management Strategy Report
- Landscape Design Rationale
- Landscape and Visual Impact Assessment
- Appropriate Assessment Screening Report
- Environmental Impact Assessment Screening Report
- Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations, 2001 (as amended)
- Ecological Impact Assessment Report
- Tree Report and Survey
- Pedestrian Wind Comfort Study
- Architectural Heritage Impact Assessment Az\
- Archaeological Assessment
- Proposed Site Lighting Layout and Report
- Social Infrastructure Capacity Assessment
- Verified Views and CGI's

4.0 Planning History

Subject Site

ABP PL.06D.227869, Reg. Ref. 07A/1598: Permission was refused in 2008 for the construction of 180 no. residential units and a creche. The reason for refusal considered that due to the deficiency in the road network the development would be premature and would endanger public safety by reason of a traffic hazard.

Surrounding Sites:

D22A/0365: Permission was refused in 2022 for the demolition of a derelict building and the construction of 46 no. residential units at Blackglen Road, opposite the subject site. The 3 no. reasons related to (1) poor quality design response to the sites context, (2) development on lands zoned for open space is unacceptable and a material

contravention of the development plan and (3) failure to take due regard to the environmental and ecological sensitivities of the site and surroundings.

ABP-313321-22: Strategic Housing Development Application: Current application for the construction of 101 no. residential units (32 no. houses and 69 no. apartments) and a creche, c. 70m east of the subject site.

ABP-309098-21 Strategic Housing Development Application: Permission was refused in 2021 for 143 no. apartments and a creche at Lambs Cross, c. 400m east of the subject site. The 3 no. reasons for refusal related to (1) the applicant had not adequately demonstrated that the scheme would not negatively impact on the adjacent Fitzsimons Wood, proposed Natural Heritage Area, (2) the design approach would result in a substandard form of development that failed to integrate with its surroundings and (3) the scheme would materially contravene the Building Height Strategy of the development plan and a material contravention statement had not been provided.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 pre-application virtual consultation took place on the 8th February 2022 in respect of a development of 400 no. apartments and a creche. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Compliance with Development Plan policy
- Road Infrastructure, improvement scheme, connectivity and accessibility
- Residential Amenity
- Landscape Character Assessment, Ecology and Visual Impact Assessment
- Drainage Infrastructure, Irish Water Upgrades needed in respect of wastewater and water supply.

5.1.1. Copies of the record of the meeting and the inspector's report are on this file. In the Notice of Pre-Application Consultation Opinion dated 17th May 2022 (ABP-311917-21) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development with regard to the following: -

1. Architectural Design Approach

Further justification for increased heights and higher densities at this location, based on the applicable Dún Laoghaire – Rathdown County Development Plan , the perspective applicant should fully address the issues raised by the PA in their opinion, explicitly addressing issues regarding the transitional zone, noting the surrounding established urban context and the potential visual impact, in particular noting the high amenity lands and the foothills of the Dublin Mountains to the southwest.

2. Connectivity

Further justification for increased heights and higher densities at this location, based on connectivity, capacity and frequency of public transport and specifically consideration and compliance with Section 3.2 of the Urban Development and Building Height Guidelines 2018. SPPR3 of the Guidelines sets out, inter alia, that in the event of making a planning application, the applicant shall demonstrate that at the scale of the relevant city / town that the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. The applicant is requested to have regard to this policy, as well as other relevant policies at a local and national level, as may be applicable to the proposed development.

5.2. The opinion also stated that the following specific information should be submitted with any application for permission.

1. An updated Architectural Design Statement.
2. A Traffic and Transportation Impact Assessment.
3. A Road Safety Audit and Quality Audit.
4. A Material Contravention Statement, if applicable.
5. A Statement of Consistency.
6. Additional details and/or revised proposals in relation to site services, having regard to the report of the Drainage Planning Section of the Planning Authority.
7. A Housing Quality Assessment.
8. A report addressing issues of residential amenity.

9. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, and Engineering Plans.
10. Detailed landscape drawings.
11. A building life cycle report.
12. A Social Infrastructure Capacity Assessment
13. 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.
14. A full response to matters raised within the Planning Authority Opinion.
15. 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.
16. An up-to-date Ecological Impact Assessment, inclusive of a Bird and Bat Survey.
17. A site layout plan indicating what areas, if any, are to be taken in charge.
18. A Site Specific Construction and Demolition Waste Management Plan.

5.3. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Irish Water
- National Transport Authority (NTA)
- Transport Infrastructure Ireland (TII)
- Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
- The Heritage Council
- An Taisce – The National Trust for Ireland
- Inland Fisheries Ireland
- Waterways Ireland
- Dun Laoghaire Rathdown County Childcare Committee

5.4. ***Applicant's Statement***

- 5.4.1. A statement of response to the Pre-Application Consultation Opinion was submitted as part of the Planning Report with the application, as provided for under section 8(1)(iv) of the Act of 2016. The applicant addressed the items that required further consideration and items 1-18 of the specific information to be submitted with the application. Items of note are summarised below: -

Architectural Design Approach

The architectural design approach is considered under Zoning, Density and Height.

Zoning: The subject site is zoned 'A' – "*To protect and/or improve residential amenity.*" It is located in a 'Transitional Zone' between the built up urban areas and the high amenity lands at the foothills of the Dublin Mountains. The scheme demonstrates a high quality architectural approach that responds fully to the site context.

Density: In accordance with the provisions of the Apartment Guidelines the subject site can be considered an Intermediate Urban Location. Therefore, the subject development has been designed with increased building height and density in accordance with National guidance.

The scheme has been amended in response to comments received at the Tripartite stage. The number of units has been reduced from 400 to 360. This results in a density of 97.3 units per hectare. Densities of less than 50 units per hectare is inappropriate given the large site holding of circa 3.7ha, the residential zoning objective on the lands and other relevant National Planning Policy. It is noted that National Planning Objective (NPO 13) "*seeks to base planning of performance criteria rather than blanket numerical restrictions and standards should be subject to a degree of tolerance*". Policy RES3 of the Development Plan is aligned with NPO.13 in that "*it seeks to promote higher densities in order to make efficient use of land resources but must protect residential amenity*".

The apartment block typology provides for a more compact arrangement of residential units and pattern of development on the site. This approach generates a limited

internal road network compared and a low site coverage is achievable which provides the opportunity to maximise on the extent of open space.

The density is not predetermined by blanket numerical restrictions but is the outcome of the design process, response to the site characteristics and the establishment of key design principles which underpin an appropriate design and development strategy for this site and its context. It delivers sustainable densities on residentially zoned lands while providing much needed housing supply.

Height: The height within the scheme has been amended in response to comments received at the Tripartite stage, namely a reduction of 2-storeys at block C3 and blocks B3 and B4 in response to the comments received. In addition, the entirety of Block D was omitted. These significant modifications result in a scheme with a reduced baseline height of predominantly 4 storeys. Buildings step down to 2-3 storeys to create a more appropriate transition in scale adjoining existing residential properties.

Given the large, expansive nature of the site with an area of circa 3.7 ha, there is an opportunity for slightly increased height at the centre of the site and a significant distance away from any sensitive boundaries with existing residential development. As such, the site to a certain extent has the potential to set its own context for development with the potential for greater building heights in specific locations. As such, elements of the C and B blocks contain an additional 1-2 floors providing 5-6 storeys buildings in height. The top floors of the B blocks are designed as a setback penthouse level which reduces the visual mass of these buildings which are finished in a rustic brown metal cladding.

Taking account of the proposed modifications incorporated into the scheme in relation to the building heights and massing, it is considered that the proposed height strategy is appropriate for this site and is in line with national policy.

Connectivity

The site is served by public transport with high capacity, frequent service and good links to other modes of public transport. The Glencairn Luas stop (with park and ride) on the Green line is 1.9km from the proposed site, a 27-minute walk or 9 minute cycle from the site entrance. The LUAS provides frequent high capacity services to and from

the City Centre. There are bus stops on Blackglen Road and Lamb's Cross which provide good connectivity to the surrounding area and other modes of public transport. The 44b Bus route at Lambs Cross which connects to Dundrum Luas Station and the 114 Bus, which runs to Blackrock DART station.

Transport infrastructure in the immediate area is being upgraded by way of the Blackglen Road Improvement Scheme, which is now underway. The scheme includes new bus stops and cycle lanes along Blackglen Road that will directly enhance the accessibility and connectivity of the subject site.

Sandyford Road is identified in the Development Plan 2022 as having a 6-year Road Objective, which if delivered, will significantly increase the capacity of the road network, which may support additional bus services available to future residents of the proposed development, in line with Bus Connects.

The report assesses the scheme against the criteria in Section 3.2 of the Building Height Guidelines. It is considered that the scheme would be compliant with the provisions of the Guidelines, therefore, the height and density is appropriate given the sites zoning, the developments site-specific characteristics and the sites context and setting.

5.4.2. The applicant also addressed items 1-18 of the specific information to be submitted with the application. Items of note are outlined below: -

- A Design Statement and Response to ABP and DLRCC Opinion have been submitted.
- A Traffic Impact Assessment has been submitted.
- A Road Safety Audit has been submitted.
- A Material Contravention Statement has been submitted.
- A Planning Report and Statement of Consistency Report has been submitted.
- An Engineering Report has been submitted.
- A Housing Quality Assessment has been submitted.
- A Landscape Visual Impact Assessment and a Daylight and Sunlight Report have been submitted.

- A Landscape Design Rationale and associated drawings, an Arboricultural Report and an Engineering Report have been submitted.
- Detailed landscape drawings have been submitted.
- A building life cycle report has been submitted.
- A Social Infrastructure Capacity Assessment has been submitted.
- CGI's and the Landscape and Visual Impact Assessment which includes photomontages have been submitted.
- A response to matters raised within the Planning Authority Opinion are included in the Statement of Response to ABP Opinion.
- A statement in accordance with 299B(1)(b)(ii)(II)(c) of the Planning and Development Regulations 2001 (as amended) and an EIA Screening Report have been submitted. .
- An Ecological Impact Assessment, including bird and bat surveys has been submitted.
- It is intended that no areas would be taken in charge.
- A Site Specific Construction and Demolition Waste Management Plan has been submitted. The construction of this development will only commence following the completion of the Blackglen Road Improvement Scheme

6.0 Relevant Planning Policy

6.1. *Dun Laoghaire Rathdown County Development Plan 2022 – 2028*

The subject site is zoned Objective A: *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*.

Table 2.7 of the plan indicates that housing target up to Q1 2028 is 18,515, which is reflective of the target outlined in the RESE. This equates to a population increase of 38,125. Table 2.9 of the Plan indicates that there are approx. 553.28 ha of serviced land available.

Policy Objective PHP 18: Residential Density: *It is a Policy Objective to: Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to*

proximity and accessibility considerations, and development management criteria set out in Chapter 12. Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

Section 4.3.1.1 sets out further guidance on density.

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

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

The Councils Building Height Strategy is in Appendix 5.

The following are also considered to be relevant: Policy Objective PHP 35: Healthy Placemaking; Policy Objective PHP37: Public Realm Design; Policy Objective T1: Integration of Land Use and Transport Policies; Policy Objective T11: Walking and Cycling; Section 12.3.5 Apartment Developments, Section 12.3.3.1 Residential Size and Mix, Table 12.1 Apartment Mix Requirements, Section 12.3.3.2 Residential Density, Section 12.8.11 Existing Trees and Hedgerows.

6.2. *Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.*

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located within the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The following RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

6.3. ***National Planning Framework***

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

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

6.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2022
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

6.5. **Applicants Statement of Consistency**

- 6.5.1. The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the relevant Development Plan.

6.6. **Material Contravention Statement**

- 6.6.1. The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Dun Laoghaire Rathdown County Development Plan 2022 - 2028 in relation to Building Height, Residential Mix, Residential Density and Transitional Zone. The applicants statement is summarised below: -

- 6.6.2. This material contravention statement is submitted on the basis that the proposal is of strategic importance, that there are conflicting objectives in the development plan and that the proposal can be positively considered on the basis of Section 28 guidelines.

Building Height

The proposed development has a general shoulder height of 6 storeys, with stepped variations responding to the specific site context.

Policy Objective PHP42 states *“It is a Policy Objective to:*

- *Encourage high quality design of all new development.*
- *Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).”*

Table 5.1 of the Building Height Strategy sets out the performance-based criteria. The applicant has provided a table which assesses the application against each of the criteria set out Table 5.1 and considers the proposed development to be in accordance with the provisions of the development Plan. In addition, as Policy Objective BHS 3 allows an assessment of increased height to be provided, the height of up to 6 storeys is considered to be appropriate and a progressive means through which to secure additional, sustainable housing delivery.

It is stated that Building Height has been included in the Material Contravention Statement on a precautionary basis.

Unit Mix

Section 12.3.3.1 of the Development Plan states that 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’. The development plan also notes that apartment developments in the built up area may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination on of one bed and studios and no more than 20% of the overall development as studios. A minimum 20% 3+ bedroom units

The percentage of 1 bed units currently proposed is 34.2% (123 no. units). In addition, 62.2% are 2 no. bed units (224 no. units) and 3.6% are 3 no. bed units (13 no. units).

SPPR1 of the Apartment Guidelines relates to dwelling mix and takes precedence over any conflicting policies and objectives of the 2022-2088 County Development Plan

Density

Section 4.3.1.1 of the development plan states that *“It is a Policy Objective to:*

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

As a general rule the minimum default density for new residential developments in the County shall be 35 units per hectare. The plan states that this density may not be appropriate in all instances but should be applied particularly in relation to ‘greenfield’ sites or larger ‘A’ zoned areas. Higher density schemes should offer an exemplary quality of life for existing and future residents in terms of design and amenity.

A density of 97.3 units per ha is proposed. This is considered appropriate and achievable at this location given the quality of the scheme proposed, the proximity to public transport, and the protection of existing levels of residential amenity for sites surrounding. The open character and residential amenity of the site is also retained through a high quality, open landscape design that reflects the existing character whilst ensuring that a higher density is delivered. The open character and recreational amenity of the site has been integral to the design of the proposal.

It is considered that the proposed development is of national importance and the current proposals for density are fundamentally supported by the National Planning Framework and more specifically National Policy Objective 35.

Transitional Zones

Section 13.1.2 of the development plan notes that *‘while the zoning objectives and development management standards indicate the different uses and densities, etc. permitted in each zone, it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone’.*

The subject site (zoned Objective A) is located proximate to an area of zoned open space (Zoning Objective F) to the northeast. It is submitted that the site is, therefore, situated in a Transitional Zone. Having regard to Section 13.1.2 of the development plan, we submit that a material contravention occurs in relation to this policy, as there is a noticeable change in scale between the open space lands at Fitzsimons Wood and the new development site.

The current proposal is justified as it would deliver a project of national importance given that it clearly delivers on the key policies of the National Planning Framework in terms of expediting residential development. It is also submitted that the proposal can be positively considered on the basis that these principles have been previously approved by a former planning permission for the site.

Conclusion

The Material Contravention Statement also assessed the proposed scheme against the policies set out in the National Planning Framework, the Apartment Guidelines and the Building Height Guidelines including a detailed assessment of the scheme against the criteria set out in Section 3.2.

It is considered that there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

7.0 Third Party Submissions

7.1. 31 no. third party submissions were received. The concerns raised are summarised below: -

7.2. Principle of Development

- The material contravention statement fails to clearly identify the breaches of the development plan. Therefore, the Board are precluded from granting permission.
- The proposed scheme is not in accordance with the land use zoning objective.
- Consideration of whether the scale and density of the scheme materially contravenes the land use zoning objective.
- The site is zoned, however, there is a restriction that future residential developments shall maintain the rural character of the area.

Design Strategy

- The proposed development is out of character with the area and results in overdevelopment of the site.
- The scale and density are not appropriate at this peripheral semi-rural location.
- The height is not justified by the Building Height Guidelines as it is not well served by public transport.
- Due to the elevation, this would be the highest apartment development in the country.
- The subject site does not reach the criteria set out in the Apartment Guidelines for an intermediate location.
- This is not an infill or brownfield site. It is a rural location.
- There is no village at Lamb's Cross. Sandyford Village is c. 1km from the site.
- There is a requirement for more family homes and not apartments.

- Poor quality architectural design approach. The proposed development would be highly visible and would have a negative impact on the visual amenities of the area.
- The proposed scheme will damage the historic (200 year old) stone wall boundary with properties to the east of the site.
- The proposed boundary treatment is not sufficient to protect the adjacent sites and prevent anti-social behaviour.
- The proposed scheme would put pressure on local services, including schools.

Cultural Heritage

- The scheme does not acknowledge the cultural history of the adjacent ruin cottage, which was occupied for a short time by Countess Markievicz.

Residential Amenity

- Impact of blasting on the stability of adjacent properties.
- The proposed development would overshadow existing properties and negatively impact on solar panels.
- The proposed development, including boundary treatments, would result in an overbearing impact on existing properties.
- The applicants Pedestrian Wind Study is flawed as it fails to provide a baseline against which the changes can be compared and fails to acknowledge the characteristics of this site.

Landscape Character

- The proposed development has little consideration for the character of the area.
- The subject site is located within Landscape Character Area 9 (Ballincullia). It is incorrectly stated in the submitted documentation that it is outside of LCA9. No regard is given to the rural landscape character and policies GIB2 (Landscape Character Areas) and GIB5 (Historic Landscape Character Areas). The proposed scheme material contravenes Policy Objectives GIB2 and GIB5.

- The LVIA fails to mention that the scheme is located within the Barnacullia LCA and does not engage with the criteria for assessing the impact on the character of the area.
- The LVIA confirms that the scheme does not maintain the rural character of the area. Therefore the scheme materially contravenes Policy Objective GIB2
- The proposed scheme material contravenes Policy Objectives GIB23 which was not addressed by the applicant.
- A well-documented wildlife corridor, the 'Ticknock to River Dodder Corridor' would be destroyed by the scheme. This would materially contravene Policy Objectives GIB20 and GIB22.

Water Services / SuDS

- The proposed infiltration of surface water drainage directly into groundwater is not adequately assessed in the application. The contamination of groundwater is prohibited and would materially contravene Policy Objective EI8.
- The bio-retention pond at the sites eastern boundary is positioned where groundwater flooding is known to occur and is associated with a well / spring. The ponding indicates that the water table is merging with surface water in this low lying area. The presence of a shallow water table would render the bio-retention pond useless as an infiltration feature, especially in wet periods.
- Water from the well to the east of the site is piped under existing properties towards the Glaslower Stream. The application does not include any assessment of the impact of the development on this well. There are concerns that if the well becomes overloaded it would flood adjacent properties.
- The proposed green infrastructure cannot work in practice due to the presence of granite under the site. In many places there is no subsoil, which would make drainage impossible.
- Discharges are proposed by the applicant would result in the deterioration of water quality in the Carrickmines Stream and would materially contravene Policy Objective EI5.

- Additional demand on water supply would negatively impact on existing pressure in the area.

Excavation Works

- 95% of the site is under lain with granite, with c. 500mm of topsoil. The provision of basement levels would require extensive blasting and will likely undermine local water courses.
- The basement levels require excavation to depths of 8-9m. All excavations go below the water table and their construction requires an extensive dewatering programme, which is not addressed in the submitted documentation.
- The planned excavation works are akin to quarrying. These works are not addressed in any of the documentation submitted.
- The applicant estimates 19,868 tonnes of construction waste would be generated. This equates to approx. 1m deep excavations across the basements (12,733sqm). This is at variance with the amount of granite rock shown on the architects sections and elevations where basement levels vary from 2m - 9m.
- To state that the noise and vibration impact from breaking granite would be neutral and imperceptible is misleading.
- The Noise Impact Assessment is misleading and does not address the required rock breaking. On-going rock breaking on the Blackglen Road to facilitate the road upgrade works is causing significant disturbances,

EIA Screening

- The extensive blasting required and the impact upon biodiversity, water quality and human health has not been addressed.
- There is also a need for dewatering as the basement level extends beyond the water table. This is not considered in the EIA screening.
- The EIA screening does not refer to the sites location within the Barnacullia LCA or the Wildlife Corridor. This wildlife corridor was identified in the DLR Biodiversity Action Plan 2021-2025.

- The EIA Screening Report does not adequately identify or assess the likely significant effects of the construction and operation phase of the proposed development on the receiving environment.
- The EIA Screening Statement and the Article 299B Statement rely on the findings of the Planning Report and Statement of Consistency which is flawed as the report does not address Chapters 8 or 10 of the Development Plan.
- The EIA Screening Statement relies on the flawed LVIA.
- The EIA Screening Statement does not address groundwater.
- The experts that contributed to the EIA Screening Report do not appear to have qualifications in geology, hydrology or landscape assessment, which are critical aspects of this application.

Flood Risk

- The applicants FRA relies on the Geological Survey Mapping portal for its determination of groundwater flood risk. The published maps relate to areas underlain by limestone only. Therefore, these maps have no value in assessing the risk of groundwater flooding. As this site is underlain by granite.

Transportation

- The Blackglen Road, while being upgraded is still a minor road and does not have the capacity to accommodate the proposed development.
- Blackglen Road does not include a quality bus corridor. The site is not well served by bus and the luas is located c. 1.9km away.
- Slate Cabin Lane is a rural road. It is misleading to describe it as 'not quite suburban'.
- Woodside Road and Slate Cabin Lane and the surrounding road network are rural local roads / lanes and cannot accommodate vehicular movements generated by the development.
- Due to the steady incline the surrounding area is not suitable for commuting by bike. Cyclists in the area are generally for recreational use.

- There are no footpaths on Woodside Lane. Therefore it is not suitable for pedestrians as it is unsafe.
- DLR refused permission for a residential scheme on the northern side of Blackglen Road (Reg. Reg. DA22/0365) as the traffic impact would be unacceptable.

Other Issues

- The application does not include a letter of consent from DRL as stated in the application form.
- The photomontages are misleading.
- There is a dispute regarding site ownership at the boundary of the site with Woodside Road. Detailed maps are required to determine ownership.

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 2016, was received by An Bord Pleanála on the 20th October 2022. The report includes a summary of the proposed development, submissions from third parties and prescribed bodies, relevant planning history, the site location and description and the policy context. A summary of the views of the elected members of the Dundrum Area Committee, meeting held on the 26th September 2022. The main concerns, of the elected members related to rural location; impact on biodiversity; granite underlying the site; capacity of the road network; car parking; pedestrian safety; lack of loading bays; no quality bus corridor; LCA 9 not referenced in the application; groundwater pollution; impact on residential amenity; unit mix is a material contravention; scale is inappropriate; and concerns raised regarding Wind Study. Reports from the Drainage Planning Section, Housing Department, Transportation Planning Section, Parks and Landscape Services and the Environmental Health Officer have also been provided in Appendix A.
- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

Principle of Development: It is considered that the proposed development is in accordance with the sites zoning objective.

Transitional Areas: Having regard to the massing, height and scale and layout of the proposed scheme it is considered that the proposed development is not sympathetic to the surrounding rural land uses and it would create an abrupt transition in scale, particularly to the south of the site between the proposed apartment blocks and the high amenity areas zoned 'G'.

Part 8 and Timing of the Scheme: It is considered that no works on site should commence until the Road Improvement Scheme has been completed or until such time as a Construction Management Plan which shall include phasing that ties in with the delivery of the road upgrade has been agreed in writing with the Planning Authority to ensure that the proposed scheme does not impede the timely completion of the road improvement works.

Residential Density: The subject site is not deemed to be a brownfield site as there was no previous development on the site. The subject site which is located on the outer fringes and outside what can be considered the established urban form, and on which is in fact a semi-rural greenfield site, is not deemed to be infill. The Sustainable Residential Development Guidelines and Circular NRUP 02/2021 recommend a density of 35-50 units per ha for a greenfield sites.

In accordance with the provisions of the Apartment Guidelines it is considered that the site is located in a peripheral and / or less accessible location and not an intermediate urban area as suggested by the applicant.

It is considered that the proposed density of 97 units per ha at a peripheral outer suburban location on the foothills of the Dublin Mountains bordering rural and high amenity lands, not in proximity to high quality public transport infrastructure is, in quantitative terms not supported by local and national policy. In qualitative terms it is not of an appropriate scale considering the location and if permitted would detrimentally impact on the character of the area.

It is considered that there are other parameters that point towards the subject scheme being of excessive density / overdevelopment. These include traffic movements

generated by the scheme as a consequence of the high car parking ratio, the number of dual aspect units and a high proportion (12.5%) of north facing apartments.

It is proposed that the scheme be amended by omitting block C, reducing the height of some of the remaining blocks and increasing the number of 3-bed units. It is estimated that the proposed amendments would result in a density of 55 units per ha. This density is considered more appropriate at this location.

Landscape Character: The site is located within the Barnacullia Landscape Character Area (LCA). The omission of this designation within the applicants documentation is deemed significant and considered to have a notable bearing in the visual implications and visual consequences of the proposed development. The applicants assumption that a development with a strong urban character on the site is inevitable is not supported by development plan policy GIB2 and GIB5 or by National policy. It is noted that NPO33 puts emphasis on the established character of the receiving environment.

The current proposal is deemed to run contrary to the guidance set out in Appendix 8 and would be detrimental to the character of the landscape of Barnacullia.

Reference is made to long distance views,. However, no information has been submitted of the impact of the proposed development from long distant views, therefore, those impacts remain untested. There are concerns regarding the taller 'C' blocks on the higher portion of the site.

Residential Amenity:

Overlooking: Separation distances with boundaries with adjacent properties are generally in keeping with Development Plan requirements (11m). In the limited circumstances where distances are not fully achieved the distance to the adjacent dwelling is within the development plan requirements (22m).

Distances between the proposed blocks are generally in accordance with the development plan requirements (22m). Where the 22m distance is not achieved design solutions are applied, such as angling blocks to avoid direct overlooking.

Noise: The Construction Management Plan and the Noise Impact Assessment does not appear to consider the ground conditions. The Board should satisfy themselves that it has sufficient information in this regard or that the issue can be satisfied by way of condition.

Similarly the Board should be satisfied that it has sufficient information for the purpose of EIA Screening as the applicant relies on the findings of the Noise Impact Assessment.

Sunlight and Daylight: The findings of the applicants Daylight, Sunlight and Overshadowing Report are noted. The impact on surrounding properties is in accordance with the targets set out in the BRE guidelines.

It is noted that 94.5% of all habitable rooms within the scheme meet the internal illuminance criteria set out in the BRE guidelines. Having regard to the site characteristics and the location of the subject site and the unencumbered surroundings, and also the level of glazing proposed with the overwhelming majority of windows being full sized windows, the results are not deemed to be satisfactory.

55% of the proposed apartments achieve the minimum levels of direct sunlight recommended in the BRE guidelines. The north facing orientation of 12.5% of the units would be a design factor affecting in the results.

95% of open spaces would achieved at least 2 hours of sunlight on March 21st, in accordance with the target set in the BRE guidelines. This is a positive result stemming from a lack of obstacles in the sites surroundings and adequate separation distances between the blocks.

Standard of Accommodation:

Unit Mix: The proposed unit mix is a material contravention of the development plan. It is recommended that a condition be attached to any grant of permission that revised plans be submitted demonstrating compliance with the unit mix in Table 12.1 of the development plan.

Size: All units reach or exceed the size targets set out in Table 12.4 of the Development Plan.

Dual Aspect: The applicant has stated that 50% of the units are dual aspect, which is in accordance with Section 12.3.5.1 of the development plan. The floor plans indicate that there are instances where the units would not be deemed to meet the definition of dual aspect. In particular in the centre of Blocks C1, C2 and C3. Excluding these 14 no. units, the scheme provides 167 no. true dual aspect units which equates to 46% and is below the development plan threshold. It is considered that the under provision of dual aspect units is solely motivated by a design decision to maximise the number of units and is not a result of constraints imposed by the physical or locational characteristics of the site.

The provision of 45 no. single aspect north facing units is not deemed to be acceptable in this instance. The applicants reference to views is not considered a significant justification in this instance considering the unconstrained nature of the site and the pattern of development in the area.

The combination of dual aspect and north facing units is considered unacceptable having regard to the receiving environment and are deemed the result of excessive quantum of development that would result in unacceptable levels of residential amenity. It is expected that the removal of Blocks C1, C2 and C3 would address these and other issues identified.

Private Open Space: private open space is provided in the form of balconies or terraces. It appears that the scheme complies with the standards set out in Table 12.1 of the development plan and the standards in the Apartment Guidelines.

Public and Communal Open Space:

Public Open Space: The planning authority are satisfied that the quantum of public open space exceeds the development plan standard. In terms of quality it is considered that the scheme provides a good combination of areas for active and passive recreation. Regard is also had to the results of the applicants Daylight, Sunlight and Overshadowing Report. A condition is recommended that public access to the open space is allowed and maintained at all times.

Communal Open Space: The communal open space is deemed to be in accordance with development plan standards and capable of providing an acceptable level of amenity.

Building Height: The site is considered to be in a Residual Suburban Area as per the categories of the Building Height Strategy. Policy Objective BHS3 is relevant. The proposed development would have buildings up to 6-storeys in height. Therefore, it exceeds the prevailing height for the area, which is between single and 2-storeys. Therefore, it should be assessed on the basis of performance based criteria set out in Section 5 of the Height Strategy. This is consistent with the criteria set out in Section 3.2 of the Building Height Guidelines. The planning authority provided a detailed assessment of the scheme against these criteria and considered that the development does not satisfy the required criteria and is contrary to policy objective PHP42, the Height Strategy of the development plan and Section 3.2 of the Building Height Guidelines.

It is considered that 4-storeys is the maximum permissible height on the subject site. If the scheme was reduced to a maximum of 4-storeys it would have a much better integration with the character of the landscape and would be more sympathetic to the receiving environment. Any building addressing Woodside Road should be 2-storeys to reflect the rural character of the road. It is also expected that the reduction in units resulting from the reduction in height would also assist in bringing the density in line with the national and local parameters.

It is also considered that given the overall massing and length of Blocks C1, C2 and C3 that these blocks should be omitted. The applicant should be invited to consider revising the massing of the blocks and increase the number of dual aspect units.

Transportation: Concerns that the proposed access to the basement level under Block A2 from Blackglen Road would impede access to the Four Winds Site across the road. Permission was recently refused (D22A/0365) and a subsequent application is anticipated.

It is considered that the forecasted traffic movements on Blackglen Road are underestimated considering the expected traffic volumes reflected in the Part 8 for the Blackglen Road Improvement Scheme (PC/IC/01/15). This data anticipates a considerable higher number of traffic volumes versus that noted in the applicants TTA.

No connection or future connection with adjoining lands is proposed. This is considered a missed opportunity for the purposes of future proofing the scheme that would limit permeability and connectivity in the future.

Car Parking: The level of car parking is in accordance with the provisions of Table 12.5 of the development plan.

Cycle Parking: There are concerns regarding the quality and accessibility of the space proposed at the undercroft parking areas.

Surface Water Drainage and Flood Risk: The report of the Drainage Section is noted, which raised no concerns subject to conditions.

Part V: It is proposed to provide 36 no. units which equates to 10%. The applicant should clarify the date of acquisition of the subject lands to ascertain whether the 20% requirement of the Affordable Housing Act applies.

Childcare Facility: The proposed childcare facility is considered adequately sized to cater for the potential demand generated by the development.

Construction Management and Construction and Operational Waste Management: The Board should satisfy themselves that they have sufficient information regarding the construction methodology and in particular rock breaking and excavation to adequately ascertain potential impacts on the environment.

Building Lifecycle Report: The applicant has not submitted a Building Lifecycle Report which is a requirement of Section 6.13 of the Apartment Guidelines.

Heritage: The remains of an old structure in a ruinous condition adjacent to the site is believed to have been occupied by Countess Markievicz in the time leading to the 1916 Easter Rising. It is considered that there is an opportunity to provide a public access to the structure and enhance its setting and interpretation. This could be addressed by way of condition.

Ecological Impacts: The site lies within the 'Ticknock to Dodder Ecological Network' and sites to the south of Fitzsimons Wood. It is considered that the design and layout of the scheme has not taken full cognisance of the requirement to maintain the biodiversity function of the site in terms of both the presence of flora and fauna on the

site as well as the movement through the site, particularly from north to south (Dublin Mountains to Fitzsimons Wood). The recommendation to omit the 'C' blocks provides an opportunity to revisit this matter.

Development Contributions: Contrary to reference by the applicant the scheme is not within the boundary of the Section 49 Special Contribution for the LUAS.

Appropriate Assessment / Environmental Impact Assessment: An Bord Pleanála is the competent authority.

Conclusion: Given the concerns raised around density, access to sunlight and daylight, building height and design, impacts on the landscape character of the area, visual impacts and impacts on Blackglen Road, lack of detail on the environmental implications of the construction process having regard to the level of rock excavation required the subject scheme as proposed is not deemed acceptable.

If the permission is being contemplated it is recommended that the scheme be amended by way of condition to cap the height across the site at 4-storeys and to remove the 3 no. 'C' blocks. In doing so concerns around height, density, long range visual impact and biodiversity could be addressed.

The planning authority set out 63 no. recommended conditions. The conditions of note are outlined below: -

3. The following amendments shall be made to the scheme:
 - a. The omission of Blocks C1, C2 and C3 in their entirety
 - b. The maximum building height on site shall be four storeys. To achieve that, the fourth and fifth floor of Blocks B1, B2 and B3, and the third floor of Block B4 shall be removed.
 - c. A minimum of 20% of the total number of units shall be 3-bedroom units in accordance with the unit mix established by Table 12.1 of the County Development Plan 2022 – 2028.

Revised drawings showing the above changes shall be submitted in writing to the Planning Authority for written approval prior to commencement of development.

Henceforth the developmetn shall be carried out in accordance with the agreed changes.

Reason: In the interest of visual and residential amenity.

4. Prior to commencement of development the applicant shall remove the basement car park access directly onto Blackglen Road and redesign access to the rear or side of BlockA2. This is in the interest of removing a traffic hazard on the Blackglen Road and also a conflict with entrance directly opposite this entrance to the 'Four Winds' site.

Reason: To avoid conflicting vehicular movements on the public road in the interest of road safety.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6(7) Opinion and included the following: -

- Irish Water
- National Transport Authority (NTA)
- Transport Infrastructure Ireland (TII)
- Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
- The Heritage Council
- An Taisce – The National Trust for Ireland
- Inland Fisheries Ireland
- Waterways Ireland
- Dun Laoghaire Rathdown County Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 26th August 2022. A summary of the comments received are summarised below:

An Taisce:

Barnacullia Landscape Character Area: There does not appear to be any mention of the LCA No. 9 in the Landscape and Visual Impact Assessment (“LVIA”) accompanying the present application, or in other Reports such as the Environmental Impact Assessment Screening Report or the Material Contravention Statement. It is clear that the proposed development does not maintain the rural character of the area but is essentially urban in nature. The Applicant has failed to show that the proposed development meets Objective GIB2.

Zoning: The site is zoned residential, however, this does not mean that residential development is to be provided without regard to the particular Landscape Character of the area. There must be a balance which, in our view, has not been achieved in the present proposal.

Transitional Zonal Area: The area to the southwest of the development site, Zoned ‘G’, is the most environmentally sensitive zone under the development plan and it would be necessary to avoid the abrupt transition in scale as proposed in the present application. However, we have not found any reference to this transition in the Material Contravention Statement. It is considered that the applicant has failed to justify a Material Contravention with regard to the Transitional Zone at the boundary of the site with the land having Objective G ‘To protect and improve high amenity areas’.

Building Height, Scale, Massing and Density: The scale of the proposed buildings is too great for this outer suburban area, in the foothills of the Dublin Mountains. The density at 97.3 units per hectare would represent over-development. The impact on the immediate and surrounding environment would be strongly negative, due inter alia to the dominant and visually obtrusive nature of the buildings. Permitting a 6-storey development on this elevated site could impact on the longstanding policy to protect the views of the Dublin Mountains from the city/built up area as well as the vistas from the High Amenity Areas down towards the city.

The proposed scheme is not in accordance with the performance based criteria in the Building Height Strategy at Appendix 5.

Visual Impact: On various views in the LVIA, the commentary refers to existing trees and vegetation that are not on the site and whose future maintenance would be outside the applicant's control. There are no photomontages from viewpoints in the foothills of the Dublin Mountains, above Woodside Road

The area north-east of Woodside Road is not "urban", it is an outer suburban area with individual houses. The creation of an urban-rural edge is not viewed as being positive.

Biodiversity: Insufficient information about the proposed native woodland trail and its habitat connectivity, to show that it would provide an active wildlife corridor. The applicant has failed to demonstrate that the proposed development meets Objective GIB22.

Road Access / Capacity: The Blackglen road improvement scheme will add cycle lanes and footpaths but will not significantly change the single carriageway structure. The improved roads will not easily or safely serve the proposed car-dependent housing developments.

Traffic, Transport and Car Parking: The development at the scale currently proposed would be unduly car dependent.

Environmental Impact: We have not seen an assessment of the environmental impact of the breaking of the granite bedrock. This should not be left for investigation later, in advance of the construction stage.

An assessment is required with respect to the environmental effects on the surrounding area, its biodiversity and the neighbouring residents whose residential amenities are to be protected under the Zoning Objective 'A'.

Development Applications Unit, Department of Housing, Local Government and Heritage:

Nature Conservation

The findings of the applicants Appropriate Assessment are noted. Due to of the misidentification of the stream on south east boundary of the development site as the Carrickmines Stream rather than the Glasnalower, the AA Screening Report does not

evaluate any potential effects that surface water flows from the development down the latter water course may have on the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA into which the Glasnalower directly discharges at Blackrock approximately 6 km downstream. The CEMP does not appear to state where it is intended the runoff from the site will be discharged to.

The findings of the applicants Ecological Impact Assessment are noted. It is considered that breeding bird survey was undertaken relatively late in the bird breeding season on the 23rd of July 2021.

Before any development work on the site commences further survey work for these amphibian species would seem requires. The incorporation of several ponds in the landscaping of the proposed development along its southern boundary is proposed as a biodiversity enhancement measure. If the presence of frog or smooth newt on the development site is confirmed these ponds could be constructed and any amphibian spawn or larvae found on the site transferred to them before the commencement of the main development works.

The proposed scheme in combination with other developments under construction or proposed on both sides of the Blackglan Road, will reduce plant and animal movement between the Fitzsimons Wood proposed Natural Heritage Area (pNHA) to the north of this road and the Dublin Mountains to its south west. The tree planting along the boundaries of the proposed development will only assist in maintaining the biodiversity connectivity between the Fitzsimons Wood pNHA and the Dublin Mountains to a limited degree.

The submission includes 4 no. recommended conditions to be attached to any grant of permission.

Archaeology:

The submission recommends 3 no. conditions relating to archaeological evaluation and monitoring be attached to any grant of permission.

Irish Water

Water: A connection is feasible subject to replacing the existing 3" AC and 4" uPVC main with approx. 450m of 150 ID main.

Wastewater: A connection is feasible subject to the following upgrades:

- Upsize of existing 150mm and 225mm ID sewers to 300mm ID sewers for approximately 1.5km (Blackglen Road, Enniskerry Road, Sandyford Road, Green Route North Road).
- Construction of a new 1250mm ID Tank sewer for approximately 500m in Blackthorn Drive / Aveune.
- Construction of a new 450mm ID gravity sewer for approximately 350m in Burton Hall Road.
- Upsize of existing 225mm ID sewer to 300mm ID sewer for approx. 70m in Burton Hall Road.
- Upsize of existing 225mm ID sewer to 300mm ID sewer for approx.. 185m in Burton Hall Avenue.
- Upsize of existing 25mm ID sewer to 400mm sewer for approx.. 650m in Hawthorns Road up to the Blackthorn Drive.

The submission includes 3 no. recommended conditions to be attached to any grant of permission.

Transport Infrastructure Ireland: No observations

- 9.3. No submissions were received from the National Transport Authority (NTA), The Heritage Council, Inland Fisheries Ireland, Waterways Ireland or Dun Laoghaire Rathdown County Childcare Committee.

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. My assessment focuses on the National Planning Framework, the Regional Economic

and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and has full regard to the chief executive's report, 3rd party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Quantum of Development
- Design Approach
- Building Height
- Open Space and Landscaping
- Residential Amenity
- Noise and Vibration
- Transportation and Car Parking
- Water Services and Flood Risk
- Archaeology
- Cultural Heritage
- Material Contravention

10.2. ***Quantum of Development***

- 10.2.1. The scheme has a net density of 97 units per hectare. The submissions from the third parties, the planning authority and An Taisce all consider this to be an outer suburban / rural site and raise serious concerns for the quantum of development given the sites context.
- 10.2.2. The development plan does not set out any numerical limitations on density. Policy Objective PHP18 encourages higher residential densities and the associated text in Section 4.3.1.1 of the development plan states that as a general rule the minimum default density for new residential developments in the County shall be 35 units per hectare. Section 4.3.1.3 of the development plan also states that for all developments with a density over 50 units per ha, the applicant must address how the density, scale, size and proposed building form does not represent overdevelopment of the site.
- 10.2.3. The applicant's Planning Report justifies the proposed density of the proposed development with regard to policy objectives in the National Planning Framework, the Regional Spatial and Economic Strategy 2019-2031, the Urban Development and

Building Heights Guidelines and the Design Standards for New Apartments Guidelines which all support increased height and density and the consolidation of the urban environment.

- 10.2.4. The applicants documentation specifically refers to the site as an infill site within the established urban area. The development plan does not define an 'infill' site. However Section 5.9, infill residential development of the Sustainable Residential Developments in Urban Areas Guidelines notes that *potential sites may range from small gap infill, unused or derelict land and backland areas up to larger residual sites or sites assembled from a multiplicity of ownerships*. Although not a statutory document in this jurisdiction Section 15.5.2 of the Dublin City Development Plan 2022-2028 also defines an infill development as *lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form*. The subject site is a greenfield site, bound by low density single and two-storey dwellings with a ribbon pattern of development along Blackglen Road, on a site at the fringes of the suburban area of Sandyford. Having regard to the site characteristics it is my opinion that this is not a infill site as it does not represent a gap within the established urban area. The applicant also refers to this site as a brownfield site. The Sustainable Residential Developments in Urban Areas Guidelines define brownfield sites as *“any land which has been subjected to building, engineering or other operations, excluding temporary uses or urban green spaces”*. As there was no previous development on the site it is my opinion that it cannot be described as brownfield.
- 10.2.5. The Sustainable Residential Developments in Urban Areas Guidelines identify outer suburban / greenfield sites as being open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure. I agree with the planning authority that this is an outer suburban / Greenfield site and that the proposed quantum of development should be assessed having regard to the sites locational context. Section 5.11 of the guidelines states that for outer suburban / 'Greenfield' sites the greatest efficiency in land usage would be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities, involving a variety of housing types where possible, should be encouraged generally.

- 10.2.6. The Apartment Guidelines (2022) identifies locations that may be suitable for apartment development. The applicant considers the site to be an intermediate urban location. The Guidelines identify intermediate urban locations as sites within or close to (i.e 800m – 1km) of a principle town or suburban centre or employment location; sites within walking distance (1km – 1.5km) of high capacity urban public transport stops or within reasonable walking distance (up to 1km) of high frequency urban bus services or where such services can be provided; and sites within easy walking distance (400m – 500m) of reasonably frequent (15 min peak hour frequency) urban bus services.
- 10.2.7. The subject site is located c. 1.5km from Sandyford Village centre. I agree with the third party submissions that the retail / commercial units at Lambs Cross do not constitute a principle town or a suburban centre. The site is not located within or close proximity to an employment location, such as a hospital or third level institution. In addition, the site is not located within 1km of high capacity urban public transport as the Glencairn Luas stop is located c. 1.9km (as the crow flies) from the site. There are bus stops located on both sides of Blackglen Road within 150m of the subject site. These stops are served by the 44B and 114 bus routes. The 44B provides a link between Glencullen and Dundrum LUAS stop with 5 no. buses per day, in both directions. The 114 provides a link between Ballinteer and Blackrock Dart Station via Sandyford LUAS stop with 17 no. buses per day, in both directions. This bus operates at a peak frequency of 30 minutes. Under bus connects (www.busconnects.ie) Blackglen Road would be served by routes 86 and L33. While the provision of bus services on Blackglen Road are noted I agree with the applicants Traffic Impact Assessment notes that while these services provide connections to the city centre, they are not expected to be 'high frequency'. Having regard to the above it is my opinion that the subject site is not an intermediate location as identified in the Apartment Guidelines and is a peripheral and / or less accessible urban location. The Apartment Guidelines state that these locations are generally suitable for limited, very small scale higher density development that may wholly comprises apartments at low – medium densities (broadly less than 45 units per ha). The guidelines also state that each site would require local assessment and further consideration of other relevant planning factors.

- 10.2.8. In addition it is noted that while the NPF supports increased density and consolidation of the urban environment, National Policy Objective 33 prioritises new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 10.2.9. The planning authority consider that the proposed density at this peripheral outer suburban location on the foothills of the Dublin Mountains bordering rural and high amenity lands, not in proximity to high quality public transport infrastructure is, in not supported by local and national policy and it is considered that if permitted the scheme would detrimentally impact on the character of the area.
- 10.2.10. It is acknowledged that this is a zoned site and that the proposed scheme would result in the creation of a new distinct residential development with wider benefits, such as the delivery of a significant quantum of housing. I have no objection in principle to an increased density on the subject site, which is in accordance with national and local policy. However, I have concerns that the proposed quantum of development, which is expressed through increased building height and massing and scale, is not the optimal design solution for the subject site having regard to its locational context at the fringe of the outer suburban area at the foothills of the Dublin Mountains.
- 10.2.11. It is noted that the planning authority recommended that conditions be attached to reduce the height of the scheme to a maximum of 4-storeys and omit Blocks C1, C2 and C3. These amendments would result in an estimated density of c. 55 units per ha, the planning authority considered to be more appropriate at this location. While it is noted that a density of 55 units per ha would generally be consistent with the provisions of national and local policy it is my opinion these amendments would fundamentally alter the scheme and, therefore, it is not appropriate to address these concerns by way of condition.
- 10.2.12. My specific concerns regarding how the quantum of development is expressed are addressed below in sections 10.3 and 10.4 design approach and building height.

10.3. ***Design Approach***

- 10.3.1. The proposed development comprises 360 no. residential units and a childcare in 9 no. urban blocks (A1 – C3). There is a central spine road running through the site

from Blackglen Road to Woodside Road and a large area of public open space located in the centre of the site to the west of the spine road. The blocks range in height from 2 – 6 storeys over basement level. Given the topography of the site the basement level of some of the blocks appear as the ground floor level from differing elevations. The applicants Architectural Design Statement identified 4 distinct character areas within the site that would be completed in a single phase of development.

- 10.3.2. Character Area A (Blackglen Road Streetscape) is located in the northern portion of the site. This area adjacent to Blackglen Road is the lowest lying portion of the site. This character area includes Blocks A1 and A2, which front onto Blackglen Road. Block A1 is a 4 storey block and Block A2 is a 3-4 storey block over a basement level. Blocks A1 and A2 would be finished a blend of light coloured render and white.
- 10.3.3. Character Area 2 (Lower Hillside) is located along the sites southern and eastern boundaries and comprises part of Blocks B1 and B2 and Blocks B3 and B4. Block B1 is a 5-6 storey block located to the rear of Blocks A1 and A2. Block B2 is located to the rear of Block B1. It is predominately 5-6 storeys with a 2-storey element on the eastern elevation. Blocks B1 and B2 are individual blocks that share a ground floor level car parking area and podium level communal open space.
- 10.3.4. Blocks B3 and B4 are located in the south eastern portion of the site. Block B3 is predominantly 5-6 storeys with a 3 storey element on the northern elevation. Blocks B3 and B4 are also individual blocks that share a basement level car park, a ground floor level car park and communal open space at podium level (first floor level). Blocks B1, B2, B3 and B4 would be finished in a blend of buff colour brick and light coloured precast concrete with vertical elements of darker grey brick.
- 10.3.5. Character Area C (Upper Hillside) is located along the sites western and southern boundaries and comprises Blocks C1, C2 and C3. Blocks C1, C2 and C3 have a similar design approach and are laid out in a linear pattern. These blocks are predominantly 6 storeys with 2/3 storey elements. Blocks C1, C, 2 and C3 would primarily be finished in a buff brick with elements of precast concrete, bronze metal panelling, dark grey brick and stone. Blocks C1, C2 and C3 are individual blocks that share a part ground floor part basement level car parking area. Communal open space is provided at first floor / podium level between Blocks C1 and C2 and car parking is

provided at ground floor / podium level between Blocks C2 and C3. The levels reflect the topography of the site.

- 10.3.6. Character Area D (Central Parkland) is located in the centre of the site and along the sites western boundary to the north of Block C1. It comprises part of Blocks B1 and B2 and accommodates a central area of public open space.
- 10.3.7. Each character area has a similar contemporary design approach. It is my opinion that the variation in brick colour between the blocks would complement each other. I have no objection to the proposed brick finish, which I consider to be a robust and durable material. However, it is noted that Blocks A1 and A2 are finished in render. Having regard to the high visibility of all elevations of these blocks from within the scheme and from Blackglen Road, it is my opinion that render is not an appropriately durable material. Therefore, if permission is being contemplated it is recommended that the render be omitted from the pallet of external finishes of the apartment blocks and that they be completed in an appropriately durable material and that final details of all materials and finishes should be agreed with the planning authority. It is considered that this could be addressed by way of condition.
- 10.3.8. The proposed unit mix comprises 123 no. (34%) 1-beds, 224 no. (62%) 2-beds and 13 no. (4%) 3-beds. Table 12.1 of the development plan sets out apartment mix requirement for schemes of 50+ units in the existing built up area. In general, the proposed unit mix does not comply with the quantum's set out in Table 12.1. Table 12.1 states that apartment developments may include up to 80% studio, one and two bed units. The proposed scheme incorporates 96% 1 and 2 bed units. Table 12.1 also states that no more than 30% of the overall development should comprise a combination of one bed and studio. The scheme incorporates 34% 1-bed units. It also states that a minimum of 20% should be 3+ bedrooms. The scheme incorporates 4% 3+ bed units. Therefore, the proposed unit mix does not comply with requirements set out in Table 12.1. The planning authority note that this is a material contravention of the development plan.
- 10.3.9. The applicants Material Contravention Statement justifies the proposed unit mix with regard to SPPR1 of the Apartment Guidelines, which takes precedence over the dwelling mix provision outlined in the development plan. SPPR1 of the Apartment Guidelines states that apartment developments may include up to 50% 1-bed or studio

type units (with no more than 20 – 25% of the total proposed development as studio's) and there shall be no minimum requirement for apartments with three or more bedrooms. While it is acknowledged that the proposed unit mix is in accordance with the provisions of SPPR1. SPPR1 also states that 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). Appendix 2 of the development plan sets out the HNDA for the county and the recommended unit mix is reflective of the standards set out in Table 12.1. Therefore, having regard to the information provided in the HNDA, in particular Section 2.9.2 Housing Type and Mix, which is evidence based and robust, I agree with the concerns of the planning authority that there is a demand for larger units within the county and that the proposed unit mix would be a material contravention of the development plan.

10.3.10. It is my opinion the proposed unit mix, which includes a high proportion of 1 and 2-bed units, is a reflection of maximising the quantum of development on the site with undue consideration to the HNDA. It is acknowledged that the unit mix could be addressed by way of condition to amalgamate units, however, having regard to the proportion of units that it would be required to amended and the additional concerns regarding the design approach to this scheme which are discussed below, the proposed amendments would significantly alter the design and layout of the scheme, and are not considered appropriate in this instance.

10.3.11. A Housing Quality Assessment was submitted with the application. The proposed apartments reach and exceed the minimum standards for room sizes as set out in the Apartment Guidelines (2022). SPPR4 of the Apartment Guidelines requires that a minimum of 50% of units are required to be dual aspect in suburban or intermediate locations and this requirement is reflected in Section 12.3.5.1 of the development plan. The proposed scheme includes 181 no. dual aspect apartments which equates to 50% of the units. The planning authority raised some concerns regarding the true aspect of 14 no. units Blocks C1, C2 and C3 and recommend that these units be excluded as dual aspect. This results in 167 no. true dual aspect units which equates to 46%.

- 10.3.12. The units that the planning authority refer to are located at a bend in Blocks C1, C2 and C3. However, I am satisfied that these are true dual aspect units as the main living area has corner windows, with windows on the northern and western elevations. Notwithstanding this, if the Board consider that these units are not true dual aspect. I am satisfied that there is sufficient flexibility within the wording of the development plan, which states that 'generally' 50% of the units should be dual aspect. Therefore, it is my view that the proposed provision of dual aspect units would not be a material contravention.
- 10.3.13. The scheme also includes 45 no. single aspect north facing units, this equates to c. 12.5% of the units within the scheme, which the planning authority considers to be unacceptable given the unconstrained nature of the site and the pattern of development in the area. The development plan does not provide any guidance on single aspect north facing residential units. However, the Apartment Guidelines note that north facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. The applicant justifies the single aspect north facing units by the provision of unobstructed views of areas of open space and towards Dublin Bay, the increased size of these units and increased glazing to allow for greater access to daylight.
- 10.3.14. It is acknowledged that compensatory design measures are proposed provided for these single aspect north facing units and that in urban schemes there can be challenges to achieve all recommended standards, and to do so would unduly compromise the design / streetscape. However, I agree with the concerns raised by the planning authority and consider that given the relatively large size (3.7ha) and unrestricted nature of this greenfield site that the applicant has not endeavoured to limit the number of single aspect units. It is my opinion that the relatively high proportion of single aspect units is a result of the proposed quantum of development and proposed unit mix.
- 10.3.15. Having regard to the above I have concerns regarding the unit mix and the significant portion (12.5%) of single aspect north facing units on a relatively large (3.7ha) unrestricted site at the outer fringe of the urban area. It is my opinion the

amendments required would significantly alter the design and layout of the scheme, and are, therefore, not considered appropriate in this instance.

10.3.16. In addition, to these concerns it is also my opinion that the proposed scheme does not take adequate consideration of its surrounding context. In this regard the subject site is located within Landscape Character Area 9: Barnacullia and a transitional zone. A Landscape and Visual Impact Assessment was submitted in support of the application. While the assessment acknowledges the site within a transitional zone it does not acknowledge its location within LCA 9: Barnacullia and refers to the site as an infill site. I agree with the third party submissions and the planning authority that the lack of reference to the Landscape Character Area this is a significant omission when assessing the impact of the proposed development on the landscape.

10.3.17. The LVIA includes 28 no. verified views towards the site. The submitted views provide a comparison of the existing site and the proposed development during both winter and summer months. I am satisfied that the applicants submitted views and photomontages provide a comprehensive and reasonable representation of how the proposed development would appear. The assessment notes the elevated nature of the surrounding area affords panoramic views over Dun Laoghaire towards Dublin Bay. However, it does not provide any long distance views from these locations towards the site. Having regard to the elevated nature of the site and the proposed height of the scheme I agree with the planning authority that long distance views towards the site from Dun Laoghaire and Dublin Bay would allow for a full assessment of the visual impact of the scheme.

10.3.18. Table 1 of the report provides an assessment of each of the 28 no viewpoints and Table 2 provides a summary of the assessment. Of the views assessed the applicant considers that the significance of effects would be:

- 'No Effect' on 10 no. views (views 2, 16, 19, 21, 23, 24, 24c, 25, 26 and 27)
- 'Not Significant Neutral' on 9 views (views 1, 6, 11, 13, 14, 17, 18, 20 and 22)
- 'Moderate Positive' on 5 views (views 3, 4, 8, 9 and 10)
- 'Significant Neutral' on 1 view (view 5)
- 'Slight Positive' on 1 view (view 15)
- 'Moderate Neutral' on 1 view (view 12)

- 'Slight Neutral' on 1 view (view 7)

10.3.19. Having particular regard to the sites location within a transitional zone and within LCA 9: Barnacullia I disagree with the conclusion of the LVIA that the impact from Woodside Road (views 8, 9 and 10) would be Moderate Positive and that views from Slate Cabin Road (views 12 and 13) would be Moderate Neutral and Not Significant Neutral. I also disagree that the view from the walking trail above Cullen's Way and Woodside Road (view 15) would be Slight Positive. This view is taken from an elevated position within the high amenity area within the Dublin mountains. The view clearly indicates that the proposed scheme would be highly visible from this amenity area. While it is acknowledged that any development on the site would be visible from the surrounding road network / walking trail, it is my opinion that due to the height, scale and massing of the proposed scheme would be visually obtrusive and would negatively impact on the visual amenity of the area.

10.3.20. With regard to the sites location within a transitional zone it is acknowledged that the site is zoned 'A' with the associated land use objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. Therefore, the principle of residential development and creche with associated road infrastructure is considered in accordance with the zoning objective. Notwithstanding this, the lands to the north of the site, on the opposite side of Blackglan Road are zoned F 'to preserve and provide for open space with ancillary active recreational amenities' and lands to the west of the site, on the opposite side of Woodside Road are zoned G 'to protect and improve high amenity areas'. Therefore, Section 13.1.2 of the development plan is considered relevant.

10.3.21. Section 13.1.2 (Transitional Zonal Areas) of the development plan states that it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone. The applicants Planning Report acknowledges the sites transitional nature with regard to its proximity to lands zoned F open space, however, as noted by third parties the report does not address the impact on lands zoned G, to the west of the site.

- 10.3.22. In addition, Appendix 8: Landscape Assessment Study and Landscape / Seascape Character Areas of the development plan details the differing Landscape Character Areas (LCA) and provides principles for development for each area. As noted in the third party submissions and by the planning authority and An Taisce the subject site is clearly indicated in Appendix 8 as being located LCA 9: Barnacullia.
- 10.3.23. Barnacullia is described as encompassing the elevated slopes rising from Stepside village up towards Three Rock Mountain. The area can be subdivided by the Barnacullia Road. The subject site is located to the east of Barnacullia Road. This landscape is gentler in slope and characterised by irregular fields broken up by deciduous tree belts. One-off housing is prevalent along the lower side of the roadway although views down the valley are currently protected. This enclosure also includes the area containing the pNHA Fitzsimons Wood. Appendix 8 sets out 6 no. development principles for the LCA. The relevant principles include that *any new residential development shall maintain the rural character of the area and should not be obtrusive on the horizon and to have regard to the recommendations and findings of the Historic Landscape Character Assessment for Barnacullia.*
- 10.3.24. Part 11 of the Historic Landscape Character Assessment (HLCA) for Barnacullia sets out recommendations including that all new developments in the area should be sufficiently sympathetic to emphasise, strengthen and enhance the established character of the area. This report is available on the www.dlrcoco.ie website.
- 10.3.25. The principles of Appendix 8 are supported by Policy Objective GIB2 aims to continue to protect, manage and plan to conserve, maintain or enhance the distinctive characteristics of the County's landscapes, townscapes and seascapes in accordance with the recommended strategies as originally outlined in the Landscape Character Assessment, and Policy Objective GIB5 which aims to have regard to the recommendations and findings of the Historic Landscape Character Assessments (HLCA), already undertaken for a number of the urban-rural fringe areas of the County most likely to come under development pressure.
- 10.3.26. Having regard to the provisions of the development plan and having carried out a site visit it is my opinion that Blackglen Road is characterised as outer suburban while Woodside Road is rural in character. It is noted that the Blackglen Road improvement

scheme, which is currently under construction, will provide footpaths, a cycle path and public lighting along the road. There are also additional potential development sites along Blackglen Road, which are zoned for residential development. Therefore, it is my opinion that Blackglen Road is capable of absorbing an urban development without negatively impacting on the visual amenities of the surrounding area. Blocks A1 and A2 are located in the lowest lying section of the site and are set back c. 10m – 12m from the boundary with Blackglen Road. Both Blocks continue the established building line of the existing single storey dwellings (numbers 142, 144 and 146) on Blackglen Road to the east of the site. Blocks A1 and A2 have a similar design approach, with pitched roof features and would be finished a blend of light coloured render and white. Block A1 is a 4 storey block and includes a creche at ground floor level. Block A2 is a 3-4 storey block and includes residential amenity at ground floor level. In my view these blocks provide an appropriate street frontage onto Blackglen Road and the design and layout of the blocks, while highly visible, would successfully integrate into the streetscape. Therefore, I am satisfied that the height, scale and massing of Blocks A1 and A2 would be in accordance with Section 13.1.2 (Transitional Zonal Areas).

10.3.27. Woodside Road is rural in character with a circuitous route and no footpath. The road is lined by high walls, trees and vegetation with a limited number of large, detached dwellings set back from the road. Woodside Road is located within an area of high amenity at the foothills of the Dublin mountains and elevated c. 169m above sea level. It is my opinion that due to the characteristics of this road that it is less capable than Blackglen Road to successfully absorb a high density urban development. As noted above, the photomontages (views 8, 9 and 10) indicated that the proposed scheme would be highly visible from Woodside Lane.

10.3.28. Block C3 is located c. 12m from the sites boundary with Woodside Road. It has a similar design approach to Blocks C1 and C2. They are generally L shaped Blocks with a projections on the southern elevation. The 3 no. blocks are laid out in a linear pattern in the south western portion of the site. They are generally c. 85m in length and c. 18m in width. It is noted that the blocks are angled, however, I have serious concerns that the bulk and scale of these blocks having regard to the transitional nature of this site. It is noted that the planning authority also considered the overall massing and length of Blocks C1, C2 and C3 should revised and noted that a reducing

the massing of the blocks could potentially increase the number of dual aspect units within the scheme.

- 10.3.29. Blocks C2 and C3 are 5-6 storeys and Blocks C3 is 3-4 storeys in height. While it is acknowledged that height of the scheme reduces at the sites boundary with Woodside Road this is also the most elevated section of the site, c. 169m above sea level and c. 22m higher than the north eastern portion of the site (Blocks A1 and A2). Having regard to the characteristics of the surrounding area I have serious concerns regarding the bulk, scale and height of Blocks C1, C2 and C3, with particular regard to Block C3 and its proximity to high amenity lands on the opposite side of Woodside Lane. It is my opinion that Blocks C1, C2 and C3 would not be in accordance with the provisions of Section 13.1.2 as they would result in an abrupt transition from the rural character of the area and would be visually obtrusive at this rural location.
- 10.3.30. While it is acknowledged that this is a zoned site, it is my opinion insufficient consideration has been given to the design and layout of Blocks C1, C2 and C3 with regard to their contextual relationship with Woodside Road, which is a rural road with no footpath located in a high amenity area. The planning authority consider that the massing, height, scale and layout of the proposed scheme is not sympathetic to the surrounding rural land uses and would create an abrupt transition in scale, particularly to the south of the site between the proposed apartment blocks and the high amenity areas zoned 'G'. The planning authority recommended that Blocks C1, C2 and C3 be omitted. If permission is being contemplated it is also my opinion that the scale and massing of these blocks do not successfully integrate with the surrounding landscape and, therefore, should be omitted.
- 10.3.31. Blocks B1, B2, B3 and B4 have a similar design approach. Block B1 is predominantly 6 storeys in height with a set back at 5th floor level to provide communal open space and private amenity space. It is rectangular in shape, c. 32m in length by 20m in width. Block B2 is also predominantly 6 storeys in height, with a 2 storey element on the eastern elevation and a set back at 5th floor level to provide communal open space and private amenity space. It is rectangular in shape with a maximum length of c. 43m by 20m in width. These blocks share a ground floor / basement level with communal open space provided at podium level with a minimum separation distance of c. 17m between the blocks. There are some discrepancies in the drawings submitted, the plan

drawings refer to a ground floor level, while the sections and elevations indicate a basement level. It is my opinion that this discrepancy relates to the undulating nature of the site and the ground floor level of the blocks being designed into the landscape, which appears as a basement level on the sections and elevations. The elevations submitted indicated that both Blocks have a maximum height of 22m, which is a maximum parapet height of 164m above sea level. View 5 of the LVIA indicates that Blocks B1 and B2 would be visible from Blackglen Road.

10.3.32. Blocks B3 and B4 share a basement level and a ground floor / podium level. Communal open space is provided between the blocks at first floor level. Due to the undulating nature of the site Block B3 is designed into the landscape, which result in the building appearing to be 6 storeys over single basement level from the northern eastern elevation and 5-storeys over a double basement from the south western elevation. It has a maximum height of 6-storeys (c. 22m), with a maximum parapet height of 1642m above sea level. Block B3 is predominantly 6 storeys in height, with a 2 storey element on the north eastern elevation and a set back at 5th floor level to provide communal open space and private amenity space. It is rectangular in shape with a maximum length of c. 44m by 20m in width. Block B4 is a 5-storey (18m) block over a single basement level. It is rectangular in shape, c. 30m in length of by 20m in width. View 12 of the LVIA indicates that Blocks B3 and B4 would be visible from Slate Cabin Lane

10.3.33. The slight variation in height of Blocks B1, B2, B3 and B4 and high quality brick finish of the blocks is welcomed, however, in my opinion the design and layout of these blocks do not have adequate consideration of their location at this sensitive outer urban area. Having regard to the sites location within LCA 9: Barnacullia I disagree with the findings of the LVIA that the visual impact on Blackglen Road (view 5) would be significant neutral and the impact on Slate Cabin Road (view 12) would be moderate neutral. I agree with the planning authority that the impact of these blocks on the landscape could be lessened by reducing the height to 4-storeys. It is acknowledged that they would still be visible, however, a reduction in height would help to successfully integrate the blocks into the surrounding landscape. If permission is being contemplated it is recommended that the height of Blocks B1, B2, B3 and B4 be reduced to a maximum of 4-storey in height.

10.3.34. In addition to the above, the Urban Design Manual and the Sustainable Residential Development in Urban Areas, promote innovative and qualitative design solutions and strong visual connections to support the creation of sustainable neighbourhoods which include key principles such as context, efficiency, layout, public realm, privacy and amenity. Having regard to the above, it is my view that the combined scale, bulk and height of the scheme, does not accord with the criteria set out in the Urban Design Manual as the design approach has not been informed by the context of this sensitive landscape. While the internal layout may accord with the standards set out in the Apartment Guidelines it is my opinion that the proposed scheme would have a significant adverse impact on the character of the wider landscape and the local area.

10.3.35. Overall, it is acknowledged that the subject site is zoned and the changing context of the wider environs is also noted. However, having regard to the outer suburban / rural location and the elevated nature of the site I am not satisfied that the proposed scheme is the most appropriate design response to this sensitive location within a transitional zone and LCA 9: Barnacullia. I do not agree with the conclusion of the LVIA that the scheme would have no significant negative landscape or visual impacts, particularly when viewed from Woodside Road and the foothills of the Dublin Mountains (Cullen's Way) and potentially from long distance views at Dun Laoghaire and Dublin Bay, which have not been included with the application. I agree with the assessment of the planning authority that the proposed scheme is not supported by development plan policy GIB2 and GIB5.

10.4. ***Building Height***

10.4.1. The proposed scheme ranges in height from 2 – 6 storeys, with the taller buildings located in the centre of the site away from the sensitive boundaries. I have no objection in principle to increased height at the subject site and I am of the opinion that this particular area can accommodate increased height over and above the prevailing context of 1 - 2 storeys, and that additional housing units would assist in achieving national policy objectives for significantly increased housing.

10.4.2. The development plan does not set out any numerical limitations of building height. Policy PHP42 of the development plan aims to ensure that new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent

with NPO 13 of the NPF). Appendix 5: Building Height Strategy outlines the policy approach for building height and notes that building height would be supported as per SPPR 1, which requires the identifying of areas for increased height and performance criteria as set out in SPPR 3 of the Building Height Guidelines.

- 10.4.3. The subject site is located within a 'residual suburban area' as it is not covered by an LAP or other specific guidance. Policy Objective BHS 3 of the development plan aims to promote general building height of 3 to 4 storeys in residual suburban areas. It also notes that having regard to the Building Height Guidelines there may be instances where an argument can be made for increased height and / or taller buildings. Taller buildings are defined as those that are significantly taller (more than 2 storey's taller) than the prevailing height.
- 10.4.4. Blocks A1, A2 and C3 have a maximum height of 4 storeys and, therefore, are in accordance with the provisions of Policy Objective BHS 3. Blocks B3 and B4 have a maximum building height of 5 storeys and Blocks B1, B2, C1 and C2 have a maximum building height of 6 storeys. The applicants material contravention statement acknowledges the provisions of Policy Objective BHS3 and the performance-based criteria set out in Table 5.1 of the Building Height Strategy and considered that the proposed height to be appropriate and a progressive means through which to secure additional, sustainable housing delivery.
- 10.4.5. The planning authority consider that 4-storeys is the maximum permissible height on the subject site and note that if the scheme was reduced to a maximum of 4-storeys it would have a much better integration with the character of the landscape and would be more sympathetic to the receiving environment. Any building addressing Woodside Road should be 2-storeys to reflect the rural character of the road.
- 10.4.6. As outlined above, I have serious concerns that the combination of the proposed height, scale and bulk of the scheme is not appropriate at this outer suburban / rural location, with particular regard to the sites location within LCA 9: Barnacullia and within a transitional zone location. It is considered appropriate to assess the proposed scheme against the criteria outlined in Table 5.1 of the Building Height Strategy which is reflective of Section 3.2 of the Building Height Guidelines. Taking each point in turn as detailed in Table 5.1 of the Guidelines with reference to the bullet points therein, I conclude:

At County Level

- While the subject site is located within the metropolitan area of Dublin it is not located in an key urban centre. This is not a brownfield or an infill development site. The scale of the development is not considered to be appropriate relative to its location and therefore is not considered be in accordance with the provisions of NPO 33.
- The subject site is not considered to be well served by public transport as it is not within 1km of a Luas stop, Dart Station or QBC or 500m of a high capacity and high frequency bus service. However, it is noted that areas covered under Policy BHS3 are not required to meet this criteria.
- The height, scale and bulk of the proposed scheme does not successfully integrate into the surrounding area, with particular regard to the sites location in LCA 9: Barnacullia and a Transitional Zone.
- The proposed scheme does not impede any protected views of prospects. However, having regard to the elevated nature of the site, at an outer suburban area on the foothills of the Dublin Mountains it is my view that the proposed scheme would be visually obtrusive. In addition, I am not satisfied that the applicant has adequately assessed the impact on long distance views towards the site.
- I am satisfied that there is sufficient infrastructural capacity to accommodate the development.

At district/neighbourhood/street level:

- The transition in height with the lower (3-4 storey) blocks at the sites sensitive boundaries and the taller (5-6 storey) blocks in the centre of the scheme, the placement of car parking at basement and podium level and the provision of a central area of public open space is noted, however, having regard to the sites locational context on the foothills of the Dublin Mountains, within LCA 9:Barnacullia and in a transitional zone I am not satisfied that the design appropriately responds to its overall natural and built environment.

- The proposed scheme is not monolithic – it is 9 blocks of varying heights and scales. However, the scale, mass and height of Blocks C1, C2 and C3 and the height of Blocks B1, B2, B3 and B4, are considered more appropriate for an urban environment and could be considered out of character at the proposed location.
- Notwithstanding the proposed use of render for Blocks A1 and A2, the proposed materials are considered to be of sufficiently high quality.
- The proposed scale and massing of this urban development would not make a positive contribution to the public realm at this outer suburban / rural location and does not provide for any future connectivity to adjacent sites.
- The proposed scheme does not enhance legibility.
- The proposed creche would positively contribute to the mix of uses. The provision of apartments would make a positive contribution to the housing mix of the area which generally comprises detached dwellings.
- The proposed scheme does provide a sense of enclosure for internal streets, and the areas of public and communal open space.
- The scale, massing and height is considered excessive given the surrounding site context.
- I am not satisfied that the proposed scheme respects the form of buildings and landscape around the sites edges, particularly having regard to the sites location within LCA 9: Barnacullia and a transitional zone.

Scale of site/building:

- A Daylight and Sunlight Report has been submitted which demonstrate access to natural daylight, ventilation and views and minimise overshadowing and loss of light and has taken account of BRE documents. Details of which are included in my planning assessment above.
- The proposed scheme would not unduly impact on the existing residential amenities of adjacent properties.
- The site is not location within an ACA and would not impact on any protected structures.
- A Building Lifecycle Report has been submitted.

County Specific Criteria

- I am satisfied that the relevant Specific Assessments referred to in section 4 of Table 5 to support the proposal have been submitted.

10.4.7. Having regard to the above, I am not satisfied that the applicant has set out how the development proposal complies with the criteria set out in Table 5.1 of the Building Height Strategy (Appendix 5) of the development plan and SPPR 3 of the Building Height Guidelines. It is my view that the proposed height combined with the scale of the scheme would have a significant negative impact on the visual amenities of the area and, therefore, is not justified in this instance. I agree with the assessment of the planning authority and the concerns raised in the third party submissions that the proposed scheme fails to integrate into or enhance the character of the surrounding area and would be visually obtrusive when viewed from the surrounding area.

10.4.8. The planning authority recommended that a condition be attached to reduce the height of the scheme to a maximum of 4 storeys and to omit Blocks C1, C2 and C3. As noted above, it is my opinion these amendments would fundamentally alter the scheme and it is not appropriate to significantly alter a scheme by way of condition. However, if the Board are minded to grant permission it is recommended that the overall height be reduced to a maximum of 4 storeys, in accordance with Policy BHS 3.

10.5. ***Open Space and Landscaping***

10.5.1. Table 12.8 notes that for residential developments in the existing built up area there is a requirement to provide 15% of the total site area as public open space. The submitted documentation states that the proposed scheme includes c. 17,025sqm of public open space, which equates to 46% of the total site area. The Architectural Design Statement provides a breakdown of the public open space as follows, public open space (8,506sqm), arrival plaza (6,444sqm), native tree trail (1,209sqm) and the bio-retention area (1,405sqm). It is noted that the quantity of public open space would be significantly in excess of development plan requirements. The Landscape Design Rationale indicates that number of passive and active recreational spaces would be provided within the areas of public open space, including a walking trail, playground and dog park. I have no objection to the quality of the proposed public open space.

- 10.5.2. It is noted that section 12.6.8.8 of the development plan acknowledges the positive contribution public art has on the environment and public realm. Therefore, if permission is being contemplated it is recommended that a condition be attached that a piece of public art be provided within the scheme to support legibility improve the public realm.
- 10.5.3. Table 12.9 of the development plan sets out standards for communal open space, which are reflective of the standards set out in Appendix 1 of the Apartment Guidelines. In this regard a minimum of 5sqm of communal open space per 1-bed, 6sqm per 2-bed (3 person), 7sqm per 2-bed (4 person) and 9sqm per 3-bed. The scheme includes 123 no. 1-beds, 224 no. 2-beds and 13 no. 3-beds. Therefore, there is a requirement to provide 2,300sqm of communal open space. The scheme incorporates c. 5,008 sqm of communal open space. Communal open space is provided at ground floor level / podium level or at roof level within each apartment block and is significantly in excess of the minimum standards. It is my view that a sufficient quantum and quality of communal open space would be provided to ensure high standard of residential amenity to future occupants.
- 10.5.4. The private open space provision for all the apartment units has been provided in accordance with the standards set out in the Apartment Guidelines, 2022.
- 10.5.5. A Pedestrian Wind Comfort Study was submitted with the application which indicates that the vast majority of areas at ground / podium level and at roof terrace level would be suitable for long and short term sitting. While some areas are classified as suitable for 'walking at a leisurely pace' no areas have been classified as uncomfortable. The report notes that the provision of landscaping, including trees and hedging would improve the results. Third parties consider that the applicants Pedestrian Wind Study is flawed as it fails to provide a baseline against which the changes can be compared and fails to acknowledge the characteristics of this site. The report notes that the model was assessed against the Lawson Criteria and was based on plans of the scheme, topographical survey drawings of surrounding buildings, available aerial photographic data via Google Maps and Meteorological wind data for Casement Aerodrome. I am satisfied that the findings are a reasonable representation. It is also noted that the wind speed thresholds are intended only as a guide in the design

process and that the experience of the outdoor climate depends on more than just wind speed.

- 10.5.6. The submitted Daylight, Sunlight and Overshadowing Report also indicates that all areas of open space would be well lit.
- 10.5.7. The Tree Report and Survey notes that there are 34 no. existing trees within the subject site. It is proposed that 8 no. trees would be removed and c. 306 no. additional trees would be planted. It is my view that the proposed tree loss would be adequately compensated by the planting of an additional trees and the significant landscaping proposals within the areas of open space.
- 10.5.8. Concerns are raised by third parties regarding the proposed boundary treatments and potential security risk for existing adjacent properties. A boundary treatment plan was submitted with the application which indicates that the sites boundaries with existing dwellings would comprise a 1.2m high post and rail fence. I agree with the concerns raised by third parties that this type of boundary treatment would allow for easy access to adjacent sites. It is my opinion that a more robust boundary treatment, which would also protect the privacy of adjacent dwellings would be more appropriate in this instance. If permission is being contemplated it is considered that this could be addressed by way of condition.

10.6. ***Residential Amenity***

Overlooking and Overbearing Impact

- 10.6.1. As noted above, the scheme comprises 9 no. urban blocks (Blocks A1 – C3) ranging in height from 2 - 6 storeys and vary in scale and massing. Concerns are raised by third parties that the scale and height of the proposed development and the proximity of the blocks to the site boundaries would negatively impact the existing residential amenities in terms of overlooking and overbearing impact.
- 10.6.2. The 3-storey (14m) element of Block A2 is located c. 11m from the sites eastern boundary and c. 23m from the gable end of no. 142 Blackglen Road, which is a single storey semi-detached dwelling. The 4-storey (c. 18m) element of Block A2 is located c. 12m from the sites eastern boundary and does not directly oppose the existing

dwelling. Section GG indicates the relationship between Block A2 and the existing dwellings on Blackglen Road. While it is noted that Block A2 includes windows to habitable rooms and balconies, on the eastern elevation it is my opinion that a sufficient separation distance is provided to ensure the proposed development does not result in undue overlooking of the existing properties on Blackglen Road.

10.6.3. While it is acknowledged that Block A2 and the overall scheme would be visible from the rear gardens of dwellings on Blackglen Road, it is my opinion that due to the separation distances and the relatively limited height (3-4 storeys) of Block A2, that the scheme would not result in undue overbearing impact on existing dwellings, located to the east of the site, on Blackglen Road.

10.6.4. Block A1 is 4-storeys in height. It is located c. 9m from the sites western boundary with the front garden of an existing detached dwelling 'Sliding Rock'. Section GG indicates the relationship between Block A1 and the existing dwellings on Blackglen Road. It is noted that there are windows to habitable rooms and balconies on the western elevation of Block A2 and that Block A2 and the overall scheme would be visible from the front garden of this dwelling, however, having regard to the separation distance, orientation of the block and the relatively limited height (4 storeys) of Block A2, it is my opinion that Block A2 would not result in undue overlooking or have an overbearing impact on 'Sliding Rock'.

10.6.5. Blocks B1 and B2 are predominately 6 storeys in height and are located c. 20m from the sites eastern boundary with 'Sliding Rock'. Block B1 is located c. 31m from the existing dwelling and Block B2 is located c. 37m from the dwelling. Both Blocks B1 and B2 include windows to habitable rooms and balconies on their western elevations. It is acknowledged that Blocks B1 and B2, and the overall scheme, would be visible from 'Sliding Rock' and its significant amenity space, however, it is my opinion that due to the separation distances proposed that the scheme would not result in undue overlooking or overbearing impact of this dwelling.

10.6.6. The northern elevation of Blocks C1, C2 and C3, which are 3 – 4 storey in height, are located between c. 28m and 42m from the rear elevations of existing dwellings that front onto Blackglen Road. It is acknowledged that Blocks C1, C2 and C3, and the

overall scheme, would be visible from these dwellings and their amenity spaces, however, it is my opinion that due to the separation distances proposed that the scheme would not result in undue overlooking or overbearing impact on these dwellings.

- 10.6.7. The 6-storey eastern elevation of Block C2 is located a minimum of 51m from side elevation of a residential dwelling 'Broomhill' and the 6-storey element of Block B3 is located c. 42m from the rear elevation of this dwelling. It is acknowledged that Blocks C1, C2, C3, B3 and B4, would be visible from 'Broomhill' and its significant amenity space, however, it is my opinion that due to the separation distances proposed that the scheme would not result in undue overlooking or overbearing impact of this dwelling.
- 10.6.8. There are 2 no. dwellings located off Slate Cabin Road to the east of the subject site 'Ísiltir' and 'Little Rock'. Blocks B2, B3 and B4 is located a minimum of c. 33m from the rear elevation of these dwellings. It is acknowledged that the overall scheme would be visible from these dwellings and their associated amenity space, however, it is my opinion that due to the separation distances and the orientation of the blocks that the scheme would not result in undue overlooking or overbearing impact of these dwellings.
- 10.6.9. While the concerns of the third parties are noted it is my view that the proposed scheme would not result in undue overlooking or result in an overbearing impact of existing dwellings. The planning authority raised no concerns in this regard.
- 10.6.10. The separation distances between the blocks ranges from c. 16m between Blocks B1 and A2 to c. 50m between Blocks B2 and B3. Section 12.3.5.2 of the development plan states that a minimum clearance distance of c. 22m, in generally is required between opposing windows. In taller blocks a greater separation distance may be prescribed. The planning authority note that the distances between the proposed blocks are generally in accordance with the development plan requirements and that where the 22m distance is not achieved design solutions are applied, such as angling blocks to avoid direct overlooking. The 22m separation distance does not relate to a policy of the plan and having regard to the flexibility of the wording of Section 12.3.5.2,

I am satisfied that the proposed separation distances would not result in a material contravention of the development plan.

- 10.6.11. In my opinion, the proposed separation distances between the Blocks within the scheme achieves a balance of protecting the residential amenities of future occupants from undue overlooking and overbearing impact and achieving attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of public / communal spaces. In my view that the proposed scheme would not result in undue overlooking or result in an overbearing impact within the scheme.

Daylight, Sunlight and Overshadowing

- 10.6.12. It is noted that a number of third parties raised concerns regarding potential overshadowing and loss of light resulting from the proposed development. In this section of my report I address the policy criteria in relation to potential impacts on daylight, sunlight and from overshadowing, upon neighbouring sites and the potential conditions for future occupiers of the development.

External Daylight, Sunlight and Overshadowing

- 10.6.13. Criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice (2nd edition)' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. I also note reference to British Standard (BS) 8206-2:2008 'Lighting for buildings - Code of practice for daylighting', which has subsequently been withdrawn and replaced by BS EN 17031:2018 'Daylight in buildings'. While the Building Height Guidelines refer to the 2nd edition BRE guidance, I note that a more recent edition ref. BR 209 2022 was published last year, however, this has not altered the methodology for the assessment of neighbouring occupiers' daylight, sunlight and overshadowing, and my assessment will refer to the most recent guidelines published in 2022 (3rd edition). Section 12.3.4.2 of the development plan also notes that the impact of any development on natural daylight to existing habitable rooms should also be considered. These standards have, therefore, informed my assessment of potential daylight and sunlight impact as a result

of the proposed development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy.

- 10.6.14. The applicants Daylight, Sunlight and Overshadowing Report describes the performance of the proposed scheme against the BRE guidelines.
- 10.6.15. The BRE guidelines state that if a proposed development falls beneath a 25° angle taken from a point 1.6m above ground level from any adjacent properties, then no further analysis is required in relation to impact on surrounding properties as adequate skylight will still be available. If the proposed development extends beyond the 25° line then further analysis is required. Figure 28 of the applicants report identifies 5 no. existing properties that require further analysis. It is my view that the properties selected for further assessment are reasonable. It is noted that the property identified as '2' in Table 8 actually relates to the amenity space associated with that dwelling, as the existing house is located further south than indicated in Figure 29.
- 10.6.16. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a window) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The analysis indicates that all windows assessed would be compliant with the BRE Guidelines for VSC. Therefore, the impact on VSC for the existing dwellings would be negligible.
- 10.6.17. The applicant also undertook an Annual Probable Sunlight Hours (APSH) assessment of 4 no. properties dwellings that have a main window facing within 90° of due south. These dwellings are indicated in Figure 31. The analysis indicates that all windows assessed would be compliant with the BRE Guidelines for APSH. Therefore, the impact on APSH for the existing dwellings would be negligible.
- 10.6.18. The BRE guidelines recommends that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. The applicants report has not carried out a detailed assessment of the impact of the proposed development on private amenity spaces associated with adjacent properties. However, shadow diagrams have been submitted for 21st March, 21st June, 21st September and 21st December. The diagrams for March indicate that the proposed scheme would have a marginal overshadowing

impact on existing properties. It is my opinion that this would have a negligible impact on the adjacent amenity spaces and would be in accordance with the BRE guidelines.

- 10.6.19. The concerns raised by third parties are noted, however, having regard to the information submitted in the applicants Daylight, Sunlight and Overshadowing Report which is comprehensive, robust and evidence I am satisfied that the impact on surrounding properties would be negligible. It is noted that the planning authority raised no concerns in this regard.

Internal Daylight, Sunlight and Overshadowing

- 10.6.20. The criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with guides 'like' the 2011 BRE 'Site Layout Planning for Daylight and Sunlight', with measures to be taken to reduce overshadowing in the development. The Apartment Guidelines state that levels of natural light in new apartment developments is an important planning consideration and regard should be had to guides 'like' A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), which succeed the 2011 BRE standards. Where an applicant cannot fully meet all of the requirements of daylight provision set out in the BRE guidelines, compensatory design solutions should be set out. Section 12.3.4.2 of the development plan also states that All habitable rooms within new residential units shall have access to appropriate levels of natural /daylight and ventilation. Development *shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) and/or any updated, or subsequent guidance, in this regard. A daylight analysis will be required for all proposed developments of 50+ units, or as otherwise required by the Planning Authority.* However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. Paragraph 1.6 of the BRE guidelines state that the advice it contains should not be used as an instrument of planning policy.

- 10.6.21. A Daylight, Sunlight and Overshadowing Report has been submitted with the application and describes the performance of the proposed apartment blocks in the development against both the second (2011) and third (2022) edition of the BRE

guidelines in relation to daylight and sunlight. I am satisfied that the data and methodology presented in the applicant's submitted report is sufficient for the purposes of my assessment.

- 10.6.22. The 2011 BRE guidelines sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied. Table 2 of the applicant's report has provided analysis against the higher target i.e. 2%. The assessment was carried out on all of the rooms (959 no.) within the scheme. The information provided in Table 1 indicates that 99.3% of rooms tested are in compliance with the recommended target of 2% for K/L/D rooms and 1% for bedrooms. It is noted that only 7 no. K/L/D rooms fall short of the 2% ADF target. These K/L/D rooms are located in Blocks B1, B2 and B3 and have an ADF between 1.7% and 1.9%.
- 10.6.23. The 2022 BRE guidelines and the UK National Annex BS EN17037 provides target spatial daylight autonomy (SDA) values to be applied, these values do not vary depending on the room function. Under EN 17037:2019, at least 50% of the working plane should receive above 300 lux for at least half the daylight hours, with 95% of the working plane receiving above 100 Lux. Table 3 of the submitted report demonstrates that the scheme has a compliance rate of 94.5%.
- 10.6.24. Annual Probable Sunlight Hours (APSH) assessment has also been undertaken in accordance with the 2011 BRE guidelines. Table 7 indicates that 60% of all rooms within the scheme would achieve an APSH greater than 20% and 62% would achieve a winter APSH greater than 5%. The 2022 BRE guidelines and EN 17037 also set out recommendations for sunlight hours to be achieved, on the 21st March. The guidelines set out three levels, in this regard Minimum (1.5 hours), Medium (3 hours) and High (4 hours). The applicants report states that 55% of all rooms within the scheme achieve the minimum standard.
- 10.6.25. It is noted that the scheme generally accords with the provisions of the BRE guidelines and that in urban schemes there are challenges in achieving the recommended standards in all instances, and to do so would unduly compromise the design /

streetscape. However, due to the unrestricted nature of the site I have some concerns regarding the results. It is my opinion that access to daylight and sunlight for the units could be improved by amalgamating a number of units provide larger units. This could also potentially reduce the number of single aspect north facing units, however, as outlined above, the proposed amendments would significantly alter the design and layout of the scheme and are not considered appropriate in this instance.

10.6.26. The planning authority also note that the scheme is generally in accordance with the BRE guidelines, however, it is considered that due to the site characteristics and the location of the subject site and the unencumbered surroundings, and also the level of glazing proposed and the overwhelming majority of windows being full sized windows, the results are not deemed to be satisfactory.

10.6.27. Section 3.3 of the BRE guide states that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Figure 6 and Table 6 of the applicant's assessment demonstrates that all areas of public and communal open space assessed within the scheme achieve the BRE target.

Conclusion

10.6.28. In conclusion, I advise the board that the submitted documentation properly describes the performance of the proposed development in relation to the standards on daylight and sunlight set out in the guidance documents cited in the 2018 Building Height Guidelines, the 2022 Apartment Design Guidelines and the development plan. As such the proposed development would be in keeping with the provisions of those Guidelines on daylight and sunlight. While I agree with the planning authority that access to daylight and sunlight could be improved, I am satisfied that the proposed residential units and open spaces would have sufficient daylight and sunlight to provide an acceptable standard of residential amenity for future occupants and would not result in any undue overshadowing of existing / proposed properties.

10.7. **Noise and Vibration**

- 10.7.1. The majority of the third party appeals raised concerns that noise and vibration has not been adequately addressed by the applicant. As 95% of the subject site is underlain with granite it is considered that the scheme would require blasting to construct the development, in particular the basement levels, which would have a significant negative impact on the residential amenities with regard to undue noise disturbance.
- 10.7.2. Section 5 of the applicants Engineering Report notes that based on the site investigations, excavations in the upper cohesive and weathered rock deposits (0.3m to 1.0m below the top of the weathered rock) are expected to be carried out with conventional excavation equipment. The zones of more intact bedrock below this depth would likely require rock breaking techniques. The applicant does not specify the rock breaking techniques. However, it should be noted that blasting is not necessarily required and excavation works could be carried out by mechanical means.
- 10.7.3. A Noise Impact Assessment was submitted with the application. A background noise survey was carried out on the 1st and 2nd June 2022. Details of average noise levels are provided in Table 7 of the report. Average ambient noise levels were in the range 38 to 42dB LAeq. The surveys indicate that most of the measured noise levels would have arisen from traffic noise. Figure 1 of the report identifies 13 no. Noise Sensitive Locations (NSL) which relate to 13 no. existing residential properties adjacent to the subject site. The distance of the NSL to the site boundary range from 35m to 50m.
- 10.7.4. Table 9 provides an indicative construction noise level at the NSL and considers that the significance of the noise impact would be negative, short-term and slight to moderate depending on the proximity to the construction activities.
- 10.7.5. It is acknowledged that the vast majority of the site is underlain with granite and that the Noise Impact Assessment does not specifically address the excavation stage, While I agree with the findings of the report that the significance of the noise would be negative and short term, it is my view that the construction phase would result in some significant to very significant noise impacts, for the nearest Noise Sensitive Locations (residential properties), particularly when works are on-going at the site boundaries. However, where rock breaking takes place away from the site boundaries, towards the

centre of the site, the distances to nearby residential properties would be greater and, therefore, construction noise levels would be lower, for the majority of the time.

10.7.6. While the proposed construction phase would cause noise and disturbance the works would be temporary, and the majority of the construction works will take place at significant distances from the receptors (greater than 50m). Therefore, I am satisfied that the use of best practice noise control measures, hours of operation, scheduling of works within appropriate time periods, strict construction noise limits and noise monitoring during this phase and the mitigation measures outlined in Section 5.1.5 of the Noise Impact Assessment would ensure impacts are controlled to within the adopted criteria.

10.7.7. Concerns are also raised by a third party that the proposed construction phase could have a negative impact on the structural stability of adjacent existing properties. Vibrations impacts are likely to occur during the construction phase as a result of ground preparation / excavation works and plant and machinery movements. The applicants Noise Impact Assessment notes that construction sites may result in short-term disturbance but rarely cause even cosmetic damage. It is acknowledged that vibration in relation to construction sites may result in temporary and short-term disturbance. However, these impacts are unlikely to propagate beyond the construction site boundary. I am satisfied that subject to implementation of best practice control measures no significant impacts are predicted.

10.7.8. Overall, I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration. It is also noted that the planning authority raised no concerns in this regard. It is recommended that if permission is being contemplated that the final details of the construction phase be agreed in writing with the planning authority by way of a site specific Construction Management Plan.

10.8. ***Transportation and Car Parking***

10.8.1. An Taisce raised concerns that development at the scale currently proposed would be unduly car dependent. Vehicular access to the subject site is proposed from 2 no. entrances on Blackglen Road with an additional pedestrian, cycle and emergency access only onto Woodside Road. During my site visit in April 2023 it was noted that

road improvement works are currently underway on Blackglen Road. These works form part of the Blackglen / Harold's Grange Road Improvement Scheme which were approved in 2016 a Part 8 planning application was approved (PC/IC/01/15) for inter alia the construction of c. 3km of carriageway including cycle tracks, footpaths and public realm improvements. Woodside Road to the south east of the site is characterised as a rural road, with no footpath or cycle lanes. There are no current proposals to upgrade this carriageway.

- 10.8.2. There are bus stops located on both sides of Blackglen Road within 150m of the subject site. These stops are served by the 44B and 114 bus routes. The 44B provides a link between Glencullen and Dundrum LUAS stop with 5 no. buses per day, in both directions. The 114 provides a link between Ballinteer and Blackrock Dart Station via Sandyford LUAS stop with 17 no. buses per day, in both directions. This bus operates at a peak frequency of 30 minutes. While it is noted that there are bus stops within close proximity to the site, they do not provide connectivity to the city centre and in my opinion cannot be considered to be high frequency services. Under bus connects (www.busconnects.ie) Blackglen Road would be served by routes 86 and L33. However, these routes would have a maximum frequency of 30 minutes in the peak period. In addition, the Glencairn Luas stop is located c. 1.9km (as the crow flies) from the site.
- 10.8.3. The concerns of An Taisce are noted, however, having regard to the footpath and cycle route on Blackglen Road, which is currently under construction and would provide connectivity to the commercial / retail units at Lamb's Cross, c. 400m east of the site and to Sandyford village and beyond, and the availability of public transport within the immediate vicinity of the site, I do not agree that this development would be car dependant.
- 10.8.4. The main vehicular access point would be located between Blocks A1 and A2 and would link to the internal access road and provide access to 390 no. surface and basement level car parking spaces and to the sites southern boundary with Woodside Road. It is also proposed to provide a separate access from Blackglen Road to the basement level of Block A2 which accommodates 29 no. basement level spaces. The planning authority raised concerns regarding the proposed access to the basement level under Block A2 from Blackglen Road as it is considered that it would impede

access to the Four Winds Site on the opposite side of the road. There is a recent refusal of permission from a residential scheme (D22A/0365) and a subsequent application is anticipated. The applicants TTA notes that this access would generate a low number of vehicular movements and is necessary due to the topography of the site. Having regard to the concerns raised by the planning authority and the limited number of car parking spaces that would be accessed by the proposed access to Block A2 it is recommended that if permission is being contemplated that this additional access be omitted. Due to the topography of the site it is acknowledged that access from within the site would require a significant ramp access, therefore, it is also recommended that the basement level be omitted and the proposed bin and bike storage areas be accommodated within or adjacent to the ground floor level. It is my view that this could be addressed by way of condition.

10.8.5. Concerns are raised by third parties that notwithstanding the road improvement scheme, Blackglen Road and the surrounding road network does not have the capacity to accommodate the volume of vehicular movements that would be generated by the proposed development.

10.8.6. To determine the volume of traffic movements at key points on the road network surrounding the subject site, traffic count data was assessed for 5 no. junctions:

- Junction 1: Kellystown Road / Harolds Grange Road / College Road Signalised Junction;
- Junction 2: Blackglen Road / Ticknock Road Priority Junction;
- Junction 3: R113 Blackglen Road / Woodside Road Priority Junction;
- Junction 4: Enniskerry Road / Hillcrest Road / Blackglen Road Signalised Junction;
- Junction 5: Leopardstown Road/ Kilgobbin Road/Hillcrest Road Signalised Junction.

10.8.7. Having regard to the impact of covid on travel patterns the applicant has utilised existing Traffic Count data from March 2017 for Junction 1, November 2019 for Junction 2, June 2019 for Junctions 3 and 4 and from July 2018 for Junction 5. While it is noted that the traffic data is between 4 and 6 years old, having regard to the impact

of covid and the on-going works on Blackglen Road it is my opinion that the counts represent a reasonable reflection of vehicular movements in the area.

- 10.8.8. The applicants Traffic and Transport Assessment (TTA) utilised the TRICS database to estimate the number of trips potentially generated by the proposed development. Table 9 of the applicants TTA indicates that the scheme (360 no. residential units and a creche) would generate 89 no. trips (22 no. arriving and 68 no. departing) in the AM peak (0800 – 09.00) and 103 no. trips (68 no. arriving and 35 no. departing) in the PM peak (17.00 – 18.00). It is noted that this is based on the assumption that the creche would primarily serve the proposed development. Having regard to the proposed number of car parking spaces (419 no), the lack of high frequency public transport and the separation distances from employment centres I agree with the planning authority that appears to be an under estimation of the potential number of trips that the scheme would generate.
- 10.8.9. The information submitted in Section 7 of the TTA indicates that all 5 Junctions assessed currently operate within their design capacity and would continue to operate within this capacity with the proposed development. I also have some concerns regarding a discrepancy between the capacity of the junctions indicated in the TTA for future scenarios, with particular regard to Junction 4. It is noted that the TTA submitted with an application for a residential development of 143 no. resident units (ABP-309965-21) at Lamb's Cross c. 400m east of the subject site. This assessment indicated that overtime Arm 3 of Junction 4: Enniskerry Road / Hillcrest Road / Blackglen Road Signalised Junction (Lamb's Cross) reaches capacity, with a 97.4% degree of saturation and a queue length of 19.7 passenger car units (pcu) in the AM peak of 2036. This is contrasted to the applicants assessment which indicates that this Arm of the junction would have a 79% degree of saturation and a queue length of 5.7 pcu in the AM peak of 2039. This is significantly less than the results indicated in the other planning application. I also have concerns that the traffic assessment does not include details of proposed residential developments along Blackglen Road, which would have a cumulative impact on the capacity of the road network.
- 10.8.10. Notwithstanding my concerns outlined above, I am satisfied that the traffic generated by the proposed scheme would not have a significant negative impact on the capacity of the surrounding network and while there may be some congestion in future

scenarios at Junction 4 (Lamb's Cross) this would be within the norm for a busy urban area. It is also noted that the submission from Transport Infrastructure Ireland raised no concerns regarding the impact of the proposed development.

10.8.11. Specific concerns are also raised by third parties that Woodside Road and Slate Cabin Road, cannot accommodate additional vehicular movements generated by the proposed development. The scheme does include a direct vehicular access onto Woodside Road and I agree with the findings of the TTA that any vehicles exiting the site and travelling southbound are more likely to do so via the Enniskerry Road (R117) and not Woodside Road. Therefore, any additional vehicular traffic on Woodside Road or Slate Cabin Road generated by the proposed scheme would be negligible.

10.8.12. The scheme includes a pedestrian, cycle and emergency access onto Woodside Road. Concerns are raised by the third parties that increased pedestrian and cyclist movements on a rural road, with no footpath or cycle lanes would result in a traffic hazard. Woodside Road is a local road, with a width of c. 5m - 6m with no footpath, cycle route or public lighting. It is noted that there are bus stops located along Woodside Road which is served by route 44B. However, there is limited waiting space along the road side. While the provision of an additional emergency access to a residential scheme of this scale is welcomed, having regard to the lack of pedestrian / cycle infrastructure on Woodside Road, I have serious concerns that an increase in pedestrian or cyclist movements generated by the proposed development along this road would endanger public safety by reason of a traffic hazard and is, therefore, unacceptable. It is my opinion that this pedestrian / cycle access could be omitted by way of condition.

10.8.13. Notwithstanding this, having regard to the scale of the development it is my view that the internal carriageway and footpath / cycle tracks within the scheme should be constructed to the sites boundary with Woodside Road to allow for a potential future access should the road be upgraded in the medium to long term.

10.8.14. It is noted that the planning authority raised concerns that no connection or future connection has been provided with adjoining lands and considers this to be a missed opportunity for the purposes of future proofing the scheme. While increased permeability and connectivity is welcomed it is my opinion that sufficient access is

provided onto Blackglen Road to the north of the site, with potential future secondary access onto Woodside Road to the west. To the south east the site is bound by a number of detached dwellings that are accessed from Slate Cabin Road and while there is potential for these sites to be redeveloped in the future they are outside of the applicants ownership and would require third party agreement. It is noted that third parties raised concerns regarding boundary treatments and the potential for anti-social behaviour along the sites eastern boundary. As no potential route has been identified by the planning authority, therefore, it is my view that it would be inappropriate to encourage public access towards neighbouring lands without the agreement of the third parties.

Car Parking

10.8.15. Section 12.4.5 of the development plan sets out maximum car parking standards. The western part of the site is generally located in car parking Zone 3 which relates to the remainder of the County, excluding rural areas, as indicated on Map T2. Table 12.5 of the development plan sets out maximum car parking standards. The table below provides a breakdown of the proposed use, the development plan standards.

Proposed Use	DLR Maximum Standard	Recommended
1-bed apartment (123 no.)	1 no. per unit	123 no.
2-bed apartment (224 no.)	1 no. per unit	224 no.
3-bed apartment (13 no.)	2 no. per unit	26 no.
Visitor Parking	1 space per 10 no. 1/2 bed units 2 spaces per 10 no. 3 bed units	37 no.
Childcare (401sqm)	1 per 40sqm	10 no.
Total		420 no.

10.8.16. It is proposed to provide 419 no. spaces. A breakdown of the location of the space is as follows: -

Location	No. of spaces	No. of units
Blocks A1 and A2- basement level	29	42
Blocks B1 and B2 - podium level	33	69
Blocks B3 and B4 - podium / basement level	72	62

Blocks C1, C2 and C3 – podium / basement level	185	187
Surface Parking	100	
Total	360	419

10.8.17. It is noted that the scheme also incorporates 17 no. motorcycle parking spaces. 26 no. (5%) of all car parking spaces proposed would be allocated for disabled car parking and 80 no. would have Electric Vehicle charging points. The planning authority noted that the car parking standards are in accordance with the provisions of the development plan.

10.8.18. As noted above, it is my recommendation that if permission is being contemplated that the basement level under Block A2 be permanently omitted which would result in the loss of 29 no. car parking spaces. Therefore, the level of car parking to serve the proposed development (390 no.) would fall marginally below the recommended maximum standards as set out in the development plan. However, as these are maximum standards the proposed car parking provision is not considered to be a material contravention of the development plan. I am satisfied that the provision of 390 no. car parking spaces is appropriate in this instance.

Cycle Parking

10.8.19. The planning authority's 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018) sets out a standard of 1 no. long stay cycle parking space per residential unit and 1 no. short stay (visitor) space per 5 residential units. This equates to 432 no. cycle parking spaces, in this regard 360 no long term spaces and 72 no. short term (visitor) spaces. The Apartment Guidelines also set out a standard of 1 cycle storage space per bedroom and 1 no. visitor space per 2 residential units, which equates to 1,009 no. spaces. It is proposed to provide 970 no. cycle parking spaces, in this regard 740 no. long term resident spaces and 230 no. visitor spaces. It is my view that an adequate number of spaces have been provided within the scheme to serve future residents and visitors, and there is sufficient space within the site to accommodate additional cycle parking, should the future need arise this could be addressed by the management company. Notwithstanding, this is it noted that the planning authority raised concerns regarding the quality and accessibility of the space proposed at the under croft parking areas. It is my view that these concerns

could be addressed by way of condition. Therefore, if permission is being contemplated it is recommended that a condition be attached that the final detailed design and location of cycle parking be agreed with the planning authority.

10.9. ***Water Services and Flood Risk***

Water Main

- 10.9.1. The proposed scheme would connect to the existing public network located under Blackglan Road to the north of the site. It is noted that concerns are raised by third parties that additional demand on water supply would negatively impact on existing pressure in the area. The submission from Irish Water notes that subject to upgrade works, a connect to the public system is feasible. Therefore, I am satisfied that the proposed scheme would not negatively impact on water supply for existing residents.

Wastewater

- 10.9.2. It is proposed that the scheme would be drained by gravity to the public network on Blackglan Road. The applicants Engineering Report notes the upgrade works required by Irish Water. These are noted in the submission from Irish Water as follows:

- Upsize of existing 150mm and 225mm ID sewers to 300mm ID sewers for approximately 1.5km (Blackglan Road, Enniskerry Road, Sandyford Road, Green Route North Road).
- Construction of a new 1250mm ID Tank sewer for approximately 500m in Blackthorn Drive / Aveune.
- Construction of a new 450mm ID gravity sewer for approximately 350m in Burton Hall Road.
- Upsize of existing 225mm ID sewer to 300mm ID sewer for approx. 70m in Burton Hall Road.
- Upsize of existing 225mm ID sewer to 300mm ID sewer for approx.. 185m in Burton Hall Avenue.
- Upsize of existing 25mm ID sewer to 400mm sewer for approx.. 650m in Hawthorns Road up to the Blackthorn Drive.

10.9.3. The applicants Engineering Report notes that until those upgrade works are completed, it is proposed to provide a temporary Wastewater Pumping System (WWPS) to the rear of Block A1, which would limit flows to a maximum of 5 l/s, until such a stage that the planned upgrade works to the local infrastructure have been completed. On completion of the upgrade works, the connection to the temporary WWPS would be bypassed, to allow for it to be decommissioned and removed, with a gravity connection to the public network facilitated. The report also states that all new wastewater infrastructure within the site would not be offered to be taken in charge by Irish Water. Due to the current restrictions within the existing public foul network it is acknowledged that it is currently not feasible to drain by gravity to the public network and discharging to the south is not a feasible to drain by gravity to the public network. Therefore, to facilitate development on these zoned lands, I have no objection to the provision of a temporary WWPS within the site. It is noted that temporary foul pumping station would be constructed to Irish Water standards and specifications. However, it would not be taken in charge by Irish Water. It is my view that the maintenance and management of the pumping station could be addressed by suitable conditions that should be attached to any grant of permission. The submission from Irish Water raised no concerns regarding the foul network and notes that a connection is feasible with infrastructure upgrade. Therefore, it is also recommended that if permission is being granted that the WWPS be given a temporary permission for 5 years from the date of grant of permission.

Surface Water

10.9.4. The site is a greenfield site. There is currently no surface water management system within the site. The proposed surface water network is to be split into two main surface water drainage catchments, in this regard the 'main development' catchment (Catchment 1) and 'access road to blocks B3 and B4' (Catchment 2). Due to the topography of the site, it is proposed that the scheme would drain by gravity to a new surface water sewer on Blackglen Road provided as part of the Road Improvement Scheme, currently under construction. Due to its size and layout and to best integrate Sustainable Drainage Systems (SuDS), Catchment 1 would be divided into a number of sub-catchments. Catchment 2 would drain to the proposed infiltration soakaway, in the south-eastern part of the site, providing a temporary storage of 18m³.

10.9.5. SuDS measures within the scheme include the provision of permeable paving, green roofs, filter drains and bioretention areas. The scheme also incorporates a 423sqm bioretention area is proposed on the eastern boundary of the site, a 137sqm bioretention area to the east of Block 1B and a 94sqm bioretention area to the east of Block C2 to temporarily store excessive rainfall during significant events. The proposed stormwater network is to be designed to allow for an additional 20% increase in rainfall intensity, to allow for Climate Change projections, which is in accordance with the provisions of the Development Plan and the Greater Dublin Strategic Drainage Study.

10.9.6. Concerns are raised by third parties that the proposed green infrastructure cannot work in practice due to the presence of granite under the site, which would make drainage impossible. In the interest of clarity and to address specific concerns raised by the third parties the site the findings of the Ground Investigation Report are noted. The report identifies the ground conditions encountered during the investigation as follows: -

- Topsoil to a depth of 0.3m;
- Made Ground to a dept of 1.30m and 2.30. These deposits were described generally as brown sandy gravelly clay with occasional angular to subangular cobbles, some boulders and contained occasional fragments of concrete, wire and glass. The Ground Investigation Report notes that the presence of a historic quarry over a portion of the site may explain the presence of this material.
- Cohesive Deposits where encountered were described generally soft or soft to firm reddish brown / brown sandy gravelly clay with occasional angular to subangular cobbles and some boulders.
- Weathered Bedrock to a dept of 1m. This material was described as generally fine to coarse angular to subangular gravel and cobbles of Granite. Some clay and sand were also present with the rock mass either from weathering or as infilling to fractures which were opened upon excavation.
- Bedrock: The depth of the bedrock varies from 1.10m in the western portion of the site, to a maximum of 4.20m in the southern portion of the site. It was

described as medium strong to strong massive grey coarsely crystalline granite, partially to distinctly weathered.

- 10.9.7. The report of the Planning Authority's Drainage Department raises no concerns regarding the implementation of the proposed SuDs measures and agrees with the applicants assessment of the soil classification within the site. Having regard to the information submitted I am satisfied that SuDs measures can be implemented within the site. If permission is being contemplated it is recommended that the final details of surface water management be agreed with the planning authority prior to commencement of development.
- 10.9.8. Specific concerns are also raised by the third parties that the proposed infiltration of surface water drainage directly into groundwater is not adequately assessed in the application and that the contamination of groundwater is prohibited and would materially contravene Policy Objective E18.
- 10.9.9. As is standard practice, surface water runoff from the site would be conveyed to the SuDS measures through filter drains and new surface water pipes. Each sub-catchment area would provide interception and treatment of the rainfall run off, either at source or through SuDs measures. Therefore, I am satisfied that the proposed surface water measures would not result in contamination of groundwater and would not material contravene Objective E18.
- 10.9.10. Third parties also raised concerns that discharges from the site would result in the deterioration of water quality in the Carrickmines Stream and would materially contravene Policy Objective E15. It is not proposed to discharge any surface water into any watercourse or stream surrounding the site. All surface water would drain by gravity to Blackglen Road, to the north of the site. During the construction phase standard pollution control measures would be put in place. Pollution control measures during both construction and operational phases are standard practices for urban sites and would be required for a development on any site in order to protect local receiving waters. Therefore, I am satisfied that the proposed scheme would not result in a deterioration of water quality in any surrounding stream or watercourse and would not materially contravene Objective E15.

Flood Risk

- 10.9.11. There is no record of historic flooding on the site. A Site-Specific Flood Risk Assessment (FRA) was submitted which considered the potential sources of flooding and mitigation measures.
- 10.9.12. *Tidal Flooding:* There is no risk associated with coastal flooding for this site as the site is located c. 8.5km from the Irish Sea and ground levels for the site are much higher (13m) than the highest recorded tide. No mitigation measures are necessary.
- 10.9.13. *Fluvial Flooding:* The FRA notes that the proposed site is located close to the Carrickmines/Shanganagh Stream. The submission from the DAU notes that the Glasnalower Stream is located to the south east of the site and has been misidentified by the applicant. The CFRAM maps indicate that the site is located in Flood Zone C except for a small portion of land at the southern site boundary which is located in flood zone A. This appears to be confined to the stream. The proposed scheme is located a minimum of 25 from the stream and the development does not result in any alterations of existing levels in or surrounding this area. Due to the finished floor levels and the distance from the watercourse the risk from fluvial flooding is very low and no mitigation measures are necessary.
- 10.9.14. *Pluvial Flooding:* The historical and predicated flooding information does not indicate that the subject site is at risk from pluvial flood events. Surface water from the proposed site would flow to the existing surface water drainage network on Blackglen Road. Due to the increase in hardstanding as a result of the proposed development, there is an increased likelihood of overland flooding from the site leading to downstream flooding. Section 5.3 of the FRA outlines mitigation measures which include an appropriately scheme, with SuDs measures to minimise the impact on the receiving environment and an overflow through towards open green spaces. It is also noted that an emergency access can be maintained to and from the site during a flood event. As a result of these measures I am satisfied that the risk of pluvial flooding is low.
- 10.9.15. *Groundwater Flooding:* The FRA states that there is no known history of ground water / springs in this area. Third parties state that groundwater flooding is known to occur at the sites eastern boundary and is associated with a well / spring and that the GSI

mapping that the applicant relies on does not relate to land underlain with granite. Therefore, these maps are not relevant in the assessment.

- 10.9.16. The GSI website notes that groundwater floods occur when the water stored beneath the ground rises above the land surface. In Ireland, the most extensive form of groundwater flooding is related to prolonged rainfall causing water table rise in the limestone lowland areas in the west of the country.
- 10.9.17. The applicants FRA notes that it is possible for ground water to rise and cause potential flooding on site during prolonged wet periods. As noted above, the trial pit records note that groundwater was encountered at between 0.9m and 3.2m below ground level. In addition, the Ground Investigation Report states that any excavations which penetrate the granular weathered rock deposits are likely to require dewatering due to the groundwater seepages. It is my view that where a proposed basement level would extend beyond the ground water level that the dewatering could be carried out in accordance with best practice guidelines and would not result in flooding within the site or increase the flood risk to adjacent properties.
- 10.9.18. Concerns are raised by the third parties regarding the location of a bioretention pond in the south east portion of the site and that if the area becomes flooded that it would flood adjacent properties.
- 10.9.19. The topographical survey (site location plan) indicates that the subject site is located a minimum of c. 1m above the lands to the east. The trial pit records note that groundwater was encountered at between 0.9m and 3.2m below ground level. A bioretention area is proposed c. 2.5m from the sites eastern boundary. The applicants Engineering Report notes that runoff collected within the site would pond temporarily on the surface of the bioretention area and then filters through the vegetation and underlying soils. The filtered runoff is then collected using underdrain pipes and partially infiltrated into the surrounding soil. From the information submitted, which is evidence based and robust, I have no objection to the location of a retention pond at the sites eastern boundary and I am satisfied that it would not result in flooding of adjacent lands. However to mitigate against any flooding due to blockages within the surface water system, a suitable maintenance regime of inspection and cleaning should be incorporated into the safety file/maintenance manual for the development.

- 10.9.20. The report of the planning authority's Drainage Division raised no objection to the applicants FRA and recommended that if permission is being contemplated that a number of conditions be attached including that prior to commencement of development that an overlay of the flood extents and depths for the 1.0% AEP and 0.1% AEP events, for existing and proposed development scenarios in the south east portion of the site, adjacent to the flood area. If permission is being granted it is recommended that a similar condition be attached in this regard.
- 10.9.21. The report of the planning authority's Drainage Division also recommended that a condition be attached that details of how properties, both within and adjacent to the scheme, would be protected in the event of excessive overland flows be submitted prior to commencement of development.
- 10.9.22. Overall, having regard to the sites location in Flood Zone C and to the information submitted, which is robust, and evidence based, I am satisfied that the proposed development would not result in a potential flood risk within the site or to any adjoining sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.
- 10.10. **Archaeology**
- 10.10.1. An Archaeological Assessment submitted with the application notes that no previous archaeological fieldwork has been carried out within the proposed development area and that there are 3 no. recorded monuments within 500m of the site. These are detailed in Appendix 1 of the report as an enclosure (DU025-014), a well (DU025-013) and a house – 16th / 17th century (DU022-068).
- 10.10.2. The report notes that the presence of frequent rock outcropping across the site and the marginal nature of the terrain means that the site is unlikely to have been considered suitable for previous permanent settlement. However, it remains possible that activities associated with the use of the upland landscape during summer months, during the prehistoric and historic periods, may survive within the site.
- 10.10.3. The proposed development has the potential to adversely impact on previously unrecorded archaeological feature or deposits within the site. The report recommends that ground disturbances be monitored by a suitably qualified archaeologist. The submission from the DAU also recommends that conditions relating to archaeological

evaluation and monitoring be attached to any grant of permission. Having regard to the archaeological potential of the site I agree that an archaeological monitoring condition should be attached to any grant of permission.

10.11. ***Cultural Heritage***

- 10.11.1. Concerns are raised by the third parties that the scheme does not acknowledge the cultural history of the adjacent ruin cottage. The Architectural Heritage Impact Assessment submitted with the application addresses the potential impact of the proposed development to on a ruined building, adjacent to the sites eastern boundary, and which is believed to have been occupied by Constance Markievicz in the time leading up to the Easter Rising of 1916.
- 10.11.2. The ruined building formed part of a pair of semi-detached dwellings. The report notes that the building associated with Constance Markievicz has not been occupied for about eighty years, was unroofed by the early 1950s and part demolished c. 40 years or more ago. The ruined cottages are not protected structures and are not included on the National Inventory of Architectural Heritage (NIAH). The site is not in an architectural conservation area and not adjacent to or close to an architectural conservation area.
- 10.11.3. An area of open space, that would accommodate the bioretention area, is located immediately adjacent to the sites boundary with the ruined building and the internal access road is located c. 15m from the structure. The 2 storey element of Block B2 is the closest block to the ruined building, with a separation distance of c. 32m.
- 10.11.4. While it is acknowledged that the scheme would be visible from the site of the ruined cottage. I agree with the conclusion of the applicant Architectural Heritage Report that the proposed scheme would have no appreciable impact on their settings or any remaining historical qualities.
- 10.11.5. The planning authority raised no objection in principle regarding to the impact of the proposed scheme on the ruined building and considered that there is an opportunity to provide a public access to the structure and enhance its setting and interpretation.

10.11.6. While the historical and social importance of this structure are acknowledged it is my opinion any works to the structure or its setting are outside of the remit of this application. The cottage is located on lands outside of the applicants ownership it is noted that third parties raised concerns regarding boundary treatments and the potential for anti-social behaviour along the sites eastern boundary, therefore, it is my view that it would be inappropriate to encourage public access to neighbouring lands without the agreement of the third parties.

10.12. **Ecology**

10.12.1. Concerns are raised by third parties that the development of subject site would result in the loss of a natural habitat for wildlife. The subject site is located at the foothills of the Dublin mountains and c. 150m south west of Fitzsimon Woods (pNHA). The Ecological Network Map which forms part of the development plan, indicates that the subject site is not located within any designated ecological routes. However, the DLR Biodiversity Action Plan 2021-2025 sets out a number of indicative wildlife corridors within the county. Although the routes are indicative it would appear that a portion of the subject site lies within the Ticknock to the River Dodder corridor.

10.12.2. The proposed scheme includes a native woodland trail around a significant portion of the sites boundary. The applicants Ecological Impact Assessment (EclA) notes that site would contain a variety of native trees and existing hedgerows would be supplemented and that local ecology and wildlife have been incorporated into the proposed design of the landscaping plan, with various areas of different habitat types proposed, including wildlife ponds for local amphibian populations to adopt, wildflower meadow areas for local pollinator species and potential mammal habitat in the wooded western corner of the site. The EclA considers that the proposed landscaping would continue to provide and add to the habitat connectivity between the wilder uplands to the south and the Fitzsimon's Woods to the north.

10.12.3. The planning authority note the sites location within the 'Ticknock to Dodder Ecological Network' and proximity to Fitzsimons Wood and consider that the design and layout of the scheme has not taken full cognisance of the requirement to maintain the biodiversity function of the site in terms of both the presence of flora and fauna on the

site as well as the movement through the site, particularly from the Dublin Mountains to Fitzsimons Wood.

- 10.12.4. The submission from the DAU also notes that the proposed scheme, in combination with other developments under construction or proposed on both sides of the Blackglen Road, would reduce plant and animal movement between the Fitzsimons Wood proposed Natural Heritage Area (pNHA) and the Dublin Mountains and considers that the tree planting along the boundaries of the proposed development would only assist in maintaining the biodiversity connectivity between the Fitzsimons Wood (pNHA) and the Dublin Mountains to a limited degree.
- 10.12.5. The provision of a native woodland trail along sections of the sites boundary is noted and is welcomed, however, having regard to the sites location within a designate wildlife corridor, I have some concerns regarding the narrow width of some sections of the route and its proximity to the proposed areas of public / communal open space and the buildings and consider that the trail would offer limited benefit to flora and fauna passing through the site. It is also noted that that applicant EclA or any of the submitted documentation does not reference the sites location within this wildlife corridor, which is considered a significant omission. If permission is being contemplated, I agree with the planning authority that Blocks C1, C2 and C3 should be omitted and that the design and layout of any future planning applications should have regard to the wildlife corridor through the site, which links the Dublin Mountains to Fitzsimons Wood.
- 10.12.6. Third parties consider that the proposed scheme would materially contravene Policy Objectives GIB20 and GIB22. Policy Objective GIB20 aims to support the provisions of the forthcoming DLR County Biodiversity Action Plan, 2021-2025. The Biodiversity Action Plan notes that identification within a wildlife corridor does not preclude development, however, the creation of links to the wildlife corridor should be part of any future development including for example the planting of hedgerows or the creation of other wildlife areas. Although I have some concerns regarding the quantity and quality of the native trail provided along the sites boundary, it is my view that the proposed scheme would not be a material contravention of Policy Objective GIB20.

10.12.7. Policy Objective GIB22 aims to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance which include wildlife corridors are adequately protected. Ecological assessments will be carried out for all developments in areas that support, or have potential to support, features of biodiversity importance or rare and protected species and appropriate mitigation/avoidance measures will be implemented. An Ecological Assessment has been submitted with the application, while it does not explicitly note the sites location within a designated wildlife corridor Sections 7 and 8 of the report provide mitigation and enhancement measures to protect and support flora and fauna. Therefore, it is my opinion that the proposed scheme would not be a material contravention of Policy Objective GIB22.

10.12.8. **Surveys:** The applicants EclA notes that a desktop study and the following surveys were carried out: -

- Habitat and Invasive Flora Survey - September 2021
- Bat Surveys - August 2021 and November 2021
- Bird Surveys – July 2021
- Mammal Surveys – September 2021

10.12.9. **Habitat:** The site is uneven, undulating topography, with rocky granite outcrops present towards the centre of the site at its highest point. The land cover comprises of a mosaic of bracken and gorse scrub, broken up by sections of both grazed and more overgrown grassland, and recolonising bare ground. The site appears to have been cleared partially in the recent past, as evidenced by the islands of gorse and woody debris, and areas of exposed earth and recolonising vegetation. Treelines and hedgerows made up the majority of the boundaries, with old stone walls in poor repair also present in places. A section of drainage ditch was identified in the south-west along the Woodside Road. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants. Full details of the habitats are provided in Section 5.3 of the EclA.

10.12.10. The following invasive flora were observed at the site.

- Cherry Laurel (*Prunus laurocerasus*) (High impact/ Red listed)

- Butterfly-bush (*Buddleja davidii*) (Medium Impact/ Amber listed)
- Himalayan Honeysuckle (*Leycesteria formosa*) (Medium Impact/ Amber listed)
- Sycamore (*Acer pseudoplatanus*) (Medium Impact/ Amber listed)
- Simon's/Himalayan Cotoneaster (*Cotoneaster simonsii*) (Low impact)
- Winter Heliotrope (*Petasites pyrenaicus*) (Low impact)
- Lesser Knotweed (*Persicaria campanulata*) (Low impact)

10.12.11. The location of these species is indicated on Figure 12 of the EclA and are generally found along the sites boundaries. No species of plant listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 were recorded at the site. Therefore, no significant risk of impacts relating to the spread of invasive plant species exists. Nevertheless, the EclA recommends that best practice measures should be put in place to remove such plants and minimise any risk of spread offsite.

10.12.12. The development would result in the loss and replacement of the majority of the scrub, bracken and grassland currently present within the site. The EclA notes that this habitat type is common and widespread in the surrounding upland area, and as such, is considered to be of low value at a local scale.

10.12.13. The EclA also notes that the landscaping proposals include native trees and there is also the opportunity for further biodiversity enhancement through the extensive planting of pollinator friendly flower and shrub species where possible. Therefore, it is considered that the general increase in the quality and provision of habitats at the site represents a considerable positive, permanent impact overall. While the planting of native trees and vegetation is welcome I agree with the planning authority that the design and layout of the scheme has not taken full cognisance of the requirement to maintain the biodiversity function of the site in terms of both the presence of flora and fauna on the site as well as the movement through the site.

10.12.14. **Mammals:** The National Biodiversity Data Centre (NBDC) database indicates that Eurasian Badger, Eurasian Pygmy Shrew, Western European Hedgehog, Red Squirrel, Irish Stoat, Fallow deer and Sika deer were recorded within 2km grid square which encompasses the site. During a site survey on the 16th September 2021 Sika deer was observed. No badgers were recorded on the site and due to lack of suitable

habitat it is considered that otters would not utilise the site. The EclA recommends that a pre-construction mammal survey be carried out.

10.12.15. The proposed development has the potential to result in the fragmentation of the habitats which would represent a negative, permanent, moderate impact at a local scale. The EclA recommends that to mitigate against this potential impact that a number of access points be provide along the boundary fencing, for the duration of the proposed development's operational lifetime. The design and location of these access points would be agreed in conjunction with an ecologist. The provision of access points is welcomed, however, as noted above, having regard to the sites location within a wildlife corridor it is my opinion that the scheme has not taken full cognisance of the requirement to maintain the biodiversity function of the site in terms of both the presence of mammals on the site as well as the movement through the site, particularly from the Dublin Mountains to Fitzsimons Wood.

10.12.16. **Bats:** The (NBDC) database indicates that Leisler's Bat, Common Pipistrelle, Nathusius's Pipistrelle, Natterer's Bat and Soprano pipistrelle were recorded within 2km grid square which encompasses the site. No bat roosts were recorded at the site and there is limited tree cover on the site. Common pipistrelle was the most frequently recorded bat species during the survey periods and the level of bat activity ranged from Low to High. The southern boundary of the proposed development site was recorded as an important foraging and commuting route for this bat species. All other bat species were recorded at a low level of bat activity but the number of bat species recorded indicates that the site is used by six bat species.

10.12.17. To ensure the protection of bats the EclA recommends that tree removal should occur, where possible, during the months of September and October when bats are not hibernating and capable of flight; that bat friendly lighting should be incorporated into the design and that bat boxes should be installed.

10.12.18. Having regard to the information submitted, which is evidence based, it is my view that the proposed development would not have a negative impact on bat species. It is noted that the planning authority and third parties did not raise any concerns regarding the impact of the proposed development on bat species.

- 10.12.19. **Birds:** The subject site provides suitable habitat for common bird species. Table 2 of the EclA outlines the 23 no. bird species recorded within the vicinity of the site during the breeding bird survey. The DAU considered that breeding bird survey was undertaken relatively late in the bird breeding season on the 23rd of July 2021. It is noted that no species listed on the red list of Birds of Conservation Concern in Ireland were recorded. 5 no. species on the amber list were recorded, in this regard Swallow, Willow Warbler, Starling, Goldcrest and Linnet. The EclA states that on a precautionary basis, the site is considered to be of local ecological importance for breeding birds, with five Amber-listed species recorded and possibly nesting onsite.
- 10.12.20. It is acknowledged that the proposed scheme would result in that removal of potential nesting and foraging habitat. However, I am satisfied that the species recorded in the vicinity of the site were common hedgerow species and that the proposed scheme would not have a significant impact on the local conservation status of any of the bird species associated with the site. It is further noted that there is suitable nesting habitat adjacent to the site and many of these common and widespread species can avail of garden habitats typical in suburban environments. It is noted that the planning authority and third parties did not raise any concerns regarding the impact of the proposed development on bird species.
- 10.12.21. It is also that the habitats on the site are not suitable for wetland / wintering birds.
- 10.12.22. **Amphibians:** Common frog are widespread and likely to be present onsite or within the surrounding lands. Possible frogspawn was recorded by the applicant on 26th January 2022 in an area of wet grassland the south-eastern corner of the site. This indicates that Common frog may be breeding in wet areas of the Ssite and, as such, the NPWS will need to be consulted should works require the removal / relocation of frogspawn during the spawning season.
- 10.12.23. Smooth newt are also known to be present in newt ponds within the 'Gorse Hill' area adjacent to Fitzsimon's Woods. However, the absence of suitable ponds within or within close proximity to the site represents a general lack of Smooth newt breeding habitat and, as such, a breeding population of this species is not likely to occur at the site.

10.12.24. Common Lizard may occur on the site. However, no evidence of this species was recorded during the site surveys. The removal of existing habitats on site is not anticipated to have a significant effect on the conservation status of local lizard population. There is suitable habitat available for this species in the surrounding lands.

10.12.25. To offset any impacts to local amphibians species resulting from the loss of habitat associated with the proposed development, several natural wildlife ponds are proposed to be located along part of the site's southern boundary within the woodland area. The ponds will be constructed in accordance with best practice ecological guidance. The EclA also recommends that a pre-construction amphibian survey be carried out. If the presence of frog or smooth newt on the development site is confirmed any amphibian spawn or larvae found on the site could be transferred to the proposed ponds prior to the commencement of the main development works.

10.12.26. The subject site is located within the Ticknock to River Dodder Wildlife Corridor as outlined in the DLR Biodiversity Action Plan 2021-2025. It is acknowledged that identification within a wildlife corridor the Biodiversity Action Plan does not preclude development, however, the creation of links to the wildlife corridor should be part of any future development. It is my opinion that the applicant has not adequately demonstrated how the proposed design and layout of the scheme supports or enhances links to the wildlife corridor. I agree with the planning authority that if permission is being granted that Blocks C1, C2 and C3 be omitted and that any future planning application on the site should have regard to the wildlife corridor through the site, which links the Dublin Mountains to Fitzsimons Wood.

10.13. ***Material Contravention***

10.13.1. The applicant's Material Contravention Statement considered that the proposed development would materially contravene the Dun Laoghaire Rathdown Development Plan 2022 - 2028 with regard to the following: -

- Building Height
- Unit Mix
- Residential Density
- Transitional Zone.

10.13.2. The applicants Material Contravention Statement submitted with the application addresses and provided a justification for these material contraventions.

Building Height

10.13.3. The proposed scheme ranges in height from 2 – 6 storeys. Policy PHP42 of the development plan aims to ensure that new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF). Appendix 5: Building Height Strategy outlines the policy approach for building height and notes that building height would be supported as per SPPR 1, which requires the identifying of areas for increased height and performance criteria as set out in SPPR 3 of the Building Height Guidelines

10.13.4. In accordance with the provisions of Appendix 5 the subject site is considered to be a 'residual suburban area', as it is not covered by an LAP or other specific guidance. Policy Objective BHS 3 of the development plan aims to promote general building height of 3 to 4 storeys in residual suburban areas. It also notes that having regard to the Building Height Guidelines there may be instances where an argument can be made for increased height and / or taller buildings. Taller buildings are defined as those that are significantly taller (more than 2 storey's taller) than the prevailing height.

10.13.5. Blocks A1, A2 and C3 have a maximum height of 4 storeys and, therefore, are in accordance with the provisions of Policy Objective BHS 3. Block B4 has a maximum building height of 5 storeys and Blocks B1, B2, B3, C1 and C2 have a maximum building height of 6 storeys. The applicants material contravention statement acknowledges the provisions of Policy Objective BHS3 and the performance-based criteria set out in Table 5.1 of the Building Height Strategy and considered that the proposed height to be appropriate and a progressive means through which to secure additional, sustainable housing delivery.

10.13.6. I am not satisfied that the design, layout and height of the proposed scheme complies with the criteria set out in Table 5.1 of the Building Height Strategy (appendix 5) of the development plan and SPPR 3 of the Building Height Guidelines. However, in my opinion this is not a material contravention of the development plan, which does allow for taller buildings.

Unit Mix

10.13.7. The proposed unit mix comprises 123 no. (34%) 1-beds, 224 no. (62%) 2-beds and 13 no. (4%) 3-beds. Table 12.1 of the development plan sets out apartment mix requirement for schemes of 50+ units in the existing built up area. In general, the proposed unit mix does not comply with the quantum's set out in Table 12.1. Table 12.1 states that apartment developments may include up to 80% studio, one and two bed units. The proposed scheme incorporates 96% 1 and 2 bed units. Table 12.1 also states that no more than 30% of the overall development should comprise a combination of one bed and studio. The scheme incorporates 34% 1-bed units. It also states that a minimum of 20% should be 3+ bedrooms. The scheme incorporates 4% 3+ bed units. Therefore, the proposed unit mix does not comply with requirements set out in Table 12.1.

Residential Density

10.13.8. The scheme has a net density of 97 units per hectare. The development plan does not set out any numerical limitations on density. Policy Objective PHP18 encourages higher residential densities and the associated text in Section 4.3.1.1 of the development plan states that as a general rule the minimum default density for new residential developments in the County shall be 35 units per hectare. While it is acknowledged that the proposed density is in excess of the minimum default density, of 35 units per ha, I am satisfied that this is not a material contravention of the development and it is my view that the scheme is in accordance with Policy PHP18 to encourage higher residential densities.

Transitional Zones

10.13.9. The site is zoned 'A' with the associated land use objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. The lands to the north of the site, on the opposite side of Blackglen Road are zoned F 'to preserve and provide for open space with ancillary active recreational amenities' and lands to the west of the site, on the opposite side of Woodside Road are zoned G 'to protect and improve high amenity areas'.

10.13.10. Section 13.1.2 (Transitional Zonal Areas) of the development plan states that it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone.

10.13.11. It is acknowledged that the proposed scheme would result in a noticeable change in scale between the open space lands to the north and west and the new development site. However, Section 13.1.2 does not preclude differing uses or densities between zones. As outlined above, it is my view that the proposed scheme would have determinantal impact on the visual amenities of the area, however, it is my opinion that the proposed scheme would not be a material contravention of the development plan as Section 13.1.2. It is also noted that Section 13.1.2 of the does not relate to a policy within the development plan.

10.13.12. **Section 37(2)(b)**

Having regard to the above it is my opinion that the proposed development materially contravenes Table 12.1 Unit Mix of the Dun Laoghaire Rathdown County Development Plan 2022 – 2028, only.

Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* where it considers that: -

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to the 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, or

- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.13.13. **Section 37 (2) (b)(i)**

The subject site has an area of c. 3.7ha and would deliver 360 no. residential units. The site's urban location supports the consolidation of the urban environment as outlined in within the Metropolitan Area Strategic Plan (MASP), which is part of the Regional Spatial and Economic Strategy. The provision of a significant quantum of residential units is also in accordance with the government policy as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness and Housing for All – A New Housing Plan for Ireland. It is, therefore, considered that this scheme is strategic by reason of its location and scale, and is critical and integral to the success of national policy, in addressing both housing and homelessness in the City and consolidating the urban environment. The proposed material contraventions are, therefore, justified by reference to section 37(2)(b)(i) of the act.

10.13.14. **Section 37 (2) (b)(iii) – Unit Mix**

The applicant justifies the proposed material contravention of Table 12.1 Unit Mix by reference to SPPR1 of the Apartment Guidelines. SPPR1 of the Apartment Guidelines states that apartment developments may include up to 50% 1-bed or studio type units (with no more than 20 – 25% of the total proposed development as studio's) and there shall be no minimum requirement for apartments with three or more bedrooms.

It is acknowledged that the proposed unit mix is in accordance with the provisions of SPPR1, which takes precedence over the development plan. However, SPPR1 also states that 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).

Appendix 2 of the development plan sets out the HNDA for the county. The recommended unit mix is reflective of the standards set out in Table 12.1. The

applicant has solely relied on the provisions of SPPR1 to justify the unit mix and has no regard to the HNDA.

Having regard to the above, I am not satisfied that the applicant has set out how the development proposal complies with the provisions of the HNDA or Table 12.1. Therefore, I am not satisfied that the proposed unit mix is the most appropriate for the subject site. Having regard to the level of intervention and redesign required that would be required to amalgamate units to accord with the unit mix set out in the development plan, it is my view that proposed scheme is not in accordance with Section 37(2)(b)(iii) and, therefore, the Board are not open to grant permission for the development as it would materially contravention of the Development Plan.

11.0 Environmental Impact Assessment

11.1.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) in the submitted EIA Screening Report, and I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The EIA Screening Report, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on the receiving environment.

11.1.2. Class 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 Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- 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.
- 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

- 11.1.3. It is proposed to construct a 360 no. residential units on a site with a stated area of c. 3.7ha. The site is located in the urban area (other parts of a built up area). The site is, therefore, below the applicable threshold of 10ha. The works include some excavation works. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required.
- 11.1.4. Concerns are raised by third parties and An Taisce that the EIA screening report does not fully consider the impact of the development on the surrounding environment. Particular concerns are raised regarding the extensive blasting that would be required during the construction phase. Section 5 of the applicants Engineering Report notes that based on the site investigations, excavations in the upper cohesive and weathered rock deposits (0.3m to 1.0m below the top of the weathered rock) are expected to be carried out with conventional excavation equipment. The zones of more intact bedrock below this depth would likely require rock breaking techniques. The applicant does not specify the rock breaking techniques. However, it should be noted that blasting is not necessarily required and excavation works could be carried out by mechanical means.
- 11.1.5. Third parties also consider that the need for dewatering has not been addressed. The trial pit records note that groundwater was encountered at between 0.9m and 3.2m below ground level. The Ground Investigation Report states that any excavations, which penetrate the granular weathered rock deposits are likely to require dewatering due to the groundwater seepages. It is my view that where a proposed basement level would extend beyond the ground water level that the dewatering could be carried out in accordance with best practice guidelines and would not have a significant negative effect on the surrounding environment.
- 11.1.6. I note that the construction phase could give rise to temporary, short-term noise and nuisances. However, it is not predicted that these impacts would be significant. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Dun Laoghaire Rathdown County Council, upon

which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which note that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites can be excluded and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.

11.1.7. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The criteria set out in Schedule 7 and 7A is addressed throughout the EIA Screening Report. It is my view that sufficient information has been provided within the report to determine whether the development would or would not be likely to have a significant effect on the environment.

11.1.8. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. 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 and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Planning Report and Statement of Consistency
- Architectural Design Statement
- Appropriate Assessment Screening Report
- Ecological Impact Assessment Report
- Noise Impact Assessment

- Construction and Environmental Management Plan
- Site Specific Construction and Demolition Waste Management Plan
- Operational Waste Management Plan
- Engineering Services Report
- Site Specific Flood Risk Assessment
- Building Lifecycle Report
- Energy and Sustainability Report

11.1.9. In accordance with the requirements of Section 299B (1)(b)(ii)(II)(C), the applicant has submitted a standalone 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. I would note that the following assessments / reports have been taken into account: -

- The Appropriate Assessment Screening Report, the Ecological Impact Assessment, Tree Report and Survey and Architectural Design Statement had regard to the Habitats Directive (92/43/EEC).
- The Appropriate Assessment Screening Report, the Ecological Impact Assessment, The Site-Specific Flood Risk Assessment (FRA), the Construction Environmental Management Plan, the Site specific Construction and demolition Waste Management Plan and the Engineering Services Report had regard to the Water Framework Directive (WFD) 2000/60/EC.
- The site specific Flood Risk Assessment which had regard to the Floods Directive (Directive 2007/60/EC) and the Dun Laoghaire Rathdown County Development Plan 2022-2028 which undertook a Strategic Flood Risk Assessment (FRA).
- The EIA Screening Report, the Planning Report and Statement of Consistency had regard to Directive 2001/42/EC, SEA Directive.
- The Noise Impact Assessment and the Construction and Environmental Management Plan had regard to Directive 2002/49/EC, Environmental Noise Directive.

- Traffic Impact Assessment and the Construction and Environmental Management Plan had regard to Directive 2008/50/EC.
- Site Specific Flood Risk Assessment had regard to Directive 2007/60/EC.
- The Strategic Environmental Assessment (SEA) for the Dun Laoghaire Rathdown County Development Plan 2022 – 2028.

11.1.10. Under the relevant themed headings, Section 3 of the applicants statement considered the implications and interactions between these assessments and the proposed development, and the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

11.1.11. I have completed an EIA screening determination as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. 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 and 7A, 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 information provided in the applicant's report. It is noted that third parties and the planning authority raised no concerns regarding EIA or the cumulative impact of residential development in the wider area.

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

12.0 **Appropriate Assessment**

12.1.1. The applicant has submitted a Screening Report for Appropriate Assessment prepared by Enviroguide Consulting. The Report provides a description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development and an assessment of the potential

impacts arising from the development. The AA screening report concludes that significant effects on any European sites as a result of the Proposed Development can be ruled out and, therefore, potential significant effects on European sites can be excluded.

- 12.1.2. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

Stage 1 AA Screening

- 12.1.3. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

Brief Description of the Development

- 12.1.4. In summary, the proposed development comprises the construction of 360 no. apartments and a creche in 9 no. blocks on a c. 3.7 ha greenfield site in the foothills of the Dublin mountains. The surrounding area is transitional in nature. Blackglen Road to the north of the site is characterised as outer suburban while Woodside Road to the south west of the site is rural in character. The Glasnalower Stream runs along the sites south eastern boundary. Stormwater and foul water would be connected to the existing public network on Blackglen Road. The site is currently vacant. It has an undulating topography and is underlain with granite. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

Zone of Influence

- 12.1.5. The proposed development is not located within or immediately adjacent to any European Site. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this

distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

12.1.6. Table 1 of the applicants report identifies 13 no. designated sites within 15km of the subject site. These are outlined below:

- Wicklow Mountains SAC (002122), c. 4.2km from the subject site
- South Dublin Bay SAC (000210), c. 5.6km from the subject site
- Knocksink Wood SAC (000725), c. 5.9km from the subject site
- Ballyman Glen SAC (001209), c. 7.7km from the subject site
- Rockabill to Dalkey Island SAC (003000), c. 9.7km from the subject site
- North Dublin Bay SAC (000206), c. 10.5km from the subject site
- Bray Head SAC (007014), c. 12.3km from the subject site
- Howth Head SAC (000202), c. 14.7km from the subject site
- Wicklow Mountains SPA (004040) c. 4.3km from the subject site
- South Dublin Bay and River Tolka Estuary SPA (004024), c. 5.5km from the subject site
- Dalkey Island SPA (004172), c. 9.4 km from the subject site
- North Bull Island SPA (004006), c. 10.5 km from the subject site

12.1.7. The proposed development has no potential source pathway receptor connections to any other European Sites.

- 12.1.8. Qualifying Interests / Special Conservation Interests for each European Site outlined above are also provided in Table 1 of the AA Screening Report and are available on the NPWS website. In terms of Conservation Objectives for each site, it is noted that the most sites have generic conservation objectives, which seek to maintain or restore the favourable consideration condition of the habitat / species for which the site has been selected. Detailed conservation objectives are available on www.npws.ie and I refer the Board to same which seek to maintain and/or restore favourable conservation condition.
- 12.1.9. The applicants report considered that there is a potential pathway to 4 no. designated sites. In this regard North Dublin Bay SAC, Rockabill to Dalkey Island SAC , North Bull Island SPA and Dalkey Island SPA.
- 12.1.10. The submission from the DAU notes that the Glasnalower stream, which flows along the sites south eastern boundary, is misidentified in the AA report as the Carrickmines Stream. Therefore, the AA Screening Report does not evaluate any potential effects that surface water flows from the development from the Glasnalower Stream which directly discharges at Blackrock approximately 6 km downstream, may have on the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA.
- 12.1.11. Having regard to the above, it is my view that only the designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and could reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.
- 12.1.12. It is noted that the applicant also considered that Rockabill to Dalkey Island SAC and Dalkey Island SPA be subject to further assessment. due to the separation distance between the European site and the proposed development site, the nature and scale of the proposed development, the absence of a hydrological link, the subject site provides no ex-situ habitat for any of the waterbird/seabird species and an absence of relevant qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites I am satisfied that both Rockabill to Dalkey Island SAC and Dalkey Island SPA can be excluded from any further assessment. I am also

satisfied that the potential for impacts on the other designated sites can be excluded at the preliminary stage for the reasons outlined above.

Consideration of the Impacts

- 12.1.13. It is acknowledged that the site is underlain with granite, however, having regard to the ground conditions which are outlined in the Ground Investigation Report. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.
- 12.1.14. The subject site is bound to the south by the Glasnalower Stream which directly discharges to Dublin Bay at Blackrock c.6 km downstream, however, it is not intended that surface water would drain to this watercourse. Surface water would flow by gravity to the public network under Blackglen Road to the north of the site and ultimately discharge to Dublin Bay. The habitats and species of Natura 2000 sites in Dublin Bay are between 5.6km and 10.5km downstream of the site and water quality is not a target for the maintenance of any of the QI's within Dublin Bay. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase, standard pollution control measures would be put in place. 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 Dublin Bay from surface water run-off can be excluded given 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 Natura 2000 sites in Dublin Bay (dilution factor).
- 12.1.15. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of

Appropriate Assessment. I also note that the proposal would not generate significant demands on the existing municipal sewers for surface water.

- 12.1.16. The foul discharge from the proposed development would drain, via the public sewer on Blackglen Road, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway. The subject site is identified for development through the land use policies of the Dun Laoghaire Rathdown County Development Plan 2022-2028. This statutory plan was adopted in 2022 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development would not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.
- 12.1.17. The Construction and Demolition Waste Management Plan and Operational Waste Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility.
- 12.1.18. The site has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.
- 12.1.19. No significant flight paths related to protected birds have been identified in this area. There is no reason to believe a bird would not fly over or around the proposed structures.

12.2. ***Cumulative In-Combination Effects***

12.2.1. Section 3.6 of the applicants AA Screening Report indicates that there have been 4 no. grants of planning permission in the vicinity of the proposed development in the last 5 years and 2 no. current applications in the planning system. It is anticipated that there will be no potential cumulative effects given the nature and scale of the proposed development and the distance to any European sites.

12.3. ***AA Screening Conclusion***

12.3.1. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

12.3.2. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

12.3.3. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on North Dublin Bay SAC (000206), South Dublin Bay SAC (000210),

North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Recommendation

Having regard to the above assessment, I recommend that permission is REFUSED for the development as proposed for the reasons and considerations set out below.

14.0 Recommended Order

Application: for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 26th August 2022 by Brock McClure Planning and Development Consultants, on behalf of Zolbury Limited.

Proposed Development:

The proposed development comprises 360 no. apartments with associated resident amenity space and a creche in 9 no. blocks (A1 – C3). The blocks range in height from 2 – 6 storeys over basement level. Given the topography of the site the basement level of some of the blocks appear as the ground floor level from differing elevations. A breakdown of the blocks is provided below:

- Block A1 (4 storeys) comprising 18 no. apartments (3 no. 1 bed units and 15 no. 2 bed units), a crèche facility (c. 401sqm) of with associated outdoor play space (c. 20 sqm) and internal resident amenity facilities (c. 30sqm).
- Block A2 (3-4 storeys) comprising 24 no. apartments (2 no. 1 bed units and 22 no. 2 bed units) and internal resident amenity facilities (c. 390sqm).
- Blocks B1 and B2 (2-6 storeys) comprising 69 no. apartments (30 no. 1 bed units, 34 no. 2 bed units, 5 no. 3 bed units).
- Blocks B3 and B4 (2-6 storeys) comprising 62 no. apartments (30 no. 1 bed units, 27 no. 2 bed units and 5 no. 3 bed units).
- Blocks C1, C2 and C3 (3-6 storeys) comprising 187 no. apartments (58 no. 1 bed units, 126 no. 2 bed units and 3 no. 3 bed units) and resident amenity facilities (c. 187.5 sqm).

Each residential unit is provided with private open space in the form of a terrace / balcony. The scheme incorporates public open space (c. 17,025 sqm) and residential communal open space (c. 5,008 sqm).

Podium level / basement level areas are proposed adjacent to / below Blocks A2, B1, B2, B3, B4, C1, C2 and C3 (c. 12,733 sq. m GFA). A total of 419 no. car parking spaces (319 no. at podium/basement level and 100 no. at surface level) and 970 no. bicycle spaces and 19 no. Motorcycle spaces are proposed.

Vehicular, pedestrian and cyclist access to the development will be provided via Blackglen Road to tie in with the Blackglen Road Improvement Scheme. An additional emergency and pedestrian and cyclist access is proposed via Woodside Road

The proposal also provides for bin storage areas and 4 no. substations. The associated site and infrastructural works include provision for water services, foul and surface water drainage and connections, attenuation proposals, permeable paving, all landscaping works, green roofs, boundary treatment, internal roads and footpaths, electrical services and all associated site development work.

Decision:

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

Matters Considered:

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

15.0 **Reasons and Considerations**

The Board Considers that: -

1. Given the site's locational context at the fringe of the outer suburban area at the foothills of the Dublin Mountains, within Landscape Character Area 9: Barnacullia as identified in Appendix 8 Landscape Assessment Study and Landscape / Seascape Character Areas and within a Transitional Zone as identified in Section 13.1.2 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 it is considered that inadequate consideration was given to the design approach and that the proposed height, scale and design and layout of the proposed scheme fails to integrate into or enhance the character of the surrounding area and would not make a positive contribution to place-making. The proposed development would, therefore, be contrary to Policy Objective GIB2 Landscape Character Areas and Policy Objective GIB5 Historic Landscape Character Assessments and to the provisions of Section 13.1.2 Transitional Zonal Areas of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The scheme would also be contrary to the provisions of Section 3.2 of the Urban Development and Building Height Guidelines and the principles of the Urban Design Manual – a Best Practice Guide and would, therefore, be seriously injurious to the visual amenities and character of the area and contrary to the proper planning and sustainable development of the area.
2. Given the unrestricted nature of this outer suburban site the unit mix, in combination with the proportion of north facing single aspect units, is considered unacceptable and contrary to the provisions of Housing Need and Demand Assessment as set out in Appendix 2 and Table 12.1 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.
3. Having regard to the site's location within the Ticknock to River Dodder Wildlife Corridor as outlined in the Dun Laoghaire Rathdown Biodiversity Action Plan 2021-2025 it is considered that applicant has not adequately demonstrated how the proposed design and layout of the scheme supports or enhances links to the wildlife corridor which connects the Dublin Mountains to Fitzsimons Wood pNHA. The proposed development is, therefore, contrary to Objective GIB20 to support the provisions of the

Biodiversity Action Plan 2021-2025 and to the proper planning and sustainable development of the area.

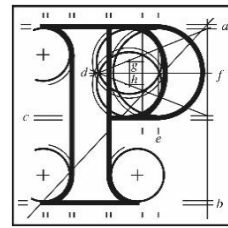
Conclusion

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.

Elaine Power

Senior Planning Inspector

16th May 2023



An
Bord
Pleanála

Appendix 1:

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-314459-22
Development Summary		Construction of 360 no. apartments and a creche in 9 no. blocks.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 AA Screening Report was submitted with the application
2. Is an 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	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	<ul style="list-style-type: none"> • The Appropriate Assessment Screening Report, the Ecological Impact Assessment, Tree Report and Survey and Architectural Design Statement had regard to the Habitats Directive (92/43/EEC). • The Appropriate Assessment Screening Report, the Ecological Impact Assessment, The Site-Specific Flood Risk Assessment (FRA), the Construction Environmental Management Plan, the Site specific Construction and demolition Waste Management Plan and the Engineering Services Report had regard to the Water Framework Directive (WFD) 2000/60/EC. • The site specific Flood Risk Assessment which had regard to the Floods Directive (Directive 2007/60/EC) and the Dun

	<p>Laoghaire Rathdown County Development Plan 2022-2028 which undertook a Strategic Flood Risk Assessment (FRA).</p> <ul style="list-style-type: none"> • The EIA Screening Report, the Planning Report and Statement of Consistency had regard to Directive 2001/42/EC, SEA Directive. • The Noise Impact Assessment and the Construction and Environmental Management Plan had regard to Directive 2002/49/EC, Environmental Noise Directive. • Traffic Impact Assessment and the Construction and Environmental Management Plan had regard to Directive 2008/50/EC. • Site Specific Flood Risk Assessment had regard to Directive 2007/60/EC. • The Strategic Environmental Assessment (SEA) for the Dun Laoghaire Rathdown County Development Plan 2022 – 2028.
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration,	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
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		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.			
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?	No	The development comprises the construction of residential units and a creche on lands zoned for residential development. From an environmental perspective the nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	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 the edge of the urban area. It is intended to provide a basement level. From an environmental perspective this issue is minor in nature.	No
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?	Yes	Construction materials will be typical of such urban development. Development of this site will not result in any significant loss of natural resources or local biodiversity.	No

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

		Management Plan, significant operational impacts are not anticipated.	
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?	No	<p>No significant risk identified.</p> <p>Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services. No significant emissions during operation are anticipated.</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p>Potential for construction activity to give rise to noise and vibration emissions. It is noted that the site is underlain with granite and that zones of more intact bedrock would likely require rock breaking techniques. Blasting is not necessarily required and excavation works could be carried out by mechanical means. Any noise and vibration emissions would be localised, short</p>	No

		<p>term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>The development 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.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>This is a stand-alone development and is not part of a wider large scale change. Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul 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 	<p>No</p>	<p>No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites.</p>	<p>No</p>

<p>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</p>		<p>This site does not host any species of conservation interest.</p> <p>The site is located within the Ticknock to River Dodder Wildlife Corridor as identified in the Dun Laoghaire Rathdown Biodiversity Action Plan 2021-2025. The plan does not preclude the development of the site. There are concerns that the design and the layout of the scheme does not sufficiently access the connection between the Dublin Mountains and Fitzsimons Wood pNHA, however, from an environmental perspective this is considered a minor issue that could be addressed by an appropriate re-design of the scheme.</p>	
<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>	<p>No</p>	<p>No such species use the site and no impacts on such species are anticipated. Please refer to Section 10.12 – Ecology in my planning assessment.</p>	<p>No</p>

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>The site is located within Landscape Character Area 9: Barnacullia as identified in Appendix 8 Landscape Assessment Study and Landscape / Seascape Character Areas and within a Transitional Zone as identified in Section 13.1.2 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and within the Ticknock to River Dodder Wildlife Corridor as identified in the Dun Laoghaire Rathdown Biodiversity Action Plan 2021-2025. The sites location within these landscapes does not preclude development with the site. There are concerns regarding a potential negative visual impact.</p> <p>From an environmental perspective this is considered a issue is minor in nature and could be avoided by appropriate redesign of the scheme.</p>	<p>No</p>
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<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such features arise in this location.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>A stream runs along the site south eastern boundary. It is not proposed to discharge any surface water into any watercourse or stream surrounding the site. All surface water would drain by gravity to Blackglen Road, to the north of the site.</p> <p>The development will implement SUDS measures including attenuation of surface water, to control run-off. The subject site is located in Food Zone C and there is no risk of flooding within or adjacent to the site.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No risks are identified in this regard.</p>	<p>No</p>

<p>2.7 Are there any key transport routes(eg 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 road network. There are sustainable transport options available to future residents in terms of bus, 419 no. car parking spaces are proposed on the site. No significant contribution to such congestion is anticipated.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>No. The development would not be likely to generate significant additional demands on educational or community facilities in the area.</p>	<p>No</p>

<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No</p>	<p>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.</p>	<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No trans boundary considerations arise</p>	<p>No</p>

3.3 Are there any other relevant considerations?	No	No	No
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C. CONCLUSION

No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required
Real likelihood of significant effects on the environment.	No		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands Zoned Objective A: '*to provide residential development and improve residential amenity while protecting the existing residential amenities*' in the Dun Laoghaire Rathdown County Development Plan 2022-2028. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site in an area which is served by public infrastructure.
- 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),
- 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)
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in Construction and Environmental Management Plan, Site Specific Construction and Demolition Waste Management Plan, Operational Waste Management Plan, Specific Flood Risk Assessment, Appropriate Assessment Screening and Ecological Impact Assessment.

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: Elaine Power

Date: 16th May 2023