



An
Bord
Pleanála

Inspector's Report

ABP-314620-22

Development	Demolition of house and outbuildings; and construction of 7 no. three-storey houses & associated site works.
Location	Cromlech Cottage, Killiney Hill Road, Killiney, Co. Dublin
Planning Authority	Dún Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D22A/0451
Applicant(s)	Conskig Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Conskig Ltd.
Observer(s)	Kieran Fagan
Date of Site Inspection	1 st February 2023.
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.45ha, is located on the west side of Killiney Hill Road, Co. Dublin. There is an existing recessed vehicular entrance to the site – on which there is a large dormer bungalow and a number of outbuildings (many of which are dilapidated). The site is generally flat – with a very small incline towards the stream on the northern boundary. The garden is somewhat overgrown. There is a single mature Leyland cypress tree in the southeast corner of the site. Otherwise, all mature trees are on the boundaries.
- 1.2. The site is within the 50kph speed restriction zone on Killiney Hill Road. There are speed ramps on this road. There is no public footpath on the site side of Killiney Hill Road – although there is one a short way to the south of the recessed entrance (at the entrance to Castle Court). There is no footpath on the opposite side of the road: instead there is a grass margin separating Killiney Hill Road from a cut-off section of the road serving Bayview houses – with a footpath in front of these houses. The recessed entrance serving the dormer bungalow on the appeal site also serves a bungalow on the northeastern boundary of the site – ‘Westgate’. There is a Dublin Bus service running along Shanganagh Road – a short walk to the south.
- 1.3. To the west, the site abuts two-storey, terraced housing in St. Aubyn’s Court – the boundary with which is a mixture of old hedgerow, old fencing and some mature trees. To the north, the site abuts the Deansgrange Stream [variously referred to as the Deansgrange River] – the boundary with which is a line of mature trees. To the northeast, the site abuts ‘Westgate’ – the boundary with which is a row of semi-mature Leyland cypress trees along the avenue to the house and a 2m high griselinia hedge along the remainder. To the east, the site abuts single-storey, terraced housing in Castle Court – the boundary with which is a 2m high concrete block wall, which is capped but not plastered. To the south, the site abuts communal space, to the rear of a terrace of mixed two- and three-storey duplex units in Stonecroft – the boundary with which is part old stone wall and part concrete block wall (2.2-3.0m high). There are semi-mature trees planted on the Stonecroft side of the boundary wall. The level of the Stonecroft site is approximately 1m higher than the appeal site level. A pedestrian doorway in the boundary wall has been blocked up.

2.0 Proposed Development

2.1. Permission sought on 22nd June 2022, for the following development-

- Demolition of existing dormer bungalow and outbuildings.
- Construction of terrace of 7 no. three-storey houses.
- Connection to public sewers and watermains.
- Maintenance of wayleaves for sewers through the site.
- 1 on-site parking space for each house – together with garages within each.
- External bin storage for each house.
- Large open space area with swales, for surface water flood storage.

2.2. The application is accompanied by-

- Design Statement – dated June 2022.
- Engineering Services Report – dated 20th October 2021.
- Site Specific Flood Risk Assessment – dated 20th October 2021.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 18th August 2022, Dún Laoghaire-Rathdown Co. Council issued a Notification of decision to refuse permission for one reason, relating to flooding. The site is within Flood Zones A & B, at risk of flooding from the Deansgrange Stream. No development (apart from minor development) can take place until the Deansgrange Flood Relief Scheme is complete. The proposed houses are located within Flood Zone B.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There is a comprehensive Planner's Report – dated 18th August 2022. This report synthesises the reports of other departments of the LA. It is acknowledged that

additional information is requested in a number of instances; but as permission is to be refused in relation to flooding, it was not deemed appropriate to seek such additional information.

3.2.2. Other Technical Reports

Transportation Planning (dated 11th August 2022) raised a number of issues of concern-

- Traffic hazard in relation to 1.35m high boundary walls and bin storage to the front of houses.
- Provision for charging electrically operated vehicles.
- Bicycle parking within houses was deemed inadequate and bicycle visitor parking had not been provided – 2 spaces required.
- Required sightlines on Killiney Hill Road have not been demonstrated.
- Possibility of conflict between the entrance to houses and to ‘Westgate’.
- Development has the potential to provide an active travel link from Shanganagh Road to Killiney Hill Road as part of the Council’s ‘Active School Travel Park-to-Park Route’.
- Turning movements for emergency vehicles and bin trucks have not been demonstrated.
- Development does not connect to the public footpath on Killiney Hill Road. In a previous application, the applicant indicated that the lands to the south of the recessed entrance were under its control. This has not been indicated in this application.
- Construction Management Plan should be provided for the development.

Public Lighting (dated 19th July 2022) requested a public lighting layout.

Drainage Planning (dated 29th July 2022) recommended refusal on flooding grounds – referencing Appendix 15 of the Development Plan.

Environment Section (Waste) in a report (dated 14th July 2022), raised no objection, subject to conditions.

3.3. Prescribed Bodies

Environmental Health Office (dated 29th July 2022) recommended additional information - seeking a Construction Environmental Management Plan.

Irish Water (dated 3rd August 2022) requested further information for a Pre-Connection Enquiry in relation to water and wastewater.

3.4. Third Party Observations

An observation was made to DL-RCC by the Observer to the current appeal – the issues raised are similar. The issue of an old planning notice remaining on display at the entrance is highlighted – where it should have been removed.

4.0 Planning History

Ref. D020A/0155: Permission refused for four-storey block of apartments containing 20 units. On appeal by the 1st Party (**ABP-307564-20**), the Board refused permission by Order dated 17th November 2020, for one reason, relating to flooding.

5.0 Policy Context

5.1. Development Plan

The Dún Laoghaire-Rathdown County Development Plan 2022-2028 is of relevance. The site is zoned Objective A – ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’.

Section 4.1 deals with bicycle parking and associated cycling facilities within new developments.

Appendix 15 of the Plan is a Strategic Flood Risk Assessment. Flood Zone Map 10 is the relevant sheet. Parts of the site are within Flood Zones A & B – associated with the Deansgrange Stream. Section 6.2.9 deals with the Deansgrange Stream [copy included in the photograph pouch accompanying this Inspector’s Report].

5.2. Natural Heritage Designations

The site is not located within or adjacent to any Natura 2000 sites. Wastewater will be discharged to the public system and treated at Shanganagh Wastewater Treatment Plant; and surface water run-off will be treated on site. Natura 2000 sites within the zone of influence include Dalkey Islands SPA (Site Code 004172) and Rockabill to Dalkey SPA (Site Code 003000). The development was screened for appropriate assessment by DL-RCC. No mitigation measures are proposed to avoid/reduce any effect on a Natura 2000 site; and significant effects are not likely to arise, either alone or in combination with any other plans or projects to any SPA or SAC.

The proposed development is located within an established urban area on zoned lands that are suitably serviced. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 sites. A Stage 2 Appropriate Assessment is, therefore, not required.

5.3. EIA Screening

Having regard to the nature of the proposed development, comprising the demolition of an habitable house and outbuildings; and the construction of a terrace of 7 houses, including all necessary site works, in an established urban area, where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination; and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal from CDP Architecture, agent on behalf of Conskig Ltd, received by the Board on 14th September 2022, can be summarised in bullet-point format as follows-

- Timeframes and status of the Deansgrange Stream Flood Relief Scheme are set out. Completion of measures at Kilbogget Park (May 2021), will have alleviated, to some degree, current flood risk at the site. Future completion of flood relief measures at Glenavon Park will effectively remove the site from flood risk.
- The design and layout of the scheme was acceptable on planning grounds.
- Issues raised by the Transportation Department, Public Lighting Section, Environmental Health Office, Irish Water, Environmental Management, and Housing Department could have been dealt with by way of additional information requirement or by way of condition attached to a grant of permission, but the applicant was not afforded the opportunity.
- The development is in line with Government policy to provide for more housing units.
- In relation to flooding, the development can pass the Justification Test – even without the measures contained within the Deansgrange Stream Flood Relief Scheme. The applicant met with the Drainage Division of DL-RCC prior to lodging the planning application, and it was agreed that compensatory measures could be included within the development. The development has been restricted to 7 houses because of flooding and requirements for compensatory measures at the northern end of the site.

6.2. Planning Authority Response

The response of DL-RCC, received by the Board on 4th October 2022, can be summarised in bullet point format as follows-

- Section 6.2 of Appendix 15 of the Plan gives a breakdown of areas for which Justification Tests were carried out as part of the plan-making process. Outside of such areas, new highly vulnerable development within Flood Zones A & B is not permitted, as they do not pass the Justification Test for Development Plans. It is always open to a PA to impose more stringent requirements as part of a Development Plan than in statutory guidelines.

- When pre-planning consultation took place with the applicant in June 2019, the old Development Plan was in force. That Plan allowed for consideration of compensatory flood storage on a case-by-case basis. The new Development Plan does not allow for such a provision; and Appendix 15 is now of relevance.
- The requirements of the new Development Plan are more stringent than the requirements of the 2009 Guidelines for Planning Authorities – “The Planning System and Flood Risk Management”.
- Section 6.2.9 of Appendix 15 of the County Development Plan explicitly states- “...Until the (Deansgrange Floor Relief) scheme is complete, any development in Seafield, Bayview and neighbouring residential areas in Flood Zone A is not permitted and development in Flood Zone B should be limited to Minor Development as defined in Section 5.2.1...”. The Deansgrange Flood Relief scheme has not yet been completed; and due to the location and complexity of the scheme, it is anticipated that it will not be fully completed for a number of years. The development is not considered to be a Minor Development; and refusal of permission should be upheld by the Board.
- The Glenavon Park flood relief measures have not been completed.

6.3. Observations

There is one observation from Kieran Fagan, 31 Seafield Court, Killiney – received by the Board on 11th October 2022, which can be summarised as follows. This area is subject to extensive flood risk. The observer’s house is 50 & 60 paces [I calculate the distance to be 45m] from the opening to a culvert on the Deansgrange Stream – which has been shown to be inadequate in times of heavy rainfall. There is no objection to housing on this site. The objection relates to the risk of flooding of the observer’s house, if this development proceeds. If satisfactory flood mitigation measures were in place, the observer would have no objection to the development.

7.0 Assessment

7.1. Development Plan

The site is zoned for residential use. The proposed terrace of 7 houses, on a site of 0.45ha, is in accordance with this zoning. The development involves the demolition of an habitable house. The Plan encourage the retention and reuse of houses – both from a housing perspective and also in relation to climate action. Having regard to the energy efficiency of the 7 new houses and to the increase in density, the demolition of this house and outbuildings can be justified.

7.2. Design & Layout

- 7.2.1. The external finishes proposed are mostly cement render; with 3 houses having full brick façades to the front. Black/grey slates/tiles are proposed for roofs. Such a palette of external materials is acceptable – regard being had to the finish of other residential buildings in the area.
- 7.2.2. Amenity space to the rear of units in Stonecroft (to the south) is limited. Units have small rear terraces/decks, with the intervening space being communal. There are semi-mature deciduous trees on the Stonecroft side of the boundary wall. The level of the ground in Stonecroft is approximately 1m above the level of the appeal site. The proposed terrace has been set back 11m from the common boundary. If units in Stonecroft had a similar 11m separation to the boundary, then the separation distance of 22m could have been achieved. The proposed development should not have to provide for longer rear gardens just because the adjoining development is not located 11m from the common boundary. I would be satisfied that the proposed layout is acceptable in terms of separation from all surrounding developments. In relation to overshadowing, I note that the three-storey terrace is located to the north of the Stonecroft terrace of duplex units. The gable elevation of Unit 1 is separated by 12.5m, at its closest, from single-storey houses in Caste Court to the east. Most of this separation distance is provided within the appeal site. The terrace is located to the west of 1 Castle Court, and will not have any significant impact in terms of overshadowing.

- 7.2.3. All houses have rear gardens in excess of 60sq.m, as required for three-bedroom units under section 12.10 of the Plan. Bin stores are provided for all houses. The ground floor of each house contains a garage and a separate store, which could be used for storage of bicycles, perambulators and such like. The attic roof-space of each house will be capable of future conversion to habitable use, arising from the generous height to the apex of the roof. This will ensure that houses are adaptable in the future with minimum construction work.
- 7.2.4. There is a strip of land left vacant to the side of Unit 1. There are sewer wayleaves through this land. It is a requirement of the PA that all such wayleaves be within public land. The applicant has had regard to this requirement, but no indication is given of how this piece of land can be used. Ideally, it should be incorporated into the garden of Unit 1 – whilst retaining wayleave across it. Otherwise, it is likely to end up as a dumping ground.
- 7.2.5. Because of the threat of flooding from the Deansgrange Stream, the development has been provided with a generous area of public open space – relative to the number of houses which it would serve. There are fine mature trees along the western and northern boundaries of this area. The eastern boundary is a 2m high griselinia hedge. This public open space area will contain swales for control of surface water outfall. This is an acceptable arrangement within such an area. The report of the Transportation Planning section refers to permeability in relation to the Council's 'Active School Travel Park-to-Park Route'. It would be desirable to connect this development with neighbouring housing developments, to encourage permeability and safe walking/cycling connections – particularly in this area where public footpaths are narrow and often limited, and where through roads – such as Killiney Hill Road and Shanganagh Road are heavily trafficked and narrow. Such a matter would have to be dealt with by the planning authority at initial application stage, or by way of additional information request. It would not be possible to address this issue by way of condition attached to a planning permission, as it may involve agreement with landowners outside of the site as outlined in red.

7.3. Water Supply & Drainage

The application was referred for comment to Irish Water. No Pre-Connection Enquiry was made. This is required in order to establish whether the development can be served from existing watermains and foul sewers. The appellant considers that this matter could have been dealt with by way of condition. There may be constraints which would prevent connection to existing pipes in the area. In the absence of a Pre-Connection Enquiry, it is not possible for the Board to grant permission based on a condition which may not be capable of being complied with. Permission should be refused for this reason.

7.3.1. Water

Supply is proposed from an existing 6" cast-iron main within Killiney Hill Road. In the absence of a Pre-Connection enquiry with Irish Water, it is not known if there is capacity within this pipe to serve the development.

7.3.2. Foul Waste

There are wayleaves for sewers traversing the site. There is a concrete combined sewer (900mm diameter) traversing the site from west to east. There are existing sewers serving Stonecroft, which run within the site along the boundary with Castle Court – 225mm diameter uPVC (foul) and 300mm diameter concrete (surface water). It is proposed to discharge waste from the proposed development to the combined sewer (2 houses directly; and the other 5 via a new 150mm diameter pipe). In the absence of a Pre-Connection enquiry with Irish Water, there is no indication as to whether capacity exists within the said pipe.

7.3.3. Surface Water

Surface water is to be discharged to a swale within the public open space area to the north of the site – with throttled discharge at 2.4 l/s. The surface water swale for attenuation, will have an area of 135sq.m with a depth of 0.5m. Ultimate open channel discharge is to the Deansgrange Stream, in the northeastern corner of the site. The natural fall of surface water drainage within this site is towards this stream. This development would necessitate alterations to the floodplain of the Deansgrange Stream. The Drainage Planning section of the Council recommended refusal of permission on flooding grounds.

7.4. Traffic & Parking

- 7.4.1. Access to the site will be from the existing recessed entrance to the dormer bungalow on the site. This recessed entrance also serves a second bungalow to the northeast – ‘Westgate’. I note that this recessed entrance does not form part of the site as outlined in red. The Transportation Department of DL-RCC was concerned in relation to traffic conflict with the entrance to ‘Westgate’, poor sight distance for emerging traffic onto Killiney Hill Road, and absence of any proposal to connect to the public footpath to the south of the entrance. There is no public footpath to the north of the recessed entrance. The applicant contends that these matters could have been dealt with by way of additional information request or else by way of condition attached to a grant of permission. I would not agree with this contention. From the information submitted with the application, it is not clear if the applicant has control over lands at the entrance to ensure that sight-distance can be improved and that a connection to the public footpath to the south can be achieved. In addition, no proposals are put forward in relation to the entrance to ‘Westgate’ – something that would have to be agreed with the owners of that property. This is not a matter which could be sorted out by way of condition. No provision is made for a turning area at the head of the proposed access road. No indication is given as to how service or emergency vehicles could turn safely within the site. A footpath is to be provided flanking the new road into the site. Permission should be refused arising from concerns raised by the Transportation Planning section.
- 7.4.2. Each house is provided with one on-site parking space and a garage. Visitor parking would be on-street kerbside. Bicycle parking is provided for within ground floor storage areas of each house.

7.5. Flooding

- 7.5.1. The application is accompanied by a Site-Specific Flood Risk Assessment. The report is dated 20th October 2021 – based on a site visit carried out on 15th June 2019. The site is not subject to coastal/tidal flooding. Site levels vary from 7.8m OD to 6.4m OD. Ground level within a small area of the site is to be raised to ensure that the terrace of houses is 0.5m above the 1% Annual Exceedance Probability (AEP) flood level of 6.89m OD: ie. at 7.4m OD. Ground levels will be lowered in in

the northeastern corner to provide for compensatory flood storage. The access road will be within the 0.1% AEP – subject to flooding up to 0.25m. Because residential is classed as a ‘Highly vulnerable development’, and as the site falls partially with Flood Zones A & B, a ‘Justification Test’ is required as set down in the Guidelines on ‘The Planning System and Flood Risk Management’ – published by the Department of Environment, Heritage and Local Government in 2009 – and it was concluded that-

1. The lands are zoned for residential use.
2. Flood Risk Assessment has been undertaken.
3. Development will not increase flood risk elsewhere.
4. Development includes measures to minimise flood risk.
5. Flood protection measures are adequate, and emergency vehicles will be able to access the site.
6. Mitigation measures will have no impact on the character of the area.

7.5.2. Appendix 15 comprises a Strategic Flood Risk Assessment of the Development Plan. Flood Zone Map 10 of the County, includes the Deansgrange Stream. Section 6.2.9 [copy included in the photograph pouch which accompanies this Inspector’s Report] of Appendix 15, deals with the Deansgrange Stream. It is accompanied by Figure 6-2, a scaled-down and annotated copy of Flood Zone Map 10 (as referred to above). This indicates that- ‘Construction has commenced for a storage scheme to increase flood storage on Kilbogget Park with a view to limiting downstream flows and manage flooding to residential development downstream of Kilbogget Park’. The appeal site is downstream of Kilbogget Park and of Glenavon Park. The section goes on to state- That until such time as the whole Deansgrange Flood Relief Scheme has been constructed, development downstream of Kilbogget Park would be considered premature’. Minor developments are allowed within Flood Zone A, but developments which introduce additional people into the floodplain should be avoided until such time as the Deansgrange Stream Flood Relief Scheme (FRS) is in place. A small part of the proposed development is within Flood Zone A. Most of the public open space area of the site is within Flood Zone A or B. Dwelling houses are considered to be highly vulnerable development in relation to flooding. Section

6.2.9 goes on to state- 'At the downstream end of the Deansgrange Stream there is a high level of flood risk arising from a combination of low capacity watercourses and culverts below the DART line resulting in extensive flood risk to the Seafield, Bayview and neighbouring residential areas [indicated as (9) on Figure 6-2]. This risk could be exacerbated during periods of high tide which could further restrict outflows into the sea'. The site can be considered a neighbouring residential area to Bayview. It is noted that the Observer to this appeal resides in the Seafield residential area, downstream of the proposed development, within an area which is at risk of flooding arising from the limited capacity of a culvert near his house.

7.5.3. The Eastern Catchment Flood Risk Assessment and Management (CFRAM) Study Area concluded that a flood relief scheme would be viable and effective for the Deansgrange Stream, where there were a number of flooding events at Glenavon Park, Seafield Court, Killiney Hill Road and Achill Road. Consulting Engineers were appointed to oversee the necessary works. There is a website <http://www.deansgrangefrs.ie/> which issues newsletters in relation to progress on studies and works within the Flood Relief Scheme. The latest newsletter (No. 03) from December 2022, refers to 'Preferred Option' comprising-

- Replacement of the existing culvert pipes with a larger box culvert and widening the existing flood plain channel at Granville Road (at a later phase of works).
- An attenuation structure including sluice gate with trash screen at the existing Kilbogget Culvert (completed 2021).
- Flood storage at Glenavon Park, including wetlands with mixed native vegetation, new embankment, control structure, footpaths and pedestrian bridge.
- New flood defence walls on the left and right banks upstream of Killiney Hill Road Bridge. Reinforcement of the existing stone parapet.
- New overflow pipeline and outfall to increase conveyance during times high flows at the existing Seafield Culvert. A section of the overflow pipeline will pass beneath the existing railway (DART) line.

- Existing debris screens to be replaced at Glenavon Park & Shanganagh Road. A new screen is proposed at the Abberley footbridge & at the inlet to Seafield culvert.

7.5.4. Bullet points 3 & 4 above would have a direct impact on the appeal site. Bullet point 2 will already be having some impact on the appeal site. In particular, bullet point 4 will necessitate construction within the appeal site, and will, necessarily alter how surface water can be discharged from the swales within the public open space area of the proposed housing development. As can be seen from the heading – ‘Preferred Option’. Construction works are not expected until 2024-2025. [A copy of this Newsletter 03 is included in the photograph pouch which accompanies this Inspector’s Report].

7.5.5. Section 6.2.9 of Appendix 15 states- ‘Whilst Parts 1 and 2 of the Justification Test for Development Plans have been passed, the CFRAM Study outputs indicate possible flood depths of up to 1m and therefore Part 3 cannot be passed at present. Until the scheme is complete, any development in Seafield, Bayview and neighbouring residential areas in Flood Zone A is not permitted and development in Flood Zone B should be limited to Minor Development as defined in Section 5.2.1. Care should also be taken to ensure minor developments will not have a negative impact on the CFRAM's POR [Preliminary Options Report] outline scheme, or the FRS as the design progresses. Upon completion of a Flood Relief Scheme to the 1.0% AEP event standard, proposals for all development will be considered subject to a Site Specific Flood Risk Assessment satisfying the requirements of Section 5 of this SFRA’.

7.5.6. Section 3.2 of Appendix 15 states- ‘The Flood Zone maps have been developed using the most appropriate data available to Dún Laoghaire-Rathdown at the time of preparing the Development Plan. The Flood Zone maps have been created specifically to inform the application of the Justification Test and to guide development policy within the County and have been through several iterations of review and are now considered to be fit for purpose. However, it should be borne in mind that the input data was developed at a point in time and there may be changes within the catchment that mean a future study, or more localised assessment of risk may result in a change in either flood extent or depth. This means a site-specific flood risk assessment may result in locally appropriate information which could show

a greater or lesser level of risk than is included in the Flood Zone maps. This is to be expected and it will require discussion between the developer and the Dún Laoghaire-Rathdown Planning and Municipal Services sections to ensure the assessment is appropriate and relevant to the site in question’.

- 7.5.7. In light of the ongoing studies and preferred options for flood alleviation measures on the Deansgrange Stream (some of which will involve construction works within the site the subject of this appeal), I would consider that the proposed development is premature, and could impact negatively on the Deansgrange Stream Flood Relief Scheme, as the design progresses. The development does not comply with Appendix 15 of the County Development Plan 2022-2028 – being partially located with Flood Zones A & B.

7.6. **Other Issues**

7.6.1. Part V

The proposed development was refused a Certificate of Exemption on 21st July 2022. The applicant argues that compliance with the requirement for Social & Affordable housing could have been dealt with by way of condition attached to a grant of planning permission. It would be preferable if the Council and the applicant were in agreement in relation to just what was required to comply with Part V, prior to lodging an application.

7.6.2. Financial Contribution & Bond

If the Board is minded to grant permission for this development, conditions requiring payment of a development contribution and a bond should be attached.

7.6.3. Naming and Numbering

The Design Statement submitted with the application suggests 1-7 Cromlech Lane. This would appear to be appropriate – given that Cromlech Cottage once stood on this site – and some old stone walls remain. A condition could be attached to any grant of permission from the Board, to reflect the proposed naming and numbering.

7.6.4. Public Lighting

No public lighting layout was submitted with the application. The Transportation Department of DL-RCC sought additional information on this matter. The appellant

contends that this matter can be dealt with by way of condition attached to a grant of permission. Such matters should form part of the application submitted to the PA.

7.6.5. Waste

It is proposed to demolish the house and outbuildings on this site. No details of how it was proposed to deal with C&D waste was submitted with the application.

Proposals are made in relation to bin storage for each house. I note the comment of the Transportation Department in relation to the need to relocate these bin stores – as they restrict sight visibility for vehicles exiting driveways. This is a matter which could be dealt with by way of condition attached to any grant of planning permission.

7.6.6. Construction Environmental Management Plan

The application was not accompanied by any Construction Environmental Management Plan to deal with waste and likely nuisance during the construction phase, such as noise and dust. A condition limiting hours of construction to 0800-1900 hours Monday to Friday and 0800-1400 hours on Saturdays, would be appropriate in mitigating nuisance during the construction phase. I do not consider that a limited development such as this one, necessitates a Construction Environmental Management Plan in advance of permission. It would be possible to require submission of such to the PA, for written approval, prior to commencement of any development on the site.

8.0 **Recommendation**

- 8.1. I recommend that permission be refused for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

1. The proposed development is within an area which is at risk of flooding. The appeal site is located within Flood Zones A & B, as outlined in Appendix 15 of the current development plan for the area, and indicated on Flood Zone Map 10. Section 6.29, relating to the Deansgrange Stream, identifies the Seafield, Bayview and neighbouring residential areas as being at the downstream end, and subject to extensive flood risk. Until such time as the Deansgrange Flood

Relief Scheme is completed, development of a vulnerable class (such as housing) is not permitted within Flood Zone A, and only minor development is permitted within Flood Zone B. Ongoing studies relating to the Deansgrange Stream Flood Relief Scheme, have identified possible works within the appeal site, consisting of new flood relief walls. Construction works are estimated for the period 2024-2025. The proposed development is premature, pending establishing what works will comprise the preferred options, and when and how such works may be carried out.

2. There is no indication from Irish Water that the development can be provided with a water supply or connection to a public foul sewer. In the absence of confirmation from Irish Water, the proposed development could be prejudicial to public health.

3. The applicant has not indicated whether adequate sight lines can be provided at the access onto Killiney Hill Road; whether and how connection is to be made to the public footpath network on Killiney Hill Road; how the access to the bungalow ('Westgate' is to be incorporated in a safe manner into the proposed development access; how vehicles can safely turn within this cul-de-sac development; and how pedestrian/bicycle permeability might be realised with adjoining housing developments/open space areas. The proposed development would endanger public safety by reason of traffic hazard or obstruction of road users.

4. The applicant has failed to indicate how the development might comply with the requirements of Part V of the Planning and Development Act, 2000 (as amended) in relation to the provision of social and affordable housing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5. The applicant has failed to indicate a public lighting layout for the development. The development would, therefore, endanger the safety of residents and visitors alike.

**Michael Dillon,
Planning Inspectorate**

10th February 2023.