



An
Bord
Pleanála

Inspector's Report ABP-317443-23

Development

Demolition of Institutional buildings and associated outbuildings, construction of residential development comprising 402 apartments; Creche, 2 retail units, communal space, new public park, and all associated site development works.

Location

Site at Taylors Lane and Edmondstown Road, Taylors Lane, Ballyboden, Dublin 16.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

LRD23A/0002

Applicant

Shannon Homes Dublin Unlimited Company

Type of Application

Large-Scale Residential Development

Planning Authority Decision

Grant Permission with Conditions

Type of Appeal

Third Parties vs. Grant

Appellants

1. Ballyboden Tidy Towns CLG
2. Moyville Residents Association (MEERA)

Observers

1. Yvonne Collins
2. Glendoher District Residents Association

Date of Site Inspection

21st August 2023

Inspector

Stephen Ward

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1.0 Site Location and Description

- 1.1. The subject site has a stated gross area of 3.8 hectares (3.5ha net area) and is located within the suburban area of Ballyboden at the southern end of Dublin City. The site is distanced c. 7.5km south of the city centre and c. 1.5km west of Marlay Park. The M50 Motorway runs east-west at a distance of c. 1km south of the site.
- 1.2. The surrounding area is mainly characterised by low-density suburban housing interspersed with community facilities, parks, and some small-scale commercial uses. The site bounds onto Taylor's Lane to the north, and on the opposite side of this road is a small neighbourhood centre including a convenience shop and pharmacy. To the west, the site bounds onto Edmondstown Road (R115/R116) and the adjoining open space and dense tree coverage along the Owendoher River. The river runs south to north at a distance of c. 7-25 metres from the western edge of Edmondstown Road. The land to the south of the site has been recently developed as the Ballyboden HSE Primary Care Centre and St Augustine's residential accommodation with associated facilities. To the east of the site is additional housing and the Whitechurch Library / community centre.
- 1.3. The western half of the site currently contains former institutional buildings (up to 3 storeys) that are no longer in use, as well as some smaller outbuildings fronting onto Edmondstown Road. The eastern half of the site consists of a former pitch and putt course that is now overgrown. There are mature trees within the site and along the site boundaries. Along the southern boundary of the site there is a mill run/watercourse which runs eastward from the Owendoher River. A watermain runs through the northern portion of the site. The site rises from north to south with increased levels of c. 3.5m.

2.0 Proposed Development

- 2.1. The development involves the demolition of the existing institutional buildings and associated outbuildings (c. 5,231 sq.m) and the construction of a residential development comprising 402 apartments. The development will also include a creche, 2 no. retail units, communal space, a new public park, and all associated site development works.

2.2. The apartments are proposed in 3 no. blocks up to 5 storeys over basement/lower ground floor. The housing mix proposed can be summarised as follows:

Apartment Type	No. of Units	Percentage of Units
1 bed	39	10
2 bed	302	75
3 bed	61	15
Total	402	100

2.3. In addition to the proposed apartments, the following is proposed:

- creche (c.656 sq.m) and 2 no. retail units (c.262 sq.m and c.97 sq.m) all located within Block A,
- c.322 sq.m of internal residential communal space located in Block C,
- provision of a new public park in the north of the site along Taylor’s Lane,
- 290 no. car parking spaces and 1,054 no. cycle parking spaces provided at basement/surface level,
- revised vehicular access from Edmondstown Road and an emergency vehicular access from Taylor’s Lane along with pedestrian/cyclist accesses to/from the site,
- road improvement works along Edmondstown Road including the existing junction of Scholarstown Road / Edmondstown Road, and
- all associated site development works, open spaces, landscaping, SuDs features, boundary treatments, plant areas, waste management areas/bin stores, car/cycle parking areas (including EV parking), and services provision (including ESB substation/ kiosks).

2.4. The key figures relating to the proposed development are summarised in the following table.

Key Figures for the Proposed Development

Site Area	3.8 ha (gross). 3.5 ha (net)
No. of apartments	402 units
Non-residential Uses	<ul style="list-style-type: none"> • Creche (c.656 sq.m) • 2 no. retail units (c.262 sq.m and c.97 sq.m). • Internal residential communal space (c.322 sq.m)
Gross Floor Area	<ul style="list-style-type: none"> • 5,231m² (demolition) • 42,743m² (proposed).
Residential Density	402 / 3.5ha = 115 uph (net)
Plot Ratio	42,743m ² / 3.5ha = 1.22
Site Coverage	35.4%
Height	Up to 5 storeys
Dual Aspect	53.5%
Car Parking	290 no. car parking spaces (265 no. basement and 25 no. surface)
Bicycle parking	1054 no. cycle parking spaces (832 no. long term spaces, 222 no. short term)
Communal Amenity Space	3,600 sqm (10%)
Public Open Space	9,800sqm (28%) comprising 5,400 sq.m (public open space to the front) and 4,400sqm (woodland walk)
Part V	41 no. units within the scheme.

2.5. In addition to the standard plans and particulars, the application is accompanied by the following documents and reports:

- Planning Report including Statement of Consistency and Response to Opinion
- Environmental Impact Assessment Screening
- Community & Social Infrastructure Audit
- Appropriate Assessment & Natura Impact Statement
- Ecological Impact Assessment
- Architect's Design Report
- Schedule of Accommodation
- Method Statement and Photomontages
- Operational Waste & Recycling Management Plan
- Outline Construction and Environmental Management Plan
- Resource and Waste Management Plan
- Archaeological Assessment
- Architectural Heritage Assessment
- Infrastructure Design Report
- Building Life Cycle Report
- Site Specific Flood Risk Assessment
- Traffic and Transport Assessment
- Statement of consistency with DMURS
- Mobility Management Plan
- Parking Strategy
- Daylight & Sunlight Assessment
- Lighting Report and Drawings
- Tree Survey Report and Drawings

- Landscape Design Development Report & Drawings
- Landscape Maintenance and Management Report
- Landscape Visual Impact Assessment
- Housing Quality Assessment & Detailed Schedule of Accommodation
- Housing Demand and Composition Assessment
- Air Quality Assessment
- Environmental Noise Survey
- Part V pack.

3.0 Planning Authority Pre-Application Opinion

- 3.1. The proposals for the subject site have been subject to a Section 247 meeting with the Planning Authority on the 4th of March 2022. A pre-application LRD meeting under Section 32C of the Planning and Development Act 2000 (as amended) took place on 11th November 2022 between the representatives of the applicant and the planning authority. This related to a proposal for the construction of 398 no. residential units.
- 3.2. A Large-Scale Residential Development (LRD) Opinion was issued under Section 32D of the Act on the 28th of November 2022. This Opinion concluded that the documents submitted constitute a reasonable basis for making an LRD application subject to further consideration and amendment.
- 3.3. The Opinion stated that, in the event that the applicant proceeds to submit a planning application, the LRD application should include:
- A statement of response to the issues in the LRD Opinion
 - A statement that in the applicant's opinion, the proposal is consistent with the relevant objectives of the development plan.
- 3.4. The detailed assessment contained within the Opinion also highlights those areas in which the particulars submitted are lacking, or those issues which remain to be reconsidered or addressed by the applicant in any documents submitted with a future planning application. These items can be summarised as follows:

- Justification and mitigation for the significant loss of trees at the site to cater for the development.
- Justification of the height and density of the development, with reference to Appendix 10 of the Development Plan, and other relevant policies and objectives of local and national plans.
- Revisions to the design of Block C to improve daylight and sunlight achieved in both the central open space area, and lower-level units of concern. The applicant should aim to achieve 100% compliance with room specific targets.
- The redesign of units B111, B112, B113, B114, B115 and B116 which are considered to be terraced houses and not duplex units. These units must comply with all relevant space standards, both internally and externally.
- Justify the unit mix with regard to Policy H1 Objective 12 and the requirement for 30% 3-bedroom units.
- Demonstrate compliance with green infrastructure policies contained within the Development Plan.
- Detailed plans for the existing landscaped area at the northwest entrance and how its use can be maintained for the existing community.
- Provide detailed drawings and calculations for SuDS, providing additional SuDS where possible including green roofs, as well as revised surface water attenuation and catchment area calculations.
- Consider the proposal in relation to traffic and transport, based on more relevant Irish Trics data, and with regard to planned cycle infrastructure upgrades.

3.5. Pursuant to Article 16A (7) of the Planning and Development Regulations 2001 (as amended), the applicant was notified that in addition to the requirements as specified in Article 23, the following information (in summary) should be submitted with any application for permission:

1. Statement addressing each issue identified in the previous Judicial Review decision relating to ABP-307222-20
2. Housing Quality Assessment

3. Schedule of Accommodation
4. Architect's Design Statement
5. Revised Sunlight and Daylight Analysis
6. Green Infrastructure Plan
7. Green Space Factor Calculations
8. Street Tree Planting Plan
9. Landscape Plan
10. Ecological Impact Assessment
11. Traffic and Transport Assessment
12. Taking in Charge drawing and proposals
13. 13. Stage 1 Road Safety Audit
14. Layout Plan to show parking, traffic, and transport arrangements
15. SUDs Strategy details
16. Confirmation of Feasibility from Irish Water
17. Appropriate Assessment Screening Report
18. Building Lifecycle Report
19. Social Infrastructure Audit
20. Part V Proposals
21. Confirmation of all landownership and necessary consent(s).

4.0 **Planning Authority Decision**

4.1. **Decision**

By order dated 29th of May 2023, the planning authority made a decision to grant permission subject to 31 no. conditions. The conditions are generally standard in nature, but the following requirements of conditions are noted (in summary):

Condition No. 5 – Landscaping plans to be agreed to include additional natural/free play opportunities.

Condition No. 6 – To overcome the under provision of public open space per the Development Plan requirements, and in lieu of a financial contribution, the applicant shall provide details for the written agreement of the Planning Authority for a much larger play space within the main northern open space, adjacent to Taylors Lane.

Condition No. 7 – Detailed landscape and ongoing maintenance plans to be agreed for the St Catherine’s Gate area of public open space on lands outside the applicant’s ownership.

Condition No. 9 – SuDs details to be agreed to include opportunities for additional natural SUDS features in the proposed drainage system.

Condition No. 30 – Requires a financial contribution of €4,191,170.65 towards the cost of public infrastructure and facilities, in accordance with the Development Contribution Scheme for the area.

4.2. Planning Authority Reports

4.2.1. Planning Report

The SDCC assessment of the proposed development can be summarised under the following headings:

Previous Judicial Review issues

- Height/Density - The current Development Plan adopts a more context driven assessment of building height. The height and density of the development are considered an efficient use of appropriately zoned and serviced lands and there is no material contravention of any policy or objective in this regard.
- Public Transport Capacity - The application includes a public transport capacity survey which indicates additional capacity on both AM and PM peak services. This is acceptable to the Planning Authority. This is only likely to improve once the development has been completed and this matter is considered to have been adequately addressed by the applicant.
- Traffic - The Roads Department has stated that it is satisfied with the proposals and the information provided. The third-party ‘Technical Note’ submitted under the previously quashed permission has not been re-submitted for consideration. The development is appropriate and acceptable given its urban location,

proximity to public transport and local level services, additional retail offer and creche facility. While the concerns of residents are noted, the Planning Authority is satisfied that traffic in the area can be appropriately managed.

Principle of Development

- The proposed uses are consistent with the 'RES' zoning of the site.
- The development would provide additional housing in accordance with national, regional, and local policy frameworks and would not be premature pending the preparation of a Local Area Plan.

Quality Design & Healthy Placemaking

- The application adequately addresses the eight key design principles in compliance with 'The Plan Approach' as per QDP2 Objective 1 of the CDP.
- The design and layout of the development is acceptable, and the loss of significant tree coverage is appropriate to ensure maximum efficiency.
- The scheme has been designed with consideration of the change in topography, sloping from north to south. The absence of significant adjoining housing allows the site to be viewed within its own context and allows for greater height and density compared to the nearby pattern of development due to this separation and the proposed setback/landscaping.
- This is considered to be an 'intermediate urban location' and the development of this site to density maximum of 45 u/ha (Peripheral/Less Accessible Urban Locations) would represent an inefficient and poor use of serviced lands. Consideration of the lands as Institutional, with recommendations for densities in the range of 35 – 50 units per hectare, up to 70 units per hectare on certain parts of a site, also represents an inefficient use of lands. The proposed density proposed is considered acceptable and accords with local, regional, and national Guidelines.
- The height, scale and density of the development are considered appropriate for the site given its zoning, accessible urban location, and separation (visually and physically) from nearby development. Within the site, the northern public open space provides a significant setback of the development from Taylors Lane, further minimising its appearance within the context of the surrounding area and

there is sufficient landscaping and mature vegetation proposed and retained that will provide necessary screening from nearby sensitive locations.

- The results of the daylight/sunlight assessment are acceptable even though a small proportion of rooms and spaces do not achieve the minimum recommended standards. The subject site is an urban infill site within the Dublin city and suburbs area, and it is accepted that intensification of residential development at this site is appropriate and desirable.
- The concerns of the Architectural Conservation Officer are noted. There is not sufficient architectural merit to render justification for the retention of the existing buildings. The scale, height, and density are considered appropriate, and the site does not have any significant visual connection to the surrounding area and therefore can function effectively at a site level based on the design proposed. To ensure the protection of architectural heritage, it is considered appropriate to include a condition requiring the adequate recording of materials removed from the site.

Housing and Residential Amenity

- It appears that the proposed development would comply with the relevant standards/guidelines in relation to internal residential accommodation, private amenity space, and dual aspect ratios.
- It does not meet the minimum 30% requirement for 3-bedroom units as per Policy H1 Objective 12 of the CDP. The applicant has justified the under-provision (15.17%) on the basis of the high proportion of 3- and 4-bedroom homes in the immediate area. This is considered acceptable.
- Part V proposals should be agreed as a condition of permission.

Open Space, Green Infrastructure and Natural Heritage

- The concerns raised by the Public Realm section are noted.
- In advance of a supporting Development Contribution Scheme being in place, the Planning Authority considers the provision of 28% open space on site and the delivery of high-quality play provision on site as the most appropriate solution to meeting the policies and objectives of the Development Plan. A condition should be attached in this regard.

- It is considered that a condition regarding the level of play provided within the scheme would sufficiently mitigate the shortfall in public open space provision by providing a high-quality play area that will be accessible for both residents of, and visitors to, the development.
- The design, location and layout of the public open space is considered acceptable in terms of amenity value and the availability of sunlight/daylight.
- Proposals for landscaping upgrades in the area northwest of the site (outside the site boundary) are acceptable subject to agreement of design.
- The applicant has provided calculations to demonstrate compliance with the Green Space Factor required for the site, indicating the minimum score of 0.5 has been achieved. This is considered acceptable.
- SuDS proposals include underground attenuation and concerns have been raised about a lack of natural SuDS and other water/drainage issues. Conditions to address these matters are considered appropriate.
- The measures included in the Site Specific Flood Risk Assessment are considered acceptable to minimise flood risk to units.
- Ecological mitigation measures are proposed in several reports, and these should be required by condition of any grant of permission. A breeding bird survey should be undertaken prior to the commencement of development. A number of submissions have stated inadequacies in the environmental and ecological reporting and surveys provided, however have not stated any substantive grounds under which these are considered inadequate.
- Detailed landscaping and planting plans for the ecological corridor should be agreed and implemented. Bat sensitive lighting should also be provided along this corridor. These requirements can be ensured by condition.
- A minimum buffer of 10m is largely maintained from the millrace watercourse, which is acceptable in compliance with Policy GI3 of the CDP. Mitigation measures relating to construction management and surface water drainage should apply to protect existing watercourses.

Sustainable Movement

- The applicant is proposing a reasonable level of car parking below the maximum rates allowable, and it is policy to support proposals where reduced car parking is proposed, including Policy SM7 and SM7 Objective 1.
- The current bus service has capacity to cater for the proposed development and the site will benefit from the new route network currently being implemented under BusConnects, with the anticipated commencement date for new services in 2024 (likely in advance of completion of the development).
- The Roads Department have accepted that the extra traffic generated will be small and that any increase in delays and queue length will be at an acceptable level. The mitigation measures proposed to ease congestion are also acceptable.
- A construction traffic management plan and a Stage 1 Road Safety Audit should be provided by condition, as well as agreement on integration with planned active travel improvements in the area.

Infrastructure and Environmental Services

- Irish Water has stated that there is no objection to the development.
- The Environmental Health Officer (EHO) has recommended conditions relating to noise, air quality, bin storage, odours etc. These conditions are considered appropriate in the interests of public health and safety.

Environmental Considerations

- The NIS has been reviewed and it recommends construction and operational phase mitigation measures, including measures in relation to air and dust, pollution control and on-site drainage. The conclusion of the NIS is accepted. On this basis it is not considered that, following the implementation of mitigation measures, the development will result in direct or indirect effects to any Natura 2000 site.
- Having regard to the nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. It is noted that there are direct hydrological links from the site to Dublin Bay however,

adequate mitigation measures have been recommended and shall be implemented to ensure no environmental impacts. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion & Recommendation

- The planning report concludes that, subject to conditions, the proposed development would be in accordance with the proper planning and sustainable development of the area.
- It recommends to grant permission, subject to conditions, and this forms the basis of the SDCC decision.

4.2.2. **Other Technical Reports**

Roads: No objections subject to conditions.

Public Realm: Recommends refusal as the applicant has not achieved the required public open space standard of 2.4ha per 1,000 population. Concerns are also raised regarding loss of trees, the inclusion of attenuation areas, and the lack of appropriate play facilities.

Water Services: Requests additional information on the replacement of attenuation tanks with natural SuDS systems and examination of the SAAR value used in calculations of attenuation.

Housing Procurement: No objections subject to conditions.

Heritage Officer: Raises concerns in relation to the scope, timing, and dating of ecological surveys; the absence of a breeding bird survey; and failure to adequately consider the biodiversity impact of tree loss. Although the proposal to include green roofs and living walls is welcomed, the sufficiency of the ecological mitigation measures to address the loss of a high number of trees and scrub habitat is questioned, particularly when requirements for successful foraging and nesting habitat for birds and bats is taken into account.

Architectural Conservation Officer: Recommends a revised design to address concerns relating to the character of existing building stock; the site context; and the design, scale, massing, and height of the development. Clarification is also sought

on the removal and recording of architectural features associated with the existing buildings.

4.3. **Prescribed Bodies**

Irish Water: No objections subject to conditions.

Inland Fisheries Ireland: No objections subject to conditions.

4.4. **Third Party Observations**

The planning authority received 3 no. submissions and a representation from an elected member. The issues raised are covered in the grounds of appeal and observations on this appeal case (see section 7 of this report).

5.0 **Planning History**

Subject Site

ABP Ref. 307222-20 – On the 14th of September 2020, the Board made a decision to grant permission for a Strategic Housing Development comprising the demolition of existing buildings, construction of 496 no. residential units within 3 no. apartment/duplex blocks (over basement car park) ranging in height from two to seven storeys, and all associated siteworks and services. The Board's decision was subsequently challenged under Judicial Review and was quashed by order delivered on 10th of January 2022. The reasons for quashing the decision can be summarised as follows:

- Failure to recognise material contravention of the Development Plan as to density and address it as such;
- Failure to take into account a relevant consideration as to the capacity of the public transport network and give adequate reasons for its decision on density in that context; and

- Inadequacy of reasons on the traffic issue, specifically as to the disagreement between the traffic experts regarding methodology and the reliability of the results resulting from the application of that methodology.

The Court rejected all other grounds of challenge.

P.A. Reg. Ref. SD16A/0121 – On 11th of November 2016, SDCC issued a decision to refuse permission for the demolition of the existing Good Council buildings and associated outbuildings along the Edmondstown Road. In summary, the reason for refusal stated that the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise having regard to the following:

- (a) the need to widen the junction of the Edmondstown Road/Scholarstown Road (the achievement of this widening would require that structures, including the Community Centre, which it is proposed to keep be removed from the site),
- (b) the proposed substandard pathway along Edmondstown Road.

Notable developments in the area

ABP Ref. PL 06S.244732: On the 12th August 2015, the Board made a decision to grant permission for development consisting of 247 houses, 70 apartments, creche and all associated site works.

ABP Ref. 305878-19 – On the 9th March 2020, the Board made a decision to grant permission for a Strategic Housing Development (scholarstownplanning) comprising demolition of existing structures on site, construction of 590 no. residential units (480 no. Build to Rent units, 110 no. Build to Sell units), creche and associated site works.

ABP Ref. 308763-20 – On the 25th March 2021, the Board made a decision to refuse permission for a Strategic Housing Development (stockinglaneshd) comprising 131 no. residential units (21 no. houses, 110 no. apartments), creche and associated site works. The refusal reason related to the height of the development and separation distances from existing development, and failure to include the related material contravention of the Development Plan in the public notices.

ABP Ref. 311616-21 – On the 16th February 2022, the Board made a decision to grant permission for a Strategic Housing Development (stockinglaneshd2) comprising 131 no. residential units (21 no. houses, 110 no. apartments), childcare facilities and associated site works.

6.0 Policy Context

6.1. National Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (the ‘Sustainable Residential Development Guidelines’), including the associated Urban Design Manual (2009).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (i.e. ‘the Apartments Guidelines’).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (May 2021).

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage, Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

6.1.2. 'Housing for All - a New Housing Plan for Ireland (September 2021)' is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right place
- Offering a high quality of life.

6.1.3. 'Project Ireland 2040 – The National Planning Framework (NPF)' is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate cities with increased housing and employment.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.

- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

6.1.4. The Climate Action Plan 2023 implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

6.2. Regional Policy

6.2.1. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

6.2.2. The site is located within the identified 'Dublin City and Suburbs' area. Regional Policy Objective (RPO) 4.3 supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the area and aims to ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

6.2.3. A Metropolitan Strategic Area Plan (MASP) has also been prepared for Dublin and guiding principles for the area include compact sustainable growth and accelerated housing delivery; Integrated Transport and Land use; and the alignment of growth with enabling infrastructure.

6.2.4. The Greater Dublin Area Transport Strategy 2022-2042 (NTA) sets out a framework aiming to provide a sustainable, accessible and effective transport system for the area which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

6.3. Local Policy

South Dublin County Council Development Plan 2022-2028

- 6.3.1. The Core Strategy identifies Ballyboden as being part of the 'Wider Dublin City and Suburbs Area' and part of a range of local and district centres each with their own identity and sense of place supporting the residential areas. Policy CS7 promotes the consolidation and sustainable intensification within the suburbs.
- 6.3.2. Chapter 3 'Natural, Cultural and Built Heritage' aims to protect and enhance the key heritage assets which have shaped the County. Apart from the inclusion of the site within the Riparian Corridor of the Owendoher River, there are no conservation objectives that relate specifically to the site or the existing buildings thereon. The site is within the 'Urban' landscape character area, which is not defined as an 'area of sensitivity'.
- 6.3.3. The buildings are not part of an Architectural Conservation Area (ACA) or Protected Structure. Section 3.5.4 acknowledges the importance of 'vernacular / traditional and older buildings, estates, and streetscapes', and relevant objectives include the following (in summary):
- NCBH21 Objective 1: To retain existing buildings that contribute to historic character, local character, visual setting, rural amenity or streetscape value.
- NCBH21 Objective 3: To encourage the retention and re-use of older buildings and original features that contribute to the visual setting, collective interest or character of the surrounding area.
- NCBH21 Objective 4: To ensure that infill development is sympathetic to the architectural interest, character and visual amenity of the area.
- 6.3.4. Chapter 4 'Green Infrastructure' (GI) promotes the development of an integrated GI network working with and enhancing existing biodiversity and natural heritage, improving resilience to climate change and enabling the role of GI in delivering sustainable communities to provide environmental, economic and social benefits. It includes policies for the 5 key themes of Biodiversity (GI2), Sustainable Water Management (GI3), Climate Resilience (GI5), Human Health and Wellbeing (GI6), and Landscape, Natural, Cultural and Built Heritage (GI7).

- 6.3.5. Chapter 5 ‘Quality Design and Healthy Placemaking’ aims to create a leading example in sustainable urban design and healthy placemaking that delivers attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in. It aims to deliver sustainable neighbourhoods through ‘The Plan Approach’. It outlines that the Plan (Appendix 10) includes a Building Height and Density Guide (BHDG) with performance-based criteria for the assessment of developments of greater density and increased height. The approach to building heights will be driven by context. The chapter also includes objective QDP14 SLO 2: To prepare a new Local Area Plan for Ballyboden.
- 6.3.6. Chapter 6 ‘Housing’ aims to ensure the delivery of high quality and well-designed homes in sustainable communities to meet a diversity of housing needs within the County. Section 6.7 promotes high quality design and layout in new residential developments and includes a range of objectives in this regard. Policy H13 promotes residential consolidation and sustainable intensification at appropriate locations.
- 6.3.7. Chapter 7 ‘Sustainable Movement’ aims to increase the number of people walking, cycling and using public transport and reduce the need for car journeys. It includes a range of policies and objectives aimed at integrating sustainable transport and land-use planning and promoting sustainable/active transport modes. SM7 is to implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation.
- 6.3.8. Chapter 8 ‘Community Infrastructure and Open Space’ aims to create healthy, inclusive and sustainable communities where all generations have local access to social, community and recreational facilities, and parks and green spaces. Relevant policies can be summarised as follows:

COS5 Objectives 4 & 5: Require public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2. The Plan also outlines discretionary options for the remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population.

COS5 Objective 20: Ensure that children’s play areas are provided as an integral part of the design and delivery of new residential and mixed-use developments.

COS7 Objective 2: Require appropriate childcare facilities as an essential part of new residential developments in accordance with the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001).

- 6.3.9. The site is zoned as 'Existing Residential' (RES) and Section 12.2 outlines that the objective for such areas is '*To protect and / or improve residential amenity*'. Section 12.5 outlines further guidance and standards relating to quality design and healthy placemaking, while 12.6 addresses residential development and standards relating to housing mix, tenures, sizes, open space, and amenities etc. Section 12.7 outlines parking standards for cars, bicycles, etc., as well as other standards and criteria for the assessment of traffic/transport impacts. Section 12.8 outlines guidance in relation to community infrastructure and open space.

6.4. **Environmental Impact Assessment Screening**

Introduction

- 6.4.1. The application includes an EIA Screening Report prepared by McGill Planning. The purpose of the report is to screen whether there is a requirement for the preparation of an Environmental Impact Assessment Report (EIAR) and to identify any likelihood of significant effects on the environment. The methodology section of the report confirms that the report has had regard to the criteria set out in in Schedule 7 of the Planning and Development Regulations 2001, as amended (the 2001 Regs) and to the requirements under Schedule 7A of the 2001 Regs. This section outlines my assessment of the need for an Environmental Impact Assessment Report (EIAR), which will enable the Board to make a determination on the matter.

Mandatory Thresholds

- 6.4.2. Schedule 5 Part 2 of the 2001 Regulations provides that mandatory EIA is required for a range of development classes. Those with relevance to the proposed development are discussed in the following sections.
- 6.4.3. Under Class 10 (b)(i) the threshold relates to the construction of more than 500 dwelling units. The proposed development involves the construction of 402 units and therefore does not exceed the mandatory threshold.
- 6.4.4. Class 10(b)(iv) relates to '*Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-*

up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use)’. I do not consider that the application site is within a ‘business district’. I consider that the site is within part of a ‘built-up area’ where the 10ha threshold applies. The application site has a total area of 3.8ha and is therefore significantly below the applicable threshold.

Sub-Threshold Development

6.4.5. Class 15, Part 2, Schedule 5 of the Regulations provides that EIA will be required for ‘Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7’.

6.4.6. I am satisfied that the applicant’s EIA Screening Report and the other information submitted with the application includes the information specified in Schedule 7A of the Regulations, and that the relevant information has been compiled taking into account the relevant criteria set out in Schedule 7 of the Regulations. I am also satisfied that the application has provided any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation have been taken into account. Accordingly, the Board is required under Art. 109 (2B)(a) of the Regulations to carry out an examination of, at the least, the nature, size or location of the development for the purposes of a screening determination regarding the likelihood of significant effects on the environment.

Submissions

6.4.7. The content of the third-party and prescribed body submissions is outlined elsewhere in this report. They mainly raise general planning issues and are dealt with in the ‘Assessment’ in section 8 of this report. The appeal does raise general concerns about EIA screening and non-compliance with the EIA Directive, including inadequate consideration of cumulative impacts. Concerns have also been raised about inadequate consideration of impacts on subsoils and the local aquifer. The

submissions received relating to EIA have been considered in the completion of this EIA screening exercise.

Screening Determination for EIA

- 6.4.8. In carrying out a screening determination under Art. 109 (2B)(a) of the 2001 Regulations, the Board is required to have regard to the criteria outlined in Article 109 (4)(a). As previously outlined, I am satisfied that the application contains sufficient information in accordance with these criteria, and I have completed an EIA screening assessment as outlined in Appendix 1 of this report.
- 6.4.9. The characteristics of the development would be consistent with the existing and planned residential uses in the area. I acknowledge that the proposal is of a significantly greater scale compared to immediately surrounding development and that it will cause changes to the locality, but I do not consider that it would have significant effects on the visual amenity, landscape, or character of the area. The use of natural resources, materials, and substances would be typical of such development and would not result in significant effects for human health or the environment. The construction stage has the potential for contaminants, noise, dust, and other disturbances, but I am satisfied that these potential impacts will be satisfactorily addressed through the CEMP, the EclA, and related measures. There would be an increased local population, but I am satisfied that this has been appropriately planned in the Development Plan and would be adequately serviced by existing and planned physical infrastructure and social/community facilities.
- 6.4.10. The proposed development is not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection. The EclA and AA Screening Report has considered the proximity and potential for connections to such designated/ecological sites in the wider surrounding area and I am satisfied that there would be no significant effects on same. Similarly, I am satisfied that it has been demonstrated that there will be no significant effects on protected, important, or sensitive species of flora or fauna which use areas on or around the site. There are no significant landscape, historic, or cultural features likely to be affected by the development. The site and surrounding area do not contain high quality or scarce resources and the surrounding water resources are not likely to be significantly affected. There would

not be any significant congestion effects on key transport routes and the development would be suitably designed and managed to promote sustainable transport modes, thereby avoiding significant environmental problems such as excessive transport emissions etc. Surrounding land use and facilities have been considered and I do not consider that there would be any significant effects as a result of the proposed development.

- 6.4.11. The potential cumulative effects with existing and approved development have been considered, for both the construction and operational phase. The majority of existing/planned development is of a similar residential nature and includes potential cumulative effects at construction stage (e.g. traffic, noise, dust) and operational stage (e.g. traffic, wastewater emissions). However, I consider that these effects are consistent with the existing and planned use of the area and that they would be suitably mitigated by design measures and conditions to avoid significant effects.
- 6.4.12. I have outlined the third-party observations regarding EIA Screening and the potential for environmental effects. However, having regard to the foregoing, I do not consider that there is potential for significant effects on soil or groundwater, and I am satisfied that the cumulative effects of other developments have been considered.
- 6.4.13. Having regard to the foregoing, I have concluded that the proposed development would not be likely to have significant effects on the environment (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) and that the preparation and submission of an environmental impact assessment report is not therefore required.

7.0 The Appeals

7.1. Grounds of Appeal

- 7.1.1. The Board has received 2 no. third-party appeals (from Moyville Residents Association & Ballyboden Tidy Towns CLG) against the SDCC decision to grant permission. Common issues are raised in the appeals and therefore the grounds of appeal are summarised collectively under the following headings.

The principle of development

- The site is important to the development of the area and would be premature pending the preparation of a Local Area Plan (Policy QDP14 SLO 2).
- The proposal is a missed opportunity to contribute to the creation of a village centre for Ballyboden.

The previous Judicial Review

- The need to justify a departure from a previous decision by reference to some material change in the background planning circumstances has been established in *Grealish v An Bord Pleanála*.
- There have been no such material changes which address the reasons for the judgement. In fact, circumstances have further deteriorated.
- There has been no improvement in public transport or active travel and the heavily congested baseline environment is now far worse since the addition of the Scholarstown Wood development (319 units), the new Primary Care Centre, and the Two Oaks development (590 units).
- The application fails to address the public transport capacity issues raised in the judgement including:
 - 'capacity and frequency' as distinct concepts.
 - The inadequate scope and duration of the survey submitted.
 - The 'knock-on' effects for capacity at stops closer to the city centre.

Height and Density

- The application makes little reference to Appendix 10 of the Development Plan (Building Height and Design Guide) and the indicative development examples. The justification for the proposed height/density is deeply flawed.
- The proposed density (116uph) represents serious overdevelopment. Appendix 10 states that the prevailing density of such sites should be 50 uph.
- The proposal does not fit the 'district centre' example in Appendix 10. Even if it did, the schematic example indicates lower heights. The typology best fits 'VI

Local Centre: greenfield edge' which does not indicate increased height of the scale proposed.

- The Development Plan does not put a blanket limit on heights but merely provides an appropriate guide to building heights away from key nodes where the proposed increased height and density could be justified.
- The proposed height does not balance the low-rise character of the area and is contrary to Policy QDP9 and QDP8 (Objectives 1 & 2).

Classification of Lands

- The lands are 'Institutional' and the Sustainable Residential Development Guidelines state that average net densities of 35-50 uph should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70uph). The proposed densities are therefore in contravention of the Guidelines.
- The site should not be considered 'brownfield' as is confirmed by Table 9 of Chapter 2 of the Development Plan. The institutional and former 'pitch and putt' use of the site gives a wholly different character to the nature and intensity of development.

Public Open Space

- COS5 Objective 4 outlines the overall standard at 2.4ha per 1,000 population, which would require 45% of the site. The application only provides 28% which materially contravenes the Plan and should be refused (as was recommended by the Public Realm section of SDCC).

Public Transport

- Concerns raised at pre-planning stage have not been addressed.
- Good quality public services should be provided in advance of development, or at least in tandem.
- The existing services are deficient compared to the extent of existing, permitted, and planned residential development in the area.
- Traffic engineers Martin Peters & Associates produced a Technical Note on the previous application (attached to Ballyboden Tidy Towns CLG appeal) which

found no evidence that services will remain within capacity. The same fault exists in this proposal.

- The Transport Strategy for the Greater Dublin Area 2016-2035 (NTA) shows that public transport mode share in this 'Corridor E' is 9%, while the car mode share is 73%. This demonstrates the public transport deficiency, and the proposal will exacerbate car dominance and congestion in the area. The Strategy also outlines that performance of the Rathfarnham QBC is poor and that the area is difficult to service with public transport.
- The Bus Connects Project will not serve the area and there is huge concern that bus services will deteriorate due to routes commencing in Tallaght being full by the time they reach Ballyboden. The A-Spine would not serve the site even if progressed.
- Bus Connects is still at design stage and should not be considered in public transport capacity.
- The site is not close to rail services.
- The 15B bus route is frequent but has constrained capacity and does not benefit from a QBC or dedicated bus lane, resulting in delays and poor service. Contrary to the SDCC view, this demand has not driven improvements to the service.
- The Orbital bus route of Taylor's Lane also mainly shares the lane with general traffic.
- The robustness of the applicant's single day survey is questioned.
- Failure to undertake an EIAR has led to failure to consider the cumulative transportation impact, including development permitted/under construction.
- The planning authority has failed to consider the linear nature of bus routes.
- Inadequate car-parking will put further pressure on public transport.

Access, Traffic and Parking

- The applicant has ignored requests to include a second vehicular access.

- The Board should thoroughly examine the cumulative traffic studies and obtain expert technical advice if required. The studies are deficient and fail to consider the worst-case cumulative impact.
- An overall Traffic Impact Study/traffic management plan for the area is required prior to approving any further residential development.
- The following is highlighted regarding the existing 'baseline' situation:
 - Permission granted for Scholarstown Wood development (319 units).
 - The Board's inspector recommended refusal for the new Primary Care Centre on traffic grounds.
 - The TTA for the Two Oaks development (590 units) highlighted capacity problems including the Scholarstown/Orlagh Grove junction, which is crucial for M50 access and will be further impacted this proposal. SDCC and the Board also acknowledged problems with existing traffic congestion and limited public transport.
 - Other new developments in Firhouse, Ballycullen, Stocking Lane, and Scholarstown Road will impact the roundabout on Taylors Lane.
- Having regard to the suburban location close to the M50 and the limited public transport, the 1,000 future residents will compound car dependency and exacerbate existing traffic deficiencies.
- A Stage 1 Road Safety Audit has not been submitted.
- Traffic hazard is heightened by the proposed new road works and junction at Edmondstown Road.
- Inadequate car-parking (0.72 spaces per unit) will result in overspill parking in surrounding areas, which will generate traffic hazard and inhibit bicycle use.
- Concerns are raised about the adoption of lower car-parking standards for Zone 2 as per Table 12.25 of the Development Plan as the site does not comply with the applicable criteria.
- The planning authority has not considered the differences in professional opinion regarding car parking ratios as outlined in the Technical Note submitted with the

previous application (copy appended to the Ballyboden Tidy Towns CLG appeal for the consideration of the Board).

- The Development Plan outlines a need for between 423 and 541 car park spaces, which results in a significant shortfall of 32% or 46% depending on whether Zone 1 or 2 is used.

Social & Community Infrastructure

- The site is not close to a Town Centre, District Centre, or Village Centre and is poorly served by social/community infrastructure, particularly retail.
- It will result in a net loss of such infrastructure including the Pitch & Putt course and other youth club and sports buildings/facilities.
- The submitted Audit makes numerous errors regarding the capacity and availability of facilities.

Design & Layout

- The proposal makes little attempt at integration or connectivity with the Primary Care Centre and other development to the south, which would contravene QDP5 Objective 2.
- The inappropriate setback does not address Taylor's Lane and has a poor urban design relationship with Ballyboden Shopping Centre.
- It must be questioned whether the proposal is in accordance with Policy QDP7 and Objective 1 of the policy having regard to:
 - Excessive density.
 - Poor open space provision with a northerly aspect and poor level of amenity, quality, usability, security, and sunlight.
 - The recommendation of the SDCC Public Realm section to refuse permission due to the quality/shortfall in open space and the substandard conditions of the permission which are contrary to the Development Plan.
- There has been no attempt to facilitate a transition from the existing scale and character of the area.

- The massing, form and density is totally inappropriate and is not justifiable having regard to the Building Height Guidelines or any other national or regional policy.
- SPPR3 of the Building Height Guidelines cannot be applied as the proposal will create an incongruous and monotonous design that fails to integrate with the scale and character of the area in accordance with SPPR 3 criteria. SPPR 3 has now been incorporated into the Development Plan (i.e. Appendix 10) and the proposal fails to comply with the criteria outlined in section 5.2.7 of the Plan.
- There is no existing development of this height/scale that would justify the proposal which will have a significant overbearing impact on visual amenity and surrounding properties (particularly along Edmondstown Road and Taylor's Lane).

Built Heritage

- The proposal will have an adverse impact on the nearby protected structure (Whitechurch Library). It will be dwarfed by the scale of the proposal which would not contribute positively to the sensitive village scale of the streetscape.
- Under Appendix 9, Section 6, the landscape is classified as a 'relict prehistoric' and a 'relict post-medieval'. The site is part of a former demesne landscape (St Catherine's) as recognised in the NIAH. Contrary to Appendix 12 of the CDP, the application fails to adequately consider and respect the historic built environment.
- The views of the Architectural Conservation Officer (SDCC) were dismissed by the planning authority.

Green Infrastructure (GI)

- The Tree Survey Report and Arboricultural Impact Assessment should be examined. The categorisation of trees appears favourable towards the applicant's proposal.
- The significant removal of trees and hedges is contrary to Policy NCBH11, Objective 3 & 4.
- The Green Space Factor relies on the use of green roofs rather than working with existing GI, which is contrary to Policy GI1, Objective 4 and Policy G12, Objectives 2, 4, and 5.

- The proposal fails to integrate, protect and enhance GI, including watercourses, biodiversity, and ecological value.

Residential Amenity

- The level of fenestration and balcony provision on all elevations will severely impact adjoining residents in terms of privacy and overlooking.
- There will be a negative impact on properties adjoining the boundaries due to impacts including overbearing, light reduction, privacy, and significant loss of residential amenity.

Environmental Assessments

- The EIA Screening is questioned, including inadequate consideration of cumulative impacts and matters raised in the judgement of *Waltham Abbey Residents Association v An Bord Pleanála & Ors*.
- The Natura Impact Statement is questioned given the connectivity to Natura 2000 sites.
- The adequacy of the surveys for birds, bats, and otters is questioned given the proximity to protected sites and the identification of the area as a high area of otter activity (Dublin City Council Otter Report 2019).

7.2. Observations

The Board has received 2 no. third-party observations in this case (from Glendoher District Residents Association & Cllr Yvonne Collins). Apart from the issues already covered in the grounds of appeal in section 7.1 of this report, the additional observations can be summarised as follows:

Principle

- The submission from Cllr Collins supports the provision of much-needed housing on this ideally situated site.

Design

- The development is substandard in terms of housing mix, density, design, height, scale, massing, natural light, fire safety, and private amenity space.

- The proposal does not provide the required village retail opportunities and does not consider the 15-minute urban village model.
- Proposals for open space, play facilities, and landscaping are inadequate.
- No audit of carbon costs or emissions has been carried out.
- The CGI images are incorrect and give a false impression of the impact on protected structures, streetscape, and trees.

Built Heritage

- There has been inadequate assessment and justification for the demolition of St Catherine's and further information is required in this regard.
- Retention of the Seminary Buildings including the landmark Church could be achieved and repurposed.
- The design fails to protect the open parkland setting of these institutional lands.
- The decision fails to address the impact on the Ballyboden Road ACA.
- The Conservation Officer has failed to address the impact on a network of Mills (all Protected Structures).

Ecology

- The application ignores the Dodder Catchment which provides unique ecological and hydrological corridors connecting Dublin Bay and the Dublin/Wicklow Mountain sites, which is an important Natura 2000 constraint.
- It is not clear if the planning authority availed of an in-house ecologist.
- SDCC has not addressed the serious concerns of the IFI submission, which is not aware of the connectivity of the watercourse through the site.
- SDCC has very little current independent baseline data in respect of biodiversity & habitat pertaining to protected species on site.
- SDCC failed to carry out appropriate Otter surveys and it is aware of the sightings of otters along the Glin/Owendoher, within the redline and on areas within 1km of this watercourse. This illustrates the value of the habitat on site and the watercourse which connects the Owendoher and Glin Rivers.

- The observation refers to a 3rd Party objection to the previous SHD application and contends that the following issues (in summary) remain regarding the Appropriate Assessment (AA) Screening Report:
 - It does not accurately define the principles of the Habitats Directive.
 - The relevant guidance is "Managing Natura 2000 sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC" Brussels, 21.11.2018, which was not considered.
 - The test is whether there 'may be' a significant effect on Natura 2000 site(s).
 - Bat survey reports from 2013-2016 have not been included/appended.
 - The report accepts that otters may use the site as they are known from the Owendoher River. Therefore, there may be an effect.
 - There has been no consideration of Article 12 of the Habitats Directive regarding the protection of bats. Eleven species of bats occur in Ireland, and all are protected under both national and international law.
 - In terms of conclusions that negative impacts on natura 2000 sites being highly unlikely as a result of hydrological links, the submission highlights the need for complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt (Cjeu judgement in Case 2011/55), and the potential that there may be an effect.
 - The assessment of significance has no relevance in screening.
 - The measures to protect water quality clearly intend to avoid or reduce harmful effects (Case 2017-323 refers and does not mention 'mitigation measures').
 - The report acknowledges that other plans and projects could act in combination with the development to pose likely significant effects. This acknowledges that there may be an effect.

Transport

- No additional egress should be allowed onto Taylor's Lane.

- Any financial contributions to SDCC towards public infrastructure will not properly address public transport need, which is primarily a matter for the NTA.

Legal / Administrative Issues

- The planning authority has not had sufficient environmental law competency to address the impacts of previous legal decisions, the EU Habitats Directive, the Water Framework Directive, the Aarhus Convention, the EIA Directive, and other EU Directives.
- The application is invalid as it is contrary to the Planning Act.
- It is not clear how the public realm space (St Catherine's Gate) can so easily be stripped of their community, amenity and recreational function so that a developer can profit further without any public consultation.
- There is a lot of missing information. It is important that the application is refused, or additional information is requested.
- There was a fire on the site on 7th July 2023 and this fire invalidates the application as the Board cannot assess the impact of the fire on the site and this proposal.

Drainage

- The watercourse within the site connects to two important rivers, the Owendoher and Glin).
- The site has flooded in the past and will be prone to future flooding.
- The industrial heritage signifiers (sluices and mill races) still perform a significant and important function and have a considerable impact downstream. There is insufficient hydrological analysis as to how this is going to be managed and protected.
- The replacement of GI with attenuation tanks is contrary to sustainable development.
- The local aquifer has not been evaluated.

Other Issues

- SDCC has failed to address the impact on soil types and substructures works.

- The local schools do not have capacity to cater for the development.

7.3. Prescribed Bodies

None.

7.4. Applicant Response to Third-Party Appeals

The applicant has responded to the 2 no. third-party appeals. The response is accompanied by several supporting reports prepared by DBFL Consulting Engineers, MCORM Architects, Doyle O'Troithigh Landscape Architects, Altemar Ecologists, IAC Heritage Consultants, Independent Tree Surveys Ltd, and Digital Dimensions Environmental Design Consultants. It can be summarised under the following headings:

Previous Judicial Review

- The reasons for quashing the previous permission relate to procedural matters and were not a judgement on the merits of the scheme.
- The High Court decision did not claim that public transport capacity is below capacity, more so that it must be reviewed to justify the density. The DBFL report provides a detailed rebuttal of the claims made against the TTA.
- SDCC confirm that there is now no material contravention of height/density policy as the Development Plan does not contain such numerical restrictions.
- SDCC confirm that there has been a detailed analysis of public transport capacity.
- SDCC are satisfied with the revised traffic assessment and the objectors have not provided an updated technical note on traffic.
- The planning context has changed significantly, including a new Development Plan.

Prematurity pending Local Area Plan

- There are objectives to prepare LAPs for Ballyboden and many other areas and this does not preclude development therein (as confirmed by SDCC).
- The zoning objective does not restrict development pending an LAP, unlike other zones in the Development Plan.

- The Development Plan, including Appendix 12, sets out the strategic role, function, and corresponding objectives for each settlement.
- The application demonstrates that the area has adequate social/community infrastructure, and the development will provide additional amenities / services.

Public Open Space

- The applicant strongly rebuts any claim of material contravention.
- Table 8.2 (referenced in Policy COS5 Objective 4) requires a minimum 10% public open space, while 20% is required on 'institutional lands / windfall sites'. This must be provided within the overall standard of 2.4ha per 1,000 population. The proposal achieves 28% which exceeds the 'minimum' requirements, and the Council has discretion to achieve the 'overall' standard by allowing the provision or upgrading of small parks, local parks and neighbourhood parks outside the development area or for Regional Parks to be upgraded.
- The SDCC Planner's report outlines an accepted solution as per Condition no. 6 of the decision and there is no material contravention of the Development Plan.
- Regarding Policy QDP7 Objective 1, the applicant refutes any claim that the design is not of high quality or in accordance with the 'plan approach'. The accompanying MCORM and Doyle & O'Troithigh reports outline the quality of the design and the contribution that it will make as a public amenity.
- The applicant will engage with SDCC regarding the conditions relating to open space, play facilities, landscaping etc.
- The Digital Dimensions report outlines that overshadowing concerns are overstated and the proposed public park will comply with BRE guidelines.

Site Classification and Density

- It is reasonable to classify the site as 'infill/brownfield' as it is located within the footprint of the city and has been previously developed. It is within the Dublin MASP where 50% of all new homes are to be delivered within consolidated / intensified redevelopments. It is not a peripheral, rural, or greenfield site.
- The Inspector's report on the previous SHD considered the site 'brownfield' and suitable for higher density development.

- The SDCC Planner's report considers it an urban infill site where intensification of residential development is appropriate.
- The Sustainable Residential Development Guidelines (2009) encourage densities of at least 35-50 uph on institutional lands. It suggests densities of up to 70 uph but this is not a blanket limit. The SDCC planner's report considers this to be an inefficient use of land, as did the previous Inspector's report on the SHD case.
- Policy CS6 Objective 4 promotes higher densities (50+ units per ha).
- The Planner's report refers to the site as an 'intermediate urban location' where the Apartments Guidelines support minimum densities of 45 uph.
- Having regard to the foregoing, the proposed density is appropriate for the site.

The SDCC decision and conditions

- The planning authority was clearly satisfied with the proposal subject to the application of standard conditions.
- Condition no. 6 does not require additional open space but rather additional play space within the open space, which the applicant will comply with.

Urban Design Justification

- The MCORM report outlines that in compliance with QDP8 Objective 1 the design statement includes a detailed analysis of the proposal based on Appendix 10 and section 5.2.7 of the Development Plan. The analysis demonstrates that the density can be accommodated in accordance with the Apartments Guidelines and that the heights are contextually appropriate.
- The site has a unique context which does not exactly match any of the indicative development scenarios and is significantly separated and/or screened from surrounding development.
- The proposal seeks to maintain these characteristics through setbacks from Taylor's Lane, providing an urban edge to Edmonstown Road, and maintaining mature tree cover.

Building Height

- The applicant refutes all claims of excessive/inappropriate height, scale, form, density, and design, or that it is contrary to the Building Height Guidelines.
- The Planning Report and Design Report provide a detailed justification under the criteria of chapter 3 and SPPR 3 of the Building Height Guidelines.
- SDCC considers the height, scale, form and density to be acceptable.
- Section 1.9 of the Building Height Guidelines promotes at least 3-4 storeys in suburban areas and section 3.6 promotes 4-storeys or more within existing neighbourhoods, and suburban edges should not be subject to height restrictions. The proposal only exceeds the default minimum height by one storey.
- The height is justified by Policy QDP8 Objective 2 given its potential for increased density as an 'intermediate urban location'.
- The site's unique context can accommodate the proposed development and will not adversely impact on the character of surrounding development.
- Claims of overlooking are incorrect due to significant setbacks.

Integration with adjoining developments

- The Primary Care Centre permission did not include access to the site.
- The applicant is not adverse (*sic*) to facilitating access as far as the legal boundary, if considered necessary.
- In any case, the residents would not be inconvenienced given the adjoining access points along Edmondstown Road.

Public Transport Capacity

- There is significant social/community infrastructure within reasonable walking distance of the site.
- The TTA demonstrates that the site is served by bus services that are frequent and have significant capacity to accommodate the proposed development, which addresses the previous High Court decision.
- The significant capacity available means that the 'downstream' impacts would be minimal and would also benefit from increased choice and frequency of routes.

- The DBFL report outlines that c. 3 days after the capacity survey was carried out, 4 no. additional '175' services began serving the site every weekday, thereby further increasing the capacity of the network.
- In 2024, the Bus Connects expansion will further increase capacity by 29%.
- SDCC has confirmed satisfaction with the bus services.
- The appeal refers to the GDA Transport Strategy (2016-2035) which has been replaced by the 2022-2042 strategy. This removes all references to 'Corridor E' and includes the launch of the Bus Connects project.
- The Capacity Survey methodology is robust and acceptable.
- In relation to Bus Connects, the DBFL report outlines that the Templeogue / Rathfarnham to City Centre Core Bus Corridor (CBC) begins c. 1.9km from the site; that the site will be served by 5 different directly adjacent bus services which will offer up to 29% more services; and that 3 of those 5 routes will make use of the CBC infrastructure.

Traffic Impact and Roads Capacity

- The TTA traffic model considered all permitted / under construction developments and is therefore based on a correct baseline scenario.
- The assessment demonstrates that there will not be significant impacts on surrounding junctions. However, the Ballyboden Rd/Taylor's Lane roundabout is currently approaching capacity and will require update for future flows. Updates are planned as part of the Old Bawn to Ballyboden Active Travel Scheme and this will partially reallocate the capacity of the roundabout to active modes.
- Current commuting habits are unsustainable, even if the site was developed at a lower density.
- SDCC did not have concerns regarding the small amount of extra traffic.

Parking

- Section 2 of the DBFL response addresses claims of insufficient parking.
- Planning policy promotes reduced car parking and a shift towards sustainable transport, including within 'intermediate urban locations'.

- SDCC was supportive of the reduced parking provision, as was the Board in the previous SHD application.
- 4 no. car-share spaces are included, which can alleviate need for up to 60 cars.
- There is no evidence to support parking overspill and a Mobility Management Plan has been prepared.
- The MPA technical note refers to the previous SHD and its inclusion is questioned as it bears no relevance to the proposed development.
- The previous SHD permission was quashed because of a failure to provide adequate reasoning rather than inadequate parking.

Traffic Hazard

- A Stage 1 Road Safety Audit was undertaken but was not submitted with the application. It is now included for the Board's consideration.
- The audit recommendations have been incorporated and the new access junction should not result in any additional traffic hazard.

Negative Impact on Landscape Character and Protected Structures

- The IAC response highlights that the distance and screening from Whitechurch Library (protected structure) will prevent adverse impacts.
- The IAC report summarises the history of St Catherine's Park which predated the existing Good Counsel development of the lands.
- The inclusion of the lands within the NIAH garden survey does not confer any statutory protection or restriction on development and does not attach any inherent quality to the lands.
- There are no remaining inherent character elements of the original demesne.
- The building is of limited heritage value and its demolition is warranted, as has been determined by SDCC and the Board over successive applications.
- The Landscape Character Assessment (LCA) for the county outlines that sensitivity for the site is 'non-applicable'.
- The appeal references to pre-historic landscape character are incorrect as it does not apply to the Ballyboden townland.

- The archaeological assessment reveals no recorded monuments within 500m.
- The current landscape echoes 'in part' the former demesne character, which has been long since replaced.
- The concerns about impacts on Whitechurch Library and the former demesne landscape are inaccurate and unsubstantiated.

Green Infrastructure

- The Doyle & O'Troithigh response outlines that >80% of the trees surveyed are of low value and unsuited to long term retention as per the Tree Survey Report.
- SDCC has agreed with the approach towards tree removal/retention and that replacement native woodland planting and ecological corridor/watercourse to the southern boundary will improve the ecological environment.
- Every effort has been made to retain/provide Green Infrastructure.
- Policy NCBH11, Objectives 3 & 4 are general objectives and do not include a specific objective to retain all trees/hedgerows in all cases. A large number of low value trees will be lost to facilitate efficient redevelopment of the site.
- The green space factor score of 0.5 has been achieved as necessary, as was confirmed by SDCC.

Tree Removal

- The applicant strongly rejects any claims that the arboricultural assessment is insufficient or subjective.
- The reports accept that substantial tree removal is involved but the low value of the trees has been determined after consulting guidelines such as the industry standard document 'BS5837: Trees in relation to design, demolition and construction (2012)'.
- The SDCC planner's report and the previous Inspector's report accepted the proposed tree removal.
- Tree loss will be mitigated through replacement native planting and a net improvement over time.

Environmental Assessment

- A detailed EIA Screening Report has been included and SDCC has screened out the need for EIA. The cumulative impact has been fully considered and the appeals provide no evidence to question the EIA Screening conclusions.
- The Altemar response highlights that SDCC planner's report found concerns about ecological surveys to be without substantive grounds.
- The Altemar response also outlines the extent, timing, and adequacy of various ecological surveys and research carried out, including those for bats, wintering birds, invasive species, and otters.
- It is submitted that the environmental and ecological assessments and surveys are comprehensive and robust.

Social & Community Infrastructure

- The proposal will not result in the loss of community infrastructure as no such facilities have operated on the site since 2015.
- The relocation of one of the medical centres into the new PCC is acknowledged. The new PCC provides significant new infrastructure and has capacity to accept new patients.
- The applicant stands by the DoE school enrolment figures and the planned increases in school capacity in the area.
- The proposal will be self-sufficient in relation to childcare with the creche capacity of 124 no. children.
- A new public Park will also be included along Taylor's Lane.
- The existing and proposed infrastructure will adequately serve the development.

Negative impacts on Property Values

- The claim is unsubstantiated and there is no evidence that amenity standards will be materially impacted.
- The application is supported by several assessments to demonstrate no significant impacts on light, privacy, or general amenity for property in the area.

- Arguably, the retention of the site in its current state would more likely have a negative impact on property values in the area.

7.5. **Planning Authority Response**

The Planning Authority confirms its decision and states that the issues raised in the appeal have been covered in the Chief Executive Order.

8.0 **Assessment**

8.1. **Introduction**

- 8.1.1. I have considered all of the documentation and drawings on file, the planning authority reports, the submissions from prescribed bodies and third-party submissions, the statutory Development Plan, as well as relevant national policy, regional policy and section 28 guidelines.
- 8.1.2. I note that the application and appeal documentation make significant reference to the previous SHD application and the subsequent Judicial Review of the Board's decision. There have been significant changes in circumstances since these events, including the introduction of the new South Dublin County Development Plan 2022-2028 on 3rd August 2022, and the replacement of the SHD process with the new LRD process. The current application also includes significant changes compared to the previous application. Accordingly, while the issues raised around the previous application are acknowledged, the current application has been made under significantly different circumstances and will be assessed on its merits. Furthermore, I confirm that this assessment is being carried out on a 'de novo' basis without any reliance on the Board's decision on the previous SHD application.
- 8.1.3. Having regard to the foregoing, I consider that the main planning issues arising from this LRD appeal can be addressed under the following headings:
 - Principle of Development
 - Building Height and Density
 - Traffic and Transport
 - The Standard of Residential Development Proposed
 - Daylight and Sunlight

- Social & Community Infrastructure
- Green Infrastructure
- Ecology
- Drainage & Flooding
- Design, Layout, Visual Amenity and Character
- Other Matters.

8.2. Principle of Development

- 8.2.1. The site is zoned as 'Existing Residential' (RES), the objective for which is '*To protect and / or improve residential amenity*'. Residential uses are clearly 'permitted in principle' in this zone. 'Shop-local' uses are also 'permitted in principle' and they are defined in Appendix 6 of the Development Plan as being less than 100m². One of the proposed retail units has an area of 97m² and would therefore be acceptable in principle.
- 8.2.2. The other retail unit has an area of 262m². Appendix 6 outlines that a 'shop – neighbourhood' would include smaller shops giving a localised service designed to cater for normal neighbourhood requirements. It would include a small supermarket on a scale directly related to the role and function of the settlement and its catchment and not exceeding 2,500 sq.m. net retail floorspace. Such uses are 'open to consideration' in the zone, which means that they may be acceptable subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in the Plan. The proposed unit of 262m² would be on the extreme lower end of the floorspace threshold for neighbourhood shops and, having regard to the design and nature of the development and the surrounding area, I am satisfied that it would primarily serve a local need. Accordingly, I would have no objection to the scale of the proposed shop in this zone.
- 8.2.3. The Plan also states that 'childcare facilities' are 'open for consideration'. In this case, the proposed creche is clearly ancillary and complimentary to the overall residential use. The capacity of the creche (124 children) would mainly (although not exclusively) cater for the proposed development rather than being a new standalone

facility for the surrounding area. Accordingly, I would have no objection to the principle of this use.

8.2.4. The appeal has raised the question of suitability of the site for a wider range of 'village centre' uses. However, I consider that the Development Plan has already considered this matter including the Core Strategy and the zoning of other lands as 'VC' Village Centres and 'LC' Local Centres. The application site has not been zoned for such uses and is clearly reserved primarily for residential use. Accordingly, I am satisfied that the proposed residential development would be consistent with the Development Plan.

8.2.5. Related to the above matter, concerns have been raised that the proposed development would be premature pending the preparation of a Local Area Plan (LAP) for Ballyboden as per objective QDP14 SLO 2. The objective does not prohibit development in advance of the LAP. I would also highlight that any such LAP would have to be consistent with the Development Plan and the residential zoning that applies to the site. Furthermore, I consider that the site is largely a fixed, complete, and independent element due to it encompassing an entire landholding and being bound by public roads to the north and west, recent development to the south, and the existing access road and adjoining development to the east. Accordingly, I am satisfied that the site can be developed independently and would not be premature pending the preparation of an LAP or a masterplan for the area.

8.2.6. Having regard to the foregoing, I am satisfied that residential development at this location would be consistent with Development Plan policy and would not be premature pending the preparation of an LAP or a masterplan. Accordingly, I would have no objection to the principle of the development subject to further assessment of normal parameters as outlined in the following sections.

8.3. **Building Height and Density**

8.3.1. The development has a height of up to 5 storeys (above basement) and contains 402 no. residential units at a net density of 115 units per hectare and a plot ratio of 1.22:1. In assessing the height and density of development proposed, it is important to first examine the nature/classification of the subject area in the context of national and local policy.

Area Classification

- 8.3.2. The parties in this case have outlined differing views with respect to the greenfield, brownfield, or institutional nature of the site; its peripheral or urban infill location; the accessibility of the site; and the consequent implications regarding the suitability of the proposed height and density.
- 8.3.3. I acknowledge that the majority of the site is covered by 'green' vegetation in the form of grassland, trees, and hedges. However, there is also significant development on the western part of the site which would constitute 'brownfield' land. The eastern part of the site was also previously developed, albeit as a recreational 'pitch and putt' use. Accordingly, the site exhibits characteristics of being both 'greenfield' and 'brownfield'. I note that Table 9 of Chapter 2 of the Development Plan has not identified 'brownfield' land in the area, but I consider that this represents a strategic overview and not an exhaustive analysis of all sites.
- 8.3.4. It has also been suggested that the site should be classified as 'institutional'. The 'Sustainable Residential Development Guidelines' state that such lands are often characterised by a large private or institutional building set in substantial open lands, which in some cases may be accessible or required as a recreational or amenity space for the wider community. I acknowledge that the historical demesne/park use of the site previously involved wider public use, as well as the former institutional uses of the site. However, in more recent years the site has not been used as a public space/amenity and it has not been formally identified as being required as a recreational or amenity space for the wider community (i.e. it has not been zoned or otherwise specified as such in the Development Plan). Nonetheless, I would accept that although there is no specific definition of 'institutional lands', the site does contain significant characteristics of such lands as outlined above.
- 8.3.5. The 'Sustainable Residential Development Guidelines' also discusses 'public transport corridors' and advises that they should be defined using walking distances from public transport nodes. In this context it refers to sites within 500 metres walking distance of a bus stop, while also stating that the capacity of public transport should be taken into consideration. The site is within 160m of two bus stops and is therefore compliant with the walking distance criteria for a public transport corridor. I

acknowledge that capacity must be considered, and this will be discussed in section 8.4 of this report.

- 8.3.6. The Guidelines state that 'outer suburban / 'greenfield' sites may be defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities. I consider that the site is clearly within the existing built-up footprint of the city. And as will be demonstrated throughout this report, I do not consider that the proposed development would require such significant infrastructural investment. Accordingly, I do not consider that it should be considered an 'outer suburban / 'greenfield' site.
- 8.3.7. Section 2.4 of the Apartments Guidelines also provides relevant guidance on the classification of areas as either 'Central and/or Accessible Urban Locations', 'Intermediate Urban Locations', or 'Peripheral and/or Less Accessible Urban Locations'. Both the planning authority and the applicant have classified the site as an 'intermediate urban location'. The Guidelines outline that such locations include (but not exclusively) sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.
- 8.3.8. I note that the site is within 160m of the Ballyboden Road bus stop where the 15B service (Stocking Avenue to Ringsend Road (Barrow Street)) runs at a peak frequency of 15 mins. This is considered reasonably frequent, and it should be noted that this particular definition in the Apartments Guidelines does not raise the question of capacity. Accordingly, the site is in accordance with the definition of an 'intermediate urban location'.
- 8.3.9. At the local policy level, Appendix 10 of the Development Plan (Building Height and Density Guide (BHDG)) outlines further guidance on the classification of areas through 'Indicative Development Scenarios'. The applicant contends that the site does not fit neatly into any specific criteria under each of these typology scenarios, but that it most closely relates to a "Large Opportunity Site, District Centre' site. The appeal contends that it is more consistent with the 'Local Centre, Greenfield Edge' typology.

- 8.3.10. I have reviewed the indicative development scenarios. It should be noted that all scenarios are intended to reflect contexts where increased building heights and higher densities might be accommodated. However, the aim of these indicative scenarios is not to determine the appropriate height for a development proposal but instead to demonstrate how such a determination might be illustrated and rationalised. It includes a representative mix of locations and character area types, but it cannot be expected to cover all scenarios.
- 8.3.11. I would accept that the appeal site does not accurately fit within any of the scenarios. However, although the site is clearly not designated as a 'district centre', I would acknowledge the similarities with the 'Large Opportunity Site, District Centre' type due to its large size; the inclusion of brownfield land; its prominent location with frontage onto two roads; the intermediate level of public transport services; the history of mixed uses; the prevailing context of 2-storey residential development interspersed with small-scale commercial uses; and the absence of a unified or historic character. I do not consider that it fits the 'Local Centre, Greenfield Edge' classification given that the site is not designated as a 'local centre'; it is largely surrounded by existing development and is not an 'edge' site; and the intermediate (i.e. not 'low') level of public transport services.
- 8.3.12. Having regard to the foregoing, I would accept that the site exhibits a variety of characteristics which makes classification as one particular type of site/area difficult. The site itself contains characteristics of 'greenfield', 'brownfield', and 'institutional' lands. And in terms of location and public transport services, it is within an 'intermediate urban location' as per the Apartments Guidelines and, subject to capacity assessment, a 'public transport corridor' as per the Sustainable Residential Development Guidelines.

Density / Height Policy

- 8.3.13. Having established the various classifications that are relevant to the site, I will now consider the relevant building height/density policy and standards that apply.
- 8.3.14. In terms of national policy and guidance, the 2009 'Sustainable Residential Development Guidelines' encourage increased densities within existing or planned 'public transport corridors'. In general, minimum net densities of 50 dwellings per

hectare should be applied and minimum densities should be specified in LAPs, with the highest densities being located at rail stations / bus stops.

- 8.3.15. Regarding 'Institutional lands', the 'Sustainable Residential Development Guidelines' state that average net densities of at least 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70 dph).
- 8.3.16. Chapter 3 of the *Building Height Guidelines* outlines a presumption in favour of buildings of increased height in urban locations with good public transport accessibility. It outlines broad principles for the consideration of proposals which exceed prevailing building heights, including the extent to which proposals positively assist in securing National Planning Framework objectives of focusing development in key urban centres, and the extent to which the Development Plan/LAP comply with Chapter 2 of the Guidelines and the NPF. SPPR 3 outlines that, subject to compliance with the criteria outlined in section 3.2 of the Guidelines, the planning authority may approve such development, even where objectives of the development plan or local area plan may indicate otherwise. At the scale of the relevant city/town, this includes a criterion that '*The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport*'.
- 8.3.17. In relation to suburban locations, section 1.9 of the Building Height Guidelines promotes at least 3-4 storeys in suburban areas and section 3.6 states that 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets. Section 3.7 outlines that such patterns are appropriate for both infill and greenfield development and should not be subject to specific height restrictions.
- 8.3.18. Excluding smaller-scale developments (which this application is not), section 2.4 of the Apartments Guidelines states that 'Intermediate Urban Locations' are generally suitable for medium-high density residential development that includes apartments to some extent (will vary, but broadly >45 dwellings per hectare net).
- 8.3.19. At local policy level, the Development Plan generally supports consolidation/intensification of development through height and density in accordance with national policy and subject to detailed assessment of impacts. Policy CS6 Objective 4 promotes higher densities (50+ units per hectare) subject to

meeting qualitative standards at appropriate locations, in urban built-up areas, especially near urban centres and / or high-capacity public transport nodes.

- 8.3.20. Section 5.2.7 outlines that the Building Height and Density Guide (BHDG) forms the primary policy basis and toolkit to employ the delivery of increased building height and density within the County in a proactive but considered manner. It contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height and provides a series of detailed notional development scenarios for various site contexts providing for specific guidance criteria around contextual appropriateness. It states that the approach to building height and the BHDG will be driven by its context.

Assessment & Conclusion

- 8.3.21. Having considered the range of characteristics and classifications that apply to the site and the associated planning policy, I consider that increased building height and density is generally encouraged at this location based on minimum height of 3-4+ storeys and minimum densities (generally at least 35-50+ uph).
- 8.3.22. I note that the Sustainable Residential Development Guidelines suggest a density of 'say up to 70 dph' for institutional lands. However, as previously outlined, I do not consider that the 'institutional' classification can be applied in isolation given the varying characteristics and policies that apply to the site. I would submit that the general reference to 'say up to 70 dph' implies that flexibility is allowable, and I consider that densities on institutional lands should obviously vary depending on its locational context and the availability of infrastructure. For example, the suitable density for a city centre institutional site would be expected to be significantly higher than that of a peripheral institutional site. I would also highlight that the 70dph limit is suggested in the context of *'the objective of retaining the open character of the lands'* and I consider this to be a wide-ranging issue which largely depends on qualitative design and the quantum of open space, rather than simply density. Ultimately, the Guidelines state that densities for such lands should be specified in an LAP or a masterplan. In the absence of an LAP, I consider that the application effectively proposes a masterplan for the entire landholding and that, consistent with the Guidelines, this is the most appropriate way to consider density yields as part of a comprehensive context-driven assessment.

8.3.23. The Board should note that the 70 dph reference for institutional lands does not form part of a Specific Planning Policy Requirement (SPPR) in the Guidelines.

Accordingly, while the Board is required to have regard to this provision, it is not required to comply with it. Similarly, it should be noted that the SDCC Development Plan does not specifically apply the density provisions of the Guidelines, either for Institutional lands or any other lands. I note that CS6 Objective 4 refers to the promotion of higher densities '*in line with prevailing Section 28 Ministerial Guidelines*' (of which there are many) and that the Guidelines are also mentioned in the context of open space standards for Institutional lands (s. 8.7.3. and 12.6.10 of the Development Plan). However, I do not consider that this can be seen as the imposition of a 70dph limit for institutional lands.

8.3.24. Having regard to the foregoing, I do not consider that there is any definitive or specific limit to the building height or density levels that can be permitted on the site, which is consistent with the planning authority's view. The proposed height of 5 storeys only marginally exceeds the minimum recommendations of at least 3-4+ storeys. I acknowledge that the proposed density (115 uph) significantly exceeds the varying recommended minimum densities (i.e. 35-50+ uph). However, I consider that the suitability of the proposed density should be assessed based on a range of factors. In particular, I note that public transport capacity must be further considered as per the requirements for a 'public transport corridor' in the Sustainable Residential Development Guidelines and the section 3.2 criteria of the Building Height Guidelines. I also note that the (Policy CS6 Objective 4) especially, although not exclusively, promotes 50+ uph near high-capacity public transport nodes.

8.3.25. In conclusion, I have no objection regarding the suitability of the site for higher-density development subject to further detailed assessment of standards and impacts, particularly those relating to public transport. These will be assessed in the following sections of this report.

8.4. **Traffic and Transport**

Public Transport

8.4.1. As previously outlined in section 8.3 of this report, I am satisfied with the suitable proximity and frequency of public transport services in accordance with the criteria outlined in the Sustainable Residential Development Guidelines and the Apartments

Guidelines. However, I have also outlined the need to consider policy provisions relating to the capacity of such services.

- 8.4.2. The application is accompanied by a Traffic and Transport Assessment (TTA) which outlines the range of bus services adjoining the site. There are 8 bus stops within a 5-minute walk which serve several routes (15B, 15D, 61, 161, and 175). The Dublin Bus routes (15B, 15D, 61) are radial routes to/from the city centre, while the 'Go-Ahead' routes (161, 175) connect the area with outer-lying areas such as Dundrum (includes Luas), UCD, and Citywest (via Tallaght (& Luas)). As previously outlined, the 15B route provides a suitably frequent service of 15mins during peak hours. Cumulatively, the TTA outlines that the services provide 252 no. buses (Mon-Fri), 186 (Sat), and 132 (Sun). I consider that this demonstrates the close proximity and availability of suitably frequent bus services which connect the site with the city centre and outer lying areas, as well as to other modes of public transport including a range of other bus routes and the separate Luas lines at Dundrum and Tallaght.
- 8.4.3. Section 2.7 of the TTA includes a capacity assessment. IDASO Ltd, a specialist data collection firm, were commissioned to undertake surveys of peak periods on Thursday, 9th of February 2023. The five closest stops were surveyed, which covers all 5 of the local routes previously discussed. I am satisfied that the timing, scope, and duration of the survey provides a suitable representation of varying demand.
- 8.4.4. The capacity assessment outlines that there was a total of 43 scheduled services (capacity of 4,085 persons) in the AM peak period, while there were 38 scheduled services (capacity of 3,610 persons) in the PM peak period. 83.33% of the scheduled services were observed in operation during the survey.
- 8.4.5. In predicting public transport demand associated with the proposed development, the assessment considers Census 2016 data to establish existing modal split, as well as the Mobility Management Plan (MMP) mode share targets for 2025 and 2030. By 2030, it predicts that the development has the potential to generate 153 and 126 additional two-way bus users during the AM period and PM peak periods respectively. The additional trips were then distributed and assigned across the local road network using 6 no. origin-destination zones based on employment and education services within each zone.

- 8.4.6. IDASO Ltd undertook surveys of the boarding, alighting and utilisation levels of the 5 routes at the local bus interchanges. The recorded patronage levels reveals that the network benefits from an overall reserve capacity of 75% (or approx. 1,999 passenger places) in the AM Peak, with no route having less than 60% reserve capacity. During the PM Peak, bus services returning were recorded to have an overall reserve capacity of 71% (or approx. 1,418 passenger places), with routes generally having at least 73% reserve capacity. The exception to this was route 175 UCD to Citywest (with 13% reserve capacity), which is explained by the fact that only 3 of the 6 scheduled services ran on the day.
- 8.4.7. When the predicted additional AM users (153) are added to the survey figures, the network will continue to benefit from an overall reserve capacity of 71% or 1882 spaces. When the predicted additional PM users (126) are added, the network will continue to benefit from an overall reserve capacity of 65% or 1292 spaces.
- 8.4.8. The applicant's assessment of the existing local bus based public transport network concludes that sufficient capacity is available to accommodate the proposed development. It also highlights that capacity may be increased through a range of measures including additional/replacement buses and/or services; a higher percentage of scheduled services actually operating; and commercial operator reactions to an increase in 'real' demand.
- 8.4.9. I note that significant concerns have been raised by third parties about the capacity of the bus service, albeit concerns which are not evidently based on a documented contemporary assessment of such services. I acknowledge that public transport capacity can be a difficult standard to definitively quantify, particularly for bus services given the relative ease at which demand can fluctuate and service levels can be changed. However, I would highlight that section 5.8 of the Sustainable Residential Development Guidelines suggests that capacity could be considered in the relatively simple context of the number of services during peak hours. I am satisfied that the application has not only considered the number of services during peak hours but has gone further to include a detailed survey of current and predicted capacity. I am satisfied with the methodology of this assessment and that it demonstrates significant capacity in the existing bus service to accommodate the proposed development.

- 8.4.10. In terms of cumulative impacts, it would not appear that the other 'committed developments' in the area have been considered in the public transport capacity assessment. This matter is addressed elsewhere in section 5.3.2. of the TTA, albeit in the context of car trip generation. That section considers a total of 5 committed developments involving a range of 1,100 units. As previously outlined, the applicant's assessment determined that by 2030 the proposed 402 units would generate 153 AM bus trips and 126 PM bus trips (i.e. rates of 0.38 trips per unit and 0.31 trips per unit respectively). When these rates are applied to the other 1,100 committed units, there would be an additional 418 AM trips and 341 PM trips. However, I am satisfied that this estimated potential additional demand would still be comfortably accommodated within the applicant's estimated reserve capacity of 1882 spaces (AM peak) and 1292 spaces (PM peak). I note that the Technical Note submitted on the previous SHD application referred to a total of 1,440 committed units. This would generate an additional 547 AM trips and 446 PM trips, which could also be comfortably accommodated within the estimated reserve capacity.
- 8.4.11. The appeal also raises the wider issue of 'knock-on' or 'downstream' impacts on public transport capacity at locations closer to the city centre. This is a strategic issue which requires ongoing examination at a wider level than the current application. Periodic pressures on public transport services are common and the National Transport Authority (NTA) is continually working on the capacity of these services to meet changing demands. This is reflected in the GDA Transport Strategy (Measure BUS5) which confirms the intent of the NTA to continually monitor the demand for bus services as part of the roll-out of the new service network and as part of the periodic review of the Strategy, and to enhance or amend the network as appropriate. I am satisfied that public transport services closer to the city centre significantly improve in terms of the range of modes, routes, frequency, and capacity, and that any wider capacity issues would be more suitably addressed as part of the NTA monitoring/review process.
- 8.4.12. I note that the appeal refers to poor performance of public transport and heavy reliance on private car transport as outlined in the Transport Strategy for the Greater Dublin Area 2016-2035. This strategy has clearly been superseded by the 2022-2042 Strategy and therefore the references are outdated. I do not dispute that there is still a high reliance on private car transport in the area. However, the current GDA

Transport Strategy moves away from the traditional approach to transport planning which was based on analysing historic trends and using those to forecast what is likely to happen in the future – a business as usual or “predict and provide” methodology which has been key to the creation of car-dependent societies and economies. The strategy promotes an alternative process of deciding, on a policy basis, what the most desirable future might be, and then providing the infrastructure and services to deliver that scenario – “Decide and Provide”. I consider that the approach adopted in the current application is consistent with that approach. It does not aim to accommodate existing travel patterns but rather aims to assist in a modal shift away from over-reliance on private car transport.

- 8.4.13. The appeal also contends that the proposed development will not benefit from planned improvements associated with Bus Connects. I note that the Bus Connects Templeogue/Rathfarnham to City Centre Core Bus Corridor (CBC) Scheme application has been submitted to the Board (ABP Ref. HA29N.316272) and that the spatial extent of the scheme (i.e. to Tallaght and Willbrook) does not extend to the application site. However, the Bus Connects application outlines that the scheme will improve a number of high frequency services, including the 15B service, as well as multiple other bus services which run along this corridor intermittently, providing interchange opportunities with other bus services.
- 8.4.14. In addition to the CBC scheme itself, which involves the infrastructure rollout of bus priority, bus lane, and cycle tracks etc., the benefit of Bus Connects must also be considered in the wider sense of new/improved services as part of the Network Redesign. In this regard, despite the fact that the A-Spine will not directly serve the application site, three of the proposed services (74, 85, P18) will directly serve the site and the CBC route and will therefore benefit from the improvements associated with same. It is noted that the no. 85 city centre service will have a 10-to-15-min frequency.
- 8.4.15. In conclusion regarding public transport, I am satisfied that the proposed development would be adequately serviced in terms of the proximity, frequency, and capacity of existing bus services, as well as their links to other modes of public transport. In particular, I am satisfied that the application has demonstrated sufficient reserve capacity using an acceptable methodology, and I have considered the cumulative impact of other developments. In addition to the existing services, it

should be noted that section 5.8 of the Sustainable Residential Development Guidelines refers to both existing and planned public transport corridors in the context of promoting higher densities. I would also accept that the nature of public bus transport planning involves ongoing monitoring and can readily adapt to changing demands. In terms of planned improvements, I consider that the proposed development will benefit significantly from the Bus Connects proposals. Accordingly, I am satisfied that the proposed development would be suitably served by public transport to support the proposed height and density as previously discussed in section 8.3 of this report.

Traffic and road capacity

- 8.4.16. The TTA outlines that traffic surveys were carried out on 2 junctions on Thursday 22nd September 2022 (J1 – Scholarstown Rd to the west of the site, and J2 - roundabout to the northwest corner of site). Following on from these findings, traffic growth rates were also considered in accordance with TII Guidance for the opening year (2025) and future design years (2030 and 2040).
- 8.4.17. To estimate the potential level of vehicle trips that could be generated by the proposed development, reference has been made to the TRICS database. I acknowledge that TRICS data is primarily UK based but I would accept that there is no evident difference to Irish data and that it provides a reasonable indication of traffic generation from the development, which is also similar to the rates used in other permitted developments in the area. For 2025 (for which just 100 apartments, the creche and retail units are considered), it is estimated that there would be 61 trips in the AM Peak and 62 trips in the PM Peak. For 2030 and 2040, involving the entire completed development, it is estimated that there would be 145 trips in the AM Peak and 143 trips in the PM Peak. The distribution of this traffic was then based upon the surveyed traffic movements at the nearby key local junctions.
- 8.4.18. Contrary to some appeal concerns, the TTA does also consider the impact of 5 'committed developments' in the area comprising a total of 1,100 units. It is predicted that these developments will generate an additional 287 trips in the AM peak and 333 trips in the PM peak. The trip distribution of this traffic was then based on the distribution contained within the TTAs submitted with the relevant planning applications.

8.4.19. In terms of the network impact for the opening and design years, the TTA considers two traffic scenarios, namely the 'Base' (Do Nothing) and the 'Post Development' (Do Something) scenarios. It outlines that there would be moderate impacts on Junction 1 (i.e. up to 10.2% increase), while there would be insignificant impacts on Junction 2 (i.e. not more than 2.6% increase). However, consistent with SDCC advice, it proceeds to carry out further assessment of both junctions.

8.4.20. The operational assessment of J1 has been undertaken using the TRANSYT computer package. Under this assessment, a Degree of Saturation (DoS) of greater than 90% (0.90) would indicate a junction to be approaching capacity. The assessment considers the 2022 Baseline capacity as well as the 'do-nothing' and 'do-something' scenarios for the years 2025, 2030, and 2040. The analysis demonstrates Junction 1 (The Site Access junction) operates within capacity for all scenarios.

8.4.21. The operational assessment of J2 has been undertaken using the ARCADY software. Under this assessment, a ratio to flow capacity (RFC) of 0.9 would indicate a junction to be approaching capacity. It indicates that the junction operates just within capacity for the 2022 Baseline AM & PM peak hour scenarios (i.e. 0.98 RFC and 0.96 RFC respectively). The assessment then considers the 'do-nothing' (DN) and 'do-something' (DS) scenarios for the years 2025, 2030, and 2040. The results for the maximum (worst case) RFC values can be summarised in the table below.

	2025	2030	2040
Max. AM RFC (DN)	1.11	1.25	1.34
Max. PM RFC (DN)	1.08	1.23	1.35
Max. AM RFC (DS)	1.13	1.33	1.42
Max. PM RFC (DS)	1.09	1.29	1.4

8.4.22. I acknowledge that this demonstrates that the capacity of the J2 roundabout will be exceeded. However, it is important to note that this would occur even in the do-nothing scenario (i.e. without the development). Furthermore, a comparison between 'do-nothing' and 'do-something' scenarios demonstrates that the proposed development would result in a maximum RFC increase of 0.08, which I do not consider to be significant.

- 8.4.23. In addition to the above, the TTA highlights that J2 will form part of the Tallaght to Knocklyon Active Travel network, under which the traffic capacity at the roundabout will be partially reallocated for active modes. It contends that this will be followed by a reduction of traffic demand. It also outlines that conditions will be improved through reduced carparking strategy; a high level of bicycle parking and walking/cycling facilities within the development; improvements to the existing bus service capacity; the inclusion of retail and creche facilities on site; and the incorporation of a Mobility Management Plan (MMP) to promote modal shift in favour of sustainable travel.
- 8.4.24. I have acknowledged third-party concerns that the proposed development would lead to traffic congestion in the area. However, I consider that the TTA has acceptably demonstrated that traffic congestion concerns would largely be a result of existing trends and that the proposed development would not significantly or unacceptably contribute to traffic congestion. Furthermore, I am satisfied that the proposed development has been suitably designed to minimise traffic generation and that the area will benefit from future sustainable transport projects and policies which will reduce traffic growth in the area. Accordingly, I would have no objections in this regard.

Parking

- 8.4.25. For car parking, the proposed development includes a total of 290 spaces, including 265 at basement level and 25 at surface level. The spaces have been allocated on the basis of 275 residential spaces and 15 spaces for the creche and retail units. The Development Plan (s. 12.7.4) applies maximum parking provision which should not be viewed as a target as lower rates may be acceptable. It sets out standards for Zone 1 (general rate) and Zone 2 (more restrictive rates). The zones are not spatially demarcated but rather are described and the appeal has questioned whether the site is located within Zone 1 or 2. I would again highlight the varying characteristics of the site which make it difficult to classify. However, consistent with the planning authority view, I consider it more suitable to apply Zone 2 standards having regard to its brownfield / infill characteristics; its location within the Dublin City and suburbs boundary; and its proximity to a range of bus stops with suitable frequency and capacity as previously discussed.

8.4.26. Tables 12.25 and 12.26 of the CDP outline car parking standards for Zone 2 and a comparison between the maximum CDP requirements and the proposed development is outlined in the table below.

Unit Type	No. of Units	CDP Standard (spaces per unit)	Maximum Spaces	Proposed Spaces
1-bed Apt/duplex	39	0.75	29.25	275
2-bed Apt/duplex	302	1	302	
3-bed Apt/duplex	61	1.25	76.25	
Creche	10 classrooms	0.5 per class	5	5
Retail (convenience)	359	1 per 25m ²	15	10
Total			427.75	290

8.4.27. It is clear that the proposed development does not exceed the maximum allowable spaces. It proposes a reduced parking approach at a ratio of 0.68 times the maximum allowance. The Development Plan supports a lower parking rate subject to the consideration of stated criteria. I consider that the proposed development satisfactorily addresses these criteria, and that the proposed parking ratio is acceptable having regard to the following:

- I have previously outlined satisfaction with the proximity to public transport and the quality of the service it provides.
- Section 2.4 of the TTA outlines the satisfactory proximity of the site to day-to-day services.
- A robust Mobility Management Plan has been included.
- Given the location and proximity of surrounding services, I consider that there is a reasonable ability to facilitate needs in single journeys.
- The level of car-dependent uses is considered acceptable.
- There is reasonable proximity and connectivity to employment centres.

- There is potential to share/accumulate 4 no. spaces which have been reserved for car-sharing, and peak periods of demand will vary between the creche, retail uses, and residential use.
- I have previously outlined that the road network is predicted to be over capacity and therefore increased traffic should not be encouraged by extra parking.

8.4.28. In addition to the above, Chapter 4 of the Apartments Guidelines addresses car-parking requirements. For intermediate urban/suburban locations served by public transport and particularly for schemes with more than 45 dwellings per hectare, it states that planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. Therefore, having regard to this intermediate urban location, the public transport services available, and the density proposed (>45 dph), I consider that the principle of reduced parking in this instance would be consistent with the Apartments Guidelines.

8.4.29. In cases where reduced parking is accepted, the Apartment Guidelines states that it is necessary to comply with certain criteria, many of which have already been covered by the criteria in section 8.4.27 above. In relation to the other criteria, I would state the following:

- The scheme includes 25 no. surface spaces including a loading bay, set down/visitor spaces, and associated circulation space. Together with the proposed parking strategy, servicing plans, and mobility management measures, I am satisfied that this will accommodate drop off, service, and visitor spaces.
- The development proposes a total of 20 mobility impaired spaces, which equates to 7% of the total car parking provision and is considered acceptable.

8.4.30. The Apartment Guidelines also state that reduced parking proposals should include facilities for cycle parking and storage. In this regard the table below outlines a comparison between the requirements of the Development Plan Table 12.23 (which are consistent with the Apartments Guidelines) and the proposed cycle provision.

Unit Type	No. of Units	Minimum Required		Proposed	
		Long term	Short stay	Long term	Short stay
Apartment	402	826 (1 per bedroom)	201 (1 per 2 apts)	826	203
Creche	1	4 (1 per 5 staff)	12 (1 per 10 children)	4	12
Retail (convenience)	2	2 (1 per 5 staff)	7 (1 per 50m ²)	2	7
Sub Total		832	220	832	222
Total		1052		1054	

8.4.31. As per the above table, I am satisfied that the scheme exceeds the minimum quantum of cycle spaces required as per the Development Plan and the Apartments Guidelines. The majority of these spaces (908) are proposed as short / long term parking for the residents in the basement. Six spaces are designated for long term parking for the creche and retail staff on the surface and there would be an additional 140 proposed as short term stays on the surface. I am satisfied that this suitably meets the required standards and that the cycle parking/storage facilities are suitably located and designed for residents, staff, and visitors.

8.4.32. In conclusion, I consider that the scheme includes an acceptable level of car-parking having regard to the location of the site and the availability of public transport and other local infrastructure and services. The scheme includes a suitable range of measures to address the reduced rate of car-parking provision, including satisfactory proposals for cycle parking. I am satisfied that this approach will promote a modal shift towards sustainable transport modes and will not result in an overspill of parking in the surrounding area.

Access and Traffic Safety

8.4.33. The appeal raises concerns about the number and design of access points, including conflicting views about the principle of a second access and access onto Taylor's Lane. The application proposes access via a new 4-arm signalised junction with the Edmonstown Rd, Scholarstown Rd, and Ballyboden Rd to the west of the site. An

emergency access is proposed to the northern side (Taylor's Lane) which will be for emergency vehicles only and will be controlled with bollards to prohibit general vehicles using the access. In principle, I consider this to be a suitable approach which would not result in excessive access points or vehicular flows.

8.4.34. It would appear that a Stage 1 Road Safety Audit (RSA) was prepared in advance of the application but may not have been submitted with the application. It has now been submitted with the applicant's response to the appeal. The RSA outlines that a review of Road Safety Authority data reveals that there have been just 14 collisions on the adjoining roads over an 11-year period. All but one of these incidents were classed as 'minor' and the RSA highlights SDCC plans to upgrade the road infrastructure as part of the Tallaght to Knocklyon Active Travel Scheme, which should make the junction safer for all users.

8.4.35. The RSA has been carried out with reference to TII guidance GE-STY-01024 (Dec 2017) for Road Safety Audit. It identifies problems at general locations (G1-G4) and specific locations (S1-S4). The problems and recommendations can be summarised in the following table.

Ref.	Problem	Recommendation
G1	Site access may not accommodate swept path requirements of large vehicles.	Swept path analysis and any necessary amendments to be undertaken.
G2	Poles on Edmondstown Road may conflict with active travel users.	Repositioning should not impede active travel users.
G3	Road drainage details may impact on hazards.	Detailed design stage should ensure that drainage details do not cause hazard.
G4	No details of street lighting.	Ensure appropriate lighting is provided for all users.
S1	Emergency access on Taylor's Lane prioritises vehicles and offers poor legibility.	Redesign access to provide continuous footpath, relocate bollards, and provide appropriate signage.
S2	Absence of tactile paving at uncontrolled crossing on southern arm of the roundabout.	Tactile paving to be provided at all pedestrian crossing points.

S3	Concerns about right-turning for northbound cyclists at new site access.	Right Turn Box facility to be provided.
S4	Footpath trip hazards adjacent to pedestrian crossing at new site access junction.	Smooth surface free from trip hazards to be provided.

8.4.36. The RSA includes a ‘feedback form’ which accepts all of the identified problems. With the exception of S4, which I accept is outside the scope of the proposed works, it also accepts all the recommended measures. Having reviewed the documentation and drawings submitted with the application, I am satisfied that the potential safety issues have been satisfactorily identified and addressed. Subject to the agreement of further design details by condition, I am satisfied that the proposed development would not compromise public safety by reason of a traffic hazard.

‘Technical Note’ submitted with appeal

8.4.37. The Ballyboden Tidy Towns CLG appeal includes a copy of the ‘Technical Note’ (TN) submitted under the previous SHD application. It has not been updated to reflect the significant changes to the proposed development and the Development Plan context. Therefore, the specific details and data quoted in the TN cannot be applied to the current case. Nonetheless, it has been appended to the appeal ‘*for the clarity of the Board*’ and therefore I propose to address the concerns therein regarding the principles and methodologies employed by the applicant. Many of the issues raised have already been addressed in earlier sections of this report. Any relevant outstanding issues are addressed in the following paragraphs.

8.4.38. In relation to cycle and pedestrian facilities to offset car dependency, I am satisfied that the proposed development would be adequately serviced, including the significant improvements included in the proposed development and the planned improvements associated with the Tallaght to Knocklyon Active Travel Scheme.

8.4.39. I have previously outlined my reasoning for the application of Zone 2 car-parking standards. The TN refers to the criteria for Zone 2 as per the previous Development Plan 2016-2022, but it should be noted that these criteria have changed in the current Plan. The TN refers to the identification of a ‘*high quality public transport route as one where buses operate with a minimum 10 minute frequency at peak*

times and a minimum 20 minute off-peak frequency'. However, it should be noted that section 12.7.4 of the current Plan does not include a definition of a '*high quality public transport route*'.

8.4.40. I note that footnote '5' of Table 12.25 states that '*A high frequency route is where buses operate with a minimum 10 minute frequency at peak times and a 20 minute off-peak frequency*'. However, it should be noted that this footnote does not have an identifiable source and is therefore somewhat meaningless. Furthermore, it should be noted that Table 12.25 relates to 'non-residential' rates which do not apply to the vast majority of the scheme. And finally, it should be noted that the footnote refers to a '*high frequency route*' rather than a '*high quality*' service which is the relevant criterion for inclusion within Zone 2.

8.4.41. This case and the previous Judicial Review decision relating to the site has clearly established that the matter of public transport 'frequency' cannot be considered in isolation. Consistent with this approach, the current Development Plan requires a wider assessment of 'quality'. And while this is not specifically defined, I have already considered the quality of the service in terms of the number and proximity of stops, the range of routes, the frequency and capacity of services, links to other forms of sustainable travel, and planned improvements to the service. Having considered these matters, I am satisfied that the Zone 2 parking standards should be applied to the site.

8.4.42. In the event that the Board does not agree that Zone 2 should apply, I have outlined that the maximum spaces allowable for Zone 1 would be 541 (see table below). This results in a car-parking ratio of 0.53. While I do not consider that Zone 1 should apply, I would highlight that the Board would still have discretion to permit the proposed development in accordance with the previously discussed local and national policy which supports reduced car parking in the interests promoting more sustainable transport modes.

Unit Type	No. of Units	CDP Standard (spaces per unit)	Maximum Spaces	Proposed Spaces
1-bed Apt/duplex	39	1	39	275
2-bed Apt/duplex	302	1.25	377	
3-bed Apt/duplex	61	1.5	91	
Creche	10 classrooms	1 per class	10	5
Retail (convenience)	359	1 per 15m ²	24	10
Total			541	290

8.4.43. The TN raises concerns that the 'Parking Strategy' considers car parking/ownership rates and demographics in other areas in Rathfarnham and Ballinteer instead of the existing properties surrounding the site. I would accept the difficulty in sourcing data for exactly comparable developments. And while I have noted the data contained within the Parking Strategy, I am not relying on that data to justify the proposed development and I am satisfied that the proposed parking ratio is acceptable for the reasons previously outlined in this report.

8.4.44. In terms of parking management, I am satisfied that the Parking Strategy contains suitable proposals for allocation of spaces and control of access. It is now common practice that parking is not automatically available with the purchase/rental of properties, and I am satisfied that management measures will be in place to ensure that the levels of car usage will not exceed with the extent of parking available.

8.4.45. The TN raises concerns that the raw data relating to the Traffic Survey and Queue Length is not included. I note that this is now included as Appendix G of the TTA.

8.4.46. I note the use of 2025 as 'opening year' and 2030 & 2040 as 'design years' for the TTA and associated traffic growth factors. The opening year of 2025 is based on only 100 apartments and the creche/retail uses being completed. I do not consider this to be an unachievable timeframe and, accordingly, I consider that the growth factors used are reasonable.

8.4.47. Regarding the TRICS data, the TN raises concerns about the selected parameters, including the use of 'edge of town centre' locations, the wide ranges of local

population, and the use of two survey sites at more accessible locations in Dundrum. Of the 29 residential sites selected, I note that a significant majority (20 sites) were classified as 'suburban area (out of centre)' and a significant majority (19 sites) had a population of 20,001-50,000 within a mile. These conditions are generally comparable to the subject site, and I would accept that there is commonly a difficulty in sourcing directly comparable sites in every case. However, I consider that the selected sites provide a reasonable representation of the proposed development, and I am satisfied that the TRICS data provides a reasonable basis for the TTA.

8.4.48. I note that the distribution of development traffic has been based on the surveyed traffic movements and I consider this to be a reasonable approach.

8.4.49. I am satisfied that the impact of committed developments has been appropriately considered in the TTA. These additional flows have been clearly illustrated in the flow diagrams in Appendix B of the TTA.

8.4.50. The TN discusses the impact of the development on operational capacity and questions its accuracy given the previously outlined concerns, which I have already addressed. The figures quoted in the TN are obviously outdated compared to the proposed development.

8.4.51. Regarding the proposed new access junction, the TN suggests that the TRANSYT modelling system should be amended to afford more crossing time to pedestrians. However, I am satisfied that the modelling has been carried out in accordance with standard practice and demonstrates adequate capacity, and that an amendment of the cycle time is not necessary in this case.

8.4.52. Regarding the existing roundabout junction, the TN raises concerns about impacts on operational capacity and other linked effects. As previously outlined, I do not consider that the impact of the development would be significant when compared to the 'do-nothing' scenario. Accordingly, I do not consider that refusal of permission would be warranted on these grounds.

Conclusion

8.4.53. In conclusion, I am satisfied that the proposed development would be adequately serviced by public transport in terms of the proximity, frequency, and capacity of existing bus services, as well as their links to other modes of public transport and planned improvements for sustainable travel in the area. This is consistent with the

view of the planning authority. I do not consider that the level of traffic generated by the proposed development would unacceptably impact on the capacity of the road network and I am satisfied that adequate levels of car/cycle parking and other mobility management measures have been incorporated into the development. Furthermore, I do not consider that the traffic movements would interfere with the safety of traffic and other vulnerable users. Accordingly, I have no objections in relation to traffic and transport.

8.5. The Standard of Residential Development Proposed

- 8.5.1. Section 12.6.7 of the Development Plan outlines the applicable standards for apartments developments, including unit sizes and dimensions, open space, dual aspect ratios, as well as access, privacy and security considerations. The standards are generally consistent with the Apartments Guidelines and the Development Plan states that all apartments shall comply with the Specific Planning Policy Requirements (SPRRs) set out in the Guidelines.
- 8.5.2. The planning authority has outlined satisfaction that that the proposed development would comply with the relevant standards/guidelines in relation to internal residential accommodation and I do not propose to revisit these matters in full. However, the appeal does raise concerns in relation to housing mix, private amenity space, public open space and play facilities, and other issues. Therefore, these matters will be addressed in the following paragraphs.

Housing Mix

- 8.5.3. The development proposes a mix of apartments including 1-beds (10%), 2-beds (75%), and 3-beds (15%). The planning authority has acknowledged that this does not meet the minimum requirement for 3-bedroom units (i.e. 30%) as per Policy H1 Objective 12 of the CDP. However, it considers that the applicant has satisfactorily justified the under-provision (15.17%) on the basis of the high proportion of 3- and 4-bedroom homes in the immediate area.
- 8.5.4. I note that H1 Objective 12 states that proposals for residential development shall provide a minimum of 30% 3-bedroom units, but that a lesser provision may be acceptable where it can be demonstrated that:
- there are unique site constraints that would prevent such provision; or

- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or
- the scheme is a social and / or affordable housing scheme.

8.5.5. The Apartments Guidelines highlight the need for greater flexibility, including removing restrictions in relation to apartment mix. SPPR 1 outlines that developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios), and that there shall be no minimum requirement for apartments with three or more bedrooms. It allows for statutory plans to specify an apartment mix, but only further to an evidence-based Housing Need and Demand Assessment (HNDA).

8.5.6. The Development Plan (Appendix 11) includes a Housing Strategy and Interim HNDA. The Interim HNDA analyses future household composition and type requirements, which predicts that 3+ person households would account for c. 55% of households in 2028, which generally remains consistent with the 2016 figures. In considering this evidence base, it recommends that 30% of all new housing stock should facilitate 3-bedrooms+ unless sufficient justification is provided to demonstrate the contrary. Accordingly, I am satisfied that the Development Plan objective (H1 Objective 12) has been suitably incorporated in accordance with the provisions of SPPR1 of the Apartments Guidelines. The question is, therefore, whether or not the applicant has demonstrated that a lesser provision of 3-bed units would be acceptable in compliance with the criteria of H1 Objective 12.

8.5.7. To address this issue, the application is supported by a Housing Demand and Composition Assessment Report prepared by KPMG Future Analytics. The key findings of the report can be summarised as follows:

- Planning policy highlights the need to accommodate an additional 490-540k population in the region by 2040 (including a 51% increase in the over-65 age cohort by 2031) while limiting urban sprawl through densification. The proposal is a highly efficient use of the site.
- There is an over-saturation of older, larger family homes in the area, largely occupied by 'empty nesters' (19.1% of households). There is an acute shortage

of one - and two -bed units. Based on adjustments to the Census 2016 figures (and subject to local development over the interim period), the proportion of apartments in the area would change from 5.6% to 18.5% if the scheme were to be developed.

- The local planning pipeline indicates that there is a much stronger demand for 1 - and 2 -bedroom units (accounting for 86.6% of units in the pipeline).
- One of the 3 larger SHD pipeline developments (Scholarstown SHD – 590 units) accounts for a large proportion (58.6%) of the one - and two -bed units. This is almost an exclusively Built-to-Rent development, which works against the council's objective of developing settled, vibrant communities. Excluding these BTR units from the analysis means that there is an even larger proportion of 3 beds in both the pipeline and in the locality.

8.5.8. Based on the aging demographic and lack of available smaller housing options in the walking time catchment, as well as the transient influence of the BTR development on the local community character, the report recommends that there should be a reconsideration and deviation from the requirements of H1 Objective 12. Having reviewed the nature of the existing housing stock and demographics in the surrounding area, I am satisfied that, consistent with the planning authority's view, the proposed housing mix meets the specific demand required in the area and would be acceptable in accordance with the provisions of H1 Objective 12.

Private Amenity Space

8.5.9. Without specifying the particulars of the concerns, the appeal contends that there is a substandard level of private amenity space for the proposed apartments.

8.5.10. Section 12.6.7 of the Development Plan generally outlines that private amenity space requirements shall be in accordance with the Apartments Guidelines. Having reviewed the application drawings and the 'Housing Quality Assessment & Detailed Schedule of Accommodation', I note that all apartments have been provided with a balcony or terraced area which is accessed off the main living area. The areas have a minimum depth of 1.5m and the areas all meet or exceed (in many cases significantly so) the required standards as per the Development Plan/Apartment Guidelines. Furthermore, the balcony/terrace areas have been suitably designed to

optimise light/sunlight and to protect the privacy and safety of the prospective residents.

- 8.5.11. Having regard to the above, I am satisfied that the standard of private amenity space for the prospective residents is acceptable.

Public Open Space

- 8.5.12. In accordance with Section 8.7.3 (Table 8.2) and Section 12.6.10 (Table 12.22) of the Development Plan, a minimum public open space 'overall standard' of 2.4 hectares per 1000 population is required, based on an occupancy rate of 3.5 persons for dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. Within that standard, there are specified percentages which must, as a minimum, be provided on site. This includes a minimum 10% for lands zoned 'RES' and a minimum 20% for 'Institutional Lands / 'Windfall' Sites'.
- 8.5.13. In cases where the 'overall standard' is not achieved, 'COS5 Objective 4' outlines that the Council has discretion to achieve the balance between the 'overall standard' and the minimum 'on-site' requirement through the provision or upgrading of small parks, local parks and neighbourhood parks outside the development site area, and in exceptional cases Regional Parks, subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type set out in Table 8.1.
- 8.5.14. Similarly, COS5 Objective 5 outlines that a shortfall in the 'overall standard' can be addressed through a financial contribution (in lieu) for the purpose of the acquisition or upgrading of small parks, local parks and neighbourhood parks, and in exceptional cases Regional Parks, subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 8.1. Where the Council accepts financial contributions in lieu of open space, the total contribution shall be calculated on the basis of the costs set out in the applicable Development Contribution Scheme, in addition to the development costs of the open space.
- 8.5.15. Based on the occupancy rates outlined above, I calculate that the population of the development would be 725 persons (i.e. 341 units x 1.5 persons and 61 units x 3.5 persons). In accordance with the 'overall standard' of 2.4ha per 1000 population, this

would equate to a requirement of 1.74ha open space. Within that 'overall standard', there is a requirement for minimum 'on-site' provision. Given the significant institutional characteristics of the site, I have applied the higher requirement of 20% of the net site area (3.5ha), which would equate to a minimum of 0.7 ha or 7000m².

- 8.5.16. The application proposes two public open spaces in the form of the public park (5,400m²) and the woodland walkway (4,400m²) along the eastern and southern margins of the site. This amounts to a total of 9,800m² or 28% of the site area. I am satisfied that the design and layout of these spaces suitably qualify as public open space which exceeds the minimum 'on-site' requirement of 20%. However, the 9,800m² clearly falls short of the overall requirement of 1.74ha and therefore the Development Plan requires the shortfall to be addressed under COS5 Objective 4 or COS5 Objective 5.
- 8.5.17. In terms of COS5 Objective 4, I note that it is proposed to carry out upgrading works to the St Catherine's gate area (identified as 'The Junction' in the Landscape Design Report) to the northwest of the site. However, having regard to the criteria outlined in Table 8.1 of the CDP, I consider this to be a 'civic space' rather than any of the various parks referred to in COS5 Objective 4. The application does not include any other proposals to comply with COS5 Objective 4.
- 8.5.18. Turning to COS5 Objective 5, I note that it requires any financial contribution in lieu of public open space to be applied in accordance with the applicable Development Contribution Scheme. I have reviewed the SDCC Development Contribution Scheme 2021-2025. I note that the only reference it makes to a 'contribution in lieu of public open space' is in the context of the 'Tallaght Local Area Plan Lands', which clearly cannot be applied to the current case. Therefore, I do not consider that a contribution can be applied in accordance with COS5 Objective 5. Furthermore, I do not consider that a special contribution would be justified under Section 48 (2)(c) of the Planning and Development Act 2000, as amended (i.e. 'the Act'), as specific exceptional costs not covered by the Development Contribution Scheme have not been identified.
- 8.5.19. The applicant acknowledges that the 'overall standard' for public open space would not be met on site. However, the application highlights the quality and quantity of public/communal space on site as well as the '*wealth of large public open spaces within the immediate vicinity of the site*', stating that '*as such the 2.4ha per 1,000*

population across this area is considered to be achieved between Marley Park, St Enda's Park and Edmonstown Park to name a few large parks in the immediate area'. It also suggests that 'should the council think there is a shortfall an in lieu contribution can be required by way of condition'.

- 8.5.20. The planning authority has acknowledged that the 'overall standard' has not been met, as well as the absence of a '*supporting Development Contribution Scheme*'. However, it considers '*the provision of 28% open space on site and the delivery of high-quality play provision on site as the most appropriate solution to meeting the policies and objectives of the Development Plan*', and subsequently attached condition no. 6 of the decision (requiring a much larger play space within the main northern open space) to overcome the under provision of public open space per the Development Plan requirements, and in lieu of a financial contribution.
- 8.5.21. I have no objection to the provision of additional play facilities as required by condition no. 6, particularly given that the SDCC Public Realm Section raised concerns about the level of play facilities proposed (irrespective of the quantum of public open space). However, while the planning authority's solution would address the quantum and quality of play facilities, I do not consider that it in any way addresses the shortfall in the quantum of public open space required.
- 8.5.22. The Board should note that it is not required to apply the 'overall standard' as outlined in the Development Plan, even if the Board considers that this contravenes materially the development plan (s. 37(2)(a) of the Act refers). Furthermore, the Board would not be required to justify any such material contravention in accordance with s. 37(2)(b) of the Act as the planning authority has not decided to refuse permission in this case.
- 8.5.23. In considering other guidance on quantitative standards, I note that the Sustainable Residential Development Guidelines acknowledges the approach of most planning authorities in including requirements in the range of 2 -2.5 hectares per 1,000 population. However, it outlines that assessing open space requirements on a population basis can be difficult due to the unpredictability of occupancy rates; the availability of existing recreational facilities; the need to distinguish between achievable standards in inner city and suburban developments; and the need to consider the design of public open spaces in higher density areas.

- 8.5.24. To ensure that there are adequate safeguards in place to avoid over-development and to assist the planning authority in their assessment of planning applications, in general the following standards are recommended in the Guidelines:
- In green-field sites or those sites for which a local area plan is appropriate, a minimum rate of 15% of the total site area.
 - In other cases, such as large infill sites or brown field sites a minimum rate of 10% of the total site area; and
 - In institutional lands and ‘windfall’ sites, a minimum requirement of 20%.
- 8.5.25. As previously outlined, I consider that the higher requirement for institutional lands (20%) has been exceeded in the proposed scheme (28%). The Guidelines also outline that higher density residential development on institutional lands must take into account the objective of retaining the “open character” of these lands, as well as the quality and provision of existing or proposed open space in the wider area. Section 4.21 of the Guidelines highlights the need to take a more flexible approach to quantitative open space standards and put greater emphasis on qualitative standards. It also suggests a relaxation of standards depending on context, including proximity to public parks or coastal and other natural amenities.
- 8.5.26. In terms of qualitative standards and the ‘open character’ of the development, I consider that the proposed public park at the northern end of the site makes a significant contribution. It provides a building setback of up to 50m from the adjoining Taylor’s Lane, most particularly at the northwest corner of the site adjoining the roundabout, which is the most prominently visible element of the site. This will be a welcoming and easily accessible public space. It would be served by a network of paths, amenity spaces, and play areas. Some of the more prominent and better-quality trees will be retained in this space, offering a sense of maturity to the local setting, while additional semi-mature tree planting and other landscaping features would be expected to establish well in this open parkland setting.
- 8.5.27. In addition to the northern public park, the woodland walk area along the eastern and southern edge of the site is proposed as part of a wider circuitous amenity rail. The route includes cycle/footpath facilities and will be available to the residents and wider community for active and passive recreation. The woodland route would be an attractive ecological corridor including informal play opportunities, and it will include

indigenous herbaceous and woodland planting which will add to the attractiveness and heritage value of the existing mill race.

- 8.5.28. With regard to the existing availability of open spaces in the area, the applicant's Community & Social Infrastructure Audit outlines that there are two large parks (St Enda's and Edmondstown Park), within a 10-15-minute walk of the site, although I would accept that Edmondstown Park is not a public space. Elkwood playing fields and Marlay Park are slightly further away but would still provide significant additional space for the residents of the area.
- 8.5.29. In conclusion regarding public open space, I consider that the proposed development meets the minimum 'on-site' requirements of the Development Plan but has not demonstrated how the 'overall standard' of 1.74ha would be achieved. However, consistent with the Sustainable Residential Development Guidelines, I consider that a more flexible approach should be adopted with an emphasis on context and quality rather than a population-based approach. Having considered the quantum and quality of public open space proposed, I am satisfied that it would suitably protect the 'open character' of these institutional lands, while at the same time ensuring that an efficient use is made of the land. And together with the proximity of the site to a range of existing public open spaces, I consider that the proposed public open space is acceptable.

Other Issues

- 8.5.30. The appeal raises concerns about fire safety within the proposed development. Compliance with fire safety regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.
- 8.5.31. The appeal has also raised concern about the levels of natural light and sunlight afforded to the proposed apartments and the associated open spaces. These matters will be addressed separately in the following section (8.6) of this report.

Conclusion

- 8.5.32. Having considered the planning authority's assessment of the proposed development and the issues raised in the context of this appeal and based on my assessment as outlined in the foregoing paragraphs of this section, I am satisfied that the quantitative and qualitative standards included in the proposed development would result in an acceptable standard of residential development. Accordingly, I

would have no objections in this regard, including the attachment of condition no. 6 of the SDCC decision.

8.6. Daylight and Sunlight

- 8.6.1. I note that appeal raises general concerns about the levels of sunlight and daylight within the proposed development, as well as the daylight/sunlight impacts on surrounding properties. This section of my report assesses these matters.

Policy

- 8.6.2. Section 3.2 of the Building Height Guidelines outlines that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that '*appropriate and reasonable regard*' should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE (BR 209) 'Site Layout Planning for Daylight and Sunlight' (2nd edition, 2011) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution.
- 8.6.3. The updated Sustainable Urban Housing Design Standards for New Apartments Guidelines (2023) also highlight the importance of provision of acceptable levels of natural light in new apartment developments, which should be weighed up in the context of the overall quality of the design and layout of the scheme and the need to ensure an appropriate scale of urban residential development. It states that planning authorities '*should have regard to*' quantitative performance approaches to daylight provision more recently outlined in guides like A New European Standard for Daylighting in Buildings EN17037 or UK National Annex BS EN17037 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future

guidance specific to the Irish context, when undertaken by development proposers. Again, where an applicant cannot fully meet these daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting.

- 8.6.4. The Development Plan outlines that residential developments ‘*shall be guided by*’ the quantitative performance approaches and recommendations under the ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ or any updated guidance.

Information & Methodology

- 8.6.5. The application is accompanied by a ‘Daylight & Sunlight Assessments’ report prepared by Digital Dimensions. The report notes that BRE BR209: 2022 (Third edition) supersedes BR209: 2011 (Second edition) and that it is intended to be used with the interior daylight recommendations of BS EN 17037 British Standard Daylight in Buildings. The 3rd edition sets out that the guidance is intended for use in the United Kingdom and in the Republic of Ireland, though recommendations in the Irish Standard IS EN 17037 may vary from those in BS EN17037.
- 8.6.6. The applicant’s report outlines that EN 17037 is a unified daylighting standard published by the European Committee for Standardization (CEN) in 2018. It is applicable across all countries within the EU including Ireland with the Irish edition IS EN17037:2018. The standard is enacted in Britain under BS EN 17037:2018+A1:2021 with a UK National Annex for regional assessments. The daylight and sunlight assessment methods referenced in BR209: 2022 for internal daylight and sunlight provision are common to both the Irish Standard Version and the UK version. The UK National Annex (NA) provides further recommendations for daylight provision in the UK and Channel Islands. NA.1 states that the UK committee supports the recommendations for daylight in buildings given in BS EN17037:2018. The annex states that the daylight target levels in Clause A.2 may be hard to achieve in buildings in the UK and in particular dwellings in urban areas with significant obstructions or tall trees outside. NA.2 sets out minimum daylight provision to be achieved in UK dwellings.

- 8.6.7. Having regard to the above, the applicant's assessment demonstrates the level of compliance with BR209 2022 (Third edition), BS EN 17037:2018+A1:2021 Daylight in Buildings, and IS EN 17037:2018 Daylight in Buildings.
- 8.6.8. I acknowledge that the relevant standards and guidance on daylight and sunlight have been updated in recent years as outlined above. Therefore, while the Development Plan and the Building Height Guidelines refer to the older standards, the more recently updated Apartments Guidelines refer to the new standards. However, the Development Plan effectively accepts such transitions and allows for flexibility by stating that development shall be guided by BRE (2011) and BS 8206-2: 2008 'or any updated guidance'. The Building Height Guidelines also allow for flexibility in methodology by stating that regard should be taken of guidance/standards 'like' the BRE Guide (2011) or BS (8206-2 (2008)). Therefore, I am satisfied that the applicant's assessment is based on guidance/standards which are consistent with or 'like' those referenced in national and local policy. The methodology employed for the assessment of daylight and sunlight is suitably robust and is based on documents that are considered authoritative on the issues of daylight and sunlight. Therefore, I consider it appropriate to apply these standards in my assessment.
- 8.6.9. At the outset, I would also highlight that the standards described in the BRE guide allow for flexibility in terms of their application. Paragraph 1.6 of the guide states that the advice given '*is not mandatory*', '*should not be seen as an instrument of planning policy*', and '*Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design*'. The guide notes that other factors that influence layout include considerations of views, privacy, security, access, enclosure, and microclimate etc.
- 8.6.10. In this assessment I have considered the report submitted by the applicant and have had regard to the BRE Guide (2022), IS EN 17037:2018, and BS EN17037:2018 (including the UK National Annex). I have carried out a site inspection and had regard to the interface between the proposed development and its surroundings, as well as the submissions from 3rd parties and the reports of the planning authority.

Daylight to existing dwellings

- 8.6.11. The preliminary assessment procedures in the BRE Guide outline that loss of light to existing windows need not be assessed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. The BRE Guide also states that if part of a new building measured in a vertical section perpendicular to the main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse light of the existing building may be adversely affected. If a window falls within a 45° angle both in plan and elevation with a new development in place, then the window may be affected and should be assessed.
- 8.6.12. The applicant's report has illustrated the potential zone of influence of the proposed development and the relevant angles of obstruction in relation to the relevant windows in surrounding properties. It demonstrates that only one window (Location B, Perry's Yard) would be within the zone of influence. It also illustrates vertical section drawings relating to Location B and Location A (32 Palmer Park) to demonstrate that the 25° line is not subtended by the proposed development. I note that there may be another residential window in the building directly north of Location B. However, I am satisfied that it would have an almost identical relationship with the development as compared to the surveyed Perry's Yard property. Accordingly, none of the windows would fall within the relevant criteria to have the potential to experience a significant reduction in daylight due to the proposed development. Consistent with this approach, I am satisfied that the development meets the recommendations of the BRE Guide, and I have no objections in this regard.

Sunlight to existing dwellings

- 8.6.13. Section 3.2 of the BRE Guide outlines that care should be taken to safeguard the access to sunlight both for existing dwellings, and for any nearby non-domestic buildings where there is a particular requirement for sunlight. It states that it is not always necessary to do a full calculation to check sunlight potential, and that guidelines will be met provided either of the following is true (note: obstructions within 90° of due north of the existing window need not count here):

- If the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window;
- The window wall faces within 90° of due south and no obstruction, measured in the section perpendicular to the window wall, subtends an angle of more than 25° to the horizontal;
- The window wall faces within 20° of due south and the reference point has a VSC (Vertical Sky Component) of 27% or more.

8.6.14. As previously outlined in section 8.6.12 (above), the applicant's report has illustrated that, within the zone of influence, only the side windows of the Perry's Yard property (i.e. Location B and potentially the adjoining building to the north) face within 90° of due south, and that from any such windows the 25° line is not subtended by the proposed development. Accordingly, I am satisfied that there are no windows that require further assessment for sunlight and that the proposed development meets the recommendations of the BRE guidelines (2022).

Loss of sunlight to existing gardens and open spaces

8.6.15. For existing outdoor amenity areas, the BRE guides recommend that at least half of the space should receive at least two hours of sunlight on 21st March. If, as a result of new development, the area which can receive 2 hours of sunshine on the 21st March is reduced to less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

8.6.16. The applicant's report outlines that for the relevant residential properties within the Zone of Influence, all private amenity areas are due south of the proposed development. It concludes that their direct access to sunlight would not be impacted by the proposed development and that it meets the recommendations of the BRE guidelines (2022).

8.6.17. I note that the zone of influence only marginally encroaches on the boundaries of gardens to the north of the site (Locations D & E) and I would accept that the residential properties to the east (Locations A & B) are less likely to be affected by sunlight obstruction. The application also includes shadow diagrams for the 21st of March. These demonstrate that there would be no additional overshadowing of properties to the north, and that the impacts of the proposed development on

properties to the east would not be significantly different to the existing impacts of the tree cover along the eastern site boundary. Accordingly, I am satisfied that the impacts would be acceptable in accordance with BRE guidance.

Daylight to proposed habitable rooms

- 8.6.18. All habitable rooms within the apartment and duplex buildings were assessed for daylight provision by the illuminance method, which assesses daylight levels over at least 50% daylight hours in the year and uses a weather file data set and taking into account the orientation of the space. Compliance is demonstrated by a calculation of Daylight Provision with the illuminance method under BS EN 17037:2018+A1:2021 and considers the levels both with and without the presence of the existing trees that are to be retained.
- 8.6.19. The UK National Annex (A1) contains minimum room specific target values for dwellings in the UK. The UK committee fully supports the recommendations of EN17037:2018 but considers the target daylight levels may be hard to achieve in UK dwellings, in particular in urban areas and areas with mature trees. The Target and Minimum levels set out in IS / BS EN17037:2018 does not take into account room use or make allowance for rooms that have a lesser requirement for daylight. The UK National Annex A1 in BS EN17037:2018+A1:2021 sets out room specific minimum values to be achieved in the UK and Channel Islands, i.e. 100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens. These target values are set to achieve similar minimum daylight levels as the superseded Average Daylight Factor method (ADF) in BS8206-2 2008.
- 8.6.20. The applicant's report outlines the results and conclusions of the assessment against the UK National Annex targets, including the use of the higher 200 lux target for combined kitchen/living/dining areas. The results show that, without existing trees, 99.7% of all rooms achieve the target values set out in BS EN 17037:2018+A1:2021. When the assessment is undertaken with the presence of the existing trees, 99.1% of the rooms would achieve these targets. I would accept that this represents a minor shortfall on the BRE standards and that overall, the rooms will achieve high levels of daylight.
- 8.6.21. The applicant's report also assesses the proposed rooms against the Illuminance Method for IS / BS EN 17037:2018, which sets out values for Minimum and Target

levels to be achieved with a minimum, medium and high compliance level for each. It recommends that the minimum level should be achieved but does not give guidance on the number of units or fraction within a multiple residential unit development that should achieve these values and it does not differentiate between room use and weighted targets for rooms which would have a lesser requirement.

8.6.22. Based on IS / BS EN 17037:2018, the report's results show that without the existing trees, 89.4% of all rooms achieve the target illuminance values while 96.5% would meet the minimum values. When the assessment is undertaken with the presence of the existing trees, 86.9% of all rooms achieve the target illuminance values while 95% would meet the minimum values. I consider that this represents a reasonably high level of compliance, and I would accept that compliance with these standards is challenging due to the absence of allowance for room use which is more appropriately included within BS EN 17037:2018+A1:2021. This is particularly true in the case of higher density urban developments.

8.6.23. Notwithstanding this, I accept that a low proportion of units would be below the recommended BRE standards, which are intended to be applied flexibly. Furthermore, I have already outlined that in such cases the Apartments Guidelines and Building Height Guidelines provide for alternative, compensatory design solutions and discretion based on context and wider planning objectives. In this regard, I am satisfied that the application has clearly identified where the proposal does not meet the relevant daylight provisions of IS / BS EN 17037:2018 and the UK National Annex (2021). I am satisfied that this would constitute a minor portion of the overall development and that this would not be untypical in this type of development. Furthermore, the applicant includes compensatory measure which are discussed later in this report.

Sunlight to proposed living spaces

8.6.24. The 2022 BRE guide refers to BS EN17037, which recommends minimum, medium and high recommended levels for sunlight exposure. This is measured via the duration received to a point on the inside of a window on a selected date (21st March) and gives a minimum target of 1.5 hours, medium target of 3 hours, and high target of 4 hours. Section 3.1 of the Guide outlines that a dwelling will appear reasonably sunlit if it has at least one main window facing within 90° of due south

and a habitable room, preferably a main living room, can receive at least 1.5 hours on sunlight on 21st March. It does not set the percentage of units that need achieve the recommendations but does give an example of a well-designed floor layout where 4 out of 5 (80%) units in an apartment building would achieve the target sunlight.

- 8.6.25. The applicant's results show that 339 (84.3%) of the 402 rooms assessed comply with the minimum standard of 1.5 hours. The report also highlights that 283 rooms (70.4%) have a window to a Living room or Kitchen/ Dining room which faces within 90° South. In addition, I note that of the 339 rooms that comply, 89 (26%) would achieve the minimum target, 60 (18%) would achieve the medium target, and a majority of 190 (56%) would achieve the high target.
- 8.6.26. I acknowledge that the sunlight criteria are unlikely to be met for all apartments, particularly where rooms face significantly north of due east or west and where higher density schemes are proposed. Notwithstanding this, I consider that the proposed scheme achieves a high level of compliance with the BRE standards, which are intended to be applied flexibly. I would also highlight that the requirements for alternative, compensatory design solutions (as per the Apartments Guidelines and Building Height Guidelines) apply to daylight provisions, not sunlight.

Sunlight to proposed open spaces

- 8.6.27. The BRE Guides recommend that at least half of the proposed space should receive at least two hours of sunlight on 21st March. All seven proposed communal outdoor areas and public open spaces have been assessed in the applicant's report using this methodology. The areas have been assessed both with and without the existing trees.
- 8.6.28. The results show that all spaces would comply with the criteria in both scenarios of 'with' and 'without' trees. I note that space L2 (within Block A) would meet just the minimum standard of 50% receiving at least 2 hours sunlight. The remainder of the spaces generally exceed the standard comfortably. This includes the main northern public park which achieves 68% without trees and an understandably lower (but still satisfactory) standard of 55.1% with the trees. However, I consider that the trees play a vital part in the overall attractiveness of this space and their impact on the

availability of sunlight should not be considered a serious concern. Accordingly, I have no objections in relation to the standard of sunlight proposed for open spaces.

Shadow Diagrams

- 8.6.29. I have also had regard to the shadow diagrams included in the applicant's report. While the BRE Guide generally refers to March 21st for sunlight assessments, these diagrams illustrate the year-round shadow impacts associated with the development compared to the 'existing' baseline scenario. Having reviewed these diagrams, I do not consider that the proposed development would result in any unacceptable sunlight impacts for either the proposed development or surrounding properties.

Compensatory Measures

- 8.6.30. As previously outlined, the applicant has identified limited instances where the relevant daylight standards are not met. In the worst-case scenario including the impact of existing trees, the report identifies a total of 11 no. rooms which would not fully meet the recommendations.
- 8.6.31. In response to the requirements as outlined in the Apartments Guidelines and the Building Height Guidelines, the applicant has demonstrated how compensatory measures have been incorporated to address any daylight deficiencies for these apartments. It highlights that these 11 rooms are between 13% - 44% larger in floor area those specified in the Apartments Guidelines, noting that the calculation of daylight provision is directly related to floor area of the room. It also highlights that 5 of the 11 spaces exceed the minimum living/kitchen/dining areas by at least 30%, and that 6 of the 11 units include private space at least 24% greater than the minimum required. I am satisfied that these measures satisfactorily compensate for the limited shortfalls on the recommended daylight standards.

Conclusions on Daylight and Sunlight

- 8.6.32. In conclusion, I would again highlight that the standards described in the BRE guidelines allow for flexibility in terms of their application. And while the Development Plan, the Apartments Guidelines, and the Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like those referenced in this section of my report, where it has been identified that a proposal does not fully meet the requirements of the daylight

provisions and a rationale for alternative, compensatory design solutions has been set out, the Board can apply discretion having regard to local factors including site constraints and the need to secure wider planning objectives.

- 8.6.33. I have considered the issues raised by 3rd party appeals in carrying out this daylight/sunlight assessment, including concerns about impacts on light to neighbouring dwellings, natural light within the development, and sunlight to the proposed open spaces. I am satisfied that the applicant has carried out a competent assessment of impacts on the proposed development and neighbouring properties in accordance with the relevant guidance and methodology.
- 8.6.34. I have acknowledged the instances where the relevant recommendations and standards for daylight and sunlight within the proposed habitable spaces are not fully met for the proposed development. However, having regard to the relatively minor scale of non-compliance with recommendations and standards; the overall quality of amenity for the prospective residents; and the intermediate urban location of the site; I consider that the standard of the proposed development would not result in any unacceptable impacts.
- 8.6.35. I am satisfied that alternative compensatory design solutions have been included which would significantly benefit the proposed development, particularly in relation to daylight as required by the Apartments Guidelines and the Building Height Guidelines. Furthermore, increased height and density should be encouraged at such locations in order to achieve wider NPF planning objectives relating to compact, sustainable development. Accordingly, I am satisfied that increased height and scale of development is appropriate at this location and that, on balance, the daylight and sunlight impact on the proposed units are acceptable having regard to the need to achieve wider planning objectives including comprehensive urban regeneration and an improved urban design/streetscape environment.

8.7. **Social & Community Infrastructure**

- 8.7.1. In this report I have outlined concerns raised by third parties about a lack of social and community facilities in the vicinity of the site (including retail development), as well as the loss of existing on-site community facilities as a result of the proposed development. I have also noted the applicant's contention that there are no surviving

community facilities on site, as well as the conflicting views on the accuracy of the applicant's assessment.

- 8.7.2. The application includes a 'Community & Social Infrastructure Audit' report. For the purposes of analysing existing facilities, a general catchment area within 1km was identified, while a further 2km catchment was analysed for educational facilities. The area demographics have been reviewed and this demonstrates a relatively slow population increase (2.4%). It also indicates an ageing population (55+), a decrease in the 25-34 age group, and a decrease in the number of children aged 0-4.

Open Space

- 8.7.3. As previously outlined, the Audit outlines that St Enda's Park is within a 10-15-minute walk of the site. Elkwood playing fields and Marlay Park are slightly further away but would still provide significant additional space for the residents of the area. The proposed new public open space would also contribute to the facilities in the area. It also highlights that the site is located in the foothills of the Dublin Mountains, with easy access to the range of forests, walks and hikes within a 20-minute drive of the site. I consider that the development will be adequately served by existing and proposed open space.

Childcare

- 8.7.4. The Audit found that there are 13 no. childcare facilities operating within 1km of the site and assumes that they are operating at capacity. The proposed development is therefore providing a new creche that can accommodate up to 124 children. The Audit estimates the population of the development at 1,106 or 998 when 1-bed units are omitted. Applying the CSO figure of a 7% population between 0-4 years, it then calculates that the proposed development is likely to generate demand for 70-78 childcare spaces, which would leave significant capacity in the proposed creche to cater for the wider community.
- 8.7.5. I am satisfied that this satisfactorily addresses the childcare requirements of the Apartments guidelines, which favour a demographic assessment of the area/scheme rather than the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units as recommended in the Planning Guidelines for Childcare Facilities (2001). I consider that the proposed development will achieve increased childcare capacity which will deliver a net benefit to the area.

Education

- 8.7.6. The Audit considers Department of Education enrolment information (2022/2023) for schools within a 1km catchment area and a wider Electoral Division Catchment Area. Within the 1km catchment, it records 3 primary schools with a total enrolment of 1155 and 2 post-primary schools with an enrolment of 1156. In the wider catchment, it includes another 4 primary schools with a total enrolment of 938 and another 2 post-primary schools with an enrolment of 1361. It also highlights 3 large-scale school projects with the potential to deliver additional capacity to the area.
- 8.7.7. An analysis of the 2016 Census information shows that the total population for identified Local Catchment Area was 28,792 people, of which 2,812 (10%) were of primary school age and 2,735 (9%) were of post-primary school age. Based on these percentages and the development population of 1,106, it is then estimated that the maximum school going population generated by the development would be 111 for primary and 100 for post-primary.
- 8.7.8. The Audit highlights that the smaller unit sizes proposed are unlikely to generate as much demand for school places as traditional suburban development, and that any demand would occur gradually over the years. It also outlines that the Department of Education published *Projections of Full-Time Enrolment Primary and Second Level 2021- 2036* in November 2021 which outlined 4 possible scenarios for the future enrolment in schools. Enrolment projections show that primary school enrolment numbers reached their peak in 2021 and that a continuous decline in enrolment until 2034 is expected. The projected enrolment for post-primary schools is not expected to peak until 2024 or 2025, which is then expected to be followed by a continuous decline until 2036.
- 8.7.9. I note that the predicted maximum primary school place demand would be 111, which would constitute only c. 5% of the existing enrolment (2093) in the combined catchment areas. A similar analysis for post-primary places indicates that the maximum demand generated (100) would constitute only c. 4% of the existing enrolment (2517) in the combined catchment areas. I do not consider that these can be considered excessive rates for new residential development of this nature, particularly given that they will arise gradually over a period.

- 8.7.10. Ultimately, I consider that the statutory plan-making process is the preferred instrument to assess and identify school requirements. Under the 'Agreed Actions' of the 'Provision of Schools and the Planning System, A Code of Practice for Planning Authorities', the Department of Education and Science, and the Department of the Environment, Heritage and Local Government (2008), planning authorities should identify suitable lands, policies and objectives for school requirements under statutory plans in consultation with the Department of Education. The Development Plan identifies three such sites within 3km of the application site and it is reasonable to expect that these sites will be subject to ongoing planning to cater for future demand as part of the 'Large Scale School Building Programme'.
- 8.7.11. In terms of the Development Management process, I acknowledge that the Code of Practice highlights the potential requirement for major housing proposals to be accompanied by school capacity assessments. I am satisfied that this has been complied with in the current application and that it has been demonstrated that the proposal would not result in any excessive or unacceptable demand for additional school places.

Retail and community facilities

- 8.7.12. The Audit considers the availability of 8 retail centres within walking distance of the site and their classification in accordance with the Development Plan hierarchy. Knocklyon Shopping Centre is classified as a 'Neighbourhood Centres, Local Centres-Small Towns and Villages' and is located c. 1.4km from the subject site. Whitechurch Shopping Centre, Rosemount Centre, and Eden Centre would be considered to fall under 'Corner Shops / Small Villages Local shops', and these centres provide a wide range of local services.
- 8.7.13. The Audit also considers pipeline (permitted) retail/commercial space. The SHD on Scholarstown Road (ABP Ref: 305878-19) will provide two new retail units and two new café/restaurant units located c.1km west of the subject site. The neighbourhood centre (SD19A/0345) south of Stocking Avenue includes a Tesco store and childcare facility and will also provide two new retail units. A more detailed record of facilities within 1km of the site includes 6 no. convenience retail stores, 6 no. cafes/restaurants, 2 no. pubs, 3 no. community halls/centres, and 6 no. medical centres.

8.7.14. I consider that the Development Plan is the most appropriate vehicle to balance the needs of residential development with supporting retail and community facilities. As previously outlined in section 8.2 of this report, this has been considered in the Development Plan, including the Core Strategy and the zoning of other lands as 'VC' Village Centres, 'LC' Local Centres, and 'DC' District Centres. The Development Plan has deemed the site suitable for residential development in the context of the availability of existing and planned supporting facilities. And having considered the nature and scale of the proposed development (including the inclusion of retail/creche facilities), together with the nature and extent of existing and planned facilities as outlined in the applicant's Audit, I am satisfied that the proposed development would be adequately served by retail and community facilities.

Conclusion

8.7.15. I have considered the third-party concerns and the assessments carried out by the applicant. I note the concerns outlined in the Moyville Residents Association appeal about the accuracy of the applicant's Audit. I have already addressed some of these concerns and, in addition, I would state the following:

- The applicant has accepted that one of the medical centres has relocated into the new PCC but confirms that it has capacity to accept new patients.
- From my desktop analysis, it would appear that Scholarstown Family Practice is still operating.
- I note that Whitechurch Shopping centre may not include a GP, but it does include a medical service (pharmacy).
- The childcare facility in Moyville Estate may not be still operating but I am satisfied that the proposal would provide a net increase in capacity.
- The applicant stands by school enrolment/capacity figures, and I am satisfied that it is consistent with DoE information.

8.7.16. The Audit is a snapshot in time, and I would accept that the nature and extent of facilities would change over time. However, I consider that it provides an acceptable representation of existing and planned infrastructure and I have no objections in this regard.

8.7.17. In conclusion, I accept the importance of social and community infrastructure and the need to balance these facilities with residential development. I acknowledge that this case involves the removal of historical (albeit ceased) community/recreation uses but I am satisfied that this is warranted given the residential zoning for the site and the urgent need for additional housing. Having regard to the nature of the proposed development, the extent of existing social and community facilities, and the extent of additional facilities planned in this and other developments, I do not consider that the proposed development would create an excessive or unacceptable demand for facilities which would be contrary to the proper planning and sustainable development of the area. Accordingly, I do not consider that refusal of permission would be warranted on these grounds.

8.8. **Green Infrastructure**

Tree / Hedgerow Loss

- 8.8.1. As highlighted in the appeal, I note that Policy NCBH11 (including Objectives 3 & 4) recognises the value of protecting trees and hedgerows based on their value to amenity, biodiversity, carbon sequestration, landscape character, and boundaries. I accept these values, but I consider that this must be balanced with the quality of the trees/hedgerows in question and the need for redevelopment, as well as the value of any replacement planting proposals.
- 8.8.2. The application is accompanied by a Tree Survey & Planning Report prepared by Independent Tree Surveys Ltd. It outlines details of the Tree Survey and includes an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan in accordance with BS5837: Trees in relation to design, demolition and construction (2012).
- 8.8.3. A total of 95 individual trees and 23 tree groups were assessed. Of the individual trees, 2 were classed as category A (high value), 16 as category B (moderate value), 57 as category C (low value), and 20 as category U (unsuitable for long term retention). Of the tree groups, 22 were classed as category C, although some groups contain stems of lesser value (Category U). The other group was classified as category U. Overall, the survey acknowledges that the site is characterised by a having a large number of trees, with the vast majority of them being of comparatively low value/quality as individual trees. However, the site does include some better-

quality individual trees that are quite prominent from the public roads, especially in the north-western parts of the site.

- 8.8.4. In terms of arboricultural impact, the report outlines that the new development will require the clearance of most of the existing vegetation cover before this is replaced with a new landscape planting scheme. Some of the more prominent mature trees will be retained in the north-western part of the site (including the two category A trees), along with the dense landscape screen of Cypress trees along the eastern boundary.
- 8.8.5. The vast majority of trees to be removed are remnants of the planting scheme established during the creation of the pitch and putt golf course and their retention as individuals or groups is deemed unsuitable. The removal of the overgrown Cypress treeline (low value) and other trees along the southern boundary / watercourse is predicted to improve the conservation value of the riparian corridor by replacing the mono-cultural stand of conifers with a mix of species. The report acknowledges that the removal of existing (low quality) trees along Taylors Lane will have some visual impact in the short term. However, it outlines that the trees will be replaced by a fresh planting scheme which will add value as they mature.
- 8.8.6. In total the plans require the removal of 18 tree groups (17 category C and 1 category U) and 90 trees listed individually on the survey schedule. The trees to be removed include 15 category B, 55 category C and 20 category U trees. As such 75 out of the 90 individual trees (>80%) are of relatively low value or unsuited to long term retention.
- 8.8.7. The report justifies the extent of tree removal based primarily on the need to provide a significant concentration of good quality residential units. It also highlights the low quality of the trees and their unusual distribution which makes retention unsuitable. And in relation to mitigation measures, it highlights the detailed landscape plan for the site which includes extensive new tree planting in the form of hedges, native woodland areas, and specimen tree planting, supported by shrub planting, green roof areas and numerous measures designed to enhance the species diversity and ecological potential of the site. Despite the significant initial impact of tree removal, it concludes that in the longer term the new planting will contribute significantly to

landscape amenity, along with increasing conservation and arboricultural value that will continue to accrue into the future.

- 8.8.8. I note that the appeal has raised concerns about tree loss and the veracity of the tree survey and arboricultural impact assessment. However, I am satisfied that the assessment has been carried out in accordance with relevant methodologies and standards (i.e. BS5837). And having inspected the site, I consider that the assessment suitably reflects the low-quality nature of the existing vegetation. I accept that the significant removal of vegetation will have significant visual impacts in the short term. However, I consider that these impacts would be localised and would not unacceptably impact on the wider landscape character. And in the long term, I am satisfied that the replacement planting will significantly improve the arboricultural value of the site, including its visual and environmental value. Accordingly, I would have no objection to the proposed tree/hedgerow removal on site.

Green Infrastructure (GI)

- 8.8.9. As highlighted in the appeal concerns, I note that the Development Plan (Policy GI1, including Objective 4) aims to protect, enhance, and further develop a multifunctional GI network and to require development to incorporate GI as an integral part of the design and layout concept. The Plan outlines that the quantity and quality of green infrastructure will be improved by the implementation of a Green Space Factor (GSF), which is a measurement that describes the quantity and quality of landscaping and GI across a defined spatial area. Policy GI5 Objective 4 is to implement the minimum GSF for all qualifying development in accordance with Section 12.4.2 of the Plan. The planning authority has prepared a GSF Guidance Note to assist in this regard.
- 8.8.10. In response to these requirements, I am satisfied that the proposed landscaping scheme incorporates GI as an integral part of the design. As previously outlined, I consider the tree cover which dominates the site to be of generally low quality and I have no objection to its replacement. The proposed scheme aims to enhance connectivity between open spaces, including the wider GI network and its biodiversity value. It would also enhance the existing watercourse along the southern boundary through the proposed alterations and replanting. I note that the site is located within the Riparian Corridor of the Owendoher River and the aims of the

Development Plan to protect such corridors. The proposed development considers key ecosystems and services to integrate in the GI design and strategy, including the interception/reduction of potential pollutants; reduction of run-off volumes; provision of habitat refuge; the creation of an ecological corridor; and the protection / enhancement of amenity value.

8.8.11. The SDCC GSF Guidance Note outlines that a minimum score of 0.5 applies to the 'RES' zone. The application includes an assessment and an associated 'Green Factor Score Sheet'. It outlines that the site has a 'Total Equivalent Surface Area of Greening Factors' of 31,535.22m². When the 'green factor numerator' is considered, this equates to 17,272.73m² or c.50% of the net site area (3.5ha). Accordingly, a GSF of 0.5 is achieved in accordance with requirements.

8.8.12. I note that the appeal raises concerns that the GSF achieved in the application places an over reliance on green roofs rather than incorporating existing GI. However, I consider that the application has incorporated the important GI elements associated with the site and I would highlight that the Development Plan (s. 4.2.3) acknowledges the contribution that green roofs can make to climate change resilience, air quality and temperature, drainage infrastructure, and local biodiversity.

8.8.13. I would accept that green roofs are not as valuable as retained vegetation. However, this is accounted for in the GSF worksheet, whereby the factors used for green roofs (0.6 – 0.7) are considerably lower than those for preserved hedgerow or trees (1.2). Notwithstanding this, the cumulative value of all green space meets the required score of 0.5 and, accordingly, I consider that proposals are acceptable and consistent with Development Plan.

8.9. Ecology

8.9.1. As highlighted in the appeal concerns, I note that the Development Plan (Policy GI2, including Objectives 2, 4, & 5) aims to strengthen the GI network in order to protect and enhance biodiversity, including the protection of ecological features, the inclusion of areas to be managed for biodiversity, and the protection/enhancement of the hedgerow network.

8.9.2. In this regard, the application includes an Ecological Impact Assessment (EclA) prepared by Altemar consultants. A desk study was undertaken, and it was

established that the Zone Of Influence (ZOI) included the immediate area of the site and the potential for significant impacts on designated conservation sites located downstream.

- 8.9.3. Field surveys were carried out by Altamar Ltd. on the 6th September 2022, 14th September 2022, 20th September 2022, 13th February 2023 and 12th March 2023. Bat surveys (emergent and detector) were also carried out on the 6th September 2022, 14th September 2022 and 20th September 2022, and assessed the site for evidence of roosting and roosting potential. Wintering bird surveys (10) were carried out by Hugh Delaney between November 2022 and March 2023. Data from previous surveys (including walkover, invasive, and bat surveys) over several dates in 2013, 2014, 2016, and 2019 by Faith Wilson (MCIEEM) have also been included in Appendix III of the EclA. I note that the appeal raises concerns about the adequacy of surveys for birds, bats (non-inclusion of surveys for 2013-2016), and otters etc. However, with the exception of the requirement for a breeding bird survey as outlined in condition no. 11 of the SDCC decision, I am satisfied that the nature, extent, and timing of the surveys are suitably robust and acceptable.
- 8.9.4. The appeal also refers to an absence of independent baseline data in respect of biodiversity & habitat pertaining to protected species on site. However, I note that the applicant's EclA has sourced data from appropriate sources (i.e. NPWS, NBDC) and this has been supplemented by the various field surveys completed. I am satisfied that this is adequate to suitably inform the assessment.
- 8.9.5. The results of the assessment in relation to relevant matters are now discussed in the following paragraphs of this section.

Designated Conservation Sites

- 8.9.6. The EclA outlines that the closest European sites with a hydrological pathway to the subject site is the South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC (both c. 7 km downstream). There are no designated Natural Heritage Areas (NHAs) within a 15km radius, but the nearest Proposed NHA (Dodder Valley pNHA) is located 2.2 km from the site. The nearest RAMSAR site (Sandymount Strand/Tolka Estuary) is located 7.1 km from the site. Accordingly, it is acknowledged that the site is not within or close to any designated sites. However,

the potential connections will be considered. For European Sites, this will ultimately be addressed in Section 9 of this report (Appropriate Assessment Screening).

- 8.9.7. The EclA acknowledges a direct hydrological connection to the Owendoher River via surface water drainage outfall and the route of the millrace along the southern boundary. The Owendoher then outfalls to the River Dodder, which in turn outfalls to Dublin Bay, which establishes a direct hydrological connection to designated conservation sites located within Dublin Bay. Foul wastewater will be treated at Ringsend WwTP, which also establishes an indirect hydrological pathway to the designated conservation sites within Dublin Bay.

Habitats and Plant Species

- 8.9.8. The EclA outlines that the site consists primarily of several derelict buildings, dry meadows & grassy verges, scrub, and mixed broadleaf woodland with treelines around the perimeter and internally within the site. It states that the millrace to the south of the site has an inconstant flow, is heavily silted and is beneath a dense conifer treeline. No habitats of conservation importance are noted. No rare/threatened or plant species of conservation value were noted during the field assessment or in the National Biodiversity Data Centre (NBDC). Regarding invasive plant species, the Giant Hogweed previously noted on site in 2014 was not recorded in 2019 or 2022.

Fauna

- 8.9.9. Foxes and two fox dens were noted on site. No signs of badgers were found on site. The EclA acknowledges that Frogs may forage over the grassland areas on site and in scrub areas also on occasion.

Otters

- 8.9.10. I note that the EclA refers to otter signs being found on and around the River Dargle. This would appear to be an erroneous inclusion from a different report (perhaps the LRD application at Love Lane, Bray (ABP Ref. 317274)).
- 8.9.11. The Owendoher River was examined in order to help understand the flow dynamics of the millrace and the potential for this area to support otter. It outlines that a weir on the Owendoher holds the water back to allow the water to enter the millrace pipe

through a grate. Despite flood level flows observed in February 2023 the flows to the millrace appeared slow and sluggish.

- 8.9.12. The EclA outlines that the section of the Owendoher between the mill race and the bridge (at the surface water discharge) is heavily modified with three overtopping weirs and two bridges, with the lower limits having tall, poured concrete walls for banks and no features that would allow otters to move up or down the river. It notes no mammal passes at road crossings and access/habitat in this area and further downstream of the surface water connection for otters is deemed to be extremely poor. The report notes that the river opens up at greater distances further downstream and that otters may be present, although no evidence of otter activity was noted. No signs of otters e.g. spraints were noted along the watercourse. However, a single disused burrow was noted upstream of the proposed surface water connection proximate to the watercourse and a pipe that crosses the river.
- 8.9.13. I note that the appeal contends that this is an area of high otter activity with reference to the Dublin City Otter Survey (DCOS) 2019. I have reviewed the DCOS and note that it recorded high otter usage along the Owendoher River. I also note that no evidence of otter was recorded for the length of the river directly west of the application site. However, I would accept that this cannot be taken as an absence of otter and that a wider view of connectivity must be taken.

Bats

- 8.9.14. A Bat assessment is included as Appendix I of the EclA. It outlines that the surveys (September 2022) were undertaken within the active bat season and were not subject to seasonal or climatic constraints. I note that a September bat survey may not be an optimal time, but it is nonetheless within the recommended survey period (Mar-Sept) as per the 'Bat Mitigation Guidelines for Ireland' (NPWS 2006). Relatively low level of bat foraging was noted across the site by three species, namely Leisler's Bat, Soprano Pipistrelle, and Common pipistrelle. Minor bat activity was noted proximate to the main building over the grassland habitat. No evidence of bat roosting was noted. However, several trees of high roosting potential were noted on site. It notes that a single pass of a brown long eared bat (*Plecotus auratus*) was previously recorded on site.

Birds

8.9.15. Details of 10 Wintering Bird surveys (November 2022 to March 2023) are included as Appendix II of the EclA. Species recorded that are 'red-listed' as a wintering species of conservation concern were Redwing, recorded in small numbers (less than 20 foraging on-site on all visits). Results suggest that the site is not a significant ex-situ foraging or roosting site for species of qualifying interest from nearby Special Protection Areas (SPAs). Species of more significant interest in the context of the site's location such as Brent Geese, Curlew, Oystercatcher etc. were not recorded passing over the site. Herring Gull were noted to regularly pass over (especially the north side) but none were noted foraging on-site, with the few small open areas on-site noted as being sub-optimal for foraging (long rough grass type). A selection of passerines typical of parkland in suburban Dublin were recorded and remained consistent throughout the surveys.

Potential Construction Impacts

8.9.16. The EclA acknowledges that the development is likely to have direct negative impacts in terms of the loss/fragmentation of the site's internal habitats and the loss/displacement of species of low biodiversity importance. It acknowledges that the substantial vegetation forms a nesting resource for birds and the potential for contaminants and pollutants to enter the millrace and Owendoher River and impact on downstream biodiversity (including conservation sites).

8.9.17. In relation to bats, the surveys indicated foraging activity but no evidence of bat roosts in the buildings or trees. However, the potential for roosting is acknowledged, including particularly the attic for brown long eared bats and in two trees located to the south of the site which are covered in ivy and have a number of hollows. Lighting during construction also has the potential to impact on bat foraging.

8.9.18. The EclA acknowledges the presence of breeding birds on site and that the construction will result in a loss of foraging and nesting habitat for breeding birds.

Operational Impacts

8.9.19. Based on compliance with drainage requirements and the Water Pollution Acts, the EclA outlines that standard compliance mitigation measures will be in place to prevent downstream impacts on designated conservation sites and aquatic

biodiversity. It outlines that the biodiversity value of the site will improve as landscaping matures.

8.9.20. Regarding bats, the EclA acknowledges that the development would change the local environment through new structures and the removal of existing vegetation. However, it outlines that species expected to occur onsite should persist and that sensitive lighting and landscape strategies have been prepared to incorporate bat foraging.

8.9.21. Similarly, the local environment for birds will be changed through new structures and the removal of existing vegetation. However, it outlines that the maturing landscaping will improve the nesting and foraging resources and that the buildings would be clearly visible to bird species to avoid a significant collision risk. It acknowledges that the presence of buildings on site and increased human activity may reduce the potential for breeding birds to forage.

Mitigation and Monitoring Measures

8.9.22. The EclA outlines that standard construction and operational controls will be incorporated to minimise the potential negative impacts on the ecology within the Zone of Influence (Zoi) including the Owendoher River, downstream biodiversity, and local biodiversity within / proximate to the subject site. A comprehensive range of measures to mitigate the potential impacts are detailed in the EclA and can be summarised as follows:

- Appointment of a project ecologist and ecological clerk of works to oversee and sign off on all works.
- Construction phase measures to prevent any harmful discharge to watercourses or groundwater.
- Reduction of dust and dirt generation.
- Tree protection during construction works.
- Sensitive lighting design to address impacts on bats and sensitive mammals.
- Planting of native species along the millrace and within the site to improve biodiversity value.
- Nesting and roosting opportunities provided through the erection of 25 no. nest boxes and 15 no. bat boxes on trees within the site.

- Compliance with best practice noise and vibration control measures.
- Compliance with relevant guidelines and legislation for the protection of birds, or a pre-works check to ensure that nesting birds are absent.
- The building will be resurveyed for bats prior to demolition and, should bats be discovered, a derogation licence will be sought. A precautionary approach to demolition will involve staged manual roof stripping during the winter months.
- Bat foraging habitat will be retained as much as possible.
- Trees will be subject to appropriate felling measures as detailed in NRA Guidelines and will be scheduled for the autumn months. Prior to felling, trees will be inspected by a bat specialist and an appropriate method agreed. Careful felling of trees with roost potential will be supervised by a bat specialist holding a bat handling licence and, if bats are encountered, they shall be removed by bat box to a nearby site.
- A pre-construction survey for amphibians, invasive species, and badgers.

Cumulative Impacts

8.9.23. The EclA considers the in-combination biodiversity effects with other existing and proposed developments in proximity to the application area. It concludes that such effects would be unlikely, neutral, not significant and localised, and that no significant effects will be seen as a result of the proposed development alone or in combination with other projects.

Assessment and Conclusion

8.9.24. The EclA outlines that the successful implementation of mitigation measures to limit surface water impacts on watercourses (including downstream biodiversity) and ensure biodiversity mitigation/supervision, no significant impacts are foreseen from the construction or operation of the proposed project on terrestrial or aquatic ecology. It accepts that bat foraging may be reduced within the site, but this would not be deemed to be significant. It concludes that the development will result in a long term minor adverse residual impact on the ecology of the area and locality. This is primarily as a result of the loss of terrestrial habitats on site, which will be supported by the creation of additional biodiversity features including sensitive landscaping and lighting strategies.

- 8.9.25. I consider that the EclA contains an adequate assessment of the impacts of the development which is suitably supported by a comprehensive review of available information and field surveys.
- 8.9.26. I note the third-party concerns about the impacts on otters and the connectivity of the site with the wider drainage system. However, based on the comprehensive range of surveys discussed within the application and appeal documents, I consider that there is no empirical evidence of otter activity on or immediately adjoining the site, and I would accept that the millrace watercourse and the immediately adjoining section of the Owendoher River do not offer suitable habitat for otters. Furthermore, I am satisfied that standard mitigation measures have been suitably designed to protect the surrounding water courses and that the proposed development would not obstruct, disturb, or otherwise significantly affect otter activity in or around the application site.
- 8.9.27. In relation to bats, I note that there is no evidence of loss of roosting habitat but there is potential for such loss in the buildings and trees. The Bat Mitigation Guidelines acknowledge that because of the nomadic nature of tree-dwelling bats the success rate in terms of bats surveys is likely to be very low. Therefore, given the low level of bat population in this area, detection would remain challenging and could not in any event be relied up on to presume that no roosting occurred/would occur. For this reason, the *potential* for roosting is noted and mitigation is proposed to ensure their protection if they were found to be present. Therefore, I am satisfied that the approach taken is satisfactory in accordance with the Bat Mitigation Guidelines, i.e. to acknowledge that it is possible for bats to be roosting in the buildings and trees, and to appropriately mitigate at pre-construction stage, as well as during and post construction/operation stage.
- 8.9.28. It has been acknowledged that there would be reduced foraging/commuting opportunity and increased disturbance for bats that may be currently using the site. However, given the relatively low level of bat population/activity, the availability of other habitat in the area, and the proposals for improved replacement planting on site, I do not consider that the impacts would be significant in terms of the potential impact on the bat population in the area.

8.9.29. I note that the appeal has referred to concerns highlighted by the IFI in its submission to SDCC. The submission did raise concerns about any harmful emissions to the aquatic environment, particularly the surface water discharge and any potential construction-related discharges. However, the submission did not object to the development and instead recommended measures to be put in place to prevent harmful effects. I am satisfied that the proposed mitigation measures will satisfactorily address these concerns and protect the aquatic environment.

8.9.30. Having regard to the foregoing, I am satisfied that the application has adequately assessed the potential ecological impacts of the proposed development, including the potential impacts on species included in Annex IV of the Habitats Directive. The potential impacts have been adequately identified and suitable mitigation measures have been included. Accordingly, I am satisfied that the proposed development would suitably protect ecology and biodiversity and would not result in any unacceptable impacts.

8.10. **Drainage & Flooding**

8.10.1. The appeal contends that the millrace watercourse connects the Owendoher and Glin rivers, and that there has been inadequate assessment of the important function of the millrace and potential downstream impacts. It states that the site has been and will be prone to flooding and raises concerns that the replacement of GI with attenuation tanks is contrary to sustainable development.

8.10.2. The application is accompanied by an Infrastructure Design Report which acknowledges the relevant drainage policies contained within the Development Plan. To address these policies and SDCC's Design and Evaluation Guidelines, section 5 of the report outlines the surface water strategy.

Surface Water Quantity

8.10.3. All runoff from impermeable surfaces will initially drain via source control SUDS features as the first step in the management train. Where feasible, subsequent SUDS features have been linked to increase interception losses along the management train. For the remaining storage requirements, a number of attenuation features have been designed. A large portion of the open area of the site to the north has been reserved for open conveyance and detention basins. The remaining

storage requirements were fulfilled using economical and sustainable underground attenuation features which promote infiltration. Outflows from the development will be restricted to greenfield rates before being discharged via a single outfall to the Owendoher River at the north-western corner of the subject site. The surface water network and the outfall have been designed to ensure that the network can continue to drain during high water levels in the Owendoher River.

- 8.10.4. Surface water calculations used rainfall values for the Ballyboden area as provided by Met Eireann. Rainfall intensities were increased by a factor of 20% to take account of climate change, as required by the SDCC for attenuation storage design. In the case that that an exceedance storm event occurs (in excess of the 1% AEP) the layout is designed to ensure over-land flows are directed away from the buildings. In larger than 100-year storm events, there will be additional volume within the surface water network which will be able to surcharge before flooding. When this tolerance has been exceeded the attenuation storage features will flood and overtop, with overland flows expected to pass from the site onto Edmondstown Road/ Taylors Lane following the topography of the land.

Surface Water Quality

- 8.10.5. The applicant's report outlines that the type of development is low risk which does not present a high risk of run-off contamination. The design and layout further reduce the risk of contaminants entering the surface water network as the majority of the site coverage will either be roof area or green / pedestrianised podium areas with the majority of vehicle parking provided at basement level. Run-off from roofs will have a first stage of treatment by draining through green-roof medium which in turn drain to the on-line attenuation storage systems. Soft and hard landscaped podiums will drain via their build-ups to a slung system which in turn also drain via the online stormtech attenuation storage systems which provide further secondary removal of pollutants due to the geotextiles and filter stone before final discharge to the sewer. A level of infiltration will also occur at the base and sides of the stormtech attenuation system and the detention basin further reducing peak flow rates.
- 8.10.6. The report outlines that the highest risk of contaminated surface water run-off from the site would be from the access road and entrances to the car park which are relatively small areas. All incidental drainage from the car park is discharged

separately via a Class 2 Light Liquid Separator to the foul sewer. In this way it is considered that the development provides treatment of collected run-off, provides a SUDS treatment train approach and is a low risk of pollutants. Therefore, I am satisfied that the proposed surface water system has been designed to incorporate SUDS techniques which naturally reduce pollutants and improve water quality.

Flood Risk

- 8.10.7. The application is also supported by a Site-Specific Flood Risk Assessment (FRA). The initial review acknowledges that the north-western corner of the site is marginally within Flood Zone B (i.e. 0.1% AEP) according to the OPW ECFRAM (Fluvial mapping) and the SDCC Development Plan SFRA. A source-pathway-receptor model was then used to establish that the site is at a low to medium risk from fluvial flooding and a low risk of pluvial flooding due to the potential surcharging and blockage of the new drainage network.
- 8.10.8. The initial fluvial flood risk assessment suggests that the predicted flooding does not occur from the river itself but from the corresponding surface water sewers/streams that occurs when reaching the bridge structure of the Scholarstown Road and structures further downstream. An overland flow path then develops at the junction of Scholarstown Road and Edmondstown Road and travels down Edmondstown road to the roundabout of Taylors Lane where the flood extents are marginally located within the subject site. The CFRAMs information also indicates that the depth of flooding is noted at only 250mm or less within the site itself, meaning that any flooding occurring in this location in the 0.1%AEP is relatively minor.
- 8.10.9. The initial pluvial flood risk assessment outlines that the potential for local flooding has been addressed as the drainage system has been designed in accordance with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS), as has been previously outlined in this report. It concludes that no further assessment is necessary in this regard.
- 8.10.10. Notwithstanding the minor fluvial flood risk, the FRA carries out a detailed assessment of this potential source of flooding. This assessment acknowledges that the development is categorised as 'highly vulnerable' and is appropriate to be located above the appropriate flood level (plus freeboard and climate change) in accordance with South Dublin County Councils' Strategic Flood Risk Assessment. It

outlines that the development has been designed to ensure that the necessary freeboard (500mm) is achieved. Although there are a few own-door units to the north façade of Block A that only achieve a 400mm freeboard above the design flood level, the report outlines that the 500mm freeboard is still achieved due to the existing site levels and a proposed bund or raised levels along the western side of the development.

Hydromorphological Assessment

8.10.11. The applicant's FRA acknowledges that the SDCC Development Plan SFRA outlines that development within a Riparian Zone requires a Hydromorphological assessment. Excluding the millrace to the south of the site (which is not included as an EPA watercourse), the report concludes that the site is not directly adjacent to a watercourse (i.e. the Owendoher River) and therefore focuses on SuDS measures as per the SDCC SFRA. In summary, it assesses the key parameters as follows:

- Flow - Will not affect the flow of the Owendoher River. The surface water outfall to the river can be considered an improvement as it will include treatment of water and will only discharge at greenfield run-off rates.
- Continuity - Not altered as the site is not directly adjacent to the watercourse.
- Planform - Not altered as the site is not directly adjacent to the watercourse.
- Sediment Regime - Not altered as the site is not directly adjacent to the watercourse. The outfall will be treated to ensure any silt level is negligible.
- Riparian Vegetation - Not altered as the site is not directly adjacent to the watercourse. The landscaping proposals will be of huge biodiversity benefit.
- SuDS - All SuDS measures and the associated treatment train for the development have been detailed in the Infrastructure Design Report.

Conclusion

8.10.12. I have acknowledged the appeal concerns regarding the impact of the development on flooding and the drainage system. However, I consider that the application comprehensively addresses these matters as outlined in the foregoing paragraphs. As previously discussed in section 8.9 of this report, the construction stage of the development will include appropriate construction mitigation measures to ensure that there will be no significant discharges to any adjoining watercourses. And at

operational stage, the surface water drainage system has been suitably designed in accordance with GSDSDS standards to ensure that there will be no significant impacts on surrounding watercourses, either in terms of the quantity or quality of discharge.

- 8.10.13. Consistent with the appeal concerns, I note that the planning authority has raised concerns about the extent of underground attenuation proposed, as opposed to more natural SuDS features. Condition no. 9 of the SDCC decision requires that proposals in this regard shall be agreed prior to commencement of development. I am satisfied that any such agreement will not significantly affect the overall scheme and drainage strategy and I would have no objection to the inclusion of a condition in this regard.
- 8.10.14. I acknowledge that the applicant's report focuses mainly on the Ownedoher River as the main watercourse in the vicinity of the site. However, I am satisfied that the report findings apply equally to the millrace to the south of the site. It will be protected during construction stage and there will be no operational surface water discharge to this watercourse. It will be retained as part of an ecological corridor and there are no proposals to adversely affect the function of this watercourse or its relationship with other watercourses in the wider drainage system.
- 8.10.15. I have acknowledged that a minor part of the site is within Flood Zone B. However, I am satisfied that the applicant's FRA has suitably addressed the risk of flooding and that the ground levels and finished floor levels within the scheme have been suitably designed to mitigate any risk of flooding.
- 8.10.16. Having regard to the foregoing, I am satisfied that the potential impacts on flood risk and local drainage system have been suitably identified and addressed, and I am satisfied that there would be no unacceptable impacts in this regard.

8.11. **Design, Layout, Visual Amenity and Character**

Demolition of existing buildings

- 8.11.1. The appeal contends that there has been inadequate assessment to justify the demolition of the existing buildings and that further information is required in this regard. The planning authority has considered the existing buildings and concluded that there is insufficient architectural merit to justify the retention of the existing buildings.

- 8.11.2. The application is accompanied by an Architectural Heritage Assessment. It outlines that there was a house on the site since the early nineteenth century, although this was demolished later in the century and a new house built on another part of the site. Both of these houses were known as Catherine's Park or St Catherine's Park. In the 1950s the property was acquired by the Augustinian Order and new buildings were erected for use as a college. The nineteenth century house was incorporated within the new buildings. In more recent years the property was leased to the Health Service Executive, but it has been vacant for about eight years.
- 8.11.3. The buildings are not protected structures and have not been included within an ACA or the NIAH. The report acknowledges that the property was included in the NIAH garden survey (reference 2334) but highlights that this was merely a desktop study that gives no indication as to whether the garden is or was of particular merit. It concludes that the inclusion in the survey affords no legal protection to the site and does not imply any merit.
- 8.11.4. The exterior assessment acknowledges that the remains of the late nineteenth century house are incorporated within the long east-west range of the building. The only indications on the front façade are the fenestration and the presence of chimneys. The original sash windows have been replaced by aluminium casements. There is no door in the former front of the house and the façade has been rough cast rendered, in common with the rest of the institutional building. The roof also dates from the 1950s and is slated. To the rear of the former house are projecting bays which have three surviving sash windows.
- 8.11.5. The interior assessment of the original house outlines that some original features survive, including the entrance hall, the staircase, door/window elements, and decorative architraves, cornices etc. The chimneypieces above ground floor level have been removed. The interior of the chapel building has also been assessed, including the side chapel and vestry, and it is noted that the altars have been removed.
- 8.11.6. Having reviewed the file documentation and submissions received, together with my inspection of the site and the subject buildings, I would accept that the buildings, including the former 19th century house portion, have an external appearance which suggests that the entire range of buildings dates from the 1950s and is without any

significant architectural heritage merit. The interior of the former house has been significantly altered, including the reorganising of many rooms, the apparent reconstruction of the south-western portion of the house, and the removal of many original features. I also note that the chapel building is of more modern construction and that many of its original features have been removed. In addition to this, the buildings have been vacant for more than eight years and have suffered deterioration, particularly water ingress to the roof and the nineteenth-century house.

- 8.11.7. I note that the Development Plan (Policy NCBH21, Objectives 1 & 3) supports the retention and re-use of buildings and features that contribute to character, setting, and amenity value of an area. Having regard to the foregoing assessment and the significantly altered state of the buildings and their original features, I do not consider that the existing buildings on site contribute to the character of this area to such an extent that would justify their retention. Accordingly, I have no objection to the demolition of the buildings. The application proposes architectural salvage of some surviving elements and I consider this to be acceptable subject to suitable conditions of any permission.

Design & Layout

- 8.11.8. The following sections consider the design and layout of the proposed development and its impact on the visual amenity and character of the area. This inherently considers the density, height, and scale of the development, matters which are the subject of significant concern for the appellants. The case highlights questions of compliance with a range of policies/objectives and guidance at both local and national level and this is discussed in the following paragraphs.
- 8.11.9. Development Plan policies QDP2 and QDP7 promote the creation of successful and sustainable neighbourhoods through high quality design and the implementation of 'The Plan Approach' and the Building Height and Density Guide (BHDG - Appendix 10 of the Development Plan). And similarly, but more specifically in relation to building height and density, Policy QDP8 (objectives 1 & 2) and Policy QDP9 outline that the requirements of the national Building Height Guidelines (2018) and the NPF will be implemented through the BHDG.
- 8.11.10. In relation to national policy, the Building Height Guidelines outline criteria to be considered (i.e. SPPR3 and section 3.2 of the Guidelines) in the support of

proposals for buildings taller than prevailing building heights, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. However, the provisions of the Guidelines have now been suitably incorporated into the Development Plan through the BHDG. And I would also highlight that this proposal does not rely on SPPR3 to support a material contravention of Development Plan building height policy. Accordingly, I am satisfied that the provisions of the national Building Height Guidelines will be suitably addressed in this case through the application of the Development Plan's BHDG. I also note that the Development Plan guidance incorporates the provisions of other relevant publications such as the 'Urban Design Manual – A Best Practice Guide, DEHLG (2009)' and 'The Design Manual for Urban Roads and Streets, DTTAS & DECLG (2013)'.

8.11.11. Having regard to the foregoing, I am satisfied that questions regarding compliance with the relevant design and layout policies/objectives will be satisfactorily addressed by reference to the Development Plan's 'Plan Approach' and its 'Building Heights and Density Guide'.

The Plan Approach

8.11.12. The application includes an Architect's Design Report which addresses 'The Plan Approach' criteria as outlined in the Development Plan. In this regard I would state the following:

- Context – The application has considered the natural features of the site, including the open space, planting and drainage systems. As previously outlined, I am satisfied that the removal and replacement of planting is acceptable, as is the proposed Green Space Factor of 0.5. The cultural and built heritage of the site has also been considered, including its institutional history. I am satisfied that the removal of the existing buildings is acceptable and that there is only limited evidence of built heritage in the immediate surrounding area. I have previously outlined satisfaction that the social infrastructure is adequate, and the environmental impacts are considered throughout the application and this report.
- Healthy Placemaking – As previously outlined in this report, I am satisfied that the development would create public space which is of adequate quantity and quality. The spaces would be easily accessible and would integrate with the surrounding

public realm to promote social interaction. Each of the proposed blocks adopts a unique form and would provide strong building frontage and streetscapes with high levels of activity and passive surveillance.

- **Connected Neighbourhoods** – As previously outlined, I am satisfied that the development promotes public transport and cycle/walking facilities which mitigates dependence on car transport. The site is appropriately connected to the surrounding neighbourhood. Notwithstanding the absence of a direct connection to the primary care centre to the south, I am satisfied that connectivity is easily achieved from Edmondstown Road and that the proposal would not contravene Policy QDP5 Objective 2 of the Development Plan.
- **Thriving Economy** – I acknowledge that the site is located within a predominantly residential area. However, having regard to the levels of accessibility as previously discussed, I am satisfied that there would be adequate access and availability of good jobs a good quality of life within reasonable proximity.
- **Inclusive and Accessible** – As previously outlined, I am satisfied that the existing and proposed social, community, and commercial services are adequate to serve the proposed development. The development has been designed in accordance with accessible principles and would be suitably adaptable for alternative uses.
- **Public Realm** – As previously outlined, I am satisfied that the proposed northern public park and the woodland walkway would create high quality and distinctive public spaces which would be suitably landscaped to retain the open character of the lands. This would be reinforced by the proposed new buildings which would establish a distinctive new streetscape which would suitably overlook and address the existing and proposed public realm.
- **Built Form and Mix** – As previously outlined, I am satisfied that the development provides a suitable mix of residential units which would be supported by a suitable range of existing and proposed uses. The density would be a significant increase compared to existing development and I am satisfied that this is appropriate in order to maximise the existing network of infrastructure.
- **Design and Materials** - High quality design and materials would create a consistent architectural language across the scheme. The outer facades are finished in brick with natural stone detailing and metal balconies. The less

exposed courtyards are finished in render. High quality shared surface streets with coloured bitmac and paved footpaths and pedestrian routes are provided throughout. The completed development and public areas will be fully managed by an Owner Management Company and a building life cycle report is included which describes a robust and low maintenance scheme.

8.11.13. Having regard to the above, I am satisfied that 'The Plan Approach' has been taken into consideration and incorporated into the design of the development. This demonstrates how the overarching principles for the achievement of successful and sustainable neighbourhoods have been integrated as part of the design proposal.

SDCC Building Heights & Density Guide 2022

8.11.14. Section 4 of the guide outlines a Contextual Analysis Toolkit. This is a criteria-based assessment which is a complementary expansion of this existing criteria-based analysis contained in the 'Urban Design Manual' (2009). The criteria are now assessed under the following headings.

Context

- As previously outlined in section 8.4 of this report, the development would be well served by existing and proposed bus services as well as their links to other modes of public transport.
- The transport and mobility infrastructure is adequate to absorb the increased density and I am satisfied that the density is appropriate given the proximity and connectivity to bus services.
- This is a large and prominent corner site which is significantly distanced / screened from any significant pattern or character of development. Accordingly, it is considered that the site is suitable for urban intensification and is capable of defining its own density and character which would serve a landmark function.
- Having regard to site constraints, including the watermain wayleave along the northern portion of the site and the need to protect the open character of these institutional lands, I am satisfied that increased height is necessary to achieve suitable density at this location.

Setting

- As previously outlined, the site is significantly distanced/separated from any development of significant or consistent character.
- The nearest protected structure is the Whitechurch Library building to the east of the site. The proposed development would be significantly distanced from this structure and would be substantially screened by the existing trees to the east of the site. Accordingly, I do not consider that the proposed development would adversely impact on the character or setting of the protected structure. Otherwise, there is a relatively low density of protected structures in the wider surrounding area, and I have no objections in this regard.
- I note that an observation refers to a network of mills (protected structures). However, there are no such protected structures in the vicinity of the site, and I do not consider that the development would have any significant or adverse impacts in this regard.
- The appeal also contends that the decision fails to address the impact on the Ballyboden Road ACA. I note the Boden Village Cottages ACA to the north of the site and the Whitechurch Road and Taylor's Lane Cottages ACA to the east of the site. However, the site is suitably distanced from these ACAs and would not detract from their character, setting, or heritage value.
- I accept that the proposed development would have a greater height, scale and massing compared to surrounding development. However, it is an opportunity to create a landmark local character, and this has been successfully achieved while respecting site topography and maintaining the open character of the lands.
- The design respects the receiving context to ensure that the scale and height will not have any unacceptable impacts in terms of overlooking, overshadowing, or overbearing impacts.
- The proposed height of 5 storeys and the layout of the blocks have been suitably designed to ensure that there will not be negative local microclimate impacts such as wind or daylight/sunlight.
- The proposed development makes a positive contribution to its context through the redevelopment of an underutilised site and the creation of a local landmark

with a combination of strong streetscape and high-quality public spaces which integrate with the public realm.

Connections

- The scheme facilitates a circular link around the site which is publicly accessible at several locations and links play spaces with green infrastructure and the ecological corridor to the south of the site. This will integrate with the existing streets/roads and the civic space to the north and west of the site to improve connectivity and local amenities.
- The scheme does not place an over-reliance on car transport and would significantly improve the level of cycling/walking linkages in the area.
- The additional height and density would provide a suitable interface with key thoroughfares and open spaces which would enhance the sense of scale, enclosure and overall legibility of the scheme and surrounding area.
- In the absence of an existing strong streetscape or pattern of development, the proposed scheme would create a new character which would be suitably setback and screened with existing/proposed landscaping. This would avoid a monolithic appearance or adverse impacts on the pedestrian experience.
- As previously outlined, I am satisfied that traffic and parking arrangements suit the community's needs and allow the safe and free movement of people of all ages and levels of mobility.

Inclusivity

- The proposed development provides several connections with the surrounding area. The connections are suitably designed to cater for all.
- The open space, landscaping, and play strategies incorporate a variety of spaces for a wide range of users.
- The entrances to the site are attractive and reflective of historic access.
- The most prominent northwest corner of the site is where the own-door residential units and more active uses/frontage is generally concentrated.
- The open spaces are suitably designed to achieve landscaping, sunlight and a suitable sense of enclosure/security, which means that they will be more active.

- The routes within and around the site have also been suitably designed to suit their purpose.

Variety

- It is acknowledged that the proposed density and height is significantly greater than the prevailing built form. However, I consider that this increase serves to promote a sense of legibility and place. Furthermore, the development will be suitably distanced/screened from existing development to ensure a successful transition while providing visual interest and avoiding a monotonous intrusion into the streetscape or skyline.
- The development is arranged within several distinct blocks, which themselves incorporate varied levels, building lines, features, and materials. This limits the bulk, massing and scale of the development to successfully integrate with the surrounding area.
- As previously outlined, I am satisfied that the development provides a suitable mix of residential units which would be supported by a suitable range of existing and proposed non-residential uses.

Efficiency

- As outlined throughout this report, I consider that increased density is suitable at this location having regard to the availability of public transport, connectivity, social/community infrastructure, and employment links.
- The development would provide a more efficient use of this site and would create a vibrant neighbourhood without compromising the existing community.
- In relation to views through or beyond the development, I note that the application is supported by a range of drawings and images including a Landscape & Visual Impact Assessment. Having reviewed these details, I consider that the proposed development would be largely screened from surrounding vantage points by existing development and vegetation. And from points where the scheme would be visible, I am satisfied that it would not detract from the visual amenities or character of the area and would positively contribute to the character and identity of the neighbourhood.

- I note that the appeal contends that the CGI images are incorrect and give a false impression of the impact on protected structures, streetscape, and trees. However, the application includes a detailed methodology for the photomontage production and confirms that the Landscape and Visual Impact Assessment has been carried out in accordance with the EPA 'Guidelines on the information to be contained in Environmental Impact Statements' (2017) and the accompanying Advice Notes on 'Current Practice in the Preparation of Environmental Impact Statements' (2017), as well as 'Guidelines for Landscape and Visual Assessment' prepared by the Landscape Institute and Institute of Environmental Management and Assessment (3rd edition, 2013). Having reviewed the information and inspected the site, I am satisfied that the information has been appropriately prepared to reflect the visual impact of the development.

Distinctiveness

- For the reasons previously outlined, the site is capable of creating its own distinctive character with non-thematic height and increased density.
- The increased height and density would create a landmark at this prominent site and would provide a strong streetscape along the adjoining roads. It would also suitably frame the northern public park and the woodland walkway around the site, thereby retaining and emphasising the open character of the lands.
- The proposed blocks are distinctive and have been suitably dispersed to prevent a monolithic appearance.

Layout

- The block layout is arranged to clearly but subtly distinguish between the public spaces around the site perimeter and the communal/private within the blocks.
- The siting and orientation of the blocks have been suitably arranged to ensure appropriate access to sunlight/daylight and the protection of privacy for existing and prospective residents.
- The block forms and lift/stair cores have been suitably designed to prevent an over-reliance on long double-sided corridors.
- An Operational Waste & Recycling Management Plan has been included which demonstrates that waste facilities will be suitable designed and managed.

Public Realm

- The public space within and around the site perimeter has been suitably designed and scaled and will be overlooked by the proposed blocks.
- The development also suitably distinguishes between public, communal, and private open space to protect the privacy of residential units.

Adaptability

- The proposed design is based on universal accessibility which can adapt to needs at all stages of life.
- The proposed design is energy efficient to address the needs of climate change and the materials and finishes have been chosen to be robust and low maintenance into the future.
- The apartments can be altered internally to accommodate revised apartment units and/or other uses, including commercial uses.
- The application targets a modal shift to transition to active travel modes.

Privacy & Amenity

- The proposed development will not impact on any views of significance.
- As previously outlined, the scheme and its associated compensatory design solutions has been suitably designed in relation to daylight and sunlight impacts for both prospective residents and surrounding properties.

Parking

- As previously outlined in section 8.4 of this report, I am satisfied that vehicular and cycle parking would be suitably provided and designed.

Detailed Design

- In the absence of a strong and consistent character context, the site has flexibility to contribute to a new identity through the use of materials and finishes.
- As previously outlined, high quality materials/finishes would create a consistent architectural language across the scheme, with a particular focus on the use of brick and natural stone on the outer 'public' facades and attractive surface

finishes. The application also includes suitable proposals for the management and maintenance of spaces and materials/finishes.

- The simple variety of forms and materials creates suitable proportions which prevent a monolithic appearance.
- The relationship between street width and building height has been suitably considered. The maximum building height of 5 storeys will be suitably setback from the street and other blocks to provide sufficient light and air to the intervening spaces.
- The block height and scale provide a suitable sense of enclosure and a backdrop to public spaces and will not result in overbearing impacts.

Conclusion

8.11.15. Having regard to the foregoing, I do not consider that the existing buildings are of sufficient architectural heritage merit to justify their protection and retention in this case. The site is significantly distanced/separated from surrounding development and the surrounding landscape and built form is not of a particularly strong character or sensitivity. In that context, the site has considerable flexibility to determine its own character through increased height and density.

8.11.16. Having considered the height/density and the detailed design and layout of the proposed development, I consider that it would be acceptable in accordance with the 'The Plan Approach' and the 'Building Height and Density Guide' contained within the Development Plan. I am also satisfied that this adequately addresses the provisions of relevant national guidance including the Urban Design Manual (2009) and the Building Height Guidelines (2018).

8.11.17. In conclusion, I do not consider that the proposed development would seriously detract from the visual amenity or character of the area. The proposed redevelopment of this under-utilised site would positively contribute to the emerging identity and character of the area, and I have no objections in this regard.

8.12. Other Matters

Carbon Impact

- 8.12.1. The appeal raises concerns that no audit of carbon costs or emissions has been carried out. The energy efficiency of the proposed development will be governed by the Building Regulations. The application (as outlined in section 2.1 of the Building Life Cycle Report) outlines that it follows best practice construction/engineering techniques and use of energy efficient materials to maximise energy capacity and minimise impacts of climate change in accordance with current buildings regulations. I note that 'E2 Objective 2' of the Development Plan prioritises the retrofitting of buildings over demolition and reconstruction where possible. However, I consider that the replacement of the existing buildings with a sustainably designed higher density development will provide significant benefits in terms of carbon emissions and energy efficiency. Accordingly, I would have no objections in this regard.

Impacts on surrounding properties

- 8.12.2. In addition to previously discussed impacts regarding daylight/sunlight, the appeal raises concerns about the impact on surrounding properties as a result of the height, scale and proximity of the development and associated impacts relating to overlooking, privacy, amenity, and overbearing impacts.
- 8.12.3. The proposed blocks are setback from residential properties to the north by at least 45 metres and are separated by the busy Taylor's Lane route. The nearest dwelling to the west is c. 63m and is separated by the Edmonstown Road. To the south of the site there is a residential element associated with the Augustinian facility, but it is distanced at c. 71m. The Palmer Park properties to the southeast are distanced at c. 50m. The nearest residential property is in Perry's Yard to the east, which is separated by at least 30 metres and significant tree-belt screening along the access road to the Augustinian facility.
- 8.12.4. The Development Plan (s. 12.6.7) outlines a general benchmark minimum clearance distance of 22 metres between opposing windows, including in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed and reduced distances will also be considered in respect of higher density schemes or compact infill sites. The proposed development clearly exceeds the 22-metre standard. And having regard to the separation distances and

screening as previously outlined, together with the design and layout of the proposed windows and balconies, I am satisfied that the proposed development would not unacceptably impact on the privacy or amenity of surrounding residential properties.

Legal/Administrative Issues

- 8.12.5. The appeal contends that the planning authority did not have sufficient environmental law competency to address the impacts of previous legal decisions, the EU Habitats Directive, the Water Framework Directive, and other EU Directives. I am satisfied that these matters will be adequately addressed in the assessment of the appeal case.
- 8.12.6. The appeal contends that there is a lot of missing information, and that the application is invalid as it is contrary to the Planning Act. There is also reference to a fire on the site and a contention that the application is invalid on this basis. I note that the application was considered valid and acceptable by the planning authority. The above assessment represents my de novo consideration of all planning issues material to the proposed development. I am satisfied that there is adequate information on the file for the purposes of determining this case.
- 8.12.7. Concerns have also been raised that the public realm space (at St Catherine's Gate) has been included within the development without any public consultation. It should be noted that this is not the only public space included within the site. A significant extent of the public road is also included, as is common in the case of such applications. The application is accompanied by a letter of consent from SDCC for the inclusion of the lands for the purposes of the application. I am satisfied that this has provided sufficient evidence of legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. As outlined in Section 5.13 of the Development Management Guidelines for Planning Authorities (DoEHLG, 2007), the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are matters to be resolved between the relevant parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000 (as amended), which outlines that a person shall not be entitled solely by reason of a grant of permission to carry out any development.

Regulation of Commercial Institutional Investment in Housing

- 8.12.8. In May 2021, the Minister published Guidelines for Planning Authorities on the Regulation of Commercial Institutional Investment in Housing. These Guidelines identify planning conditions to which planning authorities and the Board must have regard in granting planning permission for new residential development including housing and/or duplex units. This is intended to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes by commercial institutional investors in a manner that displaces individual purchasers and/or social and affordable housing, including cost rental housing. The application of these conditions applies to all housing developments that include 5 or more houses and/or duplex units.
- 8.12.9. The proposed development includes 13 no. duplex units. However, it is important to note that the intention of these provisions is to address bulk-purchase in lower density developments and that the Board is required to 'have regard' to the guidelines rather than mandatorily impose such conditions. Given that the proposal is not a lower density scheme and includes only a minor proportion (c. 3%) of duplex units, I do not consider that a condition to restrict the development to individual purchasers would be appropriate in the event of a decision to grant permission.

9.0 Appropriate Assessment Screening

The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for Appropriate Assessment of a project under Part XAB (section 177U) of the Planning and Development Act 2000 (as amended), are considered fully in this assessment.

9.1. Background to the application

- 9.1.1. As part of the application, an Appropriate Assessment Screening Report and a Natura Impact Statement was compiled by Altamar Ltd.
- 9.1.2. In summary, the AA Screening report concluded that in the absence of mitigation measures, there is potential for silt laden material or pollution to enter the marine environment at Dublin Bay via surface water drainage/mill race that outfall to the Owendoher River and impact on local biodiversity and European sites downstream

from the works. Acting on a strictly precautionary basis, it concluded that an NIS is required in respect of the effects of the project on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA because it cannot be excluded on the basis of best objective scientific information following screening, in the absence of control or mitigation measures that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on the named European Site/s.

- 9.1.3. The Natura Impact Statement considers the relevant European Sites and their conservation objectives in more detail. It identifies the potential for adverse effects on the European Sites and outlines that mitigation measures are required to address the potential effects associated with the direct hydrological pathway via the Owendoher River. Table 7 of the NIS outlines the proposed mitigation measures. These measures mainly relate to construction stage mitigation and include construction management, storage of materials, air and dust control, on-site drainage, and other pollution control measures. For the operational stage, a project ecologist will continue to oversee the completion of works and petrochemical interception will be inspected. These mitigation measures have already been included in Table 9 of the EclA, as previously discussed in section 8.9 of this report.
- 9.1.4. The NIS outlines that, following the implementation of the mitigation measures, the proposed development will not result in direct or indirect effects which would have the potential to adversely affect the qualifying interests/special conservation interests of the European sites with regard to the range, population densities or conservation status of the habitats and species for which these sites are designated (i.e. conservation objectives). It concludes that the proposed project will not will adversely affect the integrity of European sites.
- 9.1.5. Having reviewed the documents, drawings and submissions included in the application file, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European Sites.
- 9.1.6. 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 would

have any possible interaction that would be likely to have significant effects on a European Site(s).

9.2. Description of the development

9.2.1. A detailed description of the development is outlined in section 2 of this report. In summary, it includes the construction of 402 apartments, a creche, 2 no. retail units, communal space, a new public park, and all associated siteworks and services. Surface water measures have been designed in accordance with GSDS requirements to include infiltration as part of a SuDS strategy. Outflows from the development will be restricted to greenfield rates before being discharged via a single outfall to the Owendoher River. Foul effluent will be disposed to the Irish Water system and water supply will be via the Irish Water system.

9.2.2. The site has a stated gross area of 3.8 hectares and is located within the suburban area of Ballyboden. It contains former institutional buildings and artificial surfaces and a former pitch and putt course that is now overgrown. There are mature trees within the site and along the site boundaries. Along the southern boundary of the site there is a mill run/watercourse which is connected to the Owendoher River. According to Fossitt habitat classification (2000) the majority of the site can be classified as 'BL3- Buildings and artificial surfaces', 'GS2- Dry meadows & Grassy Verges', 'WD1-(Mixed) broadleaved woodland / WS1-Scrub', 'WL2-Treelines', and 'FW3-Canals'.

9.3. Submissions and Observations

9.3.1. The submissions and observations received during the application and appeal process have been outlined in section 7 of this report. The issues raised regarding European Sites largely relate to the previous application and the applicant's AA Screening conclusions in that case. Nonetheless, the principles are also relevant to the current case and will be considered in my assessment. The matters raised can be summarised as follows:

- The significance of the Dodder River catchment and its role in connecting the European Sites in Dublin Bay and the Dublin/Wicklow Mountains.
- The applicant's failure to define the principles of the Habitats Directive and consider relevant European guidance on the matter.

- The need to apply the test of whether there ‘may be’ a significant effect on European Sites and the need for complete, precise and definitive findings and conclusions. This includes the potential effects on otter using the Owendoher River, the potential cumulative / in-combination effects, and the potential hydrological links.
- The inclusion of measures to protect water quality as mitigation measures.

9.4. European Sites

9.4.1. The applicant’s AA Screening Report initially considers a Zone of Influence (Zol) of 15km radius as well as sites beyond 15km with the potential for a hydrological connection. A source-pathway-receptor assessment was then applied by the applicant, which can be summarised in the following table.

European Site (Code)	Distance (km)	Presence of Impact Pathway	Assessed Further
South Dublin Bay SAC (000210)	7.1	Direct hydrological pathway given the potential for construction stage contamination (of millrace and Owendoher) and operational stage surface water outfall to Owendoher River. The Owendoher outfalls to the River Dodder, which in turn outfalls to the marine environment at Dublin Bay where, in the absence of mitigation measures, significant effects on the qualifying interests of these European Sites are likely.	Yes
North Dublin Bay SAC (000206)	11.5	Foul wastewater will ultimately discharge to Ringsend Wastewater Treatment Plant (WwTP) where it will be treated before discharging to Dublin Bay. No significant effects on the qualifying interests of these European Sites are likely as a result of foul wastewater.	
South Dublin Bay and River Tolka Estuary SPA (004024)	7	Given the significant separation distance from SPA sites, no significant disturbance effects are likely for qualifying species.	
North Bull Island SPA (004006)	11	As outlined in the Wintering Bird Survey, the site is not a significant ex-situ foraging or roosting site,	

		and no significant effects are likely for the species of qualifying interest from these SPAs.	
Rockabill to Dalkey Island SAC (003000)	13.5	Weak indirect hydrological pathway via the proposed foul discharge (to Dublin Bay via Ringsend WWTP) and surface water drainage networks (to Dublin Bay via the Owendoher and Dodder). However, given that wastewater will be treated under licence and given that the mouth of the River Dodder is located c. 9.3 km from these European Sites, there are no potential impacts as a result of surface/foul water emissions. Given the minimum distance to the SPA (13.2 km) across a populated urban environment, no significant disturbance effects on the bird species protected as qualifying interests are foreseen.	No
Dalkey Islands SPA (004172)	13.2		
Wicklow Mountains SAC (002122)	4.6	There is no 'direct' or 'indirect' Source-Pathway linkage with the appeal site and no potential impact is foreseen.	No
Glenasmole Valley SAC (001209)	5.2	There is no 'direct' or 'indirect' Source-Pathway linkage with the appeal site and no potential impact is foreseen.	No
Knocksink Wood SAC (000725)	9.2	There is no 'direct' or 'indirect' Source-Pathway linkage with the appeal site and no potential impact is foreseen.	No
Ballyman Glen SAC (000713)	11.7	There is no 'direct' or 'indirect' Source-Pathway linkage with the appeal site and no potential impact is foreseen.	No
Wicklow Mountains SPA (004040)	4.6	There is no 'direct' or 'indirect' Source-Pathway linkage with the appeal site and no disturbance effects are envisaged for qualifying species as a result of the separation distance. No potential impact is foreseen.	No

9.4.2. Consistent with the applicant's report, I agree that there are potential hydrological links with European Sites within the inner Dublin Bay area (i.e. South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA) as a result of surface water and foul water pathways. I would also agree that the outer Dublin Bay sites (i.e. Rockabill to Dalkey Island SAC and

Dalkey Islands SPA) are more significantly distanced and would be protected by a significantly greater hydrological buffer. Therefore, I do not consider that there would be hydrological pathways that would have any potential for significant effects on these and other European Sites within the outer Dublin Bay area.

- 9.4.3. Regarding the identified SPA sites, I note that there is a minimum separation distance of 4.6km from the appeal site, much of which is separated by significant urban development. On this basis, I do not consider that the proposed development has the potential for disturbance of qualifying species, by reason of noise, vibration, or otherwise. Furthermore, based on the site habitat and the Wintering Bird Surveys, I would agree that the site is not a significant ex-situ foraging or roosting site, and no significant effects are likely for the species of qualifying interest from any of the SPAs.
- 9.4.4. The remaining European Sites are the SAC sites within the Dublin/Wicklow Mountains area (i.e. Wickow Mountains SAC, Glenasmole Valley SAC, Knocksink Wood SAC, and Ballyman Glen SAC). With the exception of Otter in the Wicklow Mountains SAC, the qualifying interests for these SACs consist of habitats (not species). These habitats are located at least 4.6km from the appeal site and any hydrological connection that may exist within the wider drainage system would be upstream of the proposed development. Accordingly, I am satisfied that the proposed development does not have the potential to impact on any of the habitats within these SAC sites.
- 9.4.5. However, the Otter is a qualifying interest for the Wicklow Mountains SAC and the Owendoher River and other tributaries provide a direct hydrological link between the appeal site and the SAC. Accordingly, I consider that the potential for effects in this regard should be considered further.
- 9.4.6. Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of the European Sites and their qualifying interests as summarised in the table below. I am satisfied that no other European Sites fall within the possible zone of influence.

European Site	Conservation Objectives – To maintain/restore the favourable conservation condition of the following Qualifying Interests (QI's)	Attributes
South Dublin Bay SAC	Mudflats and sandflats not covered by seawater at low tide.	Habitat area, community extent, community structure, community distribution.
South Dublin Bay and River Tolka Estuary SPA	Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover (proposed for removal), Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull.	Population trend, distribution.
	Roseate Tern, Arctic Tern.	Passage population, Distribution, Prey biomass available, Barriers to connectivity, Disturbance at roosting site.
	Common Tern	Breeding population abundance, Productivity rate, Passage population, Distribution, Prey biomass available, Barriers to connectivity, Disturbance.
	Wetlands	Habitat Area
North Bull Island SPA	Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull.	Population trend, distribution.
	Wetlands.	Habitat Area
North Dublin Bay SAC	Mudflats and sandflats not covered by seawater at low tide.	Habitat Area, Community extent, community structure, community distribution.

	Annual vegetation of drift lines, <i>Salicornia</i> and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows, Embryonic shifting dunes, Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), Humid dune slacks.	Habitat Area, Habitat distribution, physical structure, vegetation structure, vegetation composition.
	Petalwort	Distribution of populations, population size, Area of suitable habitat, hydrological conditions, vegetation structure.
Wicklow Mountains SAC	Oligotrophic waters containing very few minerals of sandy plains, Natural dystrophic lakes and ponds.	Habitat area, habitat distribution, typical species, vegetation composition, vegetation distribution, hydrological regime, lake substratum quality, water quality, acidification status, water colour, dissolved organic carbon, turbidity, fringing habitat.
	Northern Atlantic wet heaths with <i>Erica tetralix</i> , European dry heaths, Alpine and Boreal heaths, Species-rich <i>Nardus</i> grasslands on siliceous substrates in mountain areas, Blanket bogs (* if active bog), Siliceous scree of the montane to snow levels, Calcareous rocky slopes with chasmophytic vegetation, Siliceous rocky slopes with chasmophytic vegetation.	Habitat area, habitat distribution, Ecosystem function, community diversity, vegetation composition, vegetation structure, physical structure, local distinctiveness.
	Calaminarian grasslands of the <i>Violetalia calaminariae</i> .	Habitat area, distribution, physical structure, soil toxicity, vegetation structure, vegetation composition.
	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> .	Habitat area, habitat distribution, woodland size & structure, vegetation composition.

	Otter.	Distribution, extent of terrestrial habitat, extent of freshwater habitat, couching sites and holts, fish biomass available, barriers to connectivity.
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9.5. Potential effects on European Sites

- 9.5.1. The application site is not located within or adjoining any of the relevant European Sites. The nearest relevant site is c. 4.6km away and is significantly separated by existing development. No empirical evidence of any protected species such as otter or roosting bats (protected under Article 12 (Annex IV) of the Habitats Directive) was recorded on site. Furthermore, the subject site does not contain any suitable ex-situ habitat for any qualifying interests. Accordingly, I am satisfied that there is no potential for habitat loss/alteration or for habitat/species fragmentation.
- 9.5.2. Given the existing suburban context for the site and given that all relevant European Sites are distanced at least 4.6 km from the appeal site, I am satisfied that no disturbance impacts would occur during the construction or operational stage. In this regard I have considered all potential disturbance effects, including heightened noise/lighting levels and the obstruction of flight paths / bird strike, as well as the potential for significant in-combination or cumulative effects in this regard.
- 9.5.3. In accordance with section 9.4 (above), I am satisfied that the potential effects on the relevant European Sites are limited to the hydrological connections associated with surface water and wastewater emissions, as well as the potential pathway for otters in the Wicklow Mountains SAC.

Surface Water

- 9.5.4. I acknowledge that emissions to surface water arising during the site clearance and construction stage could contain pollutants (silt, dust, hydrocarbons and other substances). Such contaminated water could potentially discharge to the millrace and/or the Owendoher River, and from there, eventually, to Dublin Bay via the Dodder River.

- 9.5.5. However, the application (including the EclA and Outline CEMP) already includes a comprehensive range of construction management measures which aim to protect the surrounding watercourse from any such emissions. This includes the appointment of a project ecologist, dust/dirt control, on-site drainage management, and the proper storage of materials and substances. I am satisfied that this comprehensive range of measures will satisfactorily address the potential for contamination of the local water quality. Furthermore, I am satisfied that these are best practice construction management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site.
- 9.5.6. At operational stage, I acknowledge that the surface water outfall could contain pollutant discharge to the Owendoher River, and from there, eventually, to Dublin Bay via the Dodder River. However, the surface water drainage system has been suitably designed in accordance with GDSDS standards. Surface water outflows from the development will be restricted to greenfield rates. And the drainage system includes a combination of interception and SuDS measures to reduce pollutants and improve water quality. I have previously outlined that any permission should include a condition to incorporate additional natural SuDS features. However, I am satisfied that any changes would continue to be satisfactorily managed by the surface water strategy and that there would be no significant changes in terms of the quantity or quality of discharge.
- 9.5.7. Accordingly, I am satisfied that the operational stage would have no significant surface water impacts on surrounding watercourses, either in terms of the quantity or quality of discharge. Furthermore, I am satisfied that these are best practice surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site.
- 9.5.8. Even in the unlikely event of a construction/operational stage surface water pollution event occurring, it would likely be short-term in duration and contained at the scale of the site. Given the significant distance between the appeal site and the downstream European Sites in Dublin Bay (at least 7km) there would be significant dilution capacity in the existing drainage system. Upon reaching the Bay, any pollutants would be even further diluted and dissipated by the receiving waters where there is known potential to rapidly mix and assimilate pollutants.

9.5.9. Having regard to the foregoing, I am satisfied that there is no possibility of significant effects on European sites within Dublin Bay from surface water effects and hydrological links associated with the development.

Wastewater

9.5.10. I note the Irish Water statement on file which confirms that wastewater connection is feasible without need for infrastructure upgrade. The Irish Water Wastewater Treatment Capacity Register (June 2023) also confirms that there is available capacity in the Ringsend WWTP. The development will result in an increased P.E. loading to the Ringsend WWTP, but I note that permitted upgrade works are expected to bring the capacity of the plant to 2.1 million PE in the second half of 2023 and to 2.4 million PE by 2025, while meeting the required Water Framework Directive standards. The peak wastewater outflow associated with the proposed development (6.81 l/s) would not be significant when equated as a percentage (i.e. <0.1%) of the current licensed discharge at Ringsend WWTP.

9.5.11. Evidence also suggests that in the current situation, some nutrient enrichment is benefiting wintering birds for which the SPAs have been designated in Dublin Bay. The coastal waters in Dublin Bay are classed as 'unpolluted' by the EPA and enriched water entering Dublin Bay has been shown to rapidly mix and become diluted such that the plume is often indistinguishable from the rest of bay water.

9.5.12. Having regard to the foregoing, I am satisfied that no significant impacts to the European Sites can arise from additional loading on the Ringsend WWTP as a result of the proposed development.

Otters

9.5.13. The application outlines a comprehensive range of surveys which found no otter evidence on or immediately adjoining the appeal site. However, I have acknowledged that high otter usage has been recorded along the Owendoher River and that this river connects with the Wicklow Mountains SAC, for which Otter is a qualifying interest. The SAC is distanced c. 4.6km (as the crow flies) from the appeal site and the actual length of any pathways is likely to be closer to 10kms. However, I note that otters have a large territory range which can exceed 10kms.

9.5.14. I have previously outlined that the application includes a comprehensive range of measures aimed at protecting water quantity and quality during the construction and

operational stages. I am satisfied that these measures will satisfactorily address the potential for any impacts on water quantity or quality that could affect the local habitat for otters. It is not proposed to obstruct or otherwise disturb the existing watercourses which, it should be noted, have limited suitability for otters. The millrace section has a very limited flow and is substantially overgrown, while the adjoining section of the Owendoher has been heavily modified. This limited suitability of the adjoining watercourses has been reflected in the applicant's surveys and the Dublin City Otter Survey 2019, none of which detected otter activity on or immediately adjoining the site.

9.5.15. Otters are common in urban areas. I would acknowledge that the proposed development would cause additional disturbance at construction and operational stages, including impacts relating to noise, vibration, and lighting. However, the EclA includes standard biodiversity measures such as the use of sensitive lighting, noise/vibration control, replanting, and pre-construction surveys to prevent the potential for significant effects.

9.5.16. Having regard to the foregoing, I am satisfied that there is no potential for significant effects on Otters (including the Wicklow Mountains SAC) as a result of the proposed development. Furthermore, I am satisfied that any measures included in the application are best practice measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site.

9.6. **In combination or Cumulative Effects**

9.6.1. The applicant's AA Screening Report has considered cumulative / in-combination impacts, including other existing, proposed and granted developments in the vicinity of the site. It concludes that no projects in the vicinity of the proposed development would be seen to have a significant in-combination effect on Natura 2000 sites.

9.6.2. I consider that there would be a cumulative effect with other developments as a result of increased wastewater loading on the Ringsend WWTP. However, based on the upgrade of the Ringsend Wastewater Treatment Plant and the incorporation of similar design parameters and good practice in other developments, I am satisfied that there would be no potential for significant cumulative / in-combination effects on the relevant European Sites within Dublin Bay.

9.6.3. There would also be a cumulative effect in relation to surface water discharge. However, all developments will be required to incorporate appropriate construction management measures and to incorporate GSDS requirements to suitably manage the quantity and quality of surface water discharge. Accordingly, I am satisfied that there would be no potential for significant cumulative / in-combination effects on the relevant European Sites within Dublin Bay.

9.6.4. The South Dublin County Development Plan 2022–2028 includes a range of objectives intended to protect and enhance the natural environment, including those relating to European Sites, wastewater management, and surface water management. These objectives have themselves been subject to Appropriate Assessments, which have concluded that their implementation would not adversely affect the integrity of European sites.

9.7. **Mitigation Measures**

9.7.1. I note that the applicant's AA Screening Report concluded that there was a need for surface water mitigation measures and Appropriate Assessment. These mitigation measures were subsequently incorporated into the Natura Impact Statement.

9.7.2. However, I consider that the measures proposed in respect of surface water (construction and operational stage) are standard measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. Furthermore, I consider that any other ecological measures are also standard best-practice features which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site.

9.7.3. I would highlight that the mitigation measures proposed in the Natura Impact Statement are already included in the application through the EclA and the Outline CEMP etc. Therefore, I consider that the NIS can be discounted, and that the proposed development would still not be likely to give rise to significant effects on European Sites.

9.8. **AA Screening Determination**

9.8.1. The proposed development was considered in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project, individually, or in combination with other plans or projects, would not be likely

to give rise to significant effects on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), Wicklow Mountains SAC (004040), or any European Sites, in view of the sites' conservation objectives, and Appropriate Assessment (Stage 2), including the submission of Natura Impact Statement is not, therefore, required.

9.8.2. This determination is based on the following:

- The nature and scale of the proposed development and the location of the site on serviced lands;
- The distance of the proposed development from European Sites and the limited potential for pathways;
- The incorporation of best-practice construction management, surface water management, and operational design measures;
- The dilution capacity within the existing drainage network and the receiving water environment in Dublin Bay;
- The existing and planned capacity of the Ringsend WWTP in the short-term to facilitate future development in compliance with the provisions of the Water Framework Directive.

10.0 Recommendation

Having regard to the foregoing assessments, I recommend that permission be granted for the proposed development, subject to conditions, and for the reasons and considerations set out in the following Draft Order.

11.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Planning Register Reference Number: LRD23A/0002

Appeals by Moyville Residents Association (MEERA) of 62 Moyville, Rathfarnham, Dublin 16, and Ballyboden Tidy Towns CLG, c/o Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin 18; against the decision made on the 29th day of May 2023, by South Dublin County Council to grant subject to conditions a permission to Shannon Homes Dublin Unlimited Company c/o MCG McGill Planning, 22 Wicklow Street, Dublin 2, in accordance with plans and particulars lodged with the said Council:

Proposed Development:

The development will consist of the demolition of the existing former Institutional buildings and associated outbuildings (c.5,231 sq.m) and construction of a new residential development comprising 402 no. apartments (39 no. 1 beds, 302 no. 2 beds and 61 no. 3 beds) within 3 no. blocks ranging in height from 2 to 5 storeys over basement/ lower ground floor. All residential units will be provided with associated private balconies/ terraces to the north/ south/ east/ west elevations. The development will include the following:

- Block A up to 5 storeys over basement/ lower ground floor providing 118 no. units.
- Block B up to 5 storeys over basement providing 123 no. units.
- Block C up to 5 storeys over basement/ lower ground floor providing 161 no. units.

The development will also include a creche (c.656 sq.m) and 2 no. retail units (c.262 sq.m and c.97 sq.m) all located within Block A, along with c.322 sq.m of internal residential communal space located in Block C. The development will include the provision of a new public park in the north of the site along Taylor's Lane.

The development will include 290 no. car parking spaces and 1,054 no. cycle parking spaces provided at basement/surface level. The development will include for a revised vehicular access from Edmondstown Road and an emergency vehicular access from Taylor's Lane along with pedestrian/cyclist accesses to/from the site. The development will include for road improvement works along Edmondstown Road including the existing junction of Scholarstown Road/ Edmondstown Road.

The development will include for all associated site development works, open spaces, landscaping, SuDs features, boundary treatments, plant areas, waste management areas/bin stores, car/cycle parking areas (including EV parking), and services provision (including ESB substation/ kiosks).

Decision

GRANT permission for the above proposed development, in accordance with the said plans and particulars, based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) The location of the site within the established 'Dublin City and Suburbs' area on lands with the zoning objective 'Existing Residential (RES)' as per the South Dublin County Development Plan 2022-2028, which aims to protect and / or improve residential amenity;
- b) The nature, scale and design of the proposed development, which is in accordance with the policies and objectives of the South Dublin County Development Plan 2022-2028;
- c) The pattern of existing and permitted development and the availability of adequate social and physical infrastructure in the area;
- d) The provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;

- e) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- f) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;
- g) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2023;
- h) The provisions of Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) issued by the Department of Environment, Heritage and Local Government in May 2009;
- i) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- j) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- k) The provisions of the Greater Dublin Area Transport Strategy 2022-2042 prepared by the National Transport Authority;
- l) The Climate Action Plan 2023 prepared by the Government of Ireland;
- m) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009;
- n) The submissions and observations received;
- o) The reports from the Planning Authority;
- p) The report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account 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 and observations on file, the information and reports submitted as part of the subject application, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and 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 any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents and drawings submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) The nature and scale of the proposed development, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended,
- (b) The location of the site on lands that are zoned for residential use under the provisions of the South Dublin County Development Plan 2022-2028 and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- (c) The location of the site in an established residential area served by public infrastructure and the existing pattern of development in the vicinity,

- (d) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations,
- (e) 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),
- (f) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended,
- (g) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- (h) 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 the Outline Construction & Environmental Management Plan, the Resource & Waste Management Plan, the Operational Waste & Recycling Management Plan, the Infrastructure Design Report, the Ecological Impact Assessment, the Archaeological Assessment, the Site Specific Flood Risk Assessment, the Air Quality Assessment, and the Environmental Noise Survey,

the Board concluded that, by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that the preparation of an environmental impact assessment report would not, therefore, be required in this case.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the zoning objectives and other policies and objectives of the South Dublin County Development Plan 2022-2028, would constitute an acceptable quantum of development at this location which would be served by an appropriate level of public transport, social and community infrastructure, would provide an acceptable form of residential amenity for future

occupants, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of built heritage impacts, urban design, height and scale of development, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding or increase the risk of flooding to other lands, would not result in any unacceptable ecological or biodiversity impacts, and would be capable of being adequately served by wastewater and water supply networks. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. (a) The mitigation measures outlined in the plans and particulars submitted with this application, including those set out in Table 9 of the Ecological Impact Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.

(b) Prior to the commencement of development, a breeding bird survey shall be undertaken during an appropriate period and utilising current guidance on the undertaking of such surveys.

(c) The specification for green roofs in the development shall be capable of sustaining rooftop meadow grassland.

Proposals in relation to (b) and (c) above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. The lighting scheme shall incorporate the requirements of the Ecological Impact Assessment mitigations measures. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity, public safety, and nature conservation.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. (a) The residential car parking facilities hereby permitted shall be reserved solely to serve the proposed residential units.
(b) The car parking facilities for the creche and retail units shall be reserved for these units and shall not be available to other users.
(c) Parking shall be managed in accordance with the Parking Strategy submitted with the application.

Reason: To ensure that adequate residential and commercial parking facilities are permanently available to serve the proposed development.

9. A minimum of 59 car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning electric vehicle charging stations/ points.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

10. A total of 1,054 no. bicycle parking spaces (832 long term and 222 short term) shall be provided within the site. Details of the layout, marking demarcation

and security provisions for these spaces shall be in accordance with the details submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

11. Prior to the commencement of development, the following shall be submitted to and agreed in writing with the planning authority:

- (a) Plans detailing traffic management measures at the Edmonstown / Scholarstown Road junction.
- (b) Plans ensuring all works integrate with upgraded cycle lane infrastructure and do not conflict with the overall Cycle South Dublin scheme.

Reason: In the interest of traffic safety and sustainable transportation.

12. Prior to the occupation of the development, a finalised Mobility Management Plan (Residential Travel Plan) shall be submitted to and agreed in writing with the planning authority. This plan shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents of the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

13. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

- (b) Proposals in this regard shall comply with the overall principles of the surface water strategy submitted with the application and shall investigate opportunities to include additional natural SUDS features to replace/reduce the proposed extent of underground attenuation.

(c) Full details of surface water drainage proposals, including a management and maintenance plan, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of public health and surface water management.

14. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

15. All plant, including extract ventilation systems, shall be sited in a manner so as not to cause nuisance at sensitive locations due to emissions. All mechanical plant and ventilation inlets and outlets shall be sound insulated and or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations. Basement ventilation shall not be positioned adjacent to apartment terraces.

Reason: In the interests of residential amenity.

16. (a) The site shall be landscaped in accordance with a detailed comprehensive scheme of landscaping and play facilities, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

(b) Proposals shall include additional play space in the main northern public open space, as well as proposals for additional natural and free play opportunities throughout the development.

(c) Proposals shall include a detailed landscape plan for the St Catherine's Gate area of public open space on lands outside the applicant's ownership. The plans shall include the consent (as relevant) from parties with a legal interest in the land, as well as a management and maintenance plan for this area.

(d) The landscaping proposals shall be managed and maintained in accordance with the Landscape Maintenance and Management Report

submitted with the application, unless as otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

17. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

18. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at site offices at all times.

Reason: In the interest of sustainable waste management.

19. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted Ecological Impact Assessment for the application, in addition to the following:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of access points to the site for any construction related activity;
- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of amenities, public health and safety.

Reason: In the interest of amenities, public health and safety.

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the amenities of property in the vicinity.

21. (a) No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

(b) The windows to the proposed creche and retail units shall not be obscured by adhesive material or otherwise, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

22. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.

(b) Details of the legally-constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

23. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

24. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the

matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Act 2000, as amended, and of the housing strategy in the development plan of the area.

25. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

26. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions for Dublin City Council of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the

matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Stephen Ward
Senior Planning Inspector
25th September 2023

Appendix 1: Environmental Impact Assessment Screening Determination Form

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP 317443-23
Development Summary		Demolition of Institutional buildings and associated outbuildings, construction of residential development comprising 402 apartments; Creche, 2 retail units, communal space, new public park, and all associated site development works.
	Yes/ No/ N/A	Comment (if relevant)
1. Has an AA screening report or NIS been submitted?	Yes	An AA Screening Report and a Natura Impact Statement has been 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	
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	The following has been submitted with the application: <ul style="list-style-type: none"> • An Ecological Impact Assessment (EclA) which considers the Habitats Directive (92/43/EEC) and the Birds Directive 2009/147/EC). • An Infrastructure Design Report and Site Specific Flood Risk Assessment which have had regard to Development Plan policies regarding the Water Framework Directive (2000/60/EC) and the Floods Directive (2007/60/EC). • An Operational Waste & Recycling Management Plan which considers the Waste Framework Directive (2008/98/EC). • An Air Quality Assessment which considers the EIA Directive and The European 2008/50/EC Clean Air for Europe (CAFÉ) Directive and National Emissions reduction Commitments (NEC) Directive (2016/2284/EU).

		<ul style="list-style-type: none"> An Environmental Noise Survey which considers EC Directive 2002/49/EC (END). <p>SEA and AA was undertaken by the planning authority in respect of the South Dublin County Development Plan 2022-2028.</p>
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B. EXAMINATION	Response : Yes/ No/ Uncertain	Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
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 surroundings or environment?	Yes	<p>I have acknowledged that the scale and character is significantly different to the existing buildings and the immediately surrounding development. However, there is increasing evidence of similar higher-density apartment development in the wider surrounding area.</p> <p>I have considered the character and scale of the development in section 8.11 of my report, and I do not consider that it would significantly impact on the visual amenity, landscape, or character of the area.</p>	No
1.2 Will construction, operation, decommissioning, or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	<p>The project works will cause physical changes to the topography and land use, but I consider that these changes would be consistent with the existing and emerging pattern of development.</p> <p>The works will be appropriately managed in accordance with a Construction and Environmental Management Plan (CEMP) and a Resource and Waste Management Plan (RWMP).</p>	No

		Together with the Infrastructure Design Report and the mitigation measures included in the EclA, I am satisfied that there will be no significant effects on waterbodies.	
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	<p>The redevelopment of the land (including tree removal) will provide a more suitable and efficient use which is consistent with the existing and planned use of the area. A net volume of 37,000m³ of cut material (no bedrock) will be excavated and waste (construction and operational) will be disposed/re-used in accordance with applicable waste legislation and guidance.</p> <p>The predicted water demand would be consistent with normal residential development. Irish Water have confirmed that there are no objections, and it is not proposed to extract groundwater.</p> <p>The materials/minerals and energy associated with the development would be typical of urban development and would be suitably designed as outlined in section 2.1 of the Building Life Cycle Report and the proposed transport arrangements.</p> <p>Biodiversity resources have been considered in the EclA and the AA Screening Report and I am satisfied (as outlined in sections 8.9 and 9 of my report) that there would be no significant effects on relevant habitats or species.</p>	No
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?	Yes	<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 the CEMP and RWMP will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> <p>Conventional waste produced will be managed through the implementation of the OWRMP.</p>	No

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous/ toxic/ noxious substances?</p>	<p>Yes</p>	<p>Waste produced from construction activity, including 37,000m³ of cut material, total demolition waste of 1,245 tonnes, and construction waste of 9,189 tonnes will be managed through the implementation of the RWMP which estimates that 70% of the waste will be reused/recycled/recovered. Mitigation measures have been included for potentially hazardous construction wastes.</p> <p>Construction noise and dust emissions are likely. Such construction impacts would be local and temporary in nature and implementation of a CEMP will satisfactorily mitigate potential impacts.</p> <p>Operational phase of project does not produce or release any pollutant or hazardous material. Conventional waste will be managed through the OWMP (c. 82,000 litres per week). Other significant operational emissions are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>Project involves underground excavation works with the construction of a basement level, and the removal/ diversion of subsurface water services infrastructure, and installation of new services infrastructure. However, it uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP to satisfactorily address potential risks in relation to contamination of land/ groundwater.</p> <p>Project includes for surface water management systems, designed, and constructed in accordance with GSDSDS. Surface water will be attenuated prior to discharge to the wider drainage network. Wastewater will be discharged to the public system. The potential indirect hydrological and hydrogeological effects have been assessed in sections 8.9 and 8.10 of my report and risks of contamination are not deemed to be significant.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise, light, and vibration emissions. Such emissions will be localised, short term in nature and their impacts will be suitably addressed by the CEMP, the Environmental Noise Survey, and the Lighting Design Report (including associated mitigation measures).</p> <p>Operational phase of project will cause noise and light impacts which would be consistent with the established residential uses in the area and would not result in significant effects.</p> <p>As per section 8.9 of my report, it has also been demonstrated that the noise, lighting or other potential disturbance impacts would not significantly impact on any habitats or species of biodiversity interest (including Habitats Directive Annex IV species such as bats and otters).</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to dust emissions but such emissions will be localised, short term in nature and their impacts will be suitably addressed by the CEMP mitigation measures.</p> <p>The site is not within a drinking water protection area and is served by public mains, and therefore water contamination is not expected to impact on human health. Any potential water impact is also to be addressed by the CEMP.</p> <p>The operational phase will not result in significant effects for human health.</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. There is no significant Flood Risk as outlined in section 8.10 of my report.</p>	<p>No</p>

		The site is not located within close proximity to any Seveso / COMAH sites.	
1.10 Will the project affect the social environment (population, employment)	Yes	<p>Project increases localised temporary employment activity at the site during construction stage. The construction stage impacts on the local population are short term and impacts arising will be temporary, localised, and addressed by the mitigation measures in the CEMP.</p> <p>The development will result in increased population in the area. This would not be significant given the existing and planned residential uses in the area and the proximity of the site to a wide range of supporting uses and facilities.</p>	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	The immediate surrounding area has been developed with housing and other uses in recent years. However, the lands on which housing has been developed are residentially zoned lands, the development of which has been foreseen by the South Dublin County Development Plan 2022-2028, which has undergone an SEA. Other developments in the wider area are not considered to give rise to significant cumulative effects.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) 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	Yes	<p>Project not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection.</p> <p>The EclA and AA Screening Report has considered the proximity and potential connections to designated/ecological sites in the wider surrounding area. Consistent with findings and section 8.9 and 9 of my report, I am satisfied that there would be no significant effects on same.</p>	No

<p>2.2 Could any protected, important, or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>Yes</p>	<p>The potential for impacts has been considered in sections 8.9 and 9 of my report. The EclA has appropriately surveyed and classified the habitat and flora on the site and surrounding area. I would concur that any loss of habitat would be of limited value and that adequate mitigation measures have been included.</p> <p>There is no significant evidence of terrestrial mammal activity on site. There is no evidence of otter activity on or immediately adjoining the site, and mitigation measures have been suitably designed to protect the surrounding water courses and avoid significant disturbance.</p> <p>The potential loss of bat roosting features (trees and buildings) has been acknowledged and appropriate mitigation measures have been included. Furthermore, the relatively small population of common species would not be significantly affected in terms of commuting/foraging habitat or flight lines.</p> <p>The site is not significant for wintering bird species. Subject to a breeding bird survey and the proposed mitigation measures, I am satisfied that the proposed development would avoid significant effects on bird habitat/species.</p> <p>The AA screening exercise (section 9 of my report) has satisfactorily established that the development would not be likely to have significant effects on any European Sites.</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>Yes</p>	<p>As outlined in section 8.11 of this report, I am satisfied that the proposed development would not significantly impact on any landscape, historic, or cultural features. Archaeological monitoring will satisfactorily address the potential for archaeological findings.</p>	<p>No</p>

<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 resources on or close to the site.</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>As previously outlined, the site is not at significant risk of flooding. The potential hydrological and hydrogeological connections have been acknowledged and assessed, and there is no potential for significant effects in terms of volume or water quality (see sections 8.9 and 8.10 of my report).</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No evidence identified of these risks.</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 urban road network, public transport services, as well as a range of pedestrian/cycle links. I have considered these services in section 8.4 of my report, and I do not consider that there would be any significant congestion effects at construction or operational stage. The development would be suitably designed and managed to promote sustainable transport modes and would not result in significant environmental problems such as excessive transport emissions etc.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>Yes</p>	<p>The proposed development would be adequately distanced/screened from the healthcare and ecclesiastical services to the south of the site. I am satisfied that there would not be excessive pressure placed on community facilities (including schools) in the wider area (see section 8.7 of my report). In sections 8.6 and 8.12 of my report, I have outlined that the proposal would not result in any significant effects on surrounding properties.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/ or approved development result in cumulative effects during the construction/ operation phase?	No	The applicant's EIA Screening Report and other assessments submitted with the application appropriately consider the nature and extent of existing/permited development in the vicinity of the site. The majority of existing/planned development is of a similar residential nature and includes the potential for cumulative effects at construction stage (e.g. traffic, noise, dust) and operational stage (e.g. traffic, wastewater emissions). However, I consider that these effects are consistent with the existing and planned used of the area and that they would be suitably mitigated by design measures and conditions to avoid significant effects (see sections 8.4, 8.10, and 8.12 of my report).	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?	No	No	No
C.CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to:

- (a) The nature and scale of the proposed development, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended,
- (b) The location of the site on lands that are zoned for residential use under the provisions of the South Dublin County Development Plan 2022-2028 and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- (c) The location of the site in an established residential area served by public infrastructure and the existing pattern of development in the vicinity,
- (d) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations,
- (e) 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),
- (f) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended,
- (g) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- (h) 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 the Outline Construction & Environmental Management Plan, the Resource & Waste Management

Plan, the Operational Waste & Recycling Management Plan, the Infrastructure Design Report, the Ecological Impact Assessment, the Archaeological Assessment, the Site Specific Flood Risk Assessment, the Air Quality Assessment, and the Environmental Noise Survey,

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 is not therefore required.

Inspector _____

Stephen Ward

Senior Planning Inspector

Date: _____