



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319353-24

#### Development

Large scale residential development: -  
Demolition of "Saint Winnows",  
construction of 119 dwellings, provision  
of a new vehicular access point from  
Stocking Lane, closure of the existing  
entrance to Saint Winnows and all  
associated site/infrastructural works.

#### Location

Saint Winnows, Stocking Lane,  
Rathfarnham, Dublin 16 & adjoining  
lands, D16 H9R2.

#### Planning Authority

South Dublin County Council

#### Planning Authority Reg. Ref.

LRD23A/0014

#### Applicants

Rycroft SLR Limited

#### Type of Application

Permission for Large-Scale Residential  
Development

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party

#### Appellants

Rycroft SLR Limited

#### Observers

None

**Date of Site Inspection**

23<sup>rd</sup> May 2024

**Inspector**

Margaret Commene

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## 1.0 Site Location and Description

- 1.1. The subject site, at Stocking Lane, is located in the south Dublin suburb of Ballyboden within the foothills to the Dublin Mountains, approximately 8km from the city centre, 2.3km south of Rathfarnham village and 400m north of the M50 motorway. It is located proximate to Dublin Bus Route No. 15B, running along Stocking Lane (immediately west) and Dublin Bus Route No. 161, running along Edmondstown Road (to the east accessible via the Springvale Housing Estate).
- 1.2. The subject site comprises a 2.56ha irregular shaped greenfield site on the eastern side of Stocking Lane, south of the junction with Scholarstown Road in Dublin 16. More specifically, the site has a c. 130 metre frontage onto Stocking Lane, a two-lane leafy tree-lined regional road (R115) that features a separate elevated pedestrian and cycle path on its western side. The majority of the site comprises undeveloped land, currently used for agricultural purposes and served by a gated access on a residential lane off Stocking Lane in the north-western corner of the site. Its perimeter is defined by a mix of fences, stone and block walls, and sections of mature trees, hedgerows and scrub. The remainder of the subject site (northernmost part) features a c. 178sqm 4-bedroom detached 2-storey house, known as Saint Winnows, which is accessible via the residential lane off Stocking Lane. This dwelling is setback from Stocking Lane by c. 50 metres and features a number of large established trees/established hedgerows along its perimeter. The application site also includes sections of the public road at Stocking Lane and the Springvale estate road. There is a level difference across the subject site, falling by c. 6 metres from south to north. An underground waterworks overflow pipe runs centrally through the site and 5 metres below ground level, leading from Ballyboden waterworks through to the Springvale Housing Estate and terminating at the Owendoher river further east.
- 1.3. The area surrounding the subject site generally comprises a mature residential area characterised primarily by suburban residential housing estates and single dwellings along Stocking Lane, in a variety of architectural styles. More specifically, the site's northern boundary abuts Coolamber and Rookwood House, which is a protected structure (RPS Ref. 327). These properties comprise of large, detached houses on large expansive grounds. The site's southern and eastern boundaries flank the Prospect Manor Housing Estate and Springvale Housing Estate and the Springvale

Housing Estate, respectively, which comprise primarily of detached and semi-detached double storey dwellings. To the west, on the opposite side of Stocking Lane, is the Ballyboden Water Reservoir and Waterworks, which supplies water to the area and also features a protected structure (RPS Ref. 333).

## **2.0 Proposed Development**

- 2.1. Planning permission was sought for (in summary): A) Demolition of the existing "St. Winnows" detached house; B) Construction of 119 residential units (33 1-bedroom units, 50 2-bed units, 28 3-bed units and 8 4-bed units) ranging from 2-4 storeys in height; C) Open space is proposed in the form of (i) 4 public open space areas (approx. 3.936 sqm) and (ii) residential communal open spaces (approx. 386 sqm), including a playground; D) Provision of a new vehicular access point from Stocking Lane and closure of the existing entrance to St. Winnows; E) Shared pedestrian and cycle access at the eastern boundary of the site to neighbouring Springvale estate, raised signal controlled pedestrian crossing to the south west of the site across Stocking Lane and shared pedestrian and cycle lane connection to the permitted development to the north along Stocking Lane (ABP-311559-21/Reg. Ref SD21A/0194); F) A total of 125 car parking spaces, including 2 accessible parking spaces, 1 Driveyou Space, and 6 EV charging spaces; G) A total of 249 bicycle parking spaces; H) 2 ESB kiosks; I) Bin store area for the apartment block. All associated site and infrastructural works include provision for water services; foul and water surface water drainage and connections; internal roads, attenuation proposal; permeable paving; all landscaping works including green infrastructure zones; green roofs; roof plant room and general plant areas; photovoltaic panels; landscaped boundary treatment; footpaths; public lighting and electrical services.
- 2.1. The phasing proposed (as per Drawing No. SLN-00-SP-DR-JFA-AR-P1104) is as follows:
- Phase 1 – House Nos. 1-18 and public open space area in the north-western corner of the site.
  - Phase 2 – House Nos. 58-80, Apartment Block containing Units No. 81-119 and public open space area in the south-western corner of the site.

- Phase 3 – Duplex Units 33-36 and House Nos. 37-57 in the south-eastern corner of the site and public open space area featuring centrally.
- Phase 4 – Duplex Units 19-22, House Nos. 23-28, Maisonette Units 29-32 and public open space area in the north-eastern corner of the site.

2.2. In terms of materials and finishes, the proposed residential units feature concrete roof tiles, brick finish to selected colour, painted nap plaster finish to selected colour and selected metal finish with standing seam to canopy/dormer.

2.3. A summary of the key site statistics/details of the proposed development are provided in the table below:

<b>Site Area</b>	2.56ha (net area is 2.32ha, excluding the part of the covered by a wayleave and areas of public road included in the application boundary)
<b>Demolition Works</b>	c. 177.9 sqm
<b>No. of Residential Units</b>	119 residential units (see table regarding mix below)
<b>Part V Provision</b>	24 Part V units (5 x 1-bed apartments, 5 x 2-bed apartments, 7 x 2-bed houses, 3 3-bed houses, 2 x 2-bed maisonettes, 1 x 1-bed duplex unit and 1 x 2-bed duplex unit).
<b>Total Gross Floor Area</b>	10,400sqm
<b>Open Space</b>	3,936sqm of public open space (provided across 4 areas) and 386sqm of communal open space
<b>Car Parking</b>	125 in total, including 2 accessible parking spaces, 1 Driveyou Space, and 6 EV charging spaces (20 serving the apartment block, 7 serving duplex and maisonette units, 38 serving the 2 & 3 Bed (4 person) houses and 60 serving the 3 Bed (5 person) & 4 Bed houses)
<b>Bicycle Parking</b>	249 in total (54 serving apartment residents, 92 serving mid-terraced house/duplex unit residents, 68 serving house/maisonette residents, 8 serving duplex unit residents and 27 serving visitors to the apartments/maisonettes)
<b>Density</b>	51 units per hectare (based on a net area of 2.32ha)

<b>Height</b>	2-4 storeys
<b>Plot Ratio</b>	0.65 (based on net area)
<b>Site Coverage</b>	21.9%
<b>Dual Aspect Apartments</b>	32 units (62.7%)

2.4. The following is a summary breakdown of the unit types proposed:

<b>Dwelling Size</b>	<b>Houses</b>	<b>Apartments, Maisonettes &amp; Duplex Units</b>	<b>Total (%)</b>
<b>1-bed</b>		33	33 (27.5%)
<b>2-bed</b>	32	18	50 (42%)
<b>3-bed</b>	28		28 (23.5%)
<b>4-bed</b>	8		8 (7%)
<b>Total</b>	68	51	119 (100%)

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

- Architectural and Masterplanning Design Statement.
- Housing Quality Assessment and Development Schedules.
- Planning Report and Statement of Consistency.
- Statement of Response to LRD Opinion.
- Universal Design Statement.
- Landscape Design Statement.
- Landscape and Visual Impact Assessment.
- Green Infrastructure Plan.
- Engineering Services Report.
- Arboriculture drawings, tree protection plan, tree survey and report.
- SuDs Strategy.

- Site Specific Flood Risk Assessment.
- Public Lighting Report.
- Climate Action and Energy Statement.
- Sustainability & Energy Report M & E.
- Traffic and Transport Statement, including DMURS statement required for application and parking strategy.
- Preliminary Mobility Management Plan.
- Road Safety Audit – Stage 1.
- Swept Path Analysis.
- Building Life Cycle Report.
- Noise Assessment and Acoustic Design Statement.
- Childcare Needs Assessment.
- Community Infrastructure Audit.
- Ecological Impact Assessment including Bat Survey.
- Appropriate Assessment Screening Report.
- EIAR Screening Report.
- Verified Views/CGIs/Photomontages.
- Sunlight/Daylight/Shadow Analysis.
- Archaeology and Built Heritage Assessment.
- Geophysical Survey.
- Operational Waste Management Plan.
- Resource Waste Management Plan.
- Confirmation of Feasibility from Irish Water.

### **3.0 Planning Authority Opinion**

- 3.1. The Planning Authority and the Applicant convened a meeting under Section 32C of the Planning and Development Act, 2000 (as amended), for the proposed Large-scale



Residential Development on 7<sup>th</sup> September 2023. The record of that meeting is attached to the current file.

- 3.2. Further to that meeting, the Planning Authority issued an opinion, on 4<sup>th</sup> October 2023, under Section 32D of the Act stating that the documents that had been submitted constituted a reasonable basis on which to make an application for permission for the proposed LRD subject to specific further consideration and amendment.
- 3.3. The detailed assessment contained within the Opinion highlights those areas for the applicant to reconsider or address when making a future planning application. These can be summarised as follows:
- 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.
  - A robust justification of the unit mix with regard to Policy H1 Objective 12.
  - Demonstrate compliance with green infrastructure policies contained within the Development Plan.
  - Revised plans for the landscaping and public open space provision at the site, maximising the useability and accessibility of all areas, ensuring the reduction in the loss of and provision for the protection of trees and hedgerows along the site boundaries.
  - Revise the design and demonstrate how a connection to Springvale will be delivered.
  - Provide detailed drawings and calculations for SuDS, providing additional natural above ground SuDS as well as revised surface water attenuation and catchment area calculations.
  - Ensure underground attenuation is minimised and not included underneath areas of public open space.
- 3.4. The Opinion also stated that, in the event that the applicant proceeds to submit a planning application, the LRD application should include:
1. Housing Quality Assessment.
  2. Schedule of Accommodation.

3. Adequate information in relation to the calculation of Development Contributions.
4. A section in Planning Report to demonstrate compliance with, or robust justification for not complying with, Policy H1 Objective 12.
5. Architect's Design Statement, including details on how 'The Plan Approach' has been followed (see Policies QDP1 and QDP2 of the County Development Plan) and a detailed analysis of the proposal and statement based on the guidance, principles and performance-based design criteria set out in South Dublin County's Height and Density Guide.
6. Sunlight and Daylight Analysis.
7. Green Infrastructure Plan.
8. Green Space Factor Calculations.
9. Street Tree Planting Plan.
10. Landscape Plan.
11. Ecological Impact Assessment.
12. Traffic and Transport Assessment.
13. Taking in Charge drawing and proposals.
14. Stage 1 Road Safety Audit.
15. Layout Plans and cross section analysis, as appropriate, to show: - details of connections to adjoining/adjacent development sites (including Springvale to the east), and to Stocking Lane; details/layouts of the vehicle access junction into Stocking Lane; fully dimensioned cross sections of all streets; Swept Path Analysis demonstrating fire tenders/large refuse vehicles access/egress; refuse collection points locations (apartments); autotrack of vehicles entering/exiting the development; EV charging car parking spaces (20% required); and Mobility Impaired Car Parking Spaces (total of 5%).
16. SUDs Strategy, including: - SUDs Design details; revised report showing surface water attenuation calculations; revised calculation reports showing increased surface water attenuation provided; an examination if additional surface water attenuation can be provided in green areas and by means of SuDS (Sustainable Drainage Systems); if underground tanks present, why these cannot be excluded

from the design; SUDs Layout identifying the different types of SUDs features; maximise use of permeable surfaces and stormwater attenuation; underground attenuation to be considered as a last resort only; demonstrate adherence to SDCC SUDs guidance; and drawing showing cross sectional views of all SuDS features.

17. SUDS Management.

18. Confirmation of Feasibility from Uisce Éireann.

19. Appropriate Assessment Screening Report.

20. Environmental Impact Assessment Report (EIAR) or Screening Report, as necessary.

21. Building Lifecycle Report.

22. Social Infrastructure Audit.

23. Part V Proposals

24. A statement of response to the issues set out in the LRD Opinion.

25. A statement that in the applicant's opinion, the proposal is consistent with the relevant objectives of the development plan for the area.

## **4.0 Planning Authority Decision**

### **4.1. Decision**

On 23<sup>rd</sup> February 2024, the Planning Authority refused permission for the following reason:

- 1. Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, the overall layout and design of the development as currently proposed is poor and fails to make the most of the existing green infrastructure and the ecosystem services it provides, as well as the amenity potential of the site. More particularly, the open space layout and the siting of existing green infrastructure within private rear gardens, loss of green infrastructure, failure to meet the Green Space Factor score, inadequate provision of nature-based SUDS amount to a poor layout and design. As such,*

*the proposals are contrary to the provisions of Policy GI1 Green Infrastructure Overarching, Policy GI2 Biodiversity, Policy GI3 Sustainable Water Management, as well as contrary to GI1 Objective 4, GI2 Objectives 1, 2 and 4 and GI4 Objective 1 of the South Dublin County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area and if permitted would set an undesirable precedent for similar unsatisfactory development.*

## **4.2. Planning Authority Reports**

### **4.2.1. Planning Reports**

- Residential development is permitted in principle under the 'RES' zoning objective applying to the site.
- The LRD application is not considered to have addressed some issues raised by the Planning Authority in their Opinion, the following comments provided (in summary) in this regard:
  - Height and density justification: - having regard to the height distribution across the site, the proposed building heights and density are considered to be acceptable in principle.
  - Unit mix justification: - Given concerns in relation to open space, it is considered that a higher provision of unit typologies that allow for the provision of open space managed communally (such as apartments or duplexes), would provide for better protection of existing green infrastructure.
  - Compliance with green infrastructure policies: - The revised site layout provides for a 'Green Exclusion Zone', which includes the retention of a section of the trees and hedgerows along the southern site boundary. The Public Realm Section and Planning Department have concerns with the maintenance of part of this area.
  - Revised plans for landscaping and public open space provision: - While the quantum of public/communal open space proposed complies with the Development Plan and 2023 Apartment Guidelines, the layout proposed is of concern. The narrow strip of open space proposed along the southern site

boundary is of particular concern, specifically its amenity value and viability of its retention. The Public Realm Section and Planning Department have concerns that the overall layout and design of open space would not facilitate the adequate retention and protection of trees and hedgerows along site boundaries where intended. While it is noted that the site has certain constraints (i.e. wayleave), the lack of compliance with the policies and objectives of the Development Plan in relation to green infrastructure and the Green Space Factor indicates a poor layout design of the development. Refusal on this basis is therefore recommended.

- Connection to Springvale: - a shared pedestrian and cyclist connection has been adequately provided, however, a vehicular connection would not be feasible.
- SuDS detailed drawings and calculations/underground attenuation: - justification for the provision of underground attenuation has not been adequately addressed. The Water Services and Public Realm Sections have recommended refusal in relation to SuDS.
- Demolition of St. Winnows is considered acceptable as it has not been noted as having any special architectural or historic significance.
- It is considered that the proposed development would not have a significant negative impact on archaeological or architectural conservation.
- The general strategy of providing for higher density development in the western portion of the site, allowing for lower impact on the adjoining established residential area to the east, is acceptable. The duplex and maisonette units proposed around the public open spaces provide for active frontages to these spaces, the principle of which is welcomed.
- The main internal street runs largely along the existing wayleave through the site. Having regard to the build constraints of this wayleave, this road layout is considered acceptable. The principle of the access point in the eastern site boundary is welcomed. The Roads Department report raised no concerns with the no. of car or bicycle parking spaces proposed. A no. of conditions would be required to address concerns raised by the Roads Department regarding specific

items. The Public Realm Section have raised concerns in relation to the lack of street tree provision proximate to surface car parking areas.

- Having regard to the layout and design of building height across the site (including the 4-storey apartment block), it is considered that the proposed development would not seriously adversely impact existing residential amenity by way of overbearing or overlooking impacts. The proposed heights can be accommodated without concern.
- Given the site's location, public transport provision, and the characteristics of the site, it is considered that the proposed density of 51dph could be accommodated at the subject site. Given the scarcity of readily developable lands within the M50, the relatively large scale of this infill site and the resultant less-constrained nature of the receiving environment, the proposals are considered acceptable in terms of density but are at the lower end of the site's potential yield of homes.
- Having regard to the content of the Sunlight and Daylight Assessment submitted, it is considered that the proposed development is acceptable in terms of overshadowing impact and daylight and sunlight access.
- The finishes proposed to the house, duplex and maisonette units are considered generally acceptable.
- Discrepancies between the Housing Quality Assessment and apartment floor plans are noted. As the submitted layout drawings demonstrate compliant apartments, it is considered that the proposed development accords with this requirement. Submitted documents otherwise demonstrate that the proposed development would comply with the relevant guidelines.
- Concern raised in the LRD Opinion Report regarding the internal configuration of the proposed maisonette units (first floor unit living space directly above the ground floor bedroom areas) have been addressed via a redesign. However, the access arrangement for garden areas serving upper floor maisonette units are considered undesirable. This aspect of the development requires amendment by way of condition.
- The unit mix, as proposed, is considered acceptable in principle, including in the context of Policy H1 Objective 12. There is an existing low portion of apartment

and duplex typologies for the area. A revised site layout to address issues relating to green infrastructure and SuDS provision could result in the provision of alternative unit typologies, with a higher proportion of communally maintained open space, thus protecting/maintaining existing green infrastructure.

- Having regard to the proposed unit mix and childcare needs assessment submitted, the lack of on-site childcare facility provision may be considered acceptable at the subject site.
- Communal open space is not provided proximate to the maisonette unit block (particularly given the concerns raised earlier regarding the accessibility of the private open space for the upper floor units). Subject to an amendment of open space access/position for proposed maisonette units, it is considered that the proposed quantum/quality of communal open space would be in compliance with the Development Plan and 2023 Apartment Guidelines.
- The quantum of public open space complies with the Development Plan requirements. However, it is considered that the current proposal provides for insufficient play spaces/opportunities within the subject development and concerns remain in relation to the layout with regards to existing natural features and green infrastructure.
- The Public Realm Section and Planning Department have serious concerns regarding how the layout and design of the area would adequately provide for the management and protection of the proposed 'Green Exclusion Zone' along the southern boundary/retention of existing trees and vegetation on site. The development as currently proposed fails to satisfactorily demonstrate that the proposal incorporates Green Infrastructure as an integral part of the design of the scheme; enhances South Dublin's GI network; protects and enhances the biodiversity and ecological value of the existing GI network by protecting existing ecological features; or sufficiently integrates GI as an essential component of the development. The proposed development also fails to meet the required Green Space Factor score (a score of 0.37 is achieved which is below the 0.5 minimum required).
- The proposal would not include for satisfactory SuDS measures, utilising attenuation tanks/failing to maximise the use of natural SuDS features, and

insufficient justification for the incorporation of underground attenuation has been provided by the applicant. Both the Water Services and Public Realm Sections have reviewed the proposed development and recommended refusal. The proposed development would thus be contrary to the provisions of GI4 Objective 1 and the SDCC Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

- Given the concerns regarding the protection/incorporation of existing green infrastructure, the development's failure to achieving the GSF and the unsuitability of the SuDS strategy adopted, it is considered that the development, as currently proposed, is poorly designed. The development as proposed would thus not accord with Policy GI1 Green Infrastructure Overarching, Policy GI2 Biodiversity, Policy GI3 Sustainable Water Management, as well as the provisions of GI1 Objective 4, GI2 Objectives 1,2 and 4, GI5 Objective 4, or GI4 Objective 1 of the 2022-2028 South Dublin County Development Plan. Refusal of permission is therefore recommended.

#### 4.2.2. ***Other Technical Reports***

**Roads Department (2/02/2024):** Recommended that conditions be attached to any grant of permission (regarding public lighting, Mobility Management Plan, Construction Traffic Management Plan and Construction and Demolition Waste Management Plan) and requested that additional information be requested in relation to the following: - the pedestrian access between Prospect Health and the proposed development; the temporary arrangement for the pedestrian connection to Coolamber; elevation drawings detailing the cycle/pedestrian link to Springvale; and taking in charge areas.

**Public Realm (20/01/2024):** Recommended that the application be refused for the following reasons (in summary): - non-compliance with relevant SUDS Policies within the CDP 2022-2028 or with SDCC Sustainable Drainage Explanatory Design & Evaluation Guide 2022 Sustainable Drainage Systems – SDCC; the proposed layout fragments important Green Infrastructure links through the site and is not in compliance with relevant GI Policies within the CDP 2022-2028; the required Green Space Factor has not been achieved; the layouts significant negative impact on trees and hedgerow; a lack of street trees; insufficient public open space provision; and the poor quality of open space/play provision.



**Water Services (23/01/2024):** Recommended that the application be refused for the following reasons (in summary): - Underground tanks are unacceptable for surface water attenuation and the proposal is contrary to SDCC SuDS (Sustainable Drainage Systems) Guide/Policy GI4 as SuDS have not been used to the maximum level in developments because of the proposed location of houses; the removal of trees west of site; inaccuracies in surface water attenuation calculations submitted; the discharge rate utilised in Area A is high at 4.29 l/second/discharge rate for Area A is estimated to be 3.89 l/second; and excessive pipes and drainage grill/manhole proposed in detention basin which should have a grass surface. If the development is to be granted, they recommended that conditions be attached requiring the provision of more street trees/removal of underground tanks and removal of trees/manholes from the centre of the detention basin.

**Environmental Health Officer (29/01/2024):** No objection, subject to conditions.

**South Dublin County Childcare Committee (18/01/2024):** Considered planning permission to be unfeasible without any allocation of a creche, having regard to the requirements under the Childcare Facilities - Guidelines for Planning Authorities, 2001.

#### 4.3. Prescribed Bodies

**Uisce Éireann (1/02/2024):** No objection, subject to conditions.

**Transport Infrastructure Ireland (15/01/2024):** No observations to make.

**Dept. of Housing, Local Government and Heritage (2/02/2024):** Requested further information, more specifically the carrying out of an Archaeological Impact Assessment inclusive of a programme of Archaeological Test Excavations.

#### 4.4. Third Party Observations

12 third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Impact on sunlight/loss of light.
- Loss of privacy and overlooking.
- Overbearing impact on surrounding development.

- Site layout, with reference to separation distances proposed; unit design and height; quantum of open space provision to dwelling units of the proposed scheme; and siting of proposed units relative to existing adjacent properties.
- Specifics of boundary treatments proposed/required, with reference to anti-social behaviour and security; amenity value of existing boundary wall proposed for removal; and impact of proposed development on structural integrity of existing/shared boundary treatments.
- Impact on existing character of the area.
- Density of the proposal, with reference to non-compliance with the 2024 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities due to density proposed; and separately that the development represents overdevelopment of the site in the context of existing densities in the area.
- Necessity for proposed pedestrian and cycle link to Springvale, with reference to security and antisocial behaviour concerns.
- Removal of existing trees on site, and loss of hedgerows and embankments.
- Impact on ecology.
- Flood risk, with reference to historic water flow from the subject site and impact of built form and hard landscaping of proposed scheme on same.
- Capacity of existing service infrastructure into which connections for the development are proposed.
- Capacity of childcare services and community facilities.
- Parking provision, with reference to potential overflow parking from the development in adjoining estates and refuse collection access.
- Traffic generation, with reference to residential developments granted permission in the wider context of the site in the preceding years.
- Existing public transport services in the area, and capacity of same.
- Noise and air pollution, with reference to construction phase of development.
- Impact of construction period on amenities of adjacent residential development.

- Previous refusals of permission on site.
- Current proposal has not adequately addressed issues raised by residents in the area previously.
- Contrary to County and national-level policy, with reference to provisions of the SDCC Development Plan, planning legislation, EU Habitats Directive, Water Framework Directive, EIA Directives, and Architectural Heritage Protection Guidelines.
- Specifics of particular submitted, including identification/location of trees for removal; accuracy of stated flood risk potential; scope of existing residences included in sunlight analysis undertaken; assertions regarding traffic volumes in the submitted Transport Assessment; accuracy of built form of existing adjacent residential properties on plans submitted; lack of environmental impact assessment determination; and adequacy of ecological surveys submitted.

## 5.0 Planning History

5.1. The following previous applications pertaining to the subject site are of relevance:

### ***ABP Ref. ABP-311616-21***

This application involved a proposal for a strategic housing development involving: - construction of 131 residential units (108 apartments, 2 duplexes and 21 houses), a crèche, a shop, car and bicycle parking and associated site works.

The development was granted permission by the Board in February 2022, subject to 30 conditions. The Board's Decision was subsequently quashed by Order of the High Court in April 2024 (arising from High Court Judgment [2024] IEHC 66). The reasons for quashing the decision can be summarised as follows (the Court rejecting all other grounds of challenge): -

- Given the applicant did not demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála the adequacy of public transport capacity, the Board unlawfully applied Specific Planning Policy Requirement 3 (SPPR3) included in the Urban Development and Building Heights - Guidelines for Planning Authorities (2018); and

- On the basis of compliance with aforementioned SPPR3, the Board unlawfully relied on Section 37(2)(b)(iii) of the Planning and Development Act, 2000 (as amended).

**ABP Ref. ABP-308763-20**

This application involved a proposal for a strategic housing development involving: - construction of 131 residential units (110 apartments/duplexes and 21 houses), a crèche, a retail unit and associated site works, including two vehicular accesses and pedestrian/cycle crossings.

The development was refused by the Board on 25<sup>th</sup> March 2021 for the following reason:

*Having regard to the provisions of the South Dublin County Development Plan 2016-2022, specifically Housing (H) Policy 9 – Objective 3 requiring proposals to comply with Section 11.2.7 of the South Dublin County Development Plan 2016-2022, which states that new residential development that would adjoin existing one and/or two-storey housing, shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved, and to the form, height and layout of the proposed development, it is considered that the proposed development materially contravenes the Housing (H) Policy 9 – Objective 3 of the South Dublin County Development Plan 2016-2022.*

*Furthermore, the statutory requirements relating to public notices and the submission of a material contravention statement have not been complied with by the applicant. Accordingly, the Board is precluded from granting permission in circumstances where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.*

**PA Reg. Ref. SD18A/0225**

Permission was refused by South Dublin County Council on 13<sup>th</sup> August 2018 for: - 3 apartment blocks, two and three storeys in height, providing 46 apartments, one crèche and one retail unit; 49 houses; new entrance location and design at Stocking Lane with a new access road and pavement to service the development; new separate

pedestrian access with cycleway and pavement off Stocking Lane and new pedestrian access to Springvale.

## 5.2. Adjacent Sites

5.2.1. There have been 2 recent applications on sites adjacent to the subject site that are pertinent to the current proposal. These are summarised below.

Rookwood House, Stocking Lane, Ballyboden, Dublin 16 (immediately north of the subject site)

### ***PA Reg. Ref. SD21A/0202 (ABP Ref. ABP-313499-22)***

This application related to a proposal for (in summary): - demolition of structures on the site and the in-filling of a swimming pool; construction of 11 houses surrounding Rookwood House (which is a Protected Structure (RPS Ref. 327)), which is to be retained; setback, widening and relocation of a site entrance northwards along the public road; a new pedestrian entrance; and all associated works.

Permission was granted by South Dublin County Council in April 2022 (for 10 houses, 1 having been omitted at Further Information Stage). The Planning Authority's decision (more specifically Condition No. 3(e) requiring a pedestrian access / footpath to adjoining lands around unit 4) was subsequently appealed to An Bord Pleanála by a third party (ABP Ref. ABP-313499-22). The Board determined to amend Condition No. 3 (omitting part (e)) in October 2023.

Coolamber, Stocking Lane, Dublin 16 (immediately north of the subject site)

### ***PA Reg. Ref. SD21A/0194 (ABP Ref. ABP-311559-21)***

This application related to a proposal for (in summary): - construction of 4 dwellings and 5 duplex units (in a 2 storey block); demolition of conservatory attached to Coolamber House; and all ancillary works.

Permission was refused by South Dublin County Council in October 2021. The Planning Authority's decision was subsequently appealed to An Bord Pleanála by the applicant (ABP Ref. ABP-311559-21). The Board, concluding that the proposed development would be acceptable, granted permission for this application in August 2023.

I note the subject proposal looks to tie in with the shared pedestrian/cycle lane connection permitted as part of this development to the north.

### **5.3. Sites in the Vicinity**

5.3.1. There have been 2 recent applications in the vicinity of the subject site that are worth noting in the context of the current proposal. These are summarised below.

Taylors Lane and Edmondstown Road, Taylors Lane, Ballyboden, Dublin 16 (north-east of the subject site)

#### ***PA Reg. Ref. LRD23A/0002 (ABP Ref. ABP-317443-23)***

This application involved a proposal for a large scale residential development involving (in summary): - demolition of institutional buildings/associated outbuildings; construction of residential development comprising 402 apartments, within 3 blocks ranging in height from 2 to 5 storeys over basement/ lower ground floor, a creche, 2 retail units and a new public park, served by 290 car parking spaces, 1,054 cycle parking spaces and a revised vehicular access from Edmondstown Road; and all associated site development works.

Permission was granted by South Dublin County Council in May 2023. The Planning Authority's decision was subsequently appealed to An Bord Pleanála by third parties (ABP Ref. ABP-317443-23). The Board, concluding that the proposed development would be acceptable, granted permission for this application in October 2023.

Garretstown House, Stocking Lane, Rathfarnham, Dublin 16 (south of the subject site)

#### ***PA Reg. Ref. SD20A/0170 (ABP Ref. ABP-311559-21)***

This application related to a proposal for (in summary): - demolition of 2 storey dwelling; construction of 24 two, three and four bedroom terraced houses, vehicular/pedestrian access from Stocking Lane and public open space; and all associated site works and services.

Permission was granted by South Dublin County Council in December 2020. The Planning Authority's decision was subsequently appealed to An Bord Pleanála by third parties (ABP Ref. ABP-311559-21). The Board, concluding that the proposed development would be acceptable, granted permission for this application in June 2022.

## 6.0 Policy Context

### 6.1. National Policy

#### 6.1.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 National Policy Objectives. The following objectives are of note in this instance:

- NPO 3(a) - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO11 - In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 33 - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35 - To increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### 6.1.2. Housing for All – A New Housing Plan for Ireland to 2030 (2021)

A multi-annual, multi-billion euro plan which will 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 and in the right place.
- offering a high quality of life.

#### 6.1.3. Climate Action Plan 2024

The Climate Action Plan 2024 seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050. It comprises the third annual update to Ireland's

Climate Action Plan and builds upon the 2023 plan by refining and updating the measures/actions required to deliver the carbon budgets and sectoral emissions ceilings. The plan calls for a reduction in emissions from residential buildings and in transport emissions. The reduction in transport emissions includes a reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

#### **6.1.4. Section 28 - Ministerial Guidelines**

The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Childcare Facilities, Guidelines for Planning Authorities (2001).
- Architectural Heritage Protection Guidelines for Planning Authorities (2011).

#### **Other Relevant Policy Documents include:**

- Greater Dublin Area Transport Strategy 2016-2035
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Cycle Design Manual (2023).



## 6.2. Regional Policy

### 6.2.1. Regional Spatial and Economic Strategy for the Eastern and Midlands Area, 2019

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Area (adopted June 2019) provides a framework for development at regional level. The RSES encourages promotes the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint. The site is located within the identified ‘Dublin City and Suburbs’ area. The following Regional Policy objectives are noted in particular:

- RPO 3.2 Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO 4.3 Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

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.

## 6.3. Local Policy

### 6.3.1. South Dublin County Development Plan 2022-2028

#### Land Use Zoning

The subject site is zoned ‘RES - Existing Residential’ in the South Dublin County Development Plan 2022-2028 with a stated objective to ‘*protect and/or improve residential amenity*’.

### Other Relevant Sections/Policies

The subject site falls within the Take Off Climb Surfaces, Approach Surfaces, Outer Horizontal Surface, and Bird Hazards aviation layers outlined for Casement Aerodrome in the South Dublin County Development Plan 2022-2028.

Stocking Lane, which runs immediately adjacent to the site's western boundary, is included in the Six Year Road Programme of road upgrades outlined in the South Dublin County Development Plan 2022-2028. More specifically, the Development Plan seeks to '*enhance pedestrian and cycling facilities and exploit the tourist potential of the route.*'

Rookwood House, located on the adjoining lands to the north, and the Ballyboden Waterworks Reservoir, to the west on the opposite side of Stocking Lane, are included on the register of protected structures (RPS No. 327 and RPS No. 333, respectively).

The following policies are considered relevant to the consideration of the subject proposal:

### **Chapter 2 Core Strategy and Settlement Strategy**

A Land Capacity analysis was carried out by the Planning Department to calculate the potential yield of undeveloped land (RES, RES-N, TC, REGEN, VC, DC, LC and SDZ) zoned in the 2016-2022 County Development Plan. The subject site is identified as a Housing Capacity Site, in Figure 9 included in Section 2.6.1 Land Capacity Study. Table 9 Capacity of undeveloped lands within South Dublin outlines that residentially zoned land (greenfield sites specifically) in Templeogue/Walkinstown/Rathfarnham/Firhouse has the potential to provide 3,946 units. Table 11 Core Strategy Table 2022-2028 outlines a housing target of 1,677 units to Templeogue/Walkinstown/Rathfarnham/Firhouse for the plan period.

Chapter 2 outlines the following policies in the context of Settlement Strategy:

- **Policy CS3 Monitoring Population and Housing Growth:** - Promote and facilitate housing and population growth in accordance with the overarching Core Strategy to meet the needs of current and future citizens of South Dublin County.
- **Policy CS6 Settlement Strategy - Strategic Planning Principles:** - Promote the consolidation and sustainable intensification of development within the urban settlements identified in the settlement hierarchy.

- **Policy CS7 Consolidation Areas within the Dublin City and Suburbs Settlement:** - Promote the consolidation and sustainable intensification of development within the Dublin City and Suburbs settlement boundary.

### **Chapter 3 Natural, Cultural and Built Heritage**

Chapter 3 outlines the following policies in the context of Natural, Cultural and Built Heritage:

- **Policy NCBH1: Overarching:** - Protect, conserve and enhance the County's natural, cultural and built heritage, supporting its sensitive integration into the development of the County for the benefit of present and future generations.
- **Policy NCBH2 Biodiversity:** - Protect, conserve, and enhance the County's biodiversity and ecological connectivity having regard to national and EU legislation and Strategies.
- **Policy NCBH5 Protection of Habitats and Species Outside of Designated Areas:** - Protect and promote the conservation of biodiversity outside of designated areas and ensure that species and habitats that are protected under the Wildlife Acts 1976 to 2018, the Birds Directive 1979 and the Habitats Directive 1992, the Flora (Protection) Order 2015, and wildlife corridors are adequately protected.
- **Policy NCBH11 Tree Preservation Orders and Other Tree / Hedgerow Protections:** - Review Tree Preservation Orders (TPO) within the County and maintain the conservation value of trees and groups of trees that are the subject of a Tree Preservation Order while also recognising the value of and protecting trees and hedgerows which are not subject to a TPO.
- **Policy NCBH13 Archaeological Heritage:** - Manage development in a manner that protects and conserves the Archaeological Heritage of the County and avoids adverse impacts on sites, monuments, features or objects of significant historical or archaeological interest.
- **Policy NCBH19 Protected Structures:** - Conserve and protect buildings, structures and sites contained in the Record of Protected Structures and carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.

## Chapter 4 Green Infrastructure

Chapter 4 outlines the following policies in the context of Green Infrastructure:

- **Policy GI1 Green Infrastructure Overarching:** - Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.
- **Policy GI2 Biodiversity:** - Strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across the County as part of South Dublin County Council's commitment to the National Biodiversity Action Plan 2021-2025 and the South Dublin County Council Biodiversity Action Plan, 2020-2026, the National Planning Framework (NPF) and the Eastern and Midlands Region Spatial and Economic Strategy (RSES).
- **Policy GI3 Sustainable Water Management:** - Protect and enhance the natural, historical, amenity and biodiversity value of the County's watercourses. Require the long-term management and protection of these watercourses as significant elements of the County's and Region's Green Infrastructure Network and liaise with relevant Prescribed Bodies where appropriate. Accommodate flood waters as far as possible during extreme flooding events and enhance biodiversity and amenity through the designation of riparian corridors and the application of appropriate restrictions to development within these corridors.
- **Policy GI4 Sustainable Drainage Systems:** - Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

Chapter 4 outlines a number of objectives in the context of Green Infrastructure, including the following:

- **GI1 Objective 4:** - To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets

and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

- **GI2 Objective 1:** - To reduce fragmentation and enhance South Dublin County's GI network by strengthening ecological links between urban areas, Natura 2000 sites, proposed Natural Heritage Areas, parks and open spaces and the wider regional network by connecting all new developments into the wider GI Network.
- **GI2 Objective 2:** - To protect and enhance the biodiversity and ecological value of the existing GI network by protecting where feasible (and mitigating where removal is unavoidable) existing ecological features including tree stands, woodlands, hedgerows and watercourses in all new developments as an essential part of the design and construction process, such proactive approach to include provision to inspect development sites post construction to ensure hedgerow coverage has been protected as per the plan.
- **GI2 Objective 4:** - To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.
- **GI2 Objective 5:** - To protect and enhance the County's hedgerow network, in particular hedgerows that form townland, parish and barony boundaries recognising their historic and cultural importance in addition to their ecological importance and increase hedgerow coverage using locally native species including a commitment for no net loss of hedgerows on any development site and to take a proactive approach to protection and enforcement.
- **GI4 Objective 1:** - To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.
- **GI4 Objective 3:** - To require multifunctional open space provision within new developments to include provision for ecology and sustainable water management.
- **GI5 Objective 4:** - To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a

floor area in excess of 500 sq m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).

## **Chapter 5 Quality Design and Healthy Placemaking**

Chapter 5 outlines a number of policies in the context of Quality Design and Healthy Placemaking, including the following:

- **Policy QDP1 Successful and Sustainable Neighbourhoods:** - Support the development of successful and sustainable neighbourhoods that are connected to and provide for a range of local services and facilities.
- **Policy QDP2 Overarching - Successful and Sustainable Neighbourhoods:** - Promote the creation of successful and sustainable neighbourhoods through the application of the eight key design principles to ensure the delivery of attractive, connected, and well-functioning places to live, work, visit, socialise and invest in throughout the County.
- **Policy QDP3 Neighbourhood Context:** - Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.
- **Policy QDP5 Connected Neighbourhoods:** - Promote short distance neighbourhoods and strive towards the achievement of 10-minute settlements over the lifetime of the Plan, promoting a more compact development form, sustainable movement, and ease of access to services, community facilities, jobs and amenities.
- **Policy QDP8 High Quality Design – Building Height and Density Guide (BHDG):** - Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide 2021.
- **Policy QDP10 Mix of Dwelling Types:** - Ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028.

Chapter 5 outlines a number of objectives in the context of Quality Design and Healthy Placemaking, including the following:

- **QDP2 Objective 1:** - To ensure that applications for new development are accompanied by a statement from a suitably qualified person detailing how 'The Plan Approach' has been taken into consideration and incorporated into the design of the development including the materials and finishes proposed and demonstrating how the overarching principles for the achievement of successful and sustainable neighbourhoods have been integrated as part of the design proposal.
- **QDP7 Objective 1:** - To actively promote high quality design through the policies and objectives which form 'The Plan Approach' to creating sustainable and successful neighbourhoods and through the implementation of South Dublin County's Building Height and Density Guide (Appendix 10).

## **Chapter 6 Housing**

Chapter 6 outlines a number of objectives in the context of Housing, including the following:

- **H1 Objective 12:** - Proposals for residential development shall provide a minimum of 30% 3-bedroom units, 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.
- **H13 Objective 2:** - To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.
- **H13 Objective 5:** - To ensure that new development in established areas does not unduly impact on the amenities or character of an area.

## Chapter 8 Community Infrastructure and Open Space

Chapter 8 outlines a number of objectives in the context of Community Infrastructure and Open Space, including the following:

- **COS5 Objectives 4 & 5** (in summary): - 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 (such as financial contribution in lieu) for the remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population. Table 8.2: Public Open Space Standards requires a minimum of 10% of the site area for new residential development on lands in other zones (not comprising RES-N).
- **COS5 Objective 6:** - To require that public open space calculations be based on an occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.
- **COS5 Objective 10:** - To support and facilitate the key role of parks and open spaces in relation to green infrastructure including sustainable drainage systems (SuDS), flood management, biodiversity and carbon absorption and to promote connections between public open spaces and the wider GI network.
- **COS5 Objective 12:** - To ensure that proposed SuDS measures are only accepted as an element of public open space where they are natural in form and integrate well into the open space landscape supporting a wider amenity and biodiversity value.
- **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).

## Chapter 12 Implementation and Monitoring

Section 12.4.2 Green Infrastructure and Development Management states that '*all planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission*'. In the context of the



Green Space Factor, it states that *‘in cases where proposed development does not meet the minimum required score and the Council agree that the minimum score is not achievable on the site; the Council will engage with the applicant to help determine an alternative GI solution, to ensure that the proposed development does not detract from the local environment and makes a positive contribution to local GI provision. Where site-specific constraints do not allow for adequate landscaping features in line with minimum requirements (for example, for infill development or certain brownfield sites) a developer will be permitted to provide alternative GI interventions or contributions to make up for this shortcoming’.*

In the context of sites with a particular sensitivity or value from a GI perspective, it goes on to state that *‘developers will be required to engage with the Council to determine those GI interventions that will be required to ensure the environmental integrity of the site. This will primarily apply to sites located within or adjacent to primary and secondary GI corridors (see Figure 4.4). In such cases, specific consideration will be required to ensure that development does not fracture the existing GI network and preserves or enhances connectivity.’*

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.

The following car and bicycle parking standards are outlined in relation to houses and apartments:

Land Use	Maximum Car Parking Provision (Zone 1)	Minimum Bicycle Parking Provision
House (2 bed)	1.5 spaces per unit	n/a
House (3+ bed)	2 spaces per unit	n/a
Apartment (1 bed)	1 space per unit	1 long term space per bedroom and 1 short stay space per two apartments
Apartment (2 bed)	1.25 space per unit	

## **Appendix 10 - South Dublin County's Building Height and Density Guide**

This guide contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height. It provides a series of detailed notional development scenarios for various site contexts providing for specific guidance criteria around contextual appropriateness.

### **7.0 The Appeal**

#### **7.1. Grounds of Appeal**

A first party appeal against the decision to refuse permission by the Planning Authority has been lodged. The appeal is accompanied by the following revised plans/supplementary documents in response to the Planning Authority's reasons for refusal of planning permission/commentary made by internal departments in relation to the planning application for the consideration of the Board:

- Drawings No. SLN-00-SP-DR-JFA-AR-P1101 and a Design Statement for Appeal, prepared by John Fleming Architects.
- Drawings Nos. 2385-LDE-ZZ-ZZ-DR-SC-101, 2385-LDE-ZZ-ZZ-DR-SC-1C02, 2385-LDE-ZZ-ZZ-DR-SC-1C04 and 2385-LDE-ZZ-ZZ-DR-SC-1C07, a revised Engineering Services Report and a Letter of Response to the refusal reasons/internal dept. commentary, prepared by Lohan & Donnelly Consulting Engineers.
- Drawings Nos. LP-01-ABP, GI-01-ABP, GI-02-ABP and GSF-01-ABP and a Landscape Response to the refusal reasons/internal dept. commentary, prepared by Doyle & O'Troithigh Landscape Architects.

The revised plans referred to above included the following amendments (in summary):

- Introduction of a public linear park along the site's southern boundary and alterations to the layout of the proposed development to facilitate the same;
- An increase in the quantum of public open space provided (from 3,936sqm to 6,880sqm);
- Alterations to the unit mix proposed (from 33 x 1-bedroom apartments, 18 x 2-bedroom apartments, 32 x 2-bedroom houses, 28 x 3-bedroom houses and 8 x

- 4-bedroom houses to 35 x 1-bedroom apartments, 20 x 2-bedroom apartments, 27 x 2-bedroom houses, 33 x 3-bedroom houses and 4 x 4-bedroom houses);
- A 5-space reduction in car parking provision (in response to the unit mix amendments);
  - Planting of additional street trees incorporating natural SuDS measures;
  - Inclusion of blue/green roof on duplexes and apartment block;
  - Omission of ground attenuation tanks previously proposed and adoption of additional SuDS measures, including SuDS pods for houses, planting of additional street trees incorporating natural SuDS measures, swales, attenuation basins in the proposed open spaces, permeable paving/surfaces, porous 'non-dig' pathways in association with tree retention and inclusion of blue/green roof on duplexes and apartment block; and
  - Re-design of the proposed detention basin and the surrounding area.

The grounds of appeal can be summarised as follows:

- This appeal defends/stands over the scheme as lodged. However, it is felt that had the Council been minded to working with the applicant and issue a Request for Further Information or a Grant of Permission with conditions, some minor design changes could have been made within the overall process that would have been considered satisfactory to the Planning Authority. Therefore, an alternative design option, which responds to the comments included in the Planner Report and the refusal reason listed, accompanies the appeal submission. This alternative design option should satisfy An Bord Pleanála should they not be convinced by the scheme as originally lodged. Providing an alternative scheme with the appeal submission is more favourable than reverting to South Dublin County Council considering the national shortage of housing that is particularly exacerbated in the Greater Dublin Area.
- The applicant was disappointed to receive a decision to refuse permission given the Opinion of the Council confirmed that there was a 'reasonable basis' for an application and the various consultations had with South Dublin County Council.
- Certain aspects of the proposed development were viewed positively by the Planning Team and the various SDCC Departments, including the principal of development, the proposed height and density, the quantum of open space

provided, the connection provided to Springvale and the general layout for higher density. The appeal focuses on two specific matters.

- The water, foul water, surface water and all SuDS measures proposed are compliant with the listed policies included in the South Dublin County Development Plan 2022-2028.
- With regard to the Planning Authority's contentions regarding the applications non-compliance with the Development Plan/SDCC Guidance Document in the context of SuDS, it is noted that the SuDS design for the site was informed by a soil infiltration test. A copy of the Ground Investigation Report, prepared by Ground Investigations Ireland (dated August 2023) accompanies the appeal submission. As per the conclusions within this report, the soil infiltration test failed. Therefore, the capacity of all SuDS measures is impacted and is generally a larger volume than would otherwise be due to this failure. Every effort was made to incorporate natural SuDS within the site where possible.
- In the alternative design option submitted for the Board's consideration, all underground attenuation tanks previously proposed have been omitted. This change was successfully made through implementation of additional SuDS measures within the site and use of an increased Q-bar run-off rate calculated in accordance with site specific ground investigation report carried out for the site. It is noted that discrepancies in the total site area accounted for in the attenuation calculations have been addressed in the revised Engineering Services Report accompanying the appeal.
- Concerns raised in the Planners Report notes that the proposed layout completely fragments important green infrastructure links through the site and is not in compliance with the relevant GI policies in Chapter 4 of the Development Plan. In response to this, Doyle & O'Troithigh Landscape Architects have prepared a more detailed Green Infrastructure Drawing. Having assessed the applicable maps from the development plan this drawing confirms that the proposal does not impact on the green infrastructure links as noted by South Dublin County Council.
- The most valuable trees are located along Stocking Lane and they have been incorporated into the design strategy. The claim that the proposed layout

completely fragments important green infrastructure links throughout the site is refuted.

- As part of the alternative design option proposed for the consideration of the board, the design team has looked at additional adjustments in terms of green infrastructure strategy for the site and the surrounding area. These include (in summary): - provision of a linear park along the southern boundary to ensure existing tree and hedgerow alignment remain in publicly managed lands rather than private gardens, inclusion of an additional green space to the south of the scheme (featuring a wildlife pond) which will merge with the aforementioned linear park arrangement and planting 11 additional street trees. Whilst some trees require removing due to their condition along the hedge roll adjacent to the southern boundary, there is an opportunity to section fell to a 1.5 to 2 metre height which will allow for the tree stumps to remain intact and avoid any wider disturbance, as well as aiding biodiversity.
- The planning authority noted that the proposal needs to meet the required Green Space Factor score of 0.5 for the land use residential zoning objective. The proposal submitted achieved a GSF of 0.37 out of the required 0.5. Various consultations with the South Dublin County Council public realm section to discuss the landscape proposals, including green factor scoring, took place. While every effort was made in the application to address the green space factor scoring, there were and still are site specific constraints in terms of housing density requirements coupled with an extensive water main wayleave traversing the site and existing vegetation. It was requested that if permission was granted and implemented, further contributions to green infrastructure through the payment of the development contribution levies would be made by the applicant and a condition could be applied in respect of green infrastructure. The 'South Dublin Green Space Factor Guidance Note' states that *'in cases where a developer faces particular difficulties in meeting their required minimum score due to site specific constraints, the Council will engage with an applicant to help determine an alternative GI solution for the subject site. A developer may be permitted to provide alternative GI interventions to make up for a shortcoming.'*

- The alternative design proposal put forward captures additional interventions which have allowed a score of 0.5 to be achieved on the site. In assessing GSF, the net development area of the site was taken to be 2.49Ha, the non-developable areas in terms of 'landscape' having been omitted. Proposed additional interventions include: - additional green roofs to propose duplexes, additional open space including linear park, additional tree and hedgerow planting along the linear park, additional 'non dig' and permeable pathway solutions, additional street trees within increased open space areas, additional zones incorporating pollinator friendly bulb planting, greater SuDS interventions and a proposed open water feature.
- The planners report refers to the loss of trees/hedgerows and noted that the layout had a significant impact on the same, noting that 71 trees and over 100 meters of hedgerow was proposed for removal. A full and comprehensive Arboricultural Assessment and Impact Report was prepared by Ciaran Keating. A total of 118 trees were identified on site with 22% to be removed based on their condition which are a mix of low category C and U trees. Their report also notes that collectively, when considering trees that give rise to 'serious management issues' and those impacted by the presence of disease, this accounts for some 39% of the tree population surveyed on site and this would need to be considered regardless of the proposed development in terms of their long term viability. In response to the long term retention and viability within private rear gardens, an alternative design option has been prepared by Doyle & O'Troithigh Landscape Architects. As previously mentioned, the alternative option now incorporates a green linear park along the southern boundary where existing trees and hedgerows were previously located within private gardens of some 14 proposed units. This revision responds to the recommendations of the Parks and Public Realm Section of South Dublin County Council. The trees and hedgerows along the southern boundary can be managed in the public zone, offering greater control of long term management. Infilling the aforementioned hedgerow can also be carried out along with suitable tree plant planting to bolster this edge and improve its habitat value. It is now proposed to plant 191 trees as opposed to 160 in the application submitted and 197 linear meters of hedgerow as opposed to 168 meters.

- The planners report stated that the proposal was not DMURS compliant and raised concerns regarding the lack of street tree planting. The alternative design option looks to address this matter by including the following: - 11 additional street trees are proposed, the majority of street trees incorporate SuDS solutions, street trees have been coordinated with lighting proposals, street trees are proposed every 14-20 metres to fully comply with DMURSs requirements and all street trees are now located within the public realm.
- The concerns raised in the Planners Report regarding public open space provision and the inclusion of areas of underground tanks in the overall calculations are refuted. Contrary to the view expressed in the Planners Report, a full assessment with calculations of open space was provided at planning stage in both planning documents and architectural documents.
- The revised design provides 6880sqm of public open space (30.7%), 386sqm of communal open space for apartments and duplex units, 3772.6sqm of private open space in the form of gardens terraces and balconies. The population of the development (based on 1.5 person per one or two bed unit and 3.5 persons per three plus bed unit) is 252.5 persons. The quantum of open space is 2.72 hectares per 1000 population.
- The Planners Report raised concerns regarding the quality of open space and the play provision needing to be improved in the context of disabled children. The as lodged application aimed to create a unifying streetscape which is rich in detail and diverse in textural and spatial qualities, with open spaces and boundary planting lending a verdant and visually attractive atmosphere. The open spaces were directly overlooked by dwellings, providing passive surveillance for safety. Within the open spaces there were areas proposed for informal play, casual recreation and passive leisure. As part of the revised proposal, further play opportunities are proposed within the newly created public open space in association with the public linear park.
- Notwithstanding the above, it is fully acknowledged that further play elements and recreational opportunities are required by parks and public realm division. A full and detailed engagement with the Parks and Public Realm Division is envisaged and welcome as part of the compliance process to ensure the scheme delivers

the specific requirements of the council and a condition of planning that provides for this would be welcomed.

## **7.2. Planning Authority Response**

While the amendments proposed by the applicant in their appeal are noted, the Public Realm and Planning Department would still have the following concerns:

- The revised overall layout/open space design does not resolve the major issue of fragmenting the existing green infrastructure corridor and removal of habitat currently heavily used by a number of bat species. The proposal relies on felling mature trees along Stocking Lane, Springvale and across the north of the site. The path through the hedgerow along the southern boundary would also be detrimental to its function as an ecological corridor.
- The southern corridor would be problematic to manage as the trees would not be accessible for maintenance and could cause major damage to the proposed houses in the likely event that they lost limbs or fell during storms. Given the proximity of housing, these trees will overshadow adjacent houses/gardens and will be detrimental to residents enjoyment. Future residents would likely want their removal. It is the opinion of Public Realm Section that the trees on site are also larger than what has been indicated on the submitted plans. The narrow corridor would also likely attract antisocial activity. Such an area could not be taken in charge by the planning authority having regard to the width of the open space and restricted access for maintenance equipment.
- There are a number of areas across the administrative area of the planning authority including elements/layouts such as the proposed southern linear park, for which a satisfactory post build resolution has not yet been possible.
- The replacement of the underground attenuation with a series of crated tree pits is not acceptable. One of the pillars of SUDS is to improve biodiversity and this proposal requires the removal of existing valuable habitat. SUDS are also only accepted in public open space where they are natural in character and this proposal is not in compliance with the SDCC policy.



- The street trees proposed are also not acceptable. Trees planted with canopies overhanging private property and with roots in private property are not viable and cannot be taken in charge by the planning authority. DMURS requires that trees integral to the street must be planted fully in the public realm where they can be taken in charge.

### 7.3. Observations

- None.

## 8.0 Assessment

As previously discussed, as part of the grounds of appeal, the appellant submitted supplementary documents and revised plans in response to the Planning Authority's reasons for refusal of planning permission and the items raised by the Planning Authority's internal departments in their commentary on the application. The revised plans included the following amendments (in summary):

- Introduction of a linear public park along the sites southern boundary and alterations to the layout of the proposed development to facilitate the same;
- An increase in the quantum of public open space provided (from 3,936sqm to 6,880sqm);
- Alterations to the unit mix proposed;
- A 5-space reduction in car parking provision (in response to the unit mix amendments);
- Planting of additional street trees incorporating natural SuDS measures;
- Inclusion of blue/green roof on duplexes and apartment block;
- Omission of ground attenuation tanks previously proposed and adoption of additional SuDS measures, including SuDS pods for houses, planting of additional street trees incorporating natural SuDS measures, swales, attenuation basins in the proposed open spaces, permeable paving/surfaces, porous 'non-dig' pathways in association with tree retention and inclusion of blue/green roof on duplexes and apartment block; and
- Re-design of the proposed detention basin and the surrounding area.

The appellant ask that they be read in conjunction with the original reports/plans submitted with the planning application. Upon review, I am satisfied that the revised plans submitted with the appeal introduce no new elements or issues which may be of concern to third parties or prescribed bodies in the context of the proposed development. Accordingly, this assessment is based on the plans and information received by South Dublin County Council on 21<sup>st</sup> December 2023 as amended by further plans and particulars received by the Board on 20<sup>th</sup> March 2024.

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- Principle of Development
- Open Space (Green Infrastructure) and Tree Conservation
- Building Height and Density
- Design, Layout, Character and Visual Amenity
- Residential Amenity of Adjoining Properties
- Residential Amenity of Proposed Development
- Access, Traffic and Parking
- Built Heritage
- Infrastructure and Flood Risk
- Ecology/Biodiversity
- Other Matters

## **8.1. Principle of Development/Zoning**

8.1.1. The site is located within the settlement boundary of Rathfarnham. The Core Strategy included in the South Dublin County Development Plan 2022-2028 indicates a housing allocation of 1,677 units up to 2028 for Templeogue/Walkinstown/Rathfarnham/Firhouse. Further to this, the subject site is identified as a Housing Capacity Site and the Development Plan identifies such sites in Templeogue/Walkinstown/Rathfarnham/Firhouse as having the potential to provide

3,946 units. The proposed development assists with the realisation of the housing allocation target.

- 8.1.2. In terms of land use zoning, the appeal site is zoned 'RES - Existing Residential' in the South Dublin County Development Plan 2022-2028 with a stated objective to '*protect and/or improve residential amenity*'. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in the subsequent sections of this report.

## 8.2. Open Space (Green Infrastructure) and Tree Conservation

### Open Space (Green Infrastructure)

- 8.2.1. Chapter 8 of the South Dublin County Development Plan 2022-2028, more specifically Section 8.7.3 (Table 8.2), outlines a minimum public open space 'overall standard' of 2.4 hectares per 1000 population, 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 and specifically requires that a minimum of 10% of the site area be reserved for public open space provision in the context of lands zoned 'RES'. Based on the occupancy rates outlined above, I calculate that the population of the development would be 250.5 persons (i.e. 83 units x 1.5 persons and 36 units x 3.5 persons). In accordance with the 'overall standard' of 2.4ha per 1000 population, this would equate to a requirement of 0.6ha/6012sqm of public open space. The 10% minimum 'on-site' provision requirement would equate to a 0.249 ha or 2490sqm of the 2.49ha site area (excluding the areas of public road included in the application boundary).
- 8.2.2. As clearly indicated in the material accompanying the application, the proposed development features 4 public open spaces, comprising of 1,167sqm in the north-eastern corner of the site (featuring an informal play area), 926sqm featuring centrally adjacent to the site's northern boundary, 1,141sqm along the site's Stocking Lane frontage (northern part) and 702sqm along the site's Stocking Lane frontage (southern part). This amounts to a total of 3,936sqm or 15.8% of the site area (which excludes the area featuring attenuation underneath). This satisfies/exceeds the aforementioned

the minimum 'on-site' and overall quantum outlined regarding public open space provision in the Development Plan (the suitability of communal open space provision in the context of the proposed development will be subsequently considered in Section 8.6 of this report). Further to this, a 1,727sqm green infrastructure exclusion zone is provided adjacent to the site's southern boundary. I note that South Dublin County Council's Public Realm Section raised concerns about the inadequacy of play space provision within the proposed public open space areas. An informal play space is provided in the public open space featuring in the north-eastern corner to the rear of the site. The scheme could benefit from the provision of an additional play space. Upon review of the plans, the public open space area featuring along the site's Stocking Lane frontage (northern part) has ample space to accommodate an extra play space. This can be required by way of condition should the Board be minded to grant permission.

- 8.2.3. Despite deeming the proposed quantum of public open space provision complying with the applicable requirements, the Planning Authority's went on to refuse permission on the basis of the unsuitability of the proposed layout/design in the context of the existing green infrastructure, in particular the green infrastructure exclusion zone provided. More specifically, they contend that the open space layout and the siting of existing green infrastructure within private rear gardens, fragmentation/loss of green infrastructure (specifically corridor L11 connecting to the Dunlaoghaire Rathdown GI Corridor 2), failure to meet the Green Space Factor score, inadequate provision of nature-based SUDS amount to a poor layout and design and the proposal is therefore contrary to Policies GI1 Green Infrastructure Overarching, GI2 Biodiversity and GI3 Sustainable Water Management, as well as GI1 Objective 4, GI2 Objectives 1, 2 and 4 and GI4 Objective 1 of the South Dublin County Development Plan 2022-2028.
- 8.2.4. The first party appellant refutes the Planning Authority's contentions regarding the proposed layout/design in the context of the existing green infrastructure and the schemes non-compliance with the applicable GI policies/objectives. The appeal submission is supplemented by a Landscape Response to the refusal reasons/internal dept. commentary and a more detailed Green Infrastructure Drawing (Drawing No. GI-01-ABP), prepared by Doyle & O'Troithigh Landscape Architects. Having assessed the applicable Green Infrastructure Strategy Maps included in the development plan, they argue that the subject site lies outside the 'Owendoher River Link' (L11) and the

'M50-DLR' Crosslink (L16) and that the proposal does not impact on the important green infrastructure links as noted by South Dublin County Council. With regard to the Green Space Factor (GSF) score, they note that the proposal submitted achieves a GSF of 0.37, site specific constraints (housing density requirements, an extensive water main wayleave traversing the site and existing vegetation) having limited their ability to achieve the required score of 0.5. They argue that the South Dublin Green Space Factor Guidance Note allows for such deviations from the required GSF score in instances where a developer faces particular difficulties in meeting their required minimum score due to site specific constraints and indicate that further contributions to green infrastructure through the payment of the development contribution levies would be made by the applicant.

8.2.5. Upon review of the Green Infrastructure Strategy Maps, I would agree with the first party appellant's conclusion that the subject site lies outside of the important green infrastructure links referred to by South Dublin County Council. However, irrespective of this, I would contend that in developing the subject site regard must be had to green infrastructure in light of the local planning policy context, Policy GI2 Biodiversity and GI1 Objective 4 requiring that '*all new developments contribute towards GI, in order to protect and enhance biodiversity across the County*' and GI be incorporated as '*an integral part of the design and layout concept for all development in the County*', respectively. Having reviewed the plans submitted with the application, I do not consider that the development layout put forward has had appropriate regard to the existing green infrastructure featuring on the subject site and would share the concerns of the Planning Authority in this regard. Of particular concern would be the proposed development's response to the established trees/hedgerow featuring along the southern boundary as a limited depth is adopted in the context of the green infrastructure exclusion zone provided in this area and the trees/hedgerows are flanked by/located in the rear gardens associated with proposed Dwellings No. 44 and 50-65 which has implications for maintenance/long term retention. I note the incorporation of an extensive no. of existing established trees/planting into the public and communal open space areas proposed along the northern and western site boundaries is welcomed.

8.2.6. In light of the foregoing, I consider the proposed development as lodged with the Planning Authority would be contrary to Policy GI2 Biodiversity and GI1 Objective 4

included in the South Dublin County Development Plan 2022-2028 and warrants refusal in this instance.

- 8.2.7. As discussed earlier in this report, the first party appeal is accompanied by revised plans/supplementary documents in response to the Planning Authority's reasons for refusal of planning permission/the aforementioned commentary made by internal departments. More specifically, the revised plans submitted for the consideration of the Board, encapsulate the following changes in the context of green infrastructure/public open space provision: - an increase in the depth of the green infrastructure exclusion zone provided, the introduction of a 3116sqm linear public park along the site's southern boundary and alterations to the layout of the proposed development to facilitate the same, including alterations to the road layout and the orientation/positioning of housing plots featuring in the southern part of the site. I note South Dublin County Council's Public Realm Section suggested this amendment, among other things, in their commentary on the proposed development. As detailed in Drawing No. GSF-01-ABP, prepared by Doyle & O'Troithigh Landscape Architects, the revised proposal achieves the required GSF score of 0.5.
- 8.2.8. Contrary to the view expressed by the Planning Authority in their response to the first party appeal submission, I am satisfied that the revised layout put forward provides a more appropriate response to/incorporates the existing green infrastructure featuring on the subject site and will contribute to the Green Infrastructure in the area, consistent with the requirements of Policy GI2 Biodiversity and GI1 Objective 4. Further to this, the revisions proposed to the road layout and the orientation/positioning of housing plots featuring in the southern part of the site better facilitates maintenance/long term retention of existing trees and hedgerows. Therefore, it is recommended that if the Board sees fit to grant permission that the applicant be required to construct the proposed development in accordance with the layout submitted with the applicant's first party appeal submission.
- 8.2.9. With regards to the SuDs strategy adopted in the proposed scheme, this aspect of the Planning Authority's refusal was informed somewhat by the commentary provided by the Water Services Section. Having reviewed the proposed development, they recommend that permission be refused due to the unacceptable use of underground tanks for surface water attenuation and the proposed attenuation system being contrary to the Planning Authority's SuDS (Sustainable Drainage Systems) Guide and

contrary to Policy GI4 Sustainable Drainage Systems in the County Development Plan. They also queried the accuracy of the surface water attenuation calculations accompanying the application. The alternative design option prepared in response to the Planning Authority's reason for refusal/internal department commentary, incorporates amendments the proposed SuDS strategy for the development as outlined in Drawing No. 2385-LDE-ZZ-ZZ-DR-SC-1C04, prepared by Lohan & Donnelly Consulting Engineers. The revisions to the proposed SuDS strategy include the omission of ground attenuation tanks previously proposed and adoption of additional SuDS measures, including SuDS pods for houses, planting of additional street trees incorporating natural SuDS measures, swales, attenuation basins in the proposed open spaces, permeable paving/surfaces, porous 'non-dig' pathways in association with tree retention and inclusion of blue/green roof on duplexes and apartment block.

8.2.10. In response to the Water Services Sections recommendations, regarding conditions (pertaining to street trees and detention basin redesign) that should be attached in the event of permission being granted, the revised SuDS strategy tabled by the first party appellant also includes the planting of additional street trees incorporating natural SuDS measures and the re-design of the proposed detention basin/surrounding area. Further to this, the previously referenced discrepancies regarding the attenuation calculations have been addressed in the revised Engineering Services Report accompanying the appeal which encapsulates a Site-specific Ground Investigations Report and revised Q-bar run-off calculations. Upon review, the Planning Authority continue to have concerns regarding the SuDS strategy adopted in the context of the alternative design proposal.

8.2.11. I am satisfied that the revised SuDS strategy put forward addresses the issues raised in the context of the originally lodged proposal.

8.2.12. Other infrastructure related aspects of the proposed development, as well flood risk, will be subsequently considered in Section 8.9 of this report.

#### Tree Conservation

8.2.13. The application was accompanied by an Arboricultural Assessment and Impact Report & associated drawings, prepared by CMK Horticulture + Arboricultural Ltd. A total of 118 trees were surveyed in August 2023. Of the trees featuring on site, it was proposed

to remove 41 or c. 35% of the total to facilitate the proposed development and 22 category U trees (c. 19% of total) due to their poor condition. Further to this, as illustrated in the Landscape Plan (Drawing No. LP-01-PP, prepared by Doyle & O'Troithigh Landscape Architects) submitted with the application the trees being retained on site were to be supplemented by additional tree planting throughout the site as part of the subject proposal.

8.2.14. The Planning Authority expressed some concerns regarding the extent of tree/hedgerow removal proposed. Further to this, the Public Realm Section and Planning Department raised concerns that the open space layout/design would not facilitate the adequate retention and protection of trees/hedgerows where intended. The Public Realm Section included the following commentary in this regard: - *'only 49 trees are proposed for retention and of these only 27 are considered to be viable in the long term due to their location in relation to private back gardens. It is highly likely that trees and hedgerows proposed for retention in back gardens will be removed due to overshadowing and safety concerns.'* Concerns were also raised regarding a lack of street tree provision throughout the development.

8.2.15. I note that there are no special designations pertaining to the site and no Tree Preservation Orders under the Planning and Development Act, 2000 (as amended), applying to the subject site. Further to this, the Arboricultural Assessment and Impact Report submitted with the application shows that none of the trees being removed are classified as 'Category A' trees. Based on the arboricultural material submitted with the application, the absence of tree-specific objectives/orders applying, the subject site lying outside of the important green infrastructure links identified in the Green Infrastructure Strategy Maps, the supplementary planting put forward in landscape proposals and my own site visit, I am satisfied that the level of tree loss required to facilitate the proposed development is acceptable in this instance. However, in the context of tree retention, upon review of the plans submitted with the application I would share the concerns expressed by the Planning Authority. Given the maintenance issues arising from the limited depth of the green infrastructure exclusion zone proposed, as well as the location of the trees/hedgerows proposed for retention relative to the proposed private rear gardens, I would have queries about the long term viability of the trees proposed for retention along the southern boundary.



8.2.16. In response to the concerns raised by the Planning Authority regarding tree removal/retention, among other things, an alternative design option has been put forward by the first party appellant. As previously mentioned, the alternative option incorporates a green linear park along the southern boundary where existing trees/hedgerows were previously flanked by/located in the rear gardens associated with proposed Dwellings No. 44 and 50-65. The appellant contends that the proposed revisions ensure the trees/hedgerows being retained along the southern boundary can be managed in the public zone, ensuring long term viability. Further to this, as detailed in the revised Landscape Plan (Drawing Nos. LP-01-ABP) and the Landscape Response document, prepared by Doyle & O'Troithigh Landscape Architects, which accompany the first party appeal, the alternative design option also allows for the planting of an additional 191 trees across the site (an increase from the 160 originally proposed) and 197 linear meters of hedgerow (an increase from the 168 meters originally proposed). The 191 trees proposed includes an additional 11 street trees in response to concerns raised regarding the adequacy of street tree planting throughout the development.

8.2.17. In the context of tree retention, the amendments incorporated in the alternative design option are welcomed. Subject to the adoption of this revised layout, I am satisfied that retention of the trees/hedgerow proposed is facilitated by the proposed development.

### **8.3. Building Height and Density**

8.3.1. The subject proposal looks to introduce a development 2-4 storeys in height (the proposed dwellings being 2 and 3 storeys and apartment block extending to 4 storeys) on a primarily greenfield site (the existing house/associated grounds comprising a brownfield site). The proposed development contains 119 residential units which equates to a net density of 51 units per hectare a plot ratio of 0.65 (both figures based on a net area of 2.32ha).

8.3.2. The Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) specify that residential densities in the range of 40 to 80 dwellings per hectare (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations. The Urban Development and Building Height Guidelines (2018) remove any blanket policy with

regard to building height and, in promoting increased heights in urban areas, require that general building heights of at least three to four storeys, coupled with appropriate density, in locations which include suburban areas must be supported. The proposed development, which is 2-4 storeys in height and equates to a net density of 51 units per hectare is consistent with this guidance.

8.3.3. Further to this, in light of this availability of public transport in the immediately surrounding area, the site would be categorised as an 'Intermediate Urban Location' under the 2023 Apartments Guidelines. The site is within 50 metres of the Stocking Lane bus stops where the 15B services (Stocking Avenue - Merrion Square) run at a peak frequency of 10 mins and 15 mins in the daytime off-peak, which is considered 'reasonably frequent', as per the definition outlined in the 2023 Apartment Guidelines. Moving forward, the 15B route will be replaced by the No. 85 City Bound Route (Tallaght - Parnell Square via City Centre) as part of the BusConnects roll out which will have a similar 10-to-15-min frequency. The site is also proximate to the Edmondstown Road bus stops (Bus Stops No. 2927 and 7440) and bus stops featuring along Ballyboden Way. Such Intermediate Urban Locations are deemed to be suitable for smaller-scale, higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net). The subject site is considered appropriate for increased residential densities/building heights consistent with the above guidance.

8.3.4. Policy QDP8 included in the South Dublin County Development Plan 2022-2028 requires that development proposals adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide. South Dublin County's Building Heights and Density Guide features in Appendix 10 of the Development Plan. Section 5 of this guide outlines a number of notional development scenarios based on typical contexts found across the South Dublin County Council administrative area wherein increased building heights and densities might be accommodated. In the context of the 'Indicative Development Scenarios' outlined therein, I consider the subject site would best fit into the 'Suburban Infill/Medium' typology scenario. The proposed development is consistent with the

height strategy and urban design response (as relevant) outlined for this typology scenario for the following reasons:

- The majority of the proposed buildings are 2-storeys in height which is similar to the height of buildings featuring on neighbouring sites. Amplification of contextual height is achieved through the inclusion of 3 storey dwellings among the double storey dwellings proposed. A 4 storey building (the proposed apartment block) is included along the Stocking Lane frontage which bookends the proposed development.
- The development includes a new access street running centrally through the site which provides a pedestrian/cyclist connection through the site from Stocking Lane to the adjacent Springvale Housing Estate. The building line adopted in the context of Stocking Lane is stepped back to facilitate the provision of a linear park/shared pedestrian & cycle lane along this frontage.
- The 4 storey standalone apartment block, although taller than the surrounding 2-storey buildings, maintains appropriate separation distances from the site's southern boundary to ensure unreasonable overlooking does not occur.
- The 4 storey apartment block provided along the Stocking Lane frontage also allows for increased residential densities to be achieved on site.
- Areas of public open space are provided throughout the development site, including a linear park along the Stocking Lane frontage. As previously discussed in Section 8.2, the proposed development as originally lodged was not considered to have appropriately responded to/enhanced existing green infrastructure on site. However, the alternative design proposal which accompanied the appeal submission includes a linear park along the site's southern boundary.

8.3.5. 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 'Building Height and Density Guide' contained within the South Dublin County Development Plan 2022-2028.

8.3.6. Given the site's location in a serviced residential area, its proximity to public transport services and the infill nature of the subject site, a residential development of the

density/height proposed is considered appropriate on the subject site and to be consistent with the provisions of the Development Plan and Government policy which seeks to increase densities/building heights and, thereby, deliver compact urban growth. In addition, and as will be documented in the subsequent sections, I am of the view that the proposed density/building height could be achieved on this site without compromising the character and residential amenity of the area it is to be located within. I note that South Dublin County Council considered the proposed density/building heights to be acceptable.

8.3.7. I note that the alternative design proposal accompanying the appeal submission maintains the same density and building heights as the original proposal.

#### **8.4. Design, Layout, Character and Visual Amenity**

8.4.1. The following sections consider the suitability/appropriateness of the design and layout of the proposed development and its impact on the character and visual amenity of the area.

8.4.2. The subject site is irregular in shape, with a c. 6 metre level difference between the south and north. The majority of the site is currently devoid of development, comprising an agricultural field which are delineated by a mix of fences, stone and block walls, and sections of mature trees, hedgerows and scrub. The north-western part of the site features an existing part-single part-double storey detached dwelling known as Saint Winnows. This dwelling and the agricultural field share an access off Stocking Lane. The proposed development comprises the construction of 119 residential units accessible via a new vehicular access off Stocking Lane located centrally along the western boundary, the existing shared entrance to Saint Winnows/the agricultural field being removed as part of the proposed development. In terms of road layout, the development comprises a series of short local streets/cul-de-sacs leading off a primary road running centrally through the site over the path of the underground waterworks overflow pipe (which is covered by a wayleave). A pedestrian/cyclist access point is also provided to the adjacent Springvale Housing Estate in the east of the site, with provision made for potential future connections to the recently permitted developments at Coolamber and Rookwood to the north. I am satisfied with the street/road layout proposed, including the connections/future connections provided to neighbouring housing estates/developments. During consultations with the Planning Authority, the

applicant was asked to consider the provision of a vehicular connection to the adjacent Springvale Housing Estate to the east. The application material submitted indicates that such a connection could not be provided due to the c. 3 metre level difference that exists between the two sites. Having observed the difference in levels that exists while visiting the subject site/surrounding area, I consider the pedestrian/cyclist only connection provided appropriate in this instance.

8.4.3. The scheme features a variety of residential units with 8 different types proposed, comprising a variety of semi-detached, terraced, maisonette, duplex and apartment units (the appropriateness of these in terms of residential amenity is considered subsequently in Section 8.6). All proposed buildings are contemporary in design with similar elevational treatments adopted. A mix of brick (in a variety of colours/types) and render, in various configurations, are proposed to differentiate between the various types proposed. The finished floor levels and ridge heights are slightly varied throughout the development in response to the natural topography of the site, which has informed the layout. As previously discussed, 4 areas of public open space are provided as part of the development as originally lodged. The adequacy of this open space/the development's consideration of green infrastructure was previously considered in detail in Section 8.2. In the context of the proposed scheme's layout relative to the open space areas provided, I note it has been designed in such a way that the 4 open space areas proposed are overlooked by a row of dwellings with direct frontage to the same or dual aspect corner units, which is welcomed. The proposed development will be developed in 4 phases, with development commencing (Phases 1 and 2) along the Stocking Lane frontage and proceeding eastwards to the rear of the site (in Phases 3 and 4). Each phase of development includes the introduction of an area of public open space. The general phasing proposal is considered appropriate in the context of the subject site. As previously discussed in Section 8.2 of this report, amendments are required to the site layout in the context of green infrastructure. This will have a knock-on effect on the phasing arrangement as originally proposed. A condition should be attached to the Board's order requiring that an updated phasing plan be prepared in light of these amendments. Given the high-quality design and layout of the scheme, that the proposed development represents a reasonable response to its site context and the topography of the site and would support the consolidation of the urban area.

- 8.4.4. The question that arises is whether the proposed development is appropriate in the context of the development currently featuring on adjoining sites/the character of the surrounding area. The surrounding area is generally characterised by low density suburban housing and recreational land uses (Edmondstown Park and Edmondstown Golf Course) and the Ballyboden Water Treatment Plant and Reservoir is located immediately west on the opposite side of Stocking Lane. In terms of immediate residential abutments, the subject site is located immediately south of Coolamber and Rookwood House, which comprise of large, detached houses on large expansive grounds. Permission was recently granted for the development of 10 1.5-2.5 storey dwellings on the grounds of Rookwood House (under ABP Ref. ABP-313499-22) and for the development of 4 double storey dwellings and 5 duplex units (in a 2-storey block) on the grounds of Coolamber (under ABP Ref. ABP-311559-21). The site's southern and eastern boundaries flank the Prospect Manor and Springvale Housing Estates and the Springvale Housing Estate, respectively, which comprise primarily of detached and semi-detached double storey dwellings.
- 8.4.5. The development has been laid out with the lower density/2-3 storey buildings located proximate to the existing housing estates featuring to the north, south and east and the higher density 3-4 storey proposed along the Stocking Lane frontage. The lower density/2-3 storey buildings proposed are similar to the predominant form of residential development featuring in the immediate area. As previously discussed, the proposed development will be contemporary in design, adopting mainly pitched roof forms and featuring brick and render in terms of materials/finishes. The immediately surrounding area is varied in terms of building stock, architectural styles and materiality with re-development having occurred in the area in recent years (for example the Scholarstown Wood Housing Estate to north-west) and residential developments proposed on the sites immediately north. Having regard to the foregoing, the proposed development will sit comfortably in the context of the existing and permitted residential estates/properties featuring to the north, south and east of the subject site, particularly having regard to the building heights/palette of materials proposed.
- 8.4.6. Turning my attention to the proposed development's presentation to Stocking Lane, to which it has a c. 130 metre frontage. The site frontage will consist of double storey semi-detached and terraced dwellings (Units 1-9) in the northern section (north of the proposed vehicular entrance) and the southern section (to the south of the proposed

vehicular entrance) will be occupied by the 3-4 storey apartment building. This configuration/height strategy adopted responds to the topography of the area, the subject site dropping by c. 6 metres from south to north. The double storey dwellings featuring in the northern section will sit comfortably adjacent to the part-single part double storey dwelling currently featuring at Coolamber which sits slightly lower than that subject site, as well as the 2-storey duplex block permitted on the grounds of Coolamber (under ABP Ref. ABP-311559-21) immediately adjacent to the common boundary. The proposed 3-4 storey apartment block, although taller than the 2 storey dwelling/single storey garage currently featuring at No. 9 Prospect Heath, will sit comfortably adjacent to this neighbouring property. This northern abuttal sits slightly above the subject site due to the topography of the site, as illustrated in Proposed Site Sections / Contiguous Elevations AA (Drawing No. SLN-00-ZZ-DR-JFA-AR-P5104). As further illustrated in this drawing, the apartment block features a flat roof and drops down to three storeys proximate to the southern boundary with the roof ridge height provided in the context of this part of the building matching that of the double storey side extension to No. 9 Prospect Heath. This provides an appropriate transition along this interface.

- 8.4.7. With regards to building line, the existing dwelling on site is set-back from the Stocking Lane frontage by c. 50 metres, the remainder of the site comprising of an agricultural field devoid of buildings. To the south of the site, No. 9 Prospect Heath is set-back from its front boundary by c. 25 metres, with its single storey garage featuring within garden area to the front of this dwelling. Coolamber to the north is setback c. 15 metres from Stocking Lane. The duplex block approved to the immediate south of Coolamber, under ABP Ref. ABP-311559-21, adopts a setback of c. 8 metres. The site to the west, on the opposite side of Stocking Lane comprises of the Ballyboden Water Reservoir and Waterworks and so is generally devoid of the buildings. This section of Stocking Lane features a considerable no. of mature trees along the roadside boundary which provides a soft edge. The proposed apartment building will be setback between 10.9 and 24 metres from its Stocking Lane frontage and proposed Units 1-9 will be setback between 21.7 and 46.7 metres. The staggered building line adopted is considered appropriate in this instance having regard to the varied building line featuring to the north and south of the subject site and the proposed development's presentation to Stocking Lane. The area to the west of the subject site, fronting Stocking Lane, will

comprise an area of landscaped public open space featuring a row of existing/newly planted trees along the street edge which is passively surveilled by a no. of the proposed houses/apartments as well as the communal amenity spaces proposed to serve the proposed apartment block. This will soften the proposed development presentation to Stocking Lane and maintain its leafy character.

8.4.8. I acknowledge that the proposed development would occupy an area generally devoid of development and would be visible within the surrounding streetscape. Notwithstanding this, considering the built form, scale, siting and materiality of the subject proposal and the existing site context, I am satisfied that the proposed development would sit comfortably in the context of the existing/emerging Stocking Lane streetscape and would have sufficient respect and regard for the established pattern/character of development in the streetscape and wider area.

8.4.9. In broader visual terms, views of the site from the wider area would not be significant/would be obscured by existing structures and trees/vegetation featuring proximate as well as the sloping topography of the surrounding area. This is clearly illustrated by Verified Views and CGIs, more specifically verified photomontages prepared in the context of Viewpoints 4, 8 and 11, prepared by 3D Design Bureau. These verified views show the existing situation/the proposed development as viewed from the Springvale Housing Estate, Stocking Lane (to the north) and the Springvale Housing Estate, respectively. I would be of the view that the overall visual impact of the proposed development can be adequately absorbed at this location and would be acceptable in the context of the visual amenities/character of the area.

8.4.10. Development Plan Policy QDP2 promotes the creation of successful and sustainable neighbourhoods through high quality design and the implementation of 'The Plan Approach'. With regards to the requirements that new development applications are accompanied by a statement detailing how 'The Plan Approach' has been taken into consideration and incorporated into the design of the development, I note that the application is accompanied by a Design Statement for Planning Lodgement, prepared by John Fleming Architects. This document demonstrates how the proposed development has addressed the 8 key design principles outlined in the context of 'The Plan Approach' in the South Dublin County Development Plan 2022-2028. I consider this to have satisfied the applicable requirement. Having regard to the



‘The Plan Approach’ outlined, I would note the following in the context of the proposed development:

- **Context** – As previously discussed in Section 8.2, subject to the adoption of the layout amendments outlined in the alternative design option accompanying the appeal submission, I am satisfied that the proposed development appropriately considers existing natural features and green infrastructure elements. As previously outlined, I am satisfied that the removal and replacement of planting is acceptable. I am satisfied that the removal of the existing building on site is acceptable given it is not of importance in terms of cultural/built heritage. As will be subsequently discussed in Section 8.8, I also find the proposed development to have provided an appropriate response to the Protected Structures featuring to the north and west.
- **Healthy Placemaking** – As previously outlined, 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. The apartment block and dwellings proposed along the Stocking Lane frontage would provide strong streetscape frontage with high levels of activity and passive surveillance.
- **Connected Neighbourhoods** – 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, with multiple pedestrian/cycle paths proposed which tie in with existing and proposed residential developments in the immediately surrounding area.
- **Thriving Economy** – The site is located within a predominantly residential area. However, having regard to the accessibility of the site (discussed in the previous section), I am satisfied that residents of the development will have adequate access to good jobs and a good quality of life within reasonable proximity.
- **Inclusive and Accessible** – Given the site’s proximity to a number of urban villages/centres, I am satisfied that there are adequate existing and proposed social, community, and commercial services to serve the proposed development. The development has been designed in accordance with accessible principles, as discussed in the Universal Design Statement, prepared by John Fleming

Architects, which accompanies the application and would be suitably adaptable for alternative uses.

- **Public Realm** – As previously discussed, I am satisfied that the proposed public open space areas 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. The building heights/density proposed would be a significant increase from the existing dwelling featuring on site. However, I consider it 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 proposed building facades are finished in brick, in a variety of colours, and render. High quality shared surface streets and public open space areas are provided throughout the development.

8.4.11. 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.

## **8.5. Residential Amenity of Adjoining Properties**

### *Properties to the North*

8.5.1. The site is bounded to the north by Coolamber and Rookwood House. These properties comprise of large detached double storey houses on large expansive heavily planted grounds. Given the separation distance that exists between the proposed dwellings and the dwellings featuring on these neighbouring sites (a minimum of c. 28 metres and c. 36 metres, respectively), the 2-3 storey height of the dwellings proposed adjacent to the northern boundary, the provision of 3 areas of public open space adjacent to the northern boundary, and the extensive tree planting featuring along the common boundary with the subject site, I am satisfied that the

proposed development would not have any unreasonable overlooking, overbearing or overshadowing impacts on the properties currently featuring to the north.

- 8.5.2. As discussed previously in Section 5.2 of this report, both sites flanking the subject site's northern boundary were the subject of recent applications, under ABP Ref. ABP-313499-22 in the context of Rookwood House and ABP Ref. ABP-311559-21 in the context of Coolamber. More specifically, permission was granted for construction of 10 houses surrounding Rookwood House and construction of 4 dwellings and 5 duplex units (in a 2 storey block) to the south of Coolamber. Consideration of potential impacts on the residential amenity of these approved developments is required in the context of the subject proposal.
- 8.5.3. Turning my attention firstly to Rookwood House. The southernmost of the permitted dwellings, Dwellings No. 4 and 9, are setback c. 28 metres and 10 metres from the common boundary, respectively. The subject proposal features areas of public open space/internal roads/driveways adjacent to the part of the common boundary located proximate to these proposed dwelling. Given the height/scale of the proposed development, the layout adopted in the area proximate to the common boundary, the separation distances that exist between the common boundary and the dwellings approved ABP Ref. ABP-313499-22 and the established trees featuring along the common boundary, I do not consider the proposed development would result in any negative impacts on the residential amenity of this approved development by way of overlooking, overshadowing or overbearing.
- 8.5.4. In the context of Coolamber, upon review of the plans proposed Units 1 and 10 flank the common boundary proximate to House 1 and the block of Duplex Units permitted under ABP Ref. ABP-311559-21. Both Units 1 and 10 are 3-bed double storey end of terrace dwellings (House Type B). They are both devoid of north-facing habitable room windows at upper floor level so there will be no opportunity for overlooking of opposing first floor windows or adjacent open space areas. Given the 2-storey height of proposed Units 1 and 10, the separation distances that exist between them and the common boundary (c. 3.7 metres and 2 metres respectively) and the positioning of the garden/driveway areas serving proposed Units 1 and 10 immediately adjacent to the garden/patio/semi-private open space areas associated with this neighbouring development approved under ABP Ref. ABP-311559-21, I do not consider the

proposed development would result in any negative impacts on the residential amenity of the approved development by way of overshadowing or overbearing.

*Properties to the South*

- 8.5.5. The site is bounded to the south, by the Prospect Manor and Springvale Housing Estates. More specifically, the westernmost section abuts the side boundary of No. 9 Prospect Heath and the rear gardens associated with Nos. 1-31 Prospect Avenue; and the easternmost section abuts the side boundaries of Nos. 44, 73 and 74 Springvale.
- 8.5.6. With regards to the potential overlooking of the dwellings to the south, upon review of the plans submitted with the application, the proposed apartment block features privacy screens along the southern edges of its southernmost balconies and habitable room windows featuring along the southern façade are highlight in nature and proposed Dwellings No. 43 and 44 are devoid of habitable room windows at upper floor level. This obviates potential overlooking of No. 9 Prospect Heath, Nos. 1 and 2 Prospect Avenue and Nos. 44 and 74 Springvale. In the context of Proposed Dwellings No. 52, 53 and 65-72, they adopt minimum separation distance of 10.5 metres from the southern boundary. This separation distance is sufficient to obviate potential unreasonable overlooking of upper floor windows and private amenity space areas associated with Nos. 8-29 Prospect Avenue and No. 73 Springvale (which is devoid of north-facing upper floor windows), particularly given the existing trees/vegetation proposed for retention along the common boundary.
- 8.5.7. Turning my attention to the matter of potential overbearing impacts on the dwellings to the south. Although the proposed development is to be introduced on a site generally devoid of development, I do not consider the proposed development would result in an unreasonable overbearing impact on properties to the south. The majority of the proposed dwellings being developed proximate to the site's southern boundary are two storeys in height, which respects the prevailing heights of southern neighbouring properties, and adopt setbacks from the southern boundary of between 3.15 metres and 18.2 metres, with established trees/planting proposed for retention in the intervening space. Proposed Units No. 50-54 and the proposed apartment building abut the southern boundary, which are 3 storeys and 3-4 storeys in height respectively. Although taller than the neighbouring double storey dwellings featuring at 73

Springvale, 9 Prospect Heath and 1 Prospect Avenue, I am satisfied that they will not result in unreasonable overbearing due to the generous separation distances provided from the common boundary (between 9.5 metres and 16.8 metres) and the adoption of a flat roof form/stepping down at third floor level proximate to the common boundary of the apartment block, as well as the established trees/planting being retained along the common boundary. Given the orientation of the proposed development, to the north No. 9 Prospect Heath, Nos. 1-31 Prospect Avenue and Nos. 44, 73 and 74 Springvale, the proposed development will also not cause unreasonable overshadowing of adjacent private amenity spaces to the south.

8.5.8. With regards to potential impacts on daylight/sunlight received by dwellings to the south, the application was accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, which assessed vertical sky component in the context of 1 Prospect Avenue, 9 Prospect Heath and 44 Springvale. These 3 no. properties are most proximate to the southern boundary. It concluded that the proposed effect to VSC on all of their windows (or rooms if an average of multiple windows has been taken) would be considered 'negligible'. I am satisfied with the assessments regarding vertical sky component contained therein and that sufficient distance is provided between the proposed development and these dwellings. In the context of the remaining dwellings to the south, I am satisfied that the proposed development is sufficiently distanced from these dwellings featuring to negate any potential impacts on daylight/sunlight they currently receive.

8.5.9. Consideration must be given to the potential impacts on neighbouring properties to the south arising out of the revised proposal put forward by the first party appellant as part of their appeal submission. As previously discussed, it is proposed to introduce a linear park along the site's southern boundary. This will in turn maintain the previously proposed separation distances/increase the separation distance provided between the proposed development and the southern boundary/properties featuring in the southern abutments, with one exception. In the revised proposal, the separation distance provided between the proposed development and the common boundary proximate to Nos. 11 and 13 Prospect Avenue will be reduced slightly. It is not anticipated that this will have any negative implications in terms of residential amenities of the neighbouring properties in question as the revised scheme provides generous setbacks of 12.35 metres and 25.4 metres from the common boundary and opposing first floor windows,

respectively. With regards to Nos. 44 and 74 Springvale, the dwellings previously proposed proximate to the common boundary with these properties were devoid of south-facing habitable room windows. The houses proposed proximate to the common boundary with these dwellings in the alternative design option, Proposed Units No. 42 and 43 feature 2 south-facing upper floor windows. Given Nos. 44 and 74 Springvale are devoid of north-facing habitable room windows at upper floor level, no opportunities exists for overlooking of opposing first floor windows and given the separation distance provided between the proposed windows and the common boundary (a minimum of 8.2 metres)/the existing trees and vegetation being retained along the common boundary, I am satisfied that unreasonable overlooking of adjacent open space areas of these southern abutments will not occur in the revised scenario.

#### *Properties to the East*

8.5.10. In terms of properties to the east, the Springvale housing estate abuts the sites eastern boundary. More specifically, the northernmost part of the eastern boundary abuts the side boundary of No. 30 Springvale; the central section abuts one of the estates internal access road, on the opposite side of which are the rear gardens associated with Nos. 22-29 Springvale; and the southernmost section abuts rear gardens associated with Nos. 65-73 Springvale.

8.5.11. Before considering the proposed development's potential impacts in terms of overlooking, overbearing and overshadowing, I think it beneficial to discuss the subject site in the context of its interface with the neighbouring properties to the east, in particular the level difference that exists between the sites. As is clearly visible when on site and illustrated in the contextual elevations/site sections and existing site survey submitted with the planning application, the subject site sits c. 3 metres higher than its eastern abutment (when measured at the estate road immediately flanking the subject site's eastern boundary).

8.5.12. Turning my attention firstly to potential overlooking of the properties to the east. No. 30 Springvale is devoid of west-facing habitable room windows at upper floor level so there are no opportunities for overlooking from upper floor windows featuring in the subject development. Due to the positioning of this properties rear garden, which sits mostly beyond the site's northern boundary and the 27.5 metre separation distance provided between proposed maisonettes and the common boundary, overlooking of

the rear garden of this neighbouring property will also not occur. In the context of the Nos. 22-29 Springvale, as previously noted there is a 3-metre level difference between the subject site and the Springvale estate road abutting its eastern boundary. The rear gardens associated with Nos. 22-29 Springvale, drop down a further 2.5 metres from the eastern edge of the estate road. In light of the differences in level that exists across the two sites, west-facing upper floor windows associated with Nos. 22-29 Springvale will have a direct outlook to the retaining wall featuring along the subject site's eastern boundary as opposed to east-facing upper floor windows associated with the proposed units. Therefore, there is no opportunity for overlooking between opposing upper floor windows. A minimum separation distance of 19.2 metres is provided between the easternmost units proposed (Nos. 35 and 36) and the rear boundary wall of these neighbouring properties, with an estate road/a tree-planted nature strip featuring in the intervening space. This separation distance is sufficient to obviate potential unreasonable overlooking of rear gardens associated with Nos. 22-29 Springvale. In the context of Nos. 65-73 Springvale, a minimum separation distance of 11.8 metres is provided between the proposed units and the common boundary and 22 metres between opposing upper floor windows. The separation distances proposed are sufficient to obviate potential unreasonable overlooking of these neighbouring properties.

8.5.13. With regards to potential overbearing impacts on the dwellings to the east, due to the positioning of an area of public amenity space in the north-eastern corner of the site and the setback provided between the proposed maisonettes and No. 30 Springvale, I am satisfied that the proposed development will not have an unreasonable overbearing impact this easterly abuttal.

8.5.14. In the context of Nos. 22-29 Springvale, although the subject site sits c. 4.7 metres above these eastern abutments, I do not consider the proposed development will have an unreasonable overbearing impact on the same. This is due to the positioning of an area of public open space in the north-eastern corner of the site/proximate to the site's eastern boundary, the generous depths/the positioning of the rear gardens serving proposed Dwellings No. 37-43 proximate to the site's eastern boundary, the degree of separation provided between the subject site's eastern boundary/these neighbouring properties by the estate road/nature strip featuring in the intervening space and the screening provided by the vegetation being retained/proposed along

the subject sites eastern boundary and the trees featuring in the nature strip featuring on the eastern side of the estate road.

- 8.5.15. Given the positioning of a public open space in the north-eastern corner of the site proximate to No. 30 Springvale, the minimum separation distance provided between Proposed Units 35-43 and the rear boundaries of Nos. 22-29 Springvale (19.2 metres) and the minimum separation distance provided between Proposed Units 58-65 and the rear boundaries of Nos. 65-73 Springvale (11.8 metres), as well as the orientation of the development site relative to these properties, I am satisfied that the proposed development will also not cause unreasonable overshadowing of adjacent private amenity spaces to the east.
- 8.5.16. With regards to potential impacts on daylight/sunlight received by dwellings to the south, the application was accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, which assessed vertical sky component and annual/winter probable sunlight hours in the context of Nos. 26 and 27 Springvale. These 2 properties are most proximate to the eastern boundary. It concluded that the proposed effect on vertical sky component and annual/winter probable sunlight hours in the context of all windows assessed would be considered 'negligible'. I am satisfied with the assessments regarding vertical sky component and annual/winter probable sunlight hours contained therein and that sufficient distance is provided between the proposed development and these dwellings. In the context of the remaining dwellings to the east, I am satisfied that the proposed development is sufficiently distanced from these dwellings featuring to negate any potential impacts on daylight/sunlight they currently receive.
- 8.5.17. Consideration must be given to the potential impacts on neighbouring properties to the east arising out of the revised proposal put forward by the first party appellant as part of their appeal submission. No. 30 Springvale will be unaffected by the revised proposal put forward, with changes limited to the southernmost part of the subject site. There will be slight alterations to the unit types proposed proximate to Nos. 22-29 Springvale, however, similar generous separation distances are provided to obviate any potential overlooking of private open space areas (the situation remains unchanged in terms overlooking of upper floor windows) and overbearing/overshadowing impacts in the context of these neighbouring properties.



8.5.18. In the context of Nos. 65-73 Springvale, the introduction of a linear park along the site's southern/south-eastern boundaries, results in a change in the road/site layout adjacent to these eastern abuttals. As a result of these amendments, only one proposed dwelling (Unit No. 80), a parking area and part of the linear park will abut the common boundary proximate to these properties. This proposed unit is double storey in height and setback a minimum distance of 8.75 metres from the common boundary which is sufficient to obviate potential overbearing/overshadowing impacts. With regards to potential overlooking, proposed Dwelling No. 80 contained in the alternative design option features 2 east-facing upper floor windows. A minimum separation distance of 8.75 metres and 19 metres is provided between this dwelling's eastern façade/upper floor windows associated with Nos. 71 and 72 Springvale, respectively. These separation distances are sufficient to obviate potential overlooking of private open space areas/directly opposing west-facing upper floor windows associated with these eastern abuttals, particularly given the existing trees/vegetation being retained along the common boundary.

#### 8.6. **Residential Amenity of Proposed Development**

8.6.1. The appropriateness of residential amenity afforded the future residents of the proposed development as originally lodged and as revised as part of the appeal submission are considered in turn below.

##### Houses - Originally Lodged Proposal

8.6.2. In considering the residential amenity of the proposed houses, regard is had to the Quality Housing for Sustainable Communities (2007), Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024), and the requirements of the South Dublin County Development Plan 2022-2028.

8.6.3. Section 6.1 of the South Dublin County Development Plan 2022-2028, more specifically H1 Objective 12 contained therein, specifies a mix requirement for residential developments. It requires that a minimum of 30% 3-bedroom units be provided. The proposed development includes 36 x 3+ bedroom units which equates to 30% of the 119 dwellings proposed. The proposed development therefore complies with this Development Plan requirement.

- 8.6.4. The proposed 2-bed (4P) double storey dwellings have a total floor area of 81.6sqm, proposed 3-bed (4P) double storey dwellings have a total floor area of 86sqm, proposed 3-bed (5P) double storey dwellings have a total floor area of 86sqm or 105.6sqm and the proposed 4-bed (7P) three storey dwellings have a total floor area of 148.5sqm, all of which comply with the requirements set out in the Quality Housing for Sustainable Communities, 2007. The proposed dwellings were also found to be compliant with the same in the context of the main living room area, aggregate living area, aggregate bedroom area and storage.
- 8.6.5. Having reviewed the proposed floor plans, I am satisfied that the houses are suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents, including in regard to daylight/sunlight access.
- 8.6.6. The Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024), at Specific Planning Policy Requirement 2, requires that 2-bed houses are provided with a minimum of 30sqm of private open space, 3-bed houses are provided with a minimum of 40sqm and 4-bed + houses with a minimum of 50sqm. Upon review of the plans submitted with the application, the proposed dwellings will be served by private open space areas well in excess of these requirements. Specific Planning Policy Requirement 1 of the same guidelines requires a minimum separation distance exceeding 16 metres between opposing windows serving habitable rooms at the rear or side of houses above ground floor level. Upon review of the plans submitted with the application, the proposed development also complies with this requirement.
- 8.6.7. In terms of servicing, mid-terrace units proposed are provided with bin/bicycle storage areas within their front driveway areas and while semi-detached units proposed have sufficient accessible space within their rear gardens to accommodate bin/bicycle storage.
- 8.6.8. The application was accompanied by an Acoustic Design Statement, prepared by Wave Dynamics. It considers the proposed residential units (houses and apartments) in the context of the M50 motorway, which is located to the south of the subject site, and adjacent Stocking Lane. It identifies a need for mitigation of inward noise from these roads. Subject to the implementation of the mitigation measures proposed (specific sound insulation and ventilation requirements), the assessment concludes

that the internal and external noise levels will achieve the targeted noise levels in line with BS 82233:2014 and ProPG 2017 guidance. I am satisfied that the submitted Acoustic Design Statement was carried out in accordance with an acceptable technical methodology and that its conclusions are reliable and robust. It is therefore concluded that, subject to the incorporation of these specified measures, the occupants of the proposed development would not be exposed to an unacceptable level of noise.

#### Houses - Revised Proposal

- 8.6.9. The applicants have submitted a revised proposal with their appeal submission. This section will assess the revised proposal in the context of the aforementioned policy documents, as relevant.
- 8.6.10. In the context of the mix requirement for residential developments specified in H1 Objective 12 of the Development Plan, I note that the revised proposal includes 37 x 3+ bedroom units. This equates to 31% of the 119 dwellings proposed and therefore the revised proposal continues to comply with the 30% Development Plan requirement.
- 8.6.11. I note that the revised proposal utilises the same house types as originally proposed, which comply with the total floor area, main living room area, aggregate living area, aggregate bedroom area and storage areas specified in the Quality Housing for Sustainable Communities, 2007.
- 8.6.12. The revised proposal involves changes to the layout of the street network and housing layout in the southernmost part of the site to facilitate the creation of a linear park along the southern boundary. Upon review of the revisions made to the layout, the proposed dwellings will be served by private open space areas which comply with/are in excess of the private open space requirements specified in Specific Planning Policy Requirement 2 of the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024). The minimum separation distances specified in Specific Planning Policy Requirement 1 are also complied with.

#### Apartments - Originally Lodged Proposal

- 8.6.13. In considering the residential amenity of the proposed apartments, regard is had to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023).

### *Unit Mix*

8.6.14. The originally lodged proposal would entail the provision of 51 apartments, comprising of 33 x 1 bedroom apartments and 18 x 2 (4P) bedroom apartments. This exceeds the 50% one bed/studio units specified in relation to unit mix in apartments in Specific Planning Policy Requirement 1 of the Apartment Guidelines. The provision of 33 x 1-bedroom apartments is considered appropriate in this instance having regard to the mix of residential units provided across the subject site more broadly, with 1-bedroom apartments constituting 27% of the overall 119 dwellings proposed.

### *Floor Areas*

8.6.15. As detailed in the housing quality assessment/floor plans accompanying the application, the 1-bed apartments would have a floor area of between 50sqm and 60.6sqm and the 2-bed (4P) units would have a floor area of between 81sqm and 96.5sqm. With respect to minimum floor areas, the proposed apartments exceed the minimum overall apartment floor areas specified in the Apartment Guidelines as well as complying with the associated minimums set in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. In addition, there is a requirement under Section 3.8 for *'the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'*. In this case, this standard is also met.

### *Dual Aspect/Floor to Ceiling Heights/ Apartments per Core*

8.6.16. Specific Planning Policy Requirement 4 requires that a minimum of 50% of apartments proposed are dual aspect units in suburban or intermediate locations, Specific Planning Policy Requirement 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres and Specific Planning Policy Requirement 6 specifies a maximum of 12 apartments per core. With regards to dual aspect, upon review of the plans submitted with the application, 32 apartments constitute dual or triple aspect units (with no single aspect north-facing apartments proposed). At 62.7%, the proposed development complies with the requirements of

SPPR 4. The floor ceiling height at ground floor level would be 2.7 metres and a maximum of 10 apartments per core is proposed in the context of the apartment block proposed, thus complying with these two standards also.

#### *Storage*

8.6.17. As detailed in the housing quality assessment/floor plans accompanying the application, the 1-bed units would be provided with between 3.6sqm and 5.6sqm of storage and the 2-bed (4P) units by between 6sqm and 6.2sqm of storage which complies with the numerical storage requirements specified in Appendix 1 of the Apartment Guidelines. Upon review of the plans, it would appear that the storage space serving the proposed 1 and 2-bedroom duplex apartments includes individual storage room >3.5sqm which is contrary to the following stipulation set out in Paragraph 3.31 of the guidelines: - *'as a rule, no individual storage room within an apartment should exceed 3.5 square metres.'* However, I am satisfied that compliance with this aspect of the requirements could be addressed by way of condition should the Board be inclined to grant planning permission.

#### *Private Amenity Space*

8.6.18. As detailed in the housing quality assessment/floor plans accompanying the application, the 1-bed apartments would be served by 5.6sqm balconies or terraces and the 2-bed (4P) apartments by 7sqm or 10.2sqm balconies or terraces, which have a minimum depth exceeding 1.5 metres. The 1-bed duplex apartments would be served by 6.5sqm terraces and the 2-bed (4P) duplex apartments by 7.7sqm balconies, which have a minimum depth exceeding 1.5 metres. The 1-bed maisonettes would be served by gardens between 47sqm and 55sqm in size. Therefore, the apartments, duplex apartments and maisonettes comply with the quantitative requirements set out in relation to private amenity space.

8.6.19. I am satisfied that the majority of the proposed private amenity areas also satisfy the qualitative requirements of the Apartment Guidelines given their orientation, the separation distance provided between buildings and their positioning relative to each other/proposed windows. However, similar to the Planning Authority, I would have concerns about the quality of the private amenity areas serving the maisonette units, in particular the upper floor maisonettes (Units No. 30 and 31). The upper floor units do not have direct access to their garden areas, having to exit the front of the

block and walk around the building to access the garden areas at the rear. This arrangement is unsuitable for the future residents of the proposed maisonette units and would not accord with the 2023 Apartment Guidelines. Further to this, upon review of the floor plans and site layout plan, it would appear that Unit 32 has direct access into the garden area earmarked for Unit 31. I am satisfied that this issue could be addressed by way of condition. Therefore, it is recommended that if the Board are inclined to grant permission that a condition be attached requiring that Units 30 and 31 be redesigned to provide private amenity space in the form of balconies and the proposed garden areas be reallocated to Units 29 and 32/redesigned accordingly.

#### *Communal Amenity Space*

8.6.20. In accordance with Appendix 1/paragraph 4.13 of the Apartment Guidelines, a minimum of 291sqm of communal amenity space would be needed to serve the proposed apartments. The proposed development complies with the broad numerical communal amenity space requirements, providing 386sqm. In terms of the positioning of the communal amenity space provided, 300sqm is provided proximate to the proposed apartment building, 38sqm proximate to Duplex Units No. 33-36 and 48sqm proximate to Duplex Units No. 19-22. I note that the proposed maisonettes are not provided with a specific area of communal amenity space. I consider this appropriate in this instance given these units directly abut a large public open space area featuring in the north-eastern corner of the site.

#### *Daylight/Sunlight*

8.6.21. The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration and regard should be had to the BRE standards. In this regard, the application is accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, which among other things includes an assessment of the proposed apartment block, duplex units and maisonettes in terms of daylight/sunlight access to habitable rooms. The proposed development achieves a 98% compliance rate. I am generally satisfied that daylight and sunlight considerations have informed the proposed layout and design in terms of separation distances, scale, window sizing and the aspect of units.

### *Bin Storage*

8.6.22. Paragraph 3.37 of the Apartment Guidelines states that *'provision shall be made for the storage and collection of waste materials in apartment schemes. Refuse facilities shall be accessible to each apartment stair/lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required'*.

Upon review of the plans submitted with the application, a bin storage area is proposed to the rear of the apartment block immediately adjacent to the westerly building entrance to serve the future residents of the apartments. In the context of the proposed duplex units, bin stores are proposed adjacent to the entrance to the proposed units at ground floor level. In both instances, this would be acceptable in terms of accessibility. I am also satisfied that the proposed bin storage areas serving the apartments and duplex units are appropriately sized and appropriately tucked away/screened to reduce visibility.

8.6.23. In the context of the maisonette units proposed, currently bin storage areas serving these units feature in the private open spaces allocated to them. As previously discussed, in light of concerns I have about the quality of these private amenity areas, I am recommending that a condition be attached requiring that Units 30 and 31 be redesigned to provide private amenity space in the form of balconies and the proposed garden areas be reallocated to Units 29 and 32/redesigned accordingly. This redesign will have a knock-on effect in relation to bin storage for these units. Therefore, it is recommended that an additional condition be attached requiring a revised bin storage proposal be adopted in the context of these units.

### *Conclusion*

In conclusion, I am satisfied that the development as originally proposed would provide quality apartments which, subject to the aforementioned conditions, would provide a suitable level of amenity for future residents.

### Apartments - Revised Proposal

8.6.24. The applicants have submitted a revised proposal with their appeal submission. This section will assess the revised proposal in the context of the 2023 Apartment Guidelines, as relevant.

### *Unit Mix*

8.6.25. The revised proposal would entail the provision of 55 apartments, comprising of 35 x 1 bedroom apartments and 20 x 2 bedroom apartments. As was the case with the original proposal, this exceeds the 50% one bed/studio units specified in relation to unit mix in apartments in Specific Planning Policy Requirement 1. The provision of 35 x 1-bedroom apartments is considered appropriate in this instance having regard to the mix of residential units provided across the subject site more broadly, with 1-bedroom apartments constituting 29% of the overall 119 dwellings proposed.

### *Dual Aspect*

8.6.26. In the revised scheme, upon review of the plans submitted with the appeal, 36 apartments constitute dual or triple aspect units (with no single aspect north-facing apartments proposed). At 65%, the proposed development complies with the requirements of SPPR 4.

### *Storage*

8.6.27. The revised proposal maintains the same quantum of storage to serve the proposed 1-bedroom and 2-bedroom units as originally proposed thus complying with the numerical storage requirements specified in Appendix 1 of the Apartment Guidelines, 2023. As per the original proposal, it would appear that the storage space serving the proposed 1 and 2-bedroom duplex apartments includes individual storage room >3.5sqm which is contrary to the following stipulation set out in Paragraph 3.31 of the guidelines. However, as previously discussed, I am satisfied that compliance with this aspect of the requirements could be addressed by way of condition should the Board be inclined to grant planning permission.

### *Communal Amenity Space*

8.6.28. In accordance with Appendix 1/paragraph 4.13 of the Apartment Guidelines, a minimum of 315sqm of communal amenity space would be needed to serve the proposed apartments. The revised proposal complies with the broad numerical communal amenity space requirements, providing 386sqm. From a qualitative perspective, the communal amenity space is provided in the same location as the proposal as originally lodged. Therefore, I remain satisfied that the proposed communal amenity space is appropriately overlooked, conveniently located relative to



the apartments proposed, appropriately sizes/designed so as to be usable and will receive an appropriate level of daylight/sunlight. I note that the newly proposed duplex units (Units 54-57) are not provided with a specific area of communal amenity space. I consider this appropriate in this instance given these units directly abut a large public open space area featuring centrally on site.

#### *Bin Storage*

- 8.6.29. The revised scheme sees the bin storage areas serving the proposed apartment block repositioned further south (with no alteration to its size/general layout). In its new position, the proposed bin storage area is still considered to be appropriately located relative to the apartment block entrance. There are no alterations to the bin storage areas serving proposed duplex units and the same amendments are required in the context of bin storage provision for the proposed maisonettes.

#### *Floor Areas/Floor to Ceiling Heights/Apartments per Core/Private Amenity Space*

- 8.6.30. The revised proposal maintains the same floor areas for 1-bedroom and 2-bedroom apartments as the original proposal and therefore, comply/exceed the minimum overall apartment floor areas and the associated minimums set in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas, specified, as well as the requirements under Section 3.8.
- 8.6.31. With regards to the floor ceiling height at ground floor level and no. of apartments per core, the revised proposal does not alter the 2.7 metres floor ceiling height at ground floor level and maximum of 10 apartments per core originally proposed and thus continues to comply with the applicable quantitative aspect of these two standards.
- 8.6.32. The revised proposal does not alter the private amenity space originally proposed for apartments, duplex units and maisonettes and thus continues to comply with the applicable quantitative requirements in this regard and the qualitative requirements in the context of the proposed apartments and duplex units. The same concerns exist in the context of the quality of private open space serving the proposed maisonette units. Therefore, it is recommended that if the Board are inclined to grant permission for the revised layout proposal that a condition be attached requiring that Units 30 and 31 be redesigned to provide private amenity space in the form of

balconies and the proposed garden areas be reallocated to Units 29 and 32/redesigned accordingly.

### *Conclusion*

8.6.33. In conclusion, I am satisfied that the revised development proposal submitted with the appeal, subject to conditions, would provide a suitable level of amenity for future residents for the same reasons outlined in the previous section of this report.

## **8.7. Access, Traffic and Parking**

### Access and Traffic

8.7.1. The proposed development entails the construction of 119 dwellings. Access to these dwellings is provided via a new vehicular access off Stocking Lane (R115), featuring centrally along the site's western boundary. The existing vehicular access serving the subject site is to be closed as part of the subject development. In the context of the proposed vehicular entrance, the applicable section of Stocking Lane is relatively straight and level and there are no particular constraints on the visibility to/from the proposed junction, as illustrated in the Proposed Site Access Sight Lines Drawing included in the Transportation Assessment Report, prepared by NRB Consulting Engineers, which accompanied the application (with existing trees located within the sightlines proposed for removal). The site is within the 50kph speed limit zone for the area. In terms of internal road network, a central 5.5 metre wide road runs from the vehicular access through the site, with 3 x 4.8 metre wide streets and 3 x 5.5 metre wide streets extending from this. I am satisfied that the proposed development has been designed having appropriate regard to street hierarchy approach outlined in DMURS. In addition to adopting a hierarchy of widths in relation to the proposed road layout, the street arrangement for the proposed development also incorporates home zones which is encouraged by Section 4.3.4. These home zones are visually distinctive due to their differing surfacing and the presence of junction tables where they meet the central road. DMURS also ask that cul-de-sacs do not dominate layouts, and I am satisfied that the proposed layout is not dominated by the same. Further to this, I am satisfied that the approach to on street parking in the proposed development reflects the guidance in DMURS. Having regard to the foregoing, it is my view that the proposed development will not endanger public safety by reason of traffic hazard and

that a good quality and safe street environment will be provided for residents of the proposed development.

- 8.7.2. Further to the vehicular access provided off Stocking Lane, pedestrian/cycle accesses will also be provided from Springvale to the east of the subject site. Provision is also made for potential future connections to the recently permitted developments at Coolamber and Rookwood to the north. These access points are appropriately surveilled by the adjacent dwellings and will improve permeability/accessibility within the scheme/surrounding area. In terms of pedestrian/cycle access, it is also proposed to introduce a raised signal-controlled pedestrian crossing across Stocking Lane proximate to the south-western corner of the subject site/the pedestrian access point to Prospect Heath. This aspect of the proposed development is welcomed. I note that South Dublin County Council's Roads Department did not raise any objection to the proposed development. They did however recommend that conditions be attached to any grant of permission requiring that the pedestrian access between Prospect Heath and the proposed development be joined (resulting in a single footpath to the road crossing on Stocking Lane) and that additional details/information be requested in relation to the temporary arrangement for the pedestrian connection to Coolamber and the cycle/pedestrian link to Springvale. It is recommended that these recommended conditions be attached to the Board's Order should they be inclined to grant permission. Having regard to the improvements to pedestrian/cyclist movement adopted in the context of subject proposal and the treatment of the interface between the proposed development entrance and Stocking Lane, I consider the proposed development access to be appropriate.
- 8.7.3. There is one further matter that requires consideration in the context of the proposed development's access arrangements. Stocking Lane is included in the Six Year Road Programme of road upgrades outlined in the South Dublin County Development Plan 2022-2028. More specifically, the Development Plan seeks to '*enhance pedestrian and cycling facilities and exploit the tourist potential of the route.*' As previously discussed, the buildings proposed adjacent to the site's western boundary adopt generous setbacks from the Stocking Lane frontage and the public open space featuring within the intervening space is to accommodate a shared pedestrian/cycle lane which it is envisaged will tie in with the development approved to the immediate north, under Reg. Ref. SD21A/0202. I consider this aspect of the proposed

development to be consistent with the vision outlined for Stocking Lane in the context of the Six Year Road Programme of road upgrades.

8.7.4. With regards to traffic generation arising from the proposed development, I note that the Transportation Assessment Report (TAR), prepared by NRB Consulting Engineers, accompanying the application considers the potential impact of vehicular traffic associated with the proposed development. It was informed by traffic generation estimates for the subject development (prepared using TRICS software), as well as traffic turning movement surveys of applicable nearby junctions (undertaken in May 2023), including: - Scholarstown Road/Stocking Lane, Scholarstown Road/Ballyboden & Edmondstown Roads, Scholarstown Road/Boden Park Green and Scholarstown Road/Ballyboden Way & Templeroan Road. In carrying out their assessment, NRB Consulting Engineers firstly ascertained the base conditions for both the weekday AM and weekday PM Commuter Peak period and then applied TII-recommended annual traffic growth factors to calculate opening and design year traffic conditions. Further to the above, regard was had to 5 committed developments located within the area of influence of the subject site (details of which are outlined in Section 3.14 of the TAR). I am satisfied with the approach taken in this regard. This assessment concluded that *'the proposed development will have a negligible impact upon the established local traffic conditions and can easily be accommodated on the road network without any capacity concerns arising'* and *'that there are no significant Traffic Safety, Road Capacity or Transportation issues that prevent a positive determination of the application'*.

8.7.5. South Dublin County Council's Roads Department have reported no objection to the proposed development in the context of access/traffic generation. Similarly, Transport Infrastructure Ireland have raised no issues of concern. This is important as, although the development is not on a national route, Stocking Lane feeds traffic onto the Scholarstown Road and in turn onto the Scholarstown Interchange on the M50, to the west of the subject site. Upon review of the information submitted with the application, I am satisfied that the traffic that would be likely to be generated by the proposal would be capable of being accommodated on Stocking Lane and would not have an unreasonable impact on nearby junctions to the north of the subject site. In my view, there is sufficient capacity to accommodate the proposed development and I am satisfied that significant traffic congestion or risks to road safety in the wider area would

not be likely to arise from the proposed development. I am also satisfied that the applicant has had appropriate regard to the additional traffic generated by approved developments in the immediately surrounding area in their consideration of the subject proposal.

### Parking

#### As Lodged Proposal

8.7.6. The material submitted with the application indicates that the proposed development will be served by 125 car parking spaces in total assigned in the following manner: - 20 serving residents of the proposed apartment block, 7 serving residents of the proposed duplex and maisonette units, 38 serving the 2 & 3 Bed (4 person) houses and 60 serving the Bed (5 person) & 4 Bed houses.

8.7.7. Section 12.7 of the South Dublin County Development Plan 2022-2028 specifies maximum car parking provision rates for various development types, including residential developments. In the intervening period since the adoption of the Development Plan, the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) have been introduced. The Specific Planning Policy Requirement outlined in this document take precedence over conflicting Development Plan objectives. Specific Planning Policy Requirement 3 contained within these guidelines requires that in accessible locations (defined as *'lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services'*), the maximum rate of car parking provision for residential development shall be 1.5 spaces per dwelling (which differs from the requirements specified in the South Dublin County Development Plan 2022-2028). In the context of the subject development, this would equate to a maximum car parking provision of 178.5 cars.

8.7.8. Having regard to the requirements of SPPR 3, the public transport services available in the surrounding area, the pedestrian/cyclist improvements incorporated into the scheme, the provision of 1 car share space within the development and the operation of the scheme being under the control of a management company, I consider the provision of 122 resident use spaces and 2 accessible parking spaces, as well as 1 car share space, to be acceptable. In addition to the above, Chapter 4 of the Apartments Guidelines addresses carparking 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 the sites intermediate urban location, the public transport services available, and the density proposed (>45 dph), I consider that car parking provision in this instance would be consistent with the Apartments Guidelines.

8.7.9. Upon review of the plans accompanying the application, I am satisfied that the proposed car parking spaces are appropriately sized and conveniently located proximate to the proposed apartments, dwellings, maisonettes and duplex units no. 33-36. I also consider the location of car share space proposed (adjacent to the entrance to the estate) to be appropriate, providing convenient access to residents of the subject development and surrounding area more broadly. In the context of the proposed maisonette/duplex units, while I am satisfied with the ratio (0.58) of parking proposed to serve these units, I would have concerns about duplex units no. 19-20 (located to the east of the central open space area), proximity to the 7 car parking spaces proposed to serve proposed maisonette/duplex units. The 7 car parking spaces proposed are located immediately adjacent to the proposed maisonettes and duplex units no. 33-36 but are c. 40 metres from duplex units no. 19-22 which is a considerable distance in my view. Upon review of the plans accompanying the application, I think there is ample opportunity to introduce an additional 2 parallel car parking spaces along the southern edge of the central public open space area proposed to serve duplex units no. 19-22, without detrimentally impacting upon the amenity of residents of the development or this public open space area/public open space provision more broadly. It is recommended that a condition be attached accordingly.

8.7.10. In terms of cycle parking requirements, Section 12.7 of the South Dublin County Development Plan 2022-2028 specifies maximum bicycle parking provision rates also (these reflect the requirements specified in the 2023 Apartment Guidelines). In the intervening period since the adoption of the Development Plan, the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) have been introduced. The Specific Planning Policy Requirement outlined in this document take precedence over conflicting Development Plan objectives. Specific Planning Policy Requirement 4 contained therein outlines the

following in terms of quantity of cycle parking: - for residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied (which differs slightly to the requirements specified in the South Dublin County Development Plan 2022-2028). Visitor cycle parking should also be provided. In the context of the subject development, this would equate to a requirement of 65 bicycle parking spaces to serve residents of the proposed apartments and duplex units, which are devoid of ground floor open space or feature small terraces. The proposed apartments and duplex units will be served by 62 bicycle parking spaces which falls slightly short of the requirements outlined. This shortfall is considered appropriate in this instance as it is minimal, and 27 bicycle parking spaces are provided to serve visitors to the development. From a qualitative perspective, the resident spaces serving the apartment block are provided within dedicated gated bicycle storage area featuring at ground floor level and the resident spaces serving duplex units are provided within a secure storage area immediately proximate to their ground floor entrance. These are considered to be appropriate locations in terms of shelter, accessibility and passive surveillance.

- 8.7.11. In the context of the 4 maisonette units and 38 mid-terrace houses proposed, I note that individual bin/bicycle stores are provided within their individual garden areas and within the site frontage, respectively. This is considered appropriate in the context of the mid-terrace houses. However, as previously discussed, I am recommending that a condition be attached requiring that Maisonette Units 30 and 31 be redesigned to provide private amenity space in the form of balconies and the garden areas assigned to Units 29-32 be reallocated to Units 29 and 32. This will have a knock on effect for the bicycle storage arrangements proposed for Units 30 and 31. Therefore, it is recommended that an additional condition be attached requiring that revised bicycle storage arrangements be adopted in the context of the proposed maisonette units.

#### *Revised Proposal*

- 8.7.12. The alternative design proposal accompanying the appeal submission encapsulates a 5 space reduction in car parking provision in response to the unit mix amendments proposed. The revised proposal will be served by 120 car parking spaces in total assigned in the following manner: - 24 serving residents of the proposed apartment

block, 7 serving residents of the proposed duplex and maisonette units, 39 serving the 2 & 3 Bed (4 person) houses and 50 serving the Bed (5 person) & 4 Bed houses. In the context of the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024), the maximum car parking requirement under SPPR3 would remain the same for the revised 119 unit proposal. The 5 space reduction proposed is considered appropriate given the revised 119 unit proposal features a higher no. of 1 & 2 bedroom dwellings than the originally lodged proposal.

- 8.7.13. With regards to access to the proposed car parking spaces, I would continue to have the same concerns regarding proposed duplex units no. 18-21 (located to the east of the central open space area) proximity to the car parking spaces proposed to serve proposed maisonette/duplex units. Further to this, the alternative design proposal also features 4 additional duplex units (Units No. 54-57) to the south of the central open space area, which are located even further away from the allocated car parking spaces. Upon review of the plans accompanying the appeal submission, I think there is ample opportunity to introduce an additional 4 angled car parking spaces along the southern edge of the central public open space area proposed to serve duplex units no. 18-21 and 54-57, without detrimentally impacting upon the amenity of residents of the development or this public open space area/public open space provision more broadly. It is recommended that a condition be attached accordingly.
- 8.7.14. In terms of bicycle parking provision, the alternative design proposal accompanying the appeal submission maintains the same no. of bicycle parking spaces as the original proposal.
- 8.7.15. In terms of allocation, the proposed apartments and duplex units featuring in the revised proposal will be served by 78 bicycle parking spaces which is in accordance with the requirements outlined. I continue to deem visitor bicycle parking provision, the quality of bicycle parking spaces serving proposed apartments and duplex units and the quantum/location of bicycle parking spaces serving mid-terrace houses to be suitable in the context of the alternative design proposal. The same issue arises with regards to the 4 maisonette units proposed in the context of the revised proposal. Therefore, if the Board see fit to adopt the alternative layout accompanying the appeal submission, it is recommended that the previously discussed condition be attached



the Board Order requiring revised bin/bicycle storage arrangements be adopted in the context of the proposed maisonette units.

## **8.8. Built Heritage**

8.8.1. The subject site's northern boundary abuts the curtilage of Rookwood House and the Ballyboden Waterworks Reservoir are located to the west of the subject site, on the opposite side of Stocking Lane. Both of these are included on the County's register of protected structures (RPS No. 327 and RPS No. 333, respectively). Therefore, consideration of the impact of the proposed development in terms of built heritage, is required in this instance. Policy NCBH19, included in Section 3.5.2 of the South Dublin County Development Plan 2022-2028, requires careful consideration of any proposals for *'development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly'*. Further to this, the appropriateness of the proposed development requires consideration in the context of the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

8.8.2. In the context of Rookwood House, the proposed development (proposed Units 31 & 32 being the most proximate) is located c. 36 metres from this Protected Structure. Given the separation distance that exists between the proposal and Rookwood House, the positioning of 2 areas of public open space adjacent to the applicable common boundary and the tree cover featuring in the part of the site abutting this Protected Structure's curtilage/in the rear grounds of this Protected Structure, there will be very limited views of the proposed development in the context of this property. Further to this, as previously discussed in Section 5.2, permission was recently granted (ABP Ref. ABP-313499-22) for the construction of 10 houses surrounding Rookwood House. The southernmost of the permitted houses will occupy some of the curtilage of this Protected Structure immediately proximate to the subject site's northern boundary.

8.8.3. In the context of the Ballyboden Waterworks Reservoir, the proposed dwellings/apartment block are separated from this site's eastern boundary by Stocking Lane, the cycle/pedestrian lanes running along the western edge of this road as well as the 2 areas of public open space proposed adjacent to the subject site's western boundary. Further to this, there is a difference in level between the appeal site and the

Ballyboden Waterworks Reservoir site, the subject site sitting lower than its westerly neighbour. Having regard to the foregoing, I have no objection to the proposed development in terms of potential impacts on this adjacent protected structure.

8.8.4. Upon review of the revised proposal submitted with the appeal, I note that there are no changes to the proposed development's presentation to or setbacks from these adjacent Protected Structures, with changes limited to the part of the site flanking the southern boundary, so the above conclusions remain relevant in the context of the revised scheme.

8.8.5. In light of the foregoing, I am satisfied that the proposed development, will not detract from the character or the special interest of Rookwood House or the Ballyboden Waterworks Reservoir.

## **8.9. Infrastructure and Flood Risk**

### Infrastructure

8.9.1. The application was accompanied by an Engineering Services Report and a set of engineering drawings, prepared by Lohan & Donnelly Consulting Engineers.

### *Water Supply*

8.9.2. The proposed development will be served by a 150mm diameter watermain which will connect to the existing 300mm diameter watermain running along Stocking Lane to the west of the development. Uisce Eireann have confirmed, in their Confirmation of Feasibility (dated 2<sup>nd</sup> August 2023), that a water supply connection can be facilitated subject to the laying of c. 90 metres of new 150mm pipe to connect to the existing mains pipe further north of the existing PRV and inlet Flowmeter. The applicant has agreed to carry out the necessary upgrade works, as per Uisce Eireann's requirements.

### *Foul Water Drainage*

8.9.3. To service the development, 150 and 225mm diameter foul water pipes will be provided throughout the site. All foul water generated from the proposed development will then flow towards an existing foul manhole located to the east of the site on Springvale Road. Uisce Eireann have confirmed, in their Confirmation of Feasibility

(dated 2<sup>nd</sup> August 2023), that a foul water connection for the proposed development is feasible without infrastructure upgrades.

8.9.4. I am satisfied that the applicant can provide for suitable water supply and foul water drainage to serve the proposed residential units. It is worth noting that South Dublin County Council Water Services Department have reported no objection to this development in relation to the connection to water supply and public foul drainage system.

#### *Surface Water Drainage*

8.9.5. Surface water is to be attenuated on site in a proposed system and SuDS will also be incorporated into the design. The site will be divided into two different catchments, Area A comprising the western part of the site and Area B comprising the eastern part of the site. The suitability of the proposed SuDS Strategy for the development was previously considered in Section 8.2 of this report.

#### Flood Risk

8.9.6. There are no waterbodies within, or which border the subject site. The Owendoher River is located c. 100 metres west of the subject site. The application is accompanied by a Site-Specific Flood Risk Assessment, prepared by Lohan & Donnelly Consulting Engineers, which raised no issues of concern. Upon review of the OPW website ([www.floodinfo.ie](http://www.floodinfo.ie)), it identified the site as being in an area not vulnerable to coastal or fluvial flooding in any scenario (i.e. 10%, 0.5% or 0.1% AEP) and having no previous record of groundwater flooding. In the context of pluvial flooding, based on available information (no pluvial flooding probability maps being available on floodinfo.ie at the time of writing the report) there is no record of pluvial flooding on site or is there predicted pluvial flooding on site. Inspection of the flood zone maps contained in the Strategic Flood Risk Assessment associated with the South Dublin Development Plan 2022-2028 placed the subject site within a Flood Zone C. The only identified flooding issue in the area was on the Owendoher River along the Edmonstown Road, to the north-east of the site, in 2000. As the applicable section of Edmonstown Road is some 10 metres below the lowest point of the subject site, it is not considered to have any significance with respect to potential flooding on the subject site. To obviate against potential flood risk, the development's drainage design includes for a 20% climate

change allowance and the proposed development has been designed so as to not increase run-off rate when compared with the existing site, thus satisfying the relevant requirements to reduce flooding and improve water quality.

8.9.7. Having examined the OPW website ([www.floodinfo.ie](http://www.floodinfo.ie)) and Strategic Flood Risk Assessment associated with the South Dublin Development Plan 2022-2028, I find the assessment provided regarding potential flooding in the Site Specific Flood Risk Assessment, prepared by Lohan & Donnelly Consulting Engineers, to be accurate. I am satisfied that, given its small scale and location within an established residential area in a Flood Zone C area, the proposed infill development would not give rise to an increased risk of flooding on the site or other properties in the vicinity. It is noted that South Dublin County Council's Water Services Section have raised no objection to the development in the context of flood risk.

#### **8.10. Ecology/Biodiversity**

8.10.1. The application was accompanied by an Ecological Impact Assessment, prepared by NM Ecology (dated 18<sup>th</sup> December 2023). This report is informed by desktop research; site inspections carried out in September 2018, September 2021 and July 2023; and bat surveys conducted in 2018, 2021 and 2023, including preliminary roost inspections of buildings/trees (in September 2018, August 2021 and July 2023), emergence/re-entry surveys of the 'St Winnows' dwelling (on 21<sup>st</sup>/22<sup>nd</sup> September 2018 and 19<sup>th</sup>/20<sup>th</sup> July 2023), and an emergence survey at an oak tree on the western boundary (on 13<sup>th</sup> August 2021 and 12<sup>th</sup> July 2023). I have had regard to the contents of this document in considering ecology/biodiversity in the context of the proposed development.

8.10.2. The receiving environment is discussed in Section 4 of the Ecological Impact Assessment. The site comprises of a single field of agricultural grassland used for livestock grazing and hay / silage production, which is surrounded on all sides by hedgerows and treelines, and a dwelling/associated garden in the northern part of the site. The surrounding area is suburban in character. Underlying rock is metamorphic, is a locally important aquifer and subsoils are limestone till, deep and well-drained. There are no watercourses within or adjacent to the site. The Owendoher River, located to the east, is the nearest watercourse. It flows into the Dodder and eventually

into Dublin Bay. There are no designed sites within 2 km of the site, the closest being the Dodder Valley pNHA c. 2.4 km north-west of the site. There are no source-pathway-receptor links to any other designated sites.

8.10.3. In summary, the habitat surveys conducted found the following in the context of flora:

- *Trees*: - A number of mature trees are located along the western boundary/along Stocking Lane, most of which are of non-native species. There was no ground flora of note in the woodland, although some trees were overhanging grassland vegetation. The trees form part of a network of similar habitats along Stocking Lane and which have a local ecological value for birds and other fauna. The woodland is considered to be of local importance.
- *Treelines and Hedgerows*: - The northern, eastern, and southern boundaries of the site feature a mix of hedgerows and treelines. The treelines provide for a mix of native and non-native species. In some areas the understorey is a hedgerow (see below), but there was no other ground flora of note. The treelines and hedgerows form part of a network of linear woodland along Stocking Lane and throughout the wider area, so they have value as habitat for birds and other fauna. On this basis, all are considered to be of local importance.
- *Improved Agricultural Grassland*: - The field has been in low-intensity agricultural use for a number of years, both for livestock grazing and the production of hay/silage. The site provides for a richness in species; however, all plant species are common/widespread in the Dublin area and therefore the site is of negligible ecological value.
- *Buildings and Artificial Surfaces*: - Only applies to the house and associated driveway to the north of the site. It has a small garden of amenity grassland (GA2) and ornamental non-native shrubs (WS3). These habitats are of negligible ecological importance.
- *Rare or Protected Flora*: - None recorded on site.
- *Invasive Plant Species*: - None recorded on site.

8.10.4. Section 4.4 of the report deals specifically with bats. I am satisfied that bats, along with other protected species, have been appropriately surveyed/considered during

preparation of the subject application. With regards to potential roost features, the dwelling in the north of the site is considered to have low suitability for roosting bats. A mature oak on the western boundary could potentially be used by individual or small numbers of roosting bats. Its suitability for bats was considered to be relatively low. A Norwegian maple on the south-western boundary was considered to have low suitability for bats in early surveys, but following an inspection by torchlight in 2023 it is no longer considered suitable for bats. Rookwood Lodge, to the north of the site, was identified as suitable for a bat roost, and one common pipistrelle was found to be roosting and three other species were recorded foraging within the site.

8.10.5. With regards to the various bat surveys conducted in 2018, 2021 and 2023, no evidence of roosting bats has ever been recorded in the context of the dwelling on site. Therefore, it is concluded that the site does not support a bat roost. The site is regularly used as a foraging and commuting area by three species, Leisler's bat, common pipistrelle and soprano pipistrelle, and Daubenton's bats have also been recorded on one occasion. The mature woodland/treeline along the western boundary appears to be a locally-important feeding area, as part of a larger complex of woodland and freshwater habitats outside the site boundary. Linear vegetation in other parts of the site is occasionally used. Overall, the site is considered to be of local importance for foraging and commuting bats.

8.10.6. In summary, the habitat surveys conducted found the following in the context of fauna more broadly:

- *Birds:* - Birds found on site were common species and all of which are of a good conservation status in Ireland. Swifts (currently included on the red list of Irish birds due to significant declines in its breeding population) were observed foraging high above the site (at least 40 metres above ground level) and surrounding area in July 2023. However, there are no potential breeding locations within the site, the site is only used for foraging. Given its suburban location, the site is considered to be of negligible importance for most species. It appears to be of local importance for foraging swifts, but is not used for breeding.
- *Terrestrial Animals:* - No mammals were found on site during the surveys. The hedgerows and marginal vegetation would be suitable for hedgehog, stoat and pygmy shrew, none were observed but some can be assumed to be here. On a

precautionary basis, it will be assumed that the site is of local importance for one or more of these species.

- *Reptiles and Amphibians*: - None were observed during the site surveys. Considering the lack of suitable breeding sites for amphibians, and that all site habitats are well-represented in the surrounding landscape, the site is considered to be of negligible importance for these taxa.
- *Terrestrial Invertebrates*: - The sites habitats are common in Irish urban landscapes, so it is considered to be of negligible importance for invertebrates.

8.10.7. No particular potential limitations and information gaps are expected as the surveys were undertaken in optimum times for such surveying work and over an extensive time period (2018 to 2023).

8.10.8. Table 3, included in Section 4.6, provides an 'Identification of Important Ecological Features'. The most important ecological features on the subject site are the woodland, treeline and hedgerow habitats, swifts (foraging habitat), bats (foraging / commuting habitat), nesting birds, and breeding small mammals.

8.10.9. In summary, the following 'Predicted Impacts of the Proposed Development' are outlined in Section 5:

- *Habitat Loss During Site Clearance Works*: - Most of the woodland, treelines and hedgerows that form the site boundary will be retained and will be incorporated into the proposed development. It will be necessary to remove some U-category trees (recommended for immediate removal), ash trees likely to be affected by ash-dieback disease, and a small number of additional trees in the footprint of the development. They will be more than compensated for by the proposed landscaping scheme for the site.
- *Impact on Nesting Birds during Site Clearance Works*: - Where trees are proposed for removal on site, there is the potential for impact to birds and some mammals that may breed in these. The cutting of trees during the nesting season would have a negative impact, however, the Wildlife Act 1976 as amended seeks to ensure that such does not occur.
- *Impacts on Swifts*: - Development of the site is not considered likely to cause any change to their foraging habitat. At present, there are no suitable nesting locations

on site. The site suitability will be enhanced by installing some pre-fabricated nesting boxes around the eaves of the proposed apartment building.

- *Impact on Bat Foraging Areas and Commuting Routes:* - There is a potential impact on bats from the provision of public lighting. The lighting plan will ensure that such impacts are minimised as much as is possible. The overall impact on bats will be a slight negative effect on the bat foraging habitat within the subject site.
- *Potential In-combination Impacts with Other Developments:* - Two small scale residential developments have been granted permission to the north of the site (Reg. Refs. SD21A/0194 and SD21A/0202). There could potentially be cumulative impacts on bat foraging / commuting habitat due to lighting, and from the clearance of habitat suitable for nesting birds and breeding animals. However, the surrounding area is broadly similar to the Site, and would be of no more than local importance, so there is not expected to be any significant cumulative impact on either ecological feature.

8.10.10. The following mitigation measures are outlined in Section 6 (in summary):

- It is recommended that tree felling, and site clearance work take place outside of the nesting season and which should be undertaken between September and February inclusive. If this is not possible, an ecologist to be employed to survey the site and to ascertain when the breeding has been completed.
- All retained trees and hedgerows will be protected during construction works, using fencing to demarcate their root protection zones.

8.10.11. No particular issues of concern are listed under 'Residual Impacts'. Subject to the implementation of recommended mitigation measures and the provision of public lighting in accordance with a lighting plan incorporating bat-sensitive lighting techniques, it is concluded that the proposed development will not cause any significant negative impacts on designated sites, habitats, legally protected species, or any other features of ecological importance.

8.10.12. Having regard to the information/details included in the Ecological Impact Assessment, I am satisfied that the submitted information demonstrates that the proposed development will not impact on any designated or protected ecological sites or impact on any protected species. Suitable mitigation measures have been proposed



and these are noted. It is recommended that a condition be attached to any Board Order granting permission requiring implementation of the same.

## **8.11. Other Matters**

8.11.1. *Archaeology* - I note the submission from the Dept. of Housing, Local Government and Heritage which, upon review of the Archaeological Impact Assessment accompanying the application, recommended that an Archaeological Impact Assessment including a programme of Archaeological Test Excavation be requested by way of further information request. As the Planning Authority refused planning permission, a further information request was not issued in the context of this application. Some items of note from the Archaeological Impact Assessment accompanying the application are that no Recorded Monuments or Protected Structures are located within the site; a review of cartographic and aerial imagery of the site, as well as a site visit, were also carried out, and no features that could represent archaeological monuments or features were noted; and no definite signs of archaeology were identified during the geophysical survey conducted (although anomalies of archaeological potential were recorded and targeted test trenching was recommended). Having regard to the findings of this report, I do not consider refusal of the proposed development is necessitated on archaeological grounds (in the absence of targeted archaeological test trenching) but rather that a suitably worded condition be attached. This condition would require that an archaeological assessment of the development site/archaeological test excavations be undertaken by a suitably qualified archaeologist prior to the commencement of development and that the results of this inform the archaeological strategy during the construction phase of the development in the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

8.11.2. *Childcare Facility* – The South Dublin Childcare Committee, as outlined in their submission, have advised that they consider planning permission to be unfeasible without any allocation of a creche, having regard to the requirements under Childcare Facilities - Guidelines for Planning Authorities, 2001. The Planning Guidelines for Childcare Facilities (2001) requires one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units. The Apartment Guidelines, 2023, provide some further guidance in this regard. They state that the threshold for provision of

childcare in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. By way of clarification, it states that 1 bed or studio units should generally not be considered to contribute to a requirement for childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms. The no. of 2+ bedroom dwellings proposed (86 no.) exceeds the 75-unit threshold (the alternative design option accompanying the first party appeal submission includes 84 x 2+ bedroom dwellings which also exceeds the 75-unit threshold). The proposal does not include a childcare facility.

The application is accompanied by a Childcare Needs Assessment which identified 20 operational childcare facilities within a reasonable distance of the subject site. Using the latest TUSLA Register of Services available, their current capacity was estimated to be 1014 childcare places. This assessment estimated (based on the assumptions stated in the 2001 Guidelines) that 43 of the 2+ bedroom units proposed would have some element of demand for childcare. It concluded that the childcare need requirements generated by the proposed development scheme can be readily accommodated in the vicinity of the subject site given the capacity of existing childcare facilities. 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). The non-provision of a childcare facility is considered appropriate in this instance. I consider that the proposed development will achieve increased childcare capacity which will deliver a net benefit to the area. I note that the Planners Report concluded that, having regard to the proposed unit mix and childcare needs assessment submitted, the lack of on-site childcare facility provision may be considered acceptable at the subject site.

- 8.11.3. *Aviation* – As previously discussed, the subject site falls within the Take Off Climb Surfaces, Approach Surfaces, Outer Horizontal Surface, and Bird Hazards aviation layers outlined for Casement Aerodrome in the South Dublin County Development Plan 2022-2028. The Aviation Safeguarding and Public Safety Zones Technical Guidance Map included in the South Dublin County Development Plan 2022-2028 places the subject site within an area identified as a location in which developments

of up to 30 metres in height above ground are unlikely to have significance in relation to aviation. The tallest building proposed as part of the subject development is the apartment building fronting Stocking Lane. It extends to a maximum height of c. 14.8 metres. Therefore, I am satisfied that the proposed development will not have any negative implications regarding aviation.

## 9.0 **Appropriate Assessment Screening**

- 9.1. I have considered the proposed residential development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening for Appropriate Assessment (dated December 2023), prepared by NM Ecology on behalf of the applicant, and the objective information presented in that report informs this screening determination.

### ***Screening Determination Conclusion***

- 9.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Taking into consideration the Qualifying Interests/Conservation Objectives of the applicable SACs/SPAs, the subject sites' distance from the same and the absence of a hydrological pathway or any other pathway or link to these conservation sites, as well as the site's suitability for SPA birds, I conclude that all identified sites can be screened out. It is therefore determined that there is no requirement for a Stage 2 Appropriate Assessment and for the submission of a Natura Impact Statement. This conclusion is based on:

- Objective information presented in the applicant's AA Screening Report;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water/ground water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- The available capacity of the applicable Wastewater Treatment Plant to facilitate future development in compliance with the provisions of the Water Framework Directive;
- Distance from European Sites;

- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

9.3. Full details of my assessment are provided in Appendix 1 attached to this report.

9.4. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

## **10.0 Environmental Impact Assessment Screening**

10.1. This application was submitted to the Board after the 1<sup>st</sup> of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

10.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended), provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units; and
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere ('business district' means a district within a city or town in which the predominant land use is retail or commercial use).

10.3. The site to which this appeal pertains is a greenfield site currently comprising of an agricultural field utilised for grazing and a single dwelling and its associated grounds/areas of hardstanding. It is proposed to construct 119 residential units, on this 2.56Ha site located in the south Dublin suburb of Ballyboden/in close proximity to Rathfarnham village. Therefore, it is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations, 2001 (as amended), in that it is less than 500 units and is below the 10 hectares (that

would be the applicable threshold for this site, being outside a business district but within an urban area).

- 10.4. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended) provides that an EIA is required for: *“any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”* For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 10.5. The Planning Authority completed an environmental impact assessment screening of the proposed development and concluded as follows: - *“the proposed development does not constitute a development for which EIA is mandatory. Having regard to the nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.”*
- 10.6. The application addresses the issue of EIA within an Environmental Impact Assessment Screening document, prepared by NEO Environmental, submitted with the application. This Environmental Impact Assessment Screening document contains information to be provided in line with Schedule 7A of the Planning and Development Regulations, 2001 (as amended). The information provided in the Environmental Impact Assessment Screening document identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. I have had regard to same in this screening assessment. I have also had regard to the reports submitted with the application, as listed in Section 2.0 above, which address a variety of environmental issues and the environmental impacts of the proposed development.
- 10.7. I have completed an EIA screening assessment as set out in Appendix 2 of this report. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended);
- The location of the site within the existing built-up urban area, which is served by public infrastructure, the site's limited ecological value and the existing pattern of development in the vicinity;
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended);
- 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); and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended);

10.8. I have concluded that, by reason of the nature, scale and location of the subject site proposed in conjunction with the environmental sensitivity of the geographical area, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an Environmental Impact Assessment Report for the proposed development is not necessary in this case. This conclusion is consistent with the screening determination made by the Planning Authority. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## 11.0 Recommendation

11.1. Having considered the contents of the application, the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason and considerations and subject to the conditions outlined below.

## 12.0 Reasons and Considerations

12.1. Having regard to the following:

- i) The sites location proximate to the established urban area of Rathfarnham with a land-use zoning objective for 'RES - Existing Residential' in the South Dublin County Development Plan 2022-2028;
- ii) The policies and objectives in the South Dublin County Development Plan 2022-2028;
- iii) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- iv) The pattern of existing and emerging development in the area;
- v) The provisions of Housing for All – A New Housing Plan for Ireland, 2021;
- vi) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- vii) Sustainable Urban Housing: Design Standards for New Apartments, 2023;
- viii) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- ix) The provisions of the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024);
- x) 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;
- xi) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- xii) The provisions of the Climate Action Plan 2024;
- xiii) The policies and objectives set out in the National Planning Framework;
- xiv) The policies and objectives of the Regional and Spatial Economic Strategy for the Eastern and Midland Regional Assembly;
- xv) The grounds of appeal received; and
- xvi) Submissions received;

it is considered that, subject to compliance with the conditions set out below, the proposed development constitute an acceptable quantum, scale and density of residential development in this location, would not seriously injure the residential or

visual amenities of the area or of property in the vicinity, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 13.0 Recommended Order

**Appeal** by Rycroft SLR Limited, C/O Brock McClure Consultants, 63 York Rd, Dún Laoghaire, Co. Dublin, against the decision made on 23<sup>rd</sup> February 2024 by South Dublin County Council to refuse permission to Rycroft SLR Limited for 1 reason.

#### **Proposed Development**

Large Scale Residential Development on a c. 2.56Ha site at Saint Winnows, Stocking Lane, Rathfarnham, Dublin 16 & adjoining lands, D16 H9R2, consisting of: - A) Demolition of the existing "St. Winnows" detached house c. 177.9sqm; B) Construction of 119 no. residential units (33 no. 1 bedroom units, 50 no. 2 bed units, 28 no. 3 bed units and 8 no. 4 bed units) in the form of the following unit types. \* 32 no. House Type A1 - 2 bed mid terrace, \* 6 no. House Type A2 - 3 bed mid terrace, \* 13 no. House Type B - 3 bed end of terrace, \* 9 no. House Type C - 3 bed end of terrace, \* 8 no. House Type D - 4 bed semi-detached, \* 4 no. 1 bed Maisonette, \* 4 no. 1 Bed Duplex, \* 4 no. 2 Bed Duplex, \* 25 no. 1 Bed Apartment units, \* 14 no. 2 Bed Apartment Units; C) Open space is proposed in the form of (i) 4 no. public open space areas (approx. 3.936 sqm) and (ii) residential communal open spaces (approx. 386 sqm) including a playground. Each residential unit has associated private open space in the form of a garden/balcony/terrace; D) The development shall be served via a new vehicular access point from Stocking Lane and the existing entrance to St. Winnows will be closed; E) Shared pedestrian and cycle access at the eastern boundary of the site to neighbouring Springvale estate is proposed, raised signal controlled pedestrian crossing to the south west of the site across Stocking Lane and shared pedestrian and cycle lane connection to the permitted development to the north along Stocking Lane (ABP-311559-21/Reg. Ref SD21A/0194); F) A total of 125 no. car parking spaces, to include 2 no. accessible parking spaces, 1 no. Driveyou Space, and 6 no. EV charging spaces for all apartment and Duplex / Maisonette parking spaces; G) A total of 249 no. bicycle parking spaces, in the form of 54 no. long stay bicycle parking spaces



within the apartment block, 92 no. spaces in the form of secure bicycle lockups adjacent to the entrance of mid-terraced houses and duplex units, 68 no. spaces for houses and maisonettes in the form of direct access to rear gardens, 23 no. short stay visitor bicycle parking spaces at surface level for the apartment block, 8 no. bicycle parking spaces for the duplex units and 4 no. visitor bicycle spaces for the maisonettes; H) 2 no. ESB kiosks; I) Bin store area for the apartment block is proposed at ground floor level adjacent to the apartment block; and all associated site and infrastructural works include provision for water services; foul and water surface water drainage and connections; internal roads, attenuation proposal; permeable paving; all landscaping works including green infrastructure zones; green roofs; roof plant room and general plant areas; photovoltaic panels; landscaped boundary treatment; footpaths; public lighting and electrical services.

## **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.

## **Matters Considered**

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

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

- a) The site's location proximate to the established urban area of Rathfarnham with a land-use zoning objective for 'RES - Existing Residential' in the South Dublin County Development Plan 2022-2028;
- b) The policies and objectives in the South Dublin County Development Plan 2022-2028;
- c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- d) The pattern of existing and emerging development in the area;

- e) The provisions of Housing for All – A New Housing Plan for Ireland, 2021;
- f) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- g) Sustainable Urban Housing: Design Standards for New Apartments, 2023;
- h) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- i) The provisions of the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024);
- j) 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;
- k) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- l) The provisions of the Climate Action Plan 2024;
- m) The policies and objectives set out in the National Planning Framework;
- n) The policies and objectives of the Regional and Spatial Economic Strategy for the Eastern and Midland Regional Assembly;
- o) The grounds of appeal received;
- p) Submissions received; and
- q) The Inspectors Report.

It is considered that, subject to compliance with the conditions set out below, the proposed development constitute an acceptable quantum, scale and density of residential development in this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **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 on file, the information submitted as part of the application and the Inspector's Report. In completing the screening exercise, the Board agreed with and adopted the report of the 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 preliminary examination for environmental impact assessment of the proposed development and concluded that it would not have the potential to have significant effects on the environment, having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended);
- The location of the site within the existing built-up urban area, which is served by public infrastructure, the site's limited ecological value and the existing pattern of development in the vicinity;
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended);
- 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); and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and;

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

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to the conditions outlined, the proposed development is compliant with the provisions of the Louth County Development Plan 2021–2027 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **14.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by An Bord Pleanála on the 20<sup>th</sup> day of March 2024 (Drawing No. SLN-00-SP-DR-JFA-AR-P1101, prepared by John Fleming Architects, and Drawings Nos. 2385-LDE-ZZ-ZZ-DR-SC-101, 2385-LDE-ZZ-ZZ-DR-SC-1C02, 2385-LDE-ZZ-ZZ-DR-SC-1C04 and 2385-LDE-ZZ-ZZ-DR-SC-1C07, prepared by Lohan & Donnelly Consulting Engineers), except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. The proposed development shall be amended as follows:

- (a) An additional play space shall be introduced in the public open space area featuring along the site's Stocking Lane frontage (northern part).
- (b) Units 30 and 31 shall be redesigned to provide private amenity space in the form of balconies and the garden areas assigned to Units 29-32 shall be reallocated to Units 29 and 32/redesigned accordingly.
- (c) Revised bin/bicycle storage arrangements shall be adopted in the context of Units 29, 30, 31 and 32 to reflect the aforementioned layout revisions.

- (d) The internal layouts of the proposed apartments shall be amended so that no individual storage room within an apartment/maisonette/duplex unit exceed 3.5 square metres.
- (e) The pedestrian access between Prospect Heath and the proposed development shall be joined to form a single footpath to the road crossing on Stocking Lane.
- (f) The central public open space area shall be redesigned to provide an additional 4 car parking spaces to serve Duplex Units No. 18-21 and 54-57.
- (g) An updated 'taking in charge' plan.
- (h) A parking plan detailing the allocation of car spaces across the development.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of residential amenity, pedestrian safety and orderly development.

3. The final layout and specifications for the following shall be agreed with the Planning Authority in writing prior to commencement of development:

- (a) Details of the temporary arrangement for the pedestrian connection to Coolamber.
- (b) Details of the cycle/pedestrian link to Springvale, including boundary wall heights and forward visibility for cyclists.

**Reason:** In the interests of permeability, sustainable transport, and community safety.

4. The development shall be carried out in accordance with a detailed phasing scheme, full details of which shall be submitted and agreed with the Planning Authority prior to the commencement of development. This phasing plan shall adopt a similar approach to phasing as that adopted in Drawing No. SLN-00-SP-DR-JFA-AR-P1104 accompanying the application.

**Reason:** In the interest of proper planning and orderly development and to ensure the timely provision of amenities and infrastructure for future residents.

5. All mitigation measures set out in the submitted Ecological Impact Assessment and Acoustic Design Statement shall be implemented in full in the carrying out and occupation of the permitted development.

**Reason:** In the interest of protecting the environment and residential amenity during the construction and operational phases of the development.

6. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

7. The permitted development shall be landscaped and boundary treatments provided in accordance with the detailed comprehensive scheme of landscaping and boundary treatments, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

8. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme agreed with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

9. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and 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 management company contract, and drawings/particulars describing the parts of the development for which the 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.

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

10. The developer shall facilitate the archaeological appraisal of the site, including a programme of Archaeological Test Excavations, 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.

11. Public lighting shall be provided in accordance with a scheme (informed by the Ecological Impact Assessment accompanying the application), which shall include lighting for the public open spaces, communal spaces and parking / servicing areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any unit.

**Reason:** In the interests of amenity and public safety.

12. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

13. A plan containing details for the management of waste 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 apartment and non-residential unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.



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

**Reason:** In the interest of sustainable waste management.

15. The construction of the development shall be managed in accordance with a final project Construction and 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 the construction practice for the development, including:

- a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse;
- b) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;
- c) Details of on-site car parking facilities for site workers during the course of construction;
- d) 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.
- e) Measures to obviate queuing of construction traffic on the adjoining road network;
- f) Details of construction phase mobility strategy, incorporating onsite mobility provisions;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- j) Details of appropriate mitigation measures for noise and dust, 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 watercourses;
- n) A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority;
- o) Invasive species management plan.

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

16. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Saturdays inclusive, 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 residential amenities of property in the vicinity.

17. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and traffic and pedestrian safety.

18. A minimum of 10% of all car parking spaces should 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 or stations at a later date. Where proposals relating to the installation of electric-vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

19. 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.

20. In the context of the proposed apartment block, no additional development shall take place above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment unless otherwise agreed in writing with the Planning Authority.

**Reason:** To protect the visual amenities of the area.

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

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

22. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

23. 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 Development Act, 2000 (as amended), and of the housing strategy in the development plan of the area.

24. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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 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.*

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Margaret Commane  
Planning Inspector

12<sup>th</sup> June 2024

## Appendix 1 - Screening for Appropriate Assessment

### Screening for Appropriate Assessment Screening Determination

#### Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located in Rathfarnham in Dublin 16. The subject site is described in more detail in Section 1.0 of this report. The site is urban in nature and has limited value in terms of ecology/biodiversity. The habitats featuring on the subject site are described in more detail in Section 8.10 of this report and the Ecological Impact Assessment provided by the applicant. The Natura 2000 sites located in closest proximity to the subject site are as follows:

- Wicklow Mountains SAC (Site Code 002122) - 4.3km to the south.
- Wicklow Mountains SPA (Site Code 004040) - 4.3km to the south.
- Glenasmole Valley SAC (Site Code 001209) - 5km to the south-west.
- South Dublin Bay SAC (Site Code 000210) - 7.6km to the north-east.
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) - 7.6km to the north-east.

The proposed development comprises demolition of a dwelling and associated structures featuring in the northern part of the site; construction of 119 residential, ranging in height from 2-4 storeys; and all associated siteworks and services. It is proposed to connect to the existing Uisce Eireann water and wastewater services. The site is slightly elevated and generally slopes down from south to north. Please refer to Section 2.0 of this report and the Screening for Appropriate Assessment/other planning documents provided by the applicant for further details regarding the proposed development.

#### Potential impact mechanisms from the project

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts, such as habitat loss, on any European site.

With regards to indirect impacts, potential impacts could include:

- Surface water pollution (silt/hydrocarbon/construction related) from construction works resulting in changes to environmental conditions such as water quality.
- Ground water pollution - effects on groundwater dependent habitats.

- Habitat loss in the context of the birds of prey and range of overwintering birds associated with the Wicklow Mountains SPA and South Dublin Bay and River Tolka Estuary SPA, respectively.
- Emissions release to land or air.

Where an ecological pathway exists, these indirect impacts could negatively alter the quality of the existing environment, negatively affecting qualifying interest species and habitats that are dependent on high water quality, that require maintenance of natural vegetation composition and for mobile species, unimpeded access.

In applying the 'source-pathway-receptor' model, in respect of potential indirect effects, I would accept that the following sites can be screened out for further assessment at the preliminary stage based on a combination of factors. The Wicklow Mountains SAC, Wicklow Mountains SPA and Glenasmole Valley SAC are all upstream of the site, so surface water pathways can also be ruled out in this regard.

In the context of ground water pollution, there is over 7km of soils between the site and the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, which would filter any pollutants to negligible concentrations before they could reach the SAC or SPA. The Wicklow Mountains SAC, Wicklow Mountains SPA and Glenasmole Valley SAC are located at a higher altitude to the south, so there is no possibility that groundwater would seep in that direction. Therefore, groundwater can be ruled out as a feasible pathway.

As there is a distance of over 4km to the closest European site, air and land can be ruled out as pathway.

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 1 overleaf. I am satisfied that no other European Sites fall within the possible zone of influence.

### **European Sites at risk**

Having regard to the potential ZOI and the submitted AA document, the following Natura 2000 sites are identified as requiring further consideration for potential impacts due to possible indirect hydrological connections between the development and them via the surface water drainage network and in the context of habitat loss:

- South Dublin Bay SAC (000210).
- South Dublin Bay and River Tolka Estuary SPA (004024).
- Wicklow Mountains SPA (Site Code 004040).

The Qualifying Interests of these sites are described in Table 1 below, as well as a brief description of the same.

<b>Table 1 European Sites at risk from impacts of the proposed project</b>			
<b>Effect mechanism</b>	<b>Impact pathway/Zone of influence</b>	<b>European Sites</b>	<b>Qualifying interest features at risk</b>
Surface water pollution	If pollutants generated on site reached the Owendoher River, they would be carried north into the River Dodder, and then north-east through Dublin City into the Liffey Estuary, reaching Dublin Bay coastal waters c. 14.5km downstream.	South Dublin Bay SAC; & South Dublin Bay and River Tolka Estuary SPA	<p><u>South Dublin Bay SAC</u></p> <p>Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; and Embryonic shifting dunes</p> <p><u>South Dublin Bay and River Tolka Estuary SPA</u></p> <p>Light-bellied Brent Goose; Oystercatcher; Ringed Plover; Grey Plover; Knot; Sanderling; Dunlin; Bar-tailed Godwit; Redshank; Black-headed Gull; Roseate Tern; Common Tern; Arctic Tern; Wetland and Waterbirds</p>
Habitat loss	The resultant removal of habitats could impact on the applicable birds of prey and range of overwintering birds	Wicklow Mountains SPA and South Dublin Bay and River Tolka Estuary SPA	<p><u>Wicklow Mountains SPA</u></p> <p>Merlin; and Peregrine</p> <p><u>South Dublin Bay and River Tolka Estuary SPA</u></p> <p>Light-bellied Brent Goose; Oystercatcher; Ringed Plover; Grey Plover; Knot; Sanderling; Dunlin; Bar-tailed Godwit; Redshank; Black-headed Gull; Roseate Tern; Common Tern; Arctic Tern; Wetland and Waterbirds.</p>

In the context of surface water pollution, the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA cover coastal waters c. 14.5km downstream. However, this is not considered to be a feasible surface water pathway because the connection is extremely tenuous. The dilution capacity of intervening watercourse,



as well as the coastal waters of Dublin Bay, would reduce any pollutants to negligible concentrations before they could affect the qualifying interests of any European sites.

The Wicklow Mountains SPA was designated to protect two birds of prey: - peregrine and merlin and the South Dublin Bay and River Tolka Estuary SPA to protect a range of overwintering birds that use Dublin Bay, including brent geese. The site is considered unsuitable for any species associated with these SPAs for the following reasons:

- The distances of 4.3 km and 7.6 km from the site to the SPAs, respectively.
- The habitats are unsuitable for peregrine or merlin as they are usually associated with upland moors, heaths and forests, and no such habitats feature within the site.
- The habitats are unsuitable for brent geese or any other species associated with the South Dublin Bay and River Tolka Estuary SPA whose primary habitats are coastal wetlands (e.g. mudflats). They are known to feed on amenity grasslands and / or agricultural land. The grassland within the site has not been intensively managed for a number of years and is dominated by coarse grasses so is not considered suitable for brent geese. Oystercatchers, godwits and curlews typically feed on soil invertebrates in areas of marshy grassland. The grassland within the site is coarse and does not have any marshy areas, so it is considered unsuitable for these species.

#### **Likely significant effects on the European sites 'alone'**

Taking account of baseline conditions, and the effects of ongoing operational plans and projects, it was considered whether there is a likely significant effect 'alone'.

European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Yes/No)?		
		Surface water pollution	Ground water pollution	Habitat loss
South Dublin Bay SAC				
Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; and Embryonic shifting dune	To maintain the favourable conservation condition	No	No	No

<b>South Dublin Bay and River Tolka Estuary SPA</b>				
Light-bellied Brent Goose; Oystercatcher; Ringed Plover; Knot; Sanderling; Dunlin; Bar-tailed Godwit; Redshank; Black-headed Gull; Roseate Tern; Common Tern; Arctic Tern; and Wetland habitat;	To maintain the favourable conservation condition	No	No	No
<b>Wicklow Mountains SPA</b>				
Merlin Falco; and Peregrine.	To maintain or restore the favourable conservation condition of the bird species	No	No	No
<p>Taking into consideration the Qualifying Interests/Conservation Objectives of the applicable SACs/SPAs, the subject sites' distance from the same and the absence of a hydrological pathway or any other pathway or link to these conservation sites, as well as the site's suitability for SPA birds, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of SPAs/SACs outlined above. Further AA screening in-combination with other plans and projects is required.</p> <p>I note that the Dun Laoghaire Rathdown County Council Planner's Report, referring to the Screening for Appropriate Assessment (prepared by NM Ecology - dated December 2023) accompanying the application, concluded that: - <i>"the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required"</i>.</p>				
<b>Likely significant effects on the European sites 'in-combination with other plans and projects'</b>				
<p>The applicant's AA Screening Report has considered cumulative / in-combination impacts and concluded that as the proposed development poses no risk of impacts on European sites in isolation, the risk of in-combination effects can also be ruled out.</p> <p>I am satisfied with the conclusion reached in this regard and consider that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on any European site.</p>				

In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment and for the submission of a Natura Impact Statement.

### **Overall Conclusion - Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act, 2000 (as amended), and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the applicant's AA Screening Report;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water/ground water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- The available capacity of the applicable Wastewater Treatment Plant to facilitate future development in compliance with the provisions of the Water Framework Directive;
- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## Appendix 2 - EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-319353-24			
<b>Proposed Development Summary</b>	Demolition of "Saint Winnows", construction of 119 residential units, provision of a new vehicular access point from Stocking Lane, closure of the existing entrance to Saint Winnows and all associated site/infrastructural works.			
<b>Development Address</b>	Saint Winnows, Stocking Lane, Rathfarnham, Dublin 16 & adjoining lands, D16 H9R2			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	✓		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>	✓	10(b)(i)(iv) - Infrastructure Projects. Thresholds: > 500 homes > 10 hectares		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	✓	Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 3 - EIA Screening Determination

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	ABP-319353-24	
<b>Development Summary</b>	Demolition of "Saint Winnows", construction of 119 residential units, provision of a new vehicular access point from Stocking Lane, closure of the existing entrance to Saint Winnows and all associated site/infrastructural works.	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1.</b> Was a Screening Determination carried out by the PA?	Yes	The PA was satisfied that the proposed development is not likely to have significant effects on the environment and it considered that EIA and the preparation of an EIAR was not required for this project.
<b>2.</b> Has Schedule 7A information been submitted?	Yes	An Environmental Impact Assessment Screening report is submitted with the application which includes Schedule 7A information.
<b>3.</b> Has an AA screening report or NIS been submitted?	Yes	A Screening for Appropriate Assessment is submitted with the application which includes information regarding proximate European sites.
<b>4.</b> Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
<b>5.</b> 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	<p>The following were submitted with the application:</p> <ul style="list-style-type: none"> <li>• An Ecological Impact Assessment.</li> <li>• A Site-Specific Flood Risk Assessment.</li> <li>• A Resource &amp; Waste Management Plan.</li> <li>• An Operational Waste Management Plan</li> </ul> <p>SEA and AA were undertaken by the planning authority in respect of the South Dublin County Development Plan 2022-2028.</p>

B. EXAMINATION	<p>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</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>		
<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>The development comprises the construction a residential development on zoned/serviced lands. From an environmental perspective, the nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.</p>	<p>No</p>
<p><b>1.2</b> Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?</p>	<p>The proposed development will change some land currently in agricultural use to a residential development.</p> <p>The land use would change from agricultural fields to residential with cut and fill proposed to provide appropriate levels throughout the development. Topographic changes would be negligible.</p> <p>There are no substantive waterbodies on the subject site. The Owendoher River features further east, flanking the eastern boundary of the adjacent Springvale and Prospect Manor housing estates. There are limited excavation works proposed and the proposed development adopts a generous separation distance from this river so it is not anticipated that any negative impacts will result.</p>	<p>No</p>
<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.</p>	<p>No</p>

<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a CEMP and a CDWMP would satisfactorily mitigate potential impacts.  No operational impacts in this regard are anticipated.	No
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CEMP and a CDWMP would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.	No
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No significant risks are identified. Operation of standard measures outlined in a CEMP and a CDWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services.	No
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a CEMP and a CDWMP.	No
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CEMP and a CDWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated,	No



	with water supplies in the area provided via piped services.	
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	<p>No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.</p> <p>The site is not at risk of flooding as discussed in Section 8.9.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	No
<b>1.10</b> Will the project affect the social environment (population, employment)	Population of this urban area would increase. Housing would be provided to meet existing demand in the area.	No
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	This is a greenfield development located in an established urban area. The proposed development is in accordance with the South Dublin County Development Plan 2022-2028, which was subject to Strategic Environmental Assessment (SEA).	No
<b>2. Location of proposed development</b>		
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>a) European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>b) NHA/ pNHA</li> <li>c) Designated Nature Reserve</li> <li>d) Designated refuge for flora or fauna</li> <li>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</li> </ul>	Sensitive ecological sites are not located on site. The nearest European sites are listed in Section 9.0 of this report. The proposed development would not result in significant impacts on these sites. Annex II habitats or habitat suitable for protected species, including plants, were not found on site during ecological surveys.	No
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna	Existing habitats, flora and fauna (including protected species, such as bats) have been surveyed as part of the preparation of the	No

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>submitted Ecological Impact Assessment. The submitted Ecological Impact Assessment did not raise any issues of concern. Mitigation measures are outlined therein in Section 6 to be adopted during construction/operation specific to habitats featuring on site.</p> <p>Biodiversity measures in the form of additional planting is anticipated to be of benefit to nesting and foraging birds.</p>	
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	<p>The site and surrounding area does not have a specific conservation status or landscape of particular importance and there are no Protected Structures on site.</p> <p>The subject site's northern boundary abuts the curtilage of Rookwood House and the Ballyboden Waterworks Reservoir is located to the west of the subject site. Both of these are included on the register of protected structures. The proposed development's potential impact on these Protected Structures was previously considered in Section 8.8. I am satisfied that the proposed development will not negatively impact upon the same.</p>	No
<b>2.4</b> 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?	No such features arise in this area.	No
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater which could be affected by the project, particularly in terms of their volume and flood risk?	<p>The development will implement SUDS measures to control surface water run-off. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.</p> <p>The site is not at risk of flooding as discussed in Section 8.9.</p>	No
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No risks are identified in this regard.	No
<b>2.7</b> Are there any key transport routes (eg National primary Roads) on or around	The site is served by an existing urban road network. There are sustainable transport options available to future residents. No	No

the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	significant contribution to traffic congestion is anticipated.	
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	There are no such sensitive land uses adjacent to the subject site.	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>		
<b>3.1 Cumulative Effects</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	Planning permission has been granted for (in summary) the construction of 10 additional houses (ABP Ref. ABP-313499-22) and 4 dwellings/5 duplex units (ABP Ref. ABP-311559-21) on the sites immediately north of the subject site. Given the combined scale of development proposed across these and the subject site, it is not envisaged that significant cumulative environmental effects would occur.  Cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan. Cumulative traffic impacts that may arise during operation of both developments have been considered and the impacts of the same found to be appropriate.	No
<b>3.2 Transboundary Effects</b> Is the project likely to lead to transboundary effects?	No transboundary considerations arise	No
<b>3.3</b> Are there any other relevant considerations?	No	No
<b>C. CONCLUSION</b>		
<b>No real likelihood of significant effects on the environment.</b>	✓	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Required

## **D. MAIN REASONS AND CONSIDERATIONS**

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended);
- The location of the site within the existing built-up urban area, which is served by public infrastructure, the site's limited ecological value and the existing pattern of development in the vicinity;
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended);
- 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); and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended);

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

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_