



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320493-24

<b>Development</b>	Construction of 89 dwellings and all associated site works.
<b>Location</b>	Site at Oldtown House, Kilgobbin Road, Dublin 18
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D24A/0341/WEB
<b>Applicant(s)</b>	Strand Court Limited .
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Strand Court Ltd.
<b>Observer(s)</b>	Don Briggs Simon & Judi Pleass Raymond & Claire O'Malley Helga Ryan Sylvia & Julian Dockeray Peter Martin.

**Date of Site Inspection**

10<sup>th</sup> April 2025

**Inspector**

Bébhinn O'Shea

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## **1.0 Site Location and Description**

- 1.1. The site measures 2.7 ha and is located at Oldtown House, Kilgobbin Road in south Dublin. Oldtown House is a protected structure; the dwelling, entrance point, avenue and gardens make up the most northwestern part of the site. Within this are also the remains of a recorded monument (inn) which are incorporated into Oldtown House. Excepting Oldtown House and its grounds, the site is otherwise greenfield in nature, with mature natural boundaries.
- 1.2. The site is surrounded by open lands to the east and southeast. Derriana, a dwelling on a large site adjoins the site to south and another large, detached dwelling, Winthorpe, also looks onto Darriana and the site from the south.
- 1.3. The area is rural in character in the immediate vicinity along Kilgobbin Road, in terms of narrow road width, stone walls with vegetation, single narrow footpath, limited buildings visible, mountainous backdrop to southwest. However, the road, which inclines northeast to southwest, is heavily trafficked.
- 1.4. There are a number of larger detached dwellings on large sites nearby, some of which are Protected Structures, and there are also a number of recorded monuments, including Kilgobbin Castle, detailed further below in this report.
- 1.5. The wider locality is of suburban residential character.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of
  - 89 no. residential units (39 no. houses; 50 no. apartments in a part 4 and part 5-storey apartment block, over a lower ground floor level).
  - new vehicular access from Kilgobbin Road including removal of part of an existing wall
  - alterations to and the use of the existing entrance for a pedestrian and cyclist access only

- provision of a new pedestrian ramp connection to Kilgobbin Road at the boundary wall in front of Oldtown House, and associated alterations and conservation works
- Car parking, cycle parking, motorcycle parking, internal roads, pedestrian and cycle paths, and the provision of the proposed infrastructure up to the application site boundary to facilitate future connections to adjoining lands.
- Associated site and infrastructural works
- Alterations and improvements to Kilgobbin Road, including relocation of a bus stop, 2 no. pedestrian crossings, and raised tables/ramps for the purpose of traffic calming.
- The application notes that the Ruins of structures associated with the Inn (Recorded Monument Ref. No. DU025-017002) will be retained as part of the private open space for Oldtown House, with public open space located to the south and east of the ruins and Oldtown House, and that one of the dwellings is proposed to be located within the former kitchen garden area associated with the Inn site.

## 2.2. Key Figures:

<b>Site Area</b>	2.7 ha	
<b>No. Units</b>	89 (39 Dwellings 50 Apartments) Plus existing dwelling to be retained	
<b>Density</b>	Gross: 33.3 dwellings/ha Nett: 47 dwellings/ha	
<b>Height</b>	Houses: 1/2/3 storey Apartments: 4-5 storey	
<b>Mix</b>	Houses: 16 x 3 bed 23 x 4 bed housing Apartments : 4 x 1 bed, 45 x 2 bed 1 x 3 bed	
	Overall Mix: 1 bed 4.5%	Apartment Mix 1bed 8%

	2 bed 50.5% 3 bed 19% 4 bed 26%	2 bed 90 % 3 bed 2%
<b>Part V</b>	18 no. units (20% of 89 no. units) - 4 no. 1 beds and 14 no. 2 bed units	
<b>Public Open Space</b>	3,960 sq.m Public Open Space (16% net site area) 388 sq.m Pocket Park (1.6% net site area)  (2,686 sq.m Landscape / Ecological Buffer noted)	
<b>Communal Open Space</b>	1,456 sq.m Communal Open Space	
<b>Car Parking</b>	133 spaces inclusive of 3 no. disabled 4 no. visitors, 1 no. car share and 11 no. EV	
<b>Cycle Parking</b>	173	
<b>Motor Cycle Parking</b>	2 spaces	

The application was accompanied by the following documentation:

<ul style="list-style-type: none"> <li>• Planning Report</li> <li>• Design Statement (including Housing Quality Assessment)</li> <li>• Environmental Impact Assessment Screening Report</li> <li>• Ecological Impact Assessment Arboricultural Assessment,</li> <li>• Appropriate Assessment Screening Report</li> <li>• Archaeological Impact Assessment</li> </ul>	<ul style="list-style-type: none"> <li>• Resource and Waste Management Plan</li> <li>• Operational Waste Management Plan</li> <li>• Engineering Services Report</li> <li>• Utilities Report</li> <li>• Lifecycle Report</li> <li>• Site Specific Flood Risk Assessment</li> <li>• Storm Water Audit</li> <li>• Ground Investigations Report</li> </ul>
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<ul style="list-style-type: none"> <li>• Architectural Heritage Impact Assessment</li> <li>• Landscape and Visual Impact Statement, Photomontage</li> <li>• Landscape Design Statement</li> <li>• Daylight and Sunlight Assessment</li> <li>• Part V report</li> <li>• Social and Community Infrastructure Audit/Assessment</li> <li>• Energy &amp; Sustainability Report/ Climate Action</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic &amp; Transportation Assessment Report</li> <li>• DMURS Compliance Report</li> <li>• Mobility Management Plan</li> <li>• Cycle audit</li> <li>• Stage 1 RSA</li> <li>• Public lighting analysis</li> <li>• Preliminary Construction and Environmental Management Plan</li> <li>• Operational Waste Management Plan</li> </ul>
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### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority refused permission for two reasons:

1. The Clay Farm Loop Road, which is required for the development of these lands, is not currently in place. The proposed development would contravene the phasing programme established within Section 12.1 of the Ballyogan and Environs Local Area Plan 2019-2025, which requires that "To progress the development of these lands the Loop Road will either be in place, with the necessary legal agreements in place for the developer to access the route, or the Applicant shall provide evidence that the Loop Road will be available to serve the development as homes are completed." As such, the proposed development would be contrary to the Ballyogan and Environs Local Area Plan 2019-2025, and would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which constraints involved may reasonably be expected to cease.
2. The proposed development is not accessed via the Clay Farm Loop Road, as required in the Ballyogan and Environs Local Area Plan ('Link No. 16'), and by

the Site Development Framework for Kilgobbin, which requires that vehicular access for all new residential development within the SDF will be provided via the Loop Road and/or its feeder routes. This would be contrary to the relevant transport, access, movement and phasing policies of the Ballyogan and Environs Local Area Plan 2019 - 2025, including, inter alia, Policy MOV12 'New Linkages', Table 4.6 and Figure 4.11 and 'Figure 12.8: Site Development Framework - Kilgobbin'.

### **3.2. Planning Authority Reports**

3.2.1. The Planning Report set out the following, in summary:

- Proposed development acceptable in principle having regard to zoning.
- Density acceptable having regard to DLRCDP, Compact Settlement Guidelines and LAP.
- In terms of residential amenity, considered house 3 and 4 should be omitted in interest of residential amenity of Derriana House in particular because of overbearance.
- FI on noise appropriate.
- Daylight and Sunlight -Omission of dwelling 3 and 4 considered appropriate in terms of impact on Vertical Sky Component impact on adjacent dwellings. Noted some units not meeting standards include single aspect units on each floor; re-orientation of the apartment block layout could address this.
- Unit mix acceptable and SPPRs of Apartment Guidelines are satisfied.
- Public open space is 17.53% of net site area and is acceptable. There may be safety issues given driveway traversing open space. Revisions of proximity of dwellings to site boundaries may also result in revisions to open space. FI required on some aspects.
- Private open spaces do not meet CDP standards but meet Compact Settlement Guidelines
- Communal open space meets CDP requirements.



- Notes issues raised in Parks report and that Further Information would be required in relation to these.
- Assesses building height in accordance with Table 5.1 of Building Height Strategy and considers site meets relevant safeguarding criteria and that proposed height is acceptable.
- Considers that proposed development acceptable in terms of built heritage. Mitigation measures outlined in Archaeological Impact Assessment should be required by condition in event of a grant.
- Ecological issues satisfactorily addressed, conditions to be applied in the event of a grant.
- Considered application premature pending provision of Clay Farm Link Road. Connections to future link road from proposed layout reliant on third party lands so also premature pending determination of layout. Noted history applications relevant to this issue.
- Car parking provision considered broadly in accordance with DLRCDP. Motorcycle parking acceptable.
- Cycle parking meets DLR standards; condition clarifying nature of stands on ground floor required by condition in the event of a grant.
- Need for EIA and Stage 2 AA screened out.

3.2.2. The report recommended refusal as set out in Section 3.1 above. It also noted that a variety of matters warranted a Further Information request, including matters of site layout, parks and landscaping, construction management, transportation, drainage but that this was not being recommended due to the overriding recommendation for refusal.

### 3.3. Other Technical Reports

Transportation	<p>Recommends refusal:</p> <p>The proposed development would contravene the phasing programme of the LAP and be premature given deficiencies in the road network . Proposal also contrary to Policy MOV12 and Kilgobbin SDF Guiding Principles of the LAP.</p> <p>Notes the proposed improvement works to Kilgobbin Road included in the subject application, but still considers the Kilgobbin Road is unsuitable for development access, due to deficiencies in pedestrian and cyclist facilities</p>
Drainage:	<p>Requests FI Further Information</p> <ul style="list-style-type: none"> <li>• groundwater discharge and potential flooding</li> <li>• construction of stone attenuation area in area with dense trees</li> <li>• details on headwall and stream levels incorporating tree considerations</li> <li>• blockage analysis of SW network</li> <li>• incorporation of 20% climate change factor and 10% urban creep factor</li> <li>• additional drawings (long sections, pipe/manhole numbers/micro-drainage analysis)</li> </ul>
Parks:	<p>Recommends Further Information</p> <p>Trees within southern boundary hedge 7 should be retained in interest of biodiversity and ecological corridor protected in Objective 4 of the SFD.</p> <p>Swales under trees of concern, cross sections need to ensure no impact on root protection zone.</p> <p>Nature of planting.</p>

	<p>Safety of proposed kickabout area given access road.</p> <p>Provision of cross sections to clarify all aspects of landscape design.</p>
EHO:	Requests Further Information – Baseline noise survey and mitigation measures for noise, vibration, dust.
Environmental Enforcement:	Noise is not sufficiently addressed. Noise Impact assessment, noise limits noise monitoring and dust monitoring proposals required. Recommends FI, provides conditions in event of grant.
Conservation:	<p>Broadly satisfied PS afforded sufficient setting and screening.</p> <p>Recommends omission of pedestrian ramp and associated works to the boundary wall at Kilgobbin Road.</p> <p>Recommends details of masonry repairs to be agreed with Cons Officer prior to commencement and appointment of Conservation Architect to oversee works.</p>
Housing:	Proposal on file, Part V condition to apply.

### 3.4. Prescribed Bodies

#### 3.4.1. An Taisce

- There should be a requirement for solar PV panels and a definite commitment to heat pumps
- Clarification required on hedgerow/tree removal for development in particular to facilitate the proposed vehicular access. Mature oak trees on eastern site boundary need to be preserved. Retention of mature trees and hedgerows should be prioritised in the first instance, with supplementary planting of native species as a secondary measure
- Queries siting in such proximity to Oldtown House. Conflict of medium density with character of the landscape and objective to retain Kilgobbin Road as a quiet country road.

### 3.4.2. Uisce Éireann

- Conditions in the event of a grant of planning permission.

### 3.5. Third Party Observations

16 third party submissions were received, the issues raised are summarised below.

- As per the LAP, the application is premature to completion of the Clay Farm Loop Road. The development is required to have road in place or available as homes are completed. "Vehicular access for all new residential development within the SDF will be provided via the Loop Road and/or its feeder routes."
- Interim solutions become long term such as at Stepside Park 314131. Completion of Clay Farm Loop Road will make no difference, the entrance of Kilgobbin Road will remain the primary entrance
- No planning for multi unit developments with access to Kilgobbin Road has been permitted between Sandford Hall and Kilgobbin Road. Recently approved 43 units do not access Kilgobbin Road There is precedent for refusal on these grounds. D22A/0945 ABP315923 Planning permission refused 19 no. dwellings on grounds of access required to be from Clay Farm Loop Road
- Kilgobbin Road is quite narrow and unsuitable for development access. Proposed entrance in located on a blind bend and dangerous.
- Traffic congestion already unacceptable. The road cannot accommodate additional traffic from 89 residential units, which will worsen congestion and cause further delays. Existing junction at Murphystown/Ballyogan Road/Kilgobbin Road already malformed and requires redesign. Traffic survey was done in November 2023. Additional residential units built since. Long queues on road at peak times.
- The LAP Site Development Framework states a Long Term Road Objective to retain Kilgobbin Road, between Ballyogan Road and Kilgobbin Lane, as an attractive 'country' road. To seek to preserve where possible the sylvan character of Kilgobbin West, and in particular the central section of Kilgobbin Road. It is important to retain the attractive country road. It is comforting to

residents that while the Stepside area develop a small part of its history is retained.

- Modifications including ramps, lights and pedestrian crossing injurious to the leafy character of Kilgobbin Road and it would be unrecognisable as an attractive country road.
- Note letter of consent from DRLCC advises that traffic calming and unsignalised pedestrian crossing is not normally acceptable in roads with rural character such as Kilgobbin road. And sightlines may require excavation of earth embankments which could impact on trees on the site.
- Old Hamlet of Kilgobbin is important in context of the area. This is a unique historic landscape associated with Kilgobbin Castle. The Pale ditch persists as significant mounds in the area, approaching Kilgobbin Castle on the other side of Kilgobbin Road. The impact on the character of the road will also affect the setting of the PS Thornberry and Kilgobbin Conservation area. 50 m of linear historic road boundary will be destroyed. Dissection of historic avenue to Oldtown House. This would not be necessary with access from Clay Farm Loop Road.
- Concerns re. surface water run-off. Lands at Oldtown House are important in terms of drainage and their development will increase the risk of flooding. Kilgobbin Road, the laneway off Kilgobbin, Woodlawn experience regular severe flooding. Concern that development will lead to increased run off and culvert under road and through Sruthan property will not be able to cope and cause flooding.
- Not clear public transport is adequate and can cope with extra volume. Confirmation needed that a thorough traffic assessment has been carried out and that LUAS and Bus can cope with extra volume. Relocation of bus stop will disadvantage existing residents.
- There have been large volumes of development at high density which have not been met with infrastructure, and amenities. It needs to be confirmed that there is space in schools and creches.
- Not all existing adjacent structures on drawings e.g. Sika, 1 Meadowbrook.

- Secure boundaries with adjoining properties are needed in terms of antisocial behaviour and safety from animals.
- Privately owned lane to the east of the site referred to as link no. 28 serves 8 houses and an access yard. Trespass is already a common occurrence and will be exacerbated. ROW along lane will be extinguished with completion of Loop Road and consultation with owners on continued access is long overdue
- The proposed development is too close to the dwelling Derriana, and will be overbearing, overlook the property, overshadow it in December and therefore conflicts with the zoning to protect or improve residential amenity. There is no consent to remove shared hedge boundaries which will impact on visual amenity.
- Proposed open space at the entrance diminished by its transection by the new road. Clarity on public space required. Several buildings have used Sandyford Hall without any investment.
- Impact of roadworks and construction. Safety for pedestrians on Kilgobbin Road, ability of larger vehicles to pass during construction.
- Unfinished buildings in the Sandyford Industrial Estate need to be used/ completed to providing apartments.
- Increased air noise pollution impacting residents and key green spaces
- Excessive density

## 4.0 Planning History

### 4.1. Site:

**DL 15A/0604 ABP 246616** Permission granted and granted on appeal in September 2016 for demolition of existing store and part of existing boundary wall to Kilgobbin Road and construction of extension to side of house. Creation of new vehicular entrance to Oldtown House from Kilgobbin Road. Granted with conditions omitting new access. (Not implemented)

**D10A/0013** – Permission granted in July 2010 for single storey house in the south-eastern corner of the grounds of Oldtown House, with access via exiting entrance and proposed improvement of visibility splays to 70m in a westerly direction by setting the boundary wall back. (Not implemented)

**D90B/0377** – permission granted for extension to conservatory at Oldtown House in 1990.

#### 4.2. Relevant Permissions in the Vicinity:

##### To northeast

**D15A/0247 and ABP 06D.246601** Permission granted September 2016 for 425 residential units and a childcare facility and includes vehicular access from Ballyogan Road (Clay Farm Phase 1)

**ABP 304288-19 (SHD)** Permission granted July 2019 for 192 no. apartments to replace and supersede the 56 no. apartments permitted under Reg.Ref: D15A/0247 and PL06D.246601 and associated site works. (Phase 1C)

##### To east/southeast

**ABP 301522-18 (SHD)** Permission granted in August 2018 for 927 residential units, childcare facility, 2 no. retail units and associated section of the Clay Farm Loop Road. (Clay Farm Phase 2)

The parent permission has been subject to the following amendments.

*PA Ref. LRD 23A/0126* – additional substation and change of house types.

*ABP 310422-21* – additional substation and associated switch room.

*ABP 308563-20* – replacement of 4-bed houses with 3-bed houses.

*ABP 305172-19* – an overall increase in unit numbers from 924 to 933.

*ABP 304212-19* – alterations to the development of 927 residential units, childcare facility and 2 retail units (layout, use, reduction in dwelling units by 3, reduction in basement car parking, increase in surface car parking).

##### To southeast

**ABP 314131-22 (SHD)** Permission refused in October 2023 for 118 residential units on the grounds of (i) unit mix and (ii) failure to provide all road users link between the Clay Farm Loop Road and Stepside Park, contrary to extant planning permissions and not in accordance with BELAP 2019-2025, including Policy MOV12 'New Linkages', and 'Figure 12.8: Site Development Framework-Kilgobbin'

To south

**ABP 315923-23, PA Ref. D22A/0945** Permission refused on appeal to in May 2024 for 19 houses and associated site works for three reasons (i) the proposal contravenes the phasing programme in the Ballyogan and Environs Local Area Plan 2019-2025 and is premature pending the completion of Clay Farm Loop Road and (ii) , the proposed vehicular access is contrary to the Dún Laoghaire Rathdown County Development Plan 2022-2028 (located on lands zoned Objective F: Open Space) (iii) inappropriate low density and inefficient use of zoned lands

To east

**ABP 320827-24 / 24 PA Ref LRD24A/0451/WEB** Permission refused and refused on appeal in January 2025 on appeal for construction of a two-storey apartment building comprising 10 residential units with associated alterations to the SHD previously permitted, on the grounds of the impact on Clay Farm House RPS 2119.

**ABP 316616–23** Residential Zoned Land Tax appeal is also noted

## 5.0 Policy Context

### 5.1. National Planning Context

#### 5.1.1. National Planning Framework (First Revision 2025)

The National Planning Framework sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. Several national policy objectives (NPOs) are applicable to the proposed development, NPO 4, NPO 7, NPO 8, NPO 11, NPO 12, NPO 22, NPO 37, NPO 43, NPO 45.



#### 5.1.2. **Climate Action Plan, 2025**

Outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector. The Board must be consistent with the Plan in its decision making.

#### 5.1.3. **National Biodiversity Action Plan 2023-2030**

Includes five objectives by which the current national biodiversity agenda is to be set and the transformative changes required to ensure nature is valued and protected is delivered. Of relevance to the proposed development, are the targets and actions associated with Objective 2 on achieving the conservation and restoration needs of environmental designations. Section 59B(1) of the Wildlife (Amendment) Act 2000, The Board must have regard to the objectives and targets of the Plan in the performance of its functions.

### 5.2. **Section 28 Ministerial Planning Guidelines**

The following ministerial guidelines are considered relevant to the appeal site:

#### 5.2.1. **The Sustainable Residential Development and Compact Settlements:**

Guidelines for Planning Authorities (2024) (the Compact Settlement Guidelines). These guidelines outline appropriate density ranges for different area types. Section 3.3.3 and Appendix B set out Density Ranges and Methodology for calculating density. Strategic Planning Policy Requirements (SPPRs) set minimum requirements for Separation Distances (SPPR 1) Minimum Private Open Space (SPPR 2) and standards for Car Parking (SPPR3) and Cycle Parking (SPPR4) .

#### 5.2.2. **Urban Development and Building Height, Guidelines for Planning Authorities (2018)** (the 'Building Height Guidelines');

#### 5.2.3. **Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023)** (the Apartment Guidelines) address general locational considerations for apartments and density and also set out standards for mix, design and layout of units and amenity spaces. SPPR 1 relates to

mix, SPPR 2 relates to mix on building refurbishment schemes or smaller urban infill schemes on sites of up to 0.25ha. SPPR3 relates to minimum floor areas. SPPR4 relates to minimum number of dual aspect apartments. SPPR5 relates to floor to ceiling heights. SPPR6 relates to lift cores and stairs. Appendix 1 sets out standards, including that of storage, private amenity space and communal space.

**5.2.4. Architectural Heritage Protection Guidelines for Planning Authorities 2011.**

Section 13.5 contains guidance on development within the curtilage of a protected structure. Design Manual for Urban Roads and Streets (DMURS) (2019);

**5.2.5. The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines).**

**5.3. Development Plan**

5.3.1. Dún Laoghaire Rathdown County Development Plan 2022-2028 (DLRCDP) is the relevant development plan.

5.3.2. The CDP map-based designations include:

- The site is zoned as 'A' with the stated objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities' as per Map 9.
- Objective to protect and preserve Trees and Woodlands along north eastern and south western boundaries of the site.
- A sliver of land adjacent to the south is zoned for Open Space 'To preserve and provide for open space with ancillary active recreational amenities'.
- The site includes Oldtown House Protected Structure, and there are a number of other Protected Structures and National Monuments in the vicinity, detailed at section 4.8 below.
- The site is west of a 6-Year Road Objective, reserving the route of the Clay Farm Loop Road.
- The site is located within the catchment area of the Section 49 Supplementary Development Contribution Scheme for the 'Luas Line B1 extension between Sandyford and Cherrywood' (as per Map T1).

- The site is located within Parking Zone 3 (as per Map T2).
- The site is within the boundary of Ballyogan and Environs Local Area Plan.

5.3.3. The most relevant CDP policy and objectives include:

5.3.4. Chapter 4: Neighbourhood – People, Homes and Place

- **Policy Objective PHP18: Residential Density** It is a Policy Objective to:  
Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.

*Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.*

- **Policy Objective PHP19: Existing Housing Stock – Adaptation:** It is a Policy Objective to:

Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.

Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

- **Policy Objective PHP20: Protection of Existing Residential Amenity:** It is a Policy Objective to Ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

On all developments with height proposals greater than 4 storeys the applicant should provide a height compliance report indicating how the proposal conforms to the relevant Building Height Performance Based Criteria “At District/Neighbourhood/Street level” as set out in Table 5.1 in Appendix 5.

- **Policy Objective PHP27: Housing Mix** It is a Policy Objective to

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

- Policy Objective PHP35 Healthy Placemaking
- Policy Objective PHP40: Shared Space Layouts
- Policy Objective PHP42: Building Design & Height It is a Policy Objective to:
- Encourage high quality design of all new development.

Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5.

#### 5.3.5. Chapter 5 Transport and Mobility

- **Policy Objective T19:** Carparking Standards It is a Policy Objective to Manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5.
- **Table 5.3:** 6 Year Road Objectives/Traffic Management/Active Travel Upgrades lists Clay Farm Loop Road, for ‘Developer Delivery’
- **p. 116** states: In addition, it is a Long Term Objective of the Council to retain Kilgobbin Road, between Ballyogan Road and Kilgobbin Lane as an attractive ‘country’ road.

#### 5.3.6. Chapter 8 Green Infrastructure and Biodiversity

- Policy Objective GIB25: Hedgerows
- Policy Objective GIB29: Nature Based Solutions

#### 5.3.7. Chapter 9: Open Space Parks & Recreation

- Policy Objective OSR7: Trees, Woodland and Forestry

- p. 187 The Council will also seek to preserve trees, groups of trees and/or woodlands that form significant features in the landscape, and/or are important in setting the character, amenity, or ecology of an area. As part of this Plan, the Council Parks Department carried out a comprehensive review of the tree symbols on the 14 County Development Plan Maps (see also Section 12.8.11 Existing Trees and Hedgerows).

#### 5.3.8. Chapter 10 Environmental Infrastructure and Flood Risk

- **Policy Objective EI6:** Sustainable Drainage Systems

#### 5.3.9. Chapter 11 Heritage and Conservation

- Policy Objective HER 8: Work to Protected Structures

ii) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht....

iv) Ensure that any development...affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.

v) Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected....

viii) Protect the curtilage of protected structures and refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.

ix) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

#### 5.3.10. Chapter 12 Development Management

- Section 12.3.3.1 Residential Size and Mix
- Section 12.3.3.1 Density
- Section 12.3.4 Residential Density General Requirements
- Section 12.3.5 Apartment Developments
- Section 12.4.5 Car parking
- Section 12.4.6 and 12.4.7 Cycle parking and Motor Cycle Parking
- Section 12.8 Open space for residential development, including requirements in relation to public open space, communal open space and private open space.
- Section 12.8.11 Existing Trees and Hedgerows
- Section 12.11.2.3 Development within the Grounds of a Protected Structure

#### 5.3.11. Chapter 14 Specific Local Objectives

- **Specific Local Objective 61** To implement and develop the lands at Ballyogan and Environs in accordance with the adopted Ballyogan and Environs Local Area Plan, and the Specific Local Objectives, therein.

#### 5.3.12. Appendix 5 – Building Height Strategy

- **Policy Objective BHS 1- Increased Height** : Generally supports the consideration of increased height in Major Town centres and in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area. (NP0 35, SPPR 1& 3).
- **Policy Objective BHS 2 – Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan:** Generally promotes and supports proposed heights as set out in any approved statutory Local Area Plans

- Both BHS 1 and BHS 3 state that there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above on the basis of placemaking. In those instances, any such proposals must be assessed in accordance with the performance based criteria set out in Table 5.1.
- Within the built up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.

#### **5.4. Local Area Plan**

The Ballyogan & Environs Local Area Plan (LAP) was adopted in 2019 and in 2024 was extended for a period of 3 years, until 13th May 2027. The site is at the western extremity. The LAP contains map-based guidance for the development of neighbourhoods and quarters, and policy and objectives in several chapters which reflect and largely align with those of CDP. Most relevant parts include:

##### **5.4.1. Chapter 1 Introduction:**

The LAP uses the concept of 'Quarters' and 'Neighbourhoods' as a way to better understand the area (see Figure 1.5). The site is within Kilgobbin Quarter, and within Neighbourhoods 10 and 11, within the Quarter.

##### **5.4.2. Chapter 3 Vision Statement:**

The LAP Vision statement p. 11 states for Kilgobbin Quarter – that the Plan will guide the further sustainable development of Kilgobbin East and Kilgobbin South as a high quality residential area, and will seek to preserve where possible the sylvan character of Kilgobbin West, and in particular the central section of Kilgobbin Road. A Site Development Framework for the western portion of the Quarter will be prepared. Delivering pedestrian and cycle links along the Ballyogan Stream corridor and to Stepside will be a focus of the plan.

#### 5.4.3. Chapter 4 Transportation and Movement:

- Policy BELAP MOV12 New Linkages: To provide or facilitate the delivery of the new linkages shown in Table 4.6 and Figure 4.11. This includes No. 16 Clay Farm Loop Road. Proximity to Greenway Routes 28 and 3 (outside the site) are noted.
- The Clay Farm Loop Road (CFLR) is identified at a 6 year CDP Road proposal intended for completion within the lifetime of the Plan.

#### 5.4.4. Chapter 5 Residential Development and Built Form

- Policy BELAP RES2 – Density by Neighbourhood and Table 5.4 sets out sets out target Net densities for each neighbourhood and the rationale for same (column 3):

Neighbourhood 10 – Kilgobbin West	35	Rural/Sylvan character, including a number of period buildings and archaeological features reduces density expectations.
Neighbourhood 11 – Kilgobbin South	60	Similar Neighbourhood to Kilgobbin East, but somewhat further from Luas with more challenging topography.

- Policy BELAP RES3 – Building Height by Neighbourhood and Table 5.5 Sets out Key Considerations regarding Building Height for each neighbourhood:

Neighbourhood 10 – Kilgobbin West	Rural/Sylvan character, including a number of period buildings reduces appropriate height.
Neighbourhood 11 – Kilgobbin South	The distance to established character areas and the site's size and topography gives capacity for height.

- Policy BELAP RES5 – Building Height by Scheme: Any planning application for a scheme which proposes buildings in excess of 4 storeys shall be accompanied by an analysis of building height and positioning of buildings with reference to the following issues:
- Policy BELAP RES6 – Housing Mix
- Policy BELAP RES7 – Housing Design

#### 5.4.5. Chapter 7 Built Heritage and Archaeology

- Policy BELAP BH2 – Protected Structures



#### 5.4.6. Chapter 12: Site Development Frameworks

- p. 53 notes that the [SDF area] is currently served by a single vehicular access road from Kilgobbin Road, which retains a rural character, is quite narrow in parts and unsuitable for development access. The development of the site is thus reliant upon the delivery of the Clay Farm Loop Road that will enable access from Ballyogan Road.
- p. 54 notes Guiding Principles in terms of movement: Vehicular access for all new residential development within the SDF will be provided via the Loop Road and/or its feeder routes.
- Figure 12.8 depicts the Site Development Framework for Kilgobbin. This is intended as a more fine-grain and in depth approach than that for individual neighbourhoods. It considers neighbourhoods within the Kilgobbin Quarter collectively, set alongside other objectives and indicates:
  - Proposed net density of 45-55 dwellings per hectare (Res A), and 55-80 dwellings per hectare (Res B), in portions of the site.
  - Key Vehicular Access routes, from the eastern direction i.e. Clay Farm Loop Road.
  - SDF Objective 3 requires development in the proximity of Oldtown House to require sensitive protection of the PS and its curtilage.
  - SDF objective 6 is for the Ecological corridor to the south of the site to be retained
- Section 12.1 Phasing states re. the Kilgobbin Site Development Framework:

*The Kilgobbin lands will be served by the Clay Farm Loop Road. To progress the development of these lands the Loop Road will either be in place, with the necessary legal agreements in place for the developer to access the route, or the Applicant shall provide evidence that the Loop Road will be available to serve the development as homes are completed.*

#### 5.5. Natural Heritage Designations

Wicklow Mountains SPA c.5.2 km

South Dublin Bay and River Tolka Estuary SPA c. 5.5km

Dalkey island SPA c. 8.2 km

Wicklow Mountains SAC 5.9km

South Dublin Bay SAC c. 5.5km

Rockabill to Dalkey Island SAC c 8.2km

Knocksink Wood SAC c. 5 km

Ballyman Glen SAC c. 6.4km

Bray Head SAC 10 km

Fitzsimons Wood pNHA c. 1.7km

Dingle Glen pNHA c 2.6km

## **5.6. Built Heritage Designations**

### **5.6.1. Records of Monuments and Places**

SMR No. DU025-017001- Kilgobbin Castle in ruins (80m west of boundary)

SMR No. DU025-017002- Inn (within site)

SMR No. DU025-017003- Cist (7m west of boundary)

SMR No. DU026-121002- Linear Earthwork (directly adjacent boundary)

### **5.6.2. Record of Protected Structures**

RPS 1700 Oldtown House (house) within site

RPS 1696 Kilgobbin Castle (House and barn) c. 62 m, curtilage adjacent site boundary

RPS 1690 Castle Lodge (house) c. 17 m northwest, curtilage adjacent site boundary

RPS 1689 Thornberry (house) c. 17 m northwest, curtilage adjacent site boundary

RPS 1688 Kilgobbin Villa (house) c. 20m north east

## 6.0 EIA Screening

6.1. See Appendix 1.

6.2. The EIA Screening Report within the application was submitted having regard to the criteria set out in Schedule 7A of the Planning and Development Regulations 2001 (as amended) and has informed the Determination attached.

6.3. Having regard to: -

1. the criteria set out in Schedule 7, in particular
  - (a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure
  - (b) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
2. the results of other relevant assessments of the effects on the environment, including of an Appropriate Assessment and Strategic Environmental Assessment under the Dun Laoghaire Rathdown County Development Plan and the Appropriate Assessment Screening attached to the Inspector's Report,
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, in particular the proposal to preserve in situ known archaeological features, measures to protect the character and setting of the Protected Structure on site, the proposed surface water and SuDS strategy and the Preliminary Construction and Environmental Management Plan,

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

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The grounds of appeal are summarized as follows:

- The proposed development is consistent with the land use zoning objective. The lands are part of the DLRCDP core strategy lands required to meet housing delivery targets. The development will deliver much needed residential development in accordance with key objectives of the CDP and LAP and government objectives to address housing supply issues. The proposed development has been designed in accordance with various Section 28 guidelines and the CDP.

#### Access from Clay Farm Loop Road (CFLR):

- It is not possible to provide details of an agreement and consent for all relevant landowners which facilitates proposed connection to the CFLR as part of this individual planning application. Park developments have delivered the largest extent of the CFLR to date at the eastern side and it has also been delivered in part at the western side at Castle Court and Elmfield. The remaining sections are in the ownership of third parties which have not granted any rights to the appellant and the appellant cannot compel them to do so. An intervention through CPO may be required to deliver the remainder of the road.
- The traffic and transportation assessment and supporting documentation in the appeal demonstrates that the CFLR is not required to facilitate the proposed development. Safe access can be provided via Kilgobbin Road and the proposal incorporates a future connection to the Loop Road once it is complete.
- While the reason for refusal refers to section 12.1 of the LAP, this is not specific objective of the LAP. The DLRCDP prepared since the LAP shows the site zoned objective A. There is no map based objective in the CDP which restricts access from Kilgobbin Road. The LAP policy MOV12 is to provide linkages – none of these are within the site or precluded by the development. The LAP does not preclude access from Kilgobbin Road. The lines indicated on figure 4.11 should be applied in a flexible way. The layout of the site does not impact

upon any of the objectives indicated in Figure 4.11 of the LAP. A Quality Audit has been undertaken for the development and calming along Kilgobbin Road and recommendations have been addressed.

- A number of existing relevant precedents within the vicinity of the site have established the acceptability of construction of such schemes with appropriate access prior to the completion of key road infrastructure.

#### Kilgobbin Road access:

- The long term objective to retain Kilgobbin Road as an attractive county road, is only a reference in the LAP text with no policy or objective or map based objective therefore access from Kilgobbin Road is not precluded
- The application demonstrates that the proposed access will not adversely impact the character of Kilgobbin Road and the improvements will make a positive contribution to the area and deliver on the LAP requirements.
- The proposal seeks to respect NTA aspirations for Kilgobbin Road to be a Secondary cycle route, within the restrictions presented by private landownership, and thus sought to manage traffic speeds. The design is sympathetic to the character of the road.
- The design of the access junction on Kilgobbin Road complies with DMURS guidance. The TTA demonstrates that the proposed site access will operate with significant levels of reserve capacity. Off-site mitigation works on Kilgobbin road actively enhance the safety levels for all road uses.
- The PA has not stated that the proposed access is a material contravention of the CDP, but should the Board consider it a material contravention it should be assessed and considered favorably under Section 37 (2) (b) of the Act; as is satisfies all the criteria therein.

#### Other

- The site is considered suitable for the density scale massing and design proposed
- Landscaping provides for high quality setting and open space strategy with 32% of the site area open space

- The proposed development has had appropriate regard to the Protected Structure on site and its setting.
- The layout has been designed to respect and incorporate archaeological and heritage features.
- The appeal then addresses matters raised in the LA Planning Report which were deemed to warrant Further Information, but were not sought given the substantive reason for refusal.
- There will be no undue impacts on residential amenity or visual amenity within the area. A Daylight and Sunlight Assessment is submitted to address the impact on Derriana House along with an architectural report from O Mahony Pike Architects which concludes there will be no undue impacts. Due to setback and design it is ensured that the development is sympathetic and protects the amenities of Derriana House. Vertical sky component meets required standards. Overshadowing of amenity space in winter arises from the dwelling itself.
- A Technical Note is submitted from DBFL elaborating on the points above in relation to the road access and addressing the drainage queries of the PA which were recommended for FI.
- A landscape report prepared by Brady Shipman Martin is submitted to address the landscape queries of the PA which were recommended for FI.
- An Acoustic Design statement prepared by Wave Dynamics is submitted which addresses aspects of the submissions and the EHO report in terms of Inward Noise Impact, Construction Noise Assessment and Operational noise assessment and concludes noise level acceptable.

## **7.2. Planning Authority Response**

The Board is requested to refer to previous Planners Report; the grounds of appeal do not raise any new matter which justify a change of attitude to the proposed development.

### 7.3. Observations

6 No. Observations were received, summarised below. (There is some overlap with issues raised in third party observations on the application detailed at 3.5 above).

- The development should be accessed off the Clay Farm Loop Road (CFLR) in keeping with the LAP and is premature in the absence of same. Page 54 Phasing and page 56, Section 12.1 of the LAP are clear that access off of the CFLR is required.
- The developers are experienced house builders and would have been aware of the planning context for developing the site when they purchased it in recent years. The link road is referred to in MOV12 New Linkages. Alternative options for access to the CFLR should be examined. The LAP is clear that the development is to be accessed via the CFLR. The fact that the site is currently otherwise landlocked is not a reason to interfere with the other objectives of the LAP.
- The LAP is publicly approved and should not be overturned. The LAP was extended on the basis that it was consistent with the DLRCDP. The appellant has not provided any correspondence detailing discussions with third parties to deliver access. This access requirement is not recent it dates as far back as the Stepside Action Plan in 2000.
- The development will not revert back onto the CFLR when it is delivered. No one knows how long it will be in place. The temporary measure in Stepside Park has been in place for 24 years.
- Kilgobbin Road is already dangerous for people accessing properties. Development will exacerbate congestion of Kilgobbin Road and negatively impact traffic flow. Pedestrian crossing will cause tailbacks. The entrance is unsafe, likely to cause accidents.

- The proposal for a new access point on a hill on a bend is ludicrous as is the pedestrian ramp and traffic calming ramps.
- THE CFLR needs to be the access route to facilitate the development. Opening the Kilgobbin Road is contrary to the objectives of the LAP to preserve the amenities of the area in terms of cultural heritage, rural, sylvan and historic nature.
- Details are provided in relation to recent work on Kilgobbin Castle and archaeological report produced. The changes to the road would impair the integrity of the historic landscape of the area, Kilgobbin Townland and the entrance of Kilgobbin Castle. Kilgobbin Road is integral to tying together the surviving parts of this ancient townland.
- The letter of consent from DLRCC notes that “traffic calming (vertical deflections or otherwise) are not normally allowed on roads with a rural character, such as Kilgobbin Road”; “Unsignalised pedestrian crossings are not normally acceptable on roads of a rural character, such as Kilgobbin Road”. The report notes issues in relation to sightlines and that DMURS sightlines would require excavation of existing earth embankments affecting trees. It states “Alternative options for access to the future CFLR should be examined”.
- Elevated ramps in red chippings, raised platforms, coloured tactile paving, beacons and road markings would change the character of the road so that it is unrecognisable as an attractive country road. It is not accurate to say that “its character and setting will remain largely unaffected by the proposed development”.
- The temporary access would permanently destroy the architectural heritage. Access road bisects the historic driveway serving Oldtown House for 300 years. This driveway should be retained. It may be suitable to serve a few of the proposed new dwellings but the remainder should be as per the LAP access off CFLR. The open space provision will be significantly diminished by the access road which transects it.



- Concerns re. “identified off-site improvement works” referred to in the appeal - are other unspecified measures to be agreed without third party input?
- The scale and density is out of keeping with the area and doesn’t comply with the Compact Settlement Guidelines.
- Precedent is not a planning consideration.
- The reliance in the appeal on Section 37 (2) of the Planning Act is inappropriate. The proposal is not of strategic or national importance, there is no conflicting or unclear development plan objective.
- The appeal comments that the proposed development is sufficiently set back from all boundaries is refuted. Negative impact on Darriana House due to height, overbearance, proximity to boundaries, loss of light, overshadowing are detailed
- Development contravenes Section 5.9 and 12.1 of the DLRCDP, is contrary to the zoning objectives for the site and contravenes the LAP.

#### **7.4. Further Responses**

None.

For the Board’s information, it is noted that the appeal was circulated to the DAU, The Heritage Council, An Chomhairle Ealaíon and Fáilte Ireland under Article 28 of the Planning Regulations. No further responses were received.

### **8.0 Assessment**

- 8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning and Principle of Development
- Density
- Scale/Massing Height
- Character of Kilgobbin Road.
- Architectural and Archaeological Heritage
- Access
- Traffic & Transport, Parking
- Residential Amenity
- Public open space
- Trees/Vegetation
- Surface Water and Flooding
- Noise and Other Issues

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

- 8.2.1. Having regard to the zoning of the site, to provide residential development and improve residential amenity while protecting the existing residential amenities, the principle of development is acceptable, subject to other planning considerations discussed below.

## **8.3. Density**

- 8.3.1. Figure 3.3 of the Compact Settlements Guidelines sets out the process for identifying appropriate density for a plan or development. The density range is first established in accordance with Table 3.1 *Areas and Density Ranges in Dublin*, then having regard to accessibility Table 3.8 and then having regard to local character/environment/ amenity.

- 8.3.2. Table 3.1 states

**City - Suburban/Urban Extension** areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).

I consider that the site of the proposed development aligns with the description above.

- 8.3.3. Table 3.8 refines the definitions of Table 3.1 in terms of Accessibility:

**High Capacity Public Transport Node or Interchange** "Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail, light rail or MetroLink services; or locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop.

**Accessible Location** 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.

- 8.3.4. The entrance to the site is within approximately 950m of The Gallops or Glencairn Luas stop, but not within this distance of a node or interchange. The parameters in Table 3.8 do not consider light rail further. The site is not within 500m of a Bus Connects Core Bus Stop and the services on Kilgobbin Road do not operate at high frequency. Therefore, I consider the ranges for City - Suburban/Urban Extension Suburban of 40 dph to 80 dph (net) are appropriate.
- 8.3.5. The Compact Settlement Guidelines Appendix B Table 1 sets out how net site area is calculated, for the purposes of calculating net density. This states that net site area includes local streets as defined by DMURS, private and semi-private open space, parking, pocket parks and squares, incidental open space and landscaping

are included within net site area. Net area excludes major road/streets, public open space, and other areas of land that cannot be developed due to environmental sensitivities, topographical constraints and flooding.

- 8.3.6. Page 52 - 53 of the Design Statement submitted with the application sets out the calculations of the net site area, which is based on the exclusion of Oldtown House and setting, landscaped buffer around Oldtown House and significant mature trees on eastern and central portions of the site, resulting in a net site area of 1.9 hectares. I consider this approach, and net site area determined, acceptable.
- 8.3.7. The LAP, in Table 5.4, sets out target net densities, in broad parameters, for development within the LAP area, on the basis of neighbourhoods identified, with a target of 35 units per hectare immediately around Oldtown House and along Kilgobbin Road, and 60 dwellings per hectare behind to east. The LAP subsequently notes that there are certain areas with significant opportunity for change that warrant a more fine-grain approach. Thus the SDF provides a more in-depth suite of policies for the Kilgobbin Quarter, considering the neighbourhoods within it collectively, and responding to constraints within and other LAP objectives affecting it. This results in a modified density as per Figure 12.8 Site Development Framework, with 45-55 dwellings per hectare around Oldtown House and 55-80 dwellings per hectare beyond. While Figure 12.8 provides more refined and considered targets, the approach – lower density in proximity to Oldtown House and higher density to east – is consistent in both sections of the LAP. These densities are also consistent with the range identified above for the site (40 to 80 dph), as per the Compact Settlement Guidelines.
- 8.3.8. The Design Statement submitted outlines consideration of the site in the context of the density envisaged in the LAP. It acknowledges that the development in the front portion of the site is less than that envisaged in the LAP under Figure 12.8 'Res A' designation, largely due to the protection of the character of Oldtown House. It notes that higher densities will be achievable within other areas designated 'Res A' outside the site.
- 8.3.9. I note that the LAP states that the mapping of residential density bands shown on Figure 12.8 is indicative only and the boundaries between these bands are not intended to be absolute. The proposed density is consistent with the development

approach of the LAP, and responds appropriately to constraints within the site. The proposed density is within the limits set out by the Compact Settlement Guidelines, and this range is consistent with the LAP range. I consider the density acceptable.

#### **8.4. Scale/Massing Height**

- 8.4.1. I note the development allows a transition in scale from the roadside area, with lower density and detached units towards the front of the site, and separation buffer around Oldtown House. This contributes to the retention of the existing sense of open character along the road, with the exception of the single storey dwelling nearest the road/Oldtown House (see View 4). The massing then increases through the site to the 4- 5 storey apartment building and the south-eastern end. I consider this approach appropriate. I consider the proposed dwellings to be of appropriate height and scale in visual terms. The relationship of the dwellings to Deriana House and Oldtown House is addressed in more detail under Section 8.9 below.
- 8.4.2. The proposed development contains a 4/5 storey apartment building. There is a 3/4 storey development nearby on Kilgobbin Road. There are significant expanses of recent higher development c. 300m northeast and east of the site, to 3/4 storey at Castle Court, 4/5 storey at Elmfield at to 6 storey at Clay Farm. The proposed apartment building does not exceed these prevailing heights. The prevailing pattern of development in the immediate area as viewed from Kilgobbin Road, Kilgobbin Heights, Stepside Park is, however, generally 2 storey. The proposed apartment buildings is in excess of 2 stories higher than this and may be considered a taller building in this regard.
- 8.4.3. BELAP RES 5 Policy requires an analysis of the proposed building height and positioning of the apartment building in relation to certain factors. These matters are all explored within the documentation which forms part of the application, in particular the Design Statement, Daylight and Sunlight Assessment, Landscape and Visual Impact Statement, Architectural Heritage Impact Assessment, Landscape and Visual Impact Statement and photomontages.
- 8.4.4. The provisions of the CDP require the analysis of the proposed apartment building with respect to Table 5.1 of Appendix 3. This is contained within the Planning Report

accompanying the application. My assessment of the criteria with respect to the apartment building is as follows:

**Criteria 1 County Level:** The proposal within the existing suburban footprint. The site is well served by public transport within 1km of a Luas stop. The proposed building integrates into the character and public realm of the area, respecting character and siting of Protected Structure, addressed in greater detail elsewhere in this report, and to the landscape features and topography of the site. No protected views and prospects are affected. There is infrastructural capacity in the area. Irish Water and internal services sections raised no concerns.

**Criteria 2 District//Neighbourhood/Street Level:** The proposed building responds to the environment and makes a positive contribution to the urban neighbourhood in terms of urban design criteria. The building is not monolithic and all elevations show vertical and horizontal movement, engaging with spaces adjacent and providing active street frontage. The design uses a palette of materials which have been selected in consideration of the character Oldtown House and the remainder of the scheme.

The proposal contributes to a mix of building within the development site and wider area. It is noted that the building will create a new intervention in visual terms from streets/developments adjacent the development site, as reflected in Views 7 and 8. Neither of these viewpoints are significant to the locality. I note the proposed building will be distant across fields from these viewpoints, and the intervening land is also zoned for development. Therefore, future development is likely to render the building out of view and/or provide intervening structures which would provide a transition in scale.

The proposal retains potential to connect and integrate with the proposed Clay Farm Loop Road and wider LAP area in a legible form; the building will potentially assimilate into the increased height of newer developments to the east and north west in this regard. The building addresses open spaces and communal open space well and provides a strong building line to the road. I am satisfied that the proposal will be a positive contribution to the neighbourhood

**Criteria 3 At site/building scale:** Access to natural daylight, ventilation, aspect are acceptable. There is no significant overshadowing or undue overlooking. Daylight Sunlight performance has been assessed and is satisfactory. The building has sufficient separation distance from proposed and existing units. I consider the height acceptable at building scale.

**Criteria 4: County Specific Criteria:** Considerations relating to coastal, mountain settings, along with air navigation, telecommunications channels etc are not applicable having regard to location and limited height of proposed building. This is not a large development site. Relevant assessments or screening for same have been carried out, EIA, AA, EclA.

I therefore consider the scale, massing and height of the proposed development acceptable in visual terms.

## **8.5. Character of Kilgobbin Road.**

- 8.5.1. I note the position of the appellant that the long term objective to retain Kilgobbin Road as an attractive county road, stated in the CDP and referenced in the LAP, is a reference within the text and not a numbered or mapped specific local policy objective. Thus it is suggested that this may not be considered to carry as much weight as other objectives.
- 8.5.2. I note that this objective is very clearly termed “a long term objective.” I further note that one of the key indicators of quality urban design and placemaking is the creation of responsive built form, which is distinctive and promotes a strong sense of identity. It is evident by its specific reference in plans, and in submissions, that the rural nature of this location does give it a strong sense of identity and is of value. Furthermore, the location to which this objective relates is clear, that section of Kilgobbin Road between Ballyogan Road and Kilgobbin Lane. I therefore consider that the Board should have regard to this stated objective; it is clearly identified as a long term objective, it is specific, and, being relevant to a key indicator of quality urban/design and placemaking, relates to important planning consideration.

- 8.5.3. The CDP does not define “attractive ‘country’ road”. In my opinion, a country road is typically narrower in carriageway width, does not have a footpath or other pedestrian facilities, does not have public lighting, has little built environment visible, and is ‘green’ – largely lined with ditches/banks/hedges/trees. While speed ramps and double yellow lines would not be typical of country roads, I consider road markings and signage would not be unusual (e.g. ‘slow’ ‘dangerous bends’ etc).
- 8.5.4. Kilgobbin Road, at the location of the site, has a verge in places, but no footpath along the front of the site (east side). There is a narrow footpath on the west side. There are no crossing points. Public lighting is present but sporadic/lower specification than normal, at the location of the site. (This is likely due to limited space/footpath). The roadside boundary of the site is a bank with a stone wall mostly overgrown with ivy. There is a wooden post and rail fence on top of this. 7 trees are present at the boundary, classified as category B & C in the arboriculture assessment. While three of these are significant stands, there is no continuous bulk in the boundary, and there are direct views into the site. (Google Streetview shows a far more established hedgerow at the fence in 2011, images from 2018 onwards show this hedgerow more cleared.) Oldtown House/buildings are the only structure visible within the site at the road.
- 8.5.5. The development will introduce one single storey dwelling immediately behind the roadside boundary adjacent Oldtown House. The new entrance point will be formed and the boundary set back using granite walls topped with estate style railings, with a grass verge to the front at points. The railing will extend to a pedestrian ramp along side Oldtown House. No new footpath is proposed. A pedestrian crossing is proposed near the existing gates to Oldtown House. One particularly prominent tree is to be removed (915). No additional lighting is indicated on Kilgobbin Road on the site services plan.
- 8.5.6. In my view, the most significant impact on the character of the ‘country’ road arises from the new entrance point and the visual impact of the proposed built environment i.e. dwellings. I do not consider the presence of road markings, ramps or the pedestrian crossing, which can be made discreet in nature, are the components which would have the significant visual impact



- 8.5.7. The access point is wide, formal and suburban in nature. The removal of tree no. 915 is significantly harmful in visual terms. In terms of boundary treatment, while the approach taken is of good design and utilizes appropriate high quality materials, it is a far more constructed and 'tidy' appearance than the current irregular ivy-covered stone wall and bank. The grass verges required to maintain unobstructed sightlines are also formal and 'manicured' in nature. The overall intervention which extends along all of the frontage until the footprint of Oldtown House, is suburban and formal and very different to the current rural character of the road.
- 8.5.8. I note that these lands are zoned, and when developed, regardless of the access point, dwellings within the site will be visible from Kilgobbin Road. Therefore some visual impact on rural character of the road from new built elements is unavoidable. The omission of the single storey dwelling in the kitchen garden, and the establishment of a native hedgerow alongside the railings would lessen the visual impact of the built environment on the road. However, the main issue is the access point from Kilgobbin Road, as it allows full views into the built environment within the site. The only solution to this is the use of an alternative access point to Kilgobbin Road.
- 8.5.9. I consider that this intervention in the roadside boundary be contrary to the vision for the location, as contained in the CDP and carried through in the LAP, and the objective to retain an attractive 'country' road at this location. As another access point is intended to serve the side, I do not consider this intervention justified.

## **8.6. Architectural and Archaeological Heritage**

- 8.6.1. I have considered the impact of the proposed development on the setting of Oldtown House, and I note the Architectural Heritage Impact Assessment (AHAIA) and Archaeological Impact Assessment (AIA) submitted with the application, matters raised in submissions on the application, and the report of the Conservation section of the Planning Authority.
- 8.6.2. No physical alteration of Oldtown House is proposed. The entrance gate is also unchanged. The line of the avenue remains unchanged (although traversed by a road). There is a perforation in the boundary wall at the location of the new entrance point, and a change to the nature of the boundary. There is a proposed pedestrian

ramp along site boundary on Kilgobbin Road at the location of the Protected Structure.

- 8.6.3. The proposed development retains the key elements and immediate setting of Oldtown House, including the main vista from the northeast, views of front façade from east, and delineates the new grounds associated with the dwelling with landscaping, providing screening through planting. I consider the general approach and separation distances acceptable.
- 8.6.4. The historic boundary along Kilgobbin Road is to be altered, as described above. The report of the Conservation Officer states that “the proposed development will undoubtedly visually impact the setting and amenity of Oldtown House and the landscape character of the surrounding environment. There will be a change from rural landscape character to a suburban setting.” The AHIA submitted with the application states that “the puncturing of this boundary will bring about a change in the character of this section of the road, but is considered a mitigation of the alternative, less favourable option of widening the existing gated entrance and intensification of Avenue use”. I agree with both of the above statements in terms of the character and setting of the Protected Structure. However, I note another more favourable option exists -that would fully protect the existing entrance and the curtilage boundary – the Clay Farm Loop Road. If the intended access point were used, this change to the curtilage of the Protected Structure would not be necessary. This is another key consideration as to why access from Kilgobbin Road is not suitable.
- 8.6.5. The AHIA states “The introduction of metal railings replacing the timber fence, defining the boundary onto Kilgobbin Road is a necessary change”. I am assuming that the fence/railing is deemed required in order to secure the public open space area. However I note that a natural boundary would be more in keeping with the rural character of the area. Again, if an alternative access point were available, the existing bank could be retained with a secure planted boundary on top, which would be a lesser intervention.
- 8.6.6. In relation to the proposed pedestrian ramp, I note the remarks of the PA Conservation report which states that the introduction of a ramp, railings and partial loss of a section of the boundary detracts from the setting and character of the

Protected Structure and is incongruous with the roadside character. I agree with this statement. I note the AHIA report submitted with the application states deems this intervention 'tolerable' on the whole, being an important improvement in the quality of the pedestrian realm, and its integration with this presently introverted site. I do not agree that the proposed ramp represents an improvement in the quality of the pedestrian realm, as it exists at a location where there is no continuation of footpath and what appears to be a dangerous crossing point (see 8.8.17 below). There is pedestrian access proposed at the entrance c. 40 m north east. Therefore I consider that this ramp element should be omitted.

- 8.6.7. The site is located within the zone of notification of the medieval Kilgobbin Village and there are a number of recorded monuments in the (I note the appeal was referred to the Development Applications Unit of the Department of the DoHLGH; no response was received.)
- 8.6.8. The AIA submitted with the application is thorough and gives a detailed description of the evolution of the site, surviving archaeological remains, geophysical survey, testing and impact assessment. Overall, features or finds of archaeological significance or potential were not found. The AIA concludes that there are two archaeological sites whose settings have the potential to be impacted by the proposed development; the former inn site, and Kilgobbin Castle. Following assessment, it concludes that the proposed development will not compromise the key characters associated with the significance of the inn site, and does not dominate or compete visually with the historic structures. It concludes that the visual change will not impact the setting, experience or understanding of Kilgobbin Castle, from within or outside.
- 8.6.9. While I accept these conclusions in relation to Kilgobbin Castle, in relation to the former inn on the site, I am of the opinion that it would be preferable for development (3 no. houses) within the former kitchen garden to be omitted. I note that above ground archaeological remains i.e. structures and walls have been incorporated into the development site. However, the retention of the kitchen garden as open space would acknowledge (i) the historic function of that portion of land, (ii) its relationship with other historic structures on the site, (iii) and the full extent of the medieval inn property along the roadside boundary.

## 8.7. Access

8.7.1. I am satisfied that access to the proposed development site is intended to be from the proposed Clay Farm Loop Road:

- The County Development Plan includes a 6-Year Road Objective, reserving the route of the Clay Farm Loop Road.
- The LAP is consistent with the CDP in Policy BELAP MOV12 New Linkages: To provide or facilitate the delivery of the new linkages shown in Table 4.6 and Figure 4.11, including no. 16 Clay Farm Loop Road.
- The LAP is clear (p. 53) that the Kilgobbin Road is considered unsuitable for development access and the development of the site is reliant upon the delivery of the Clay Farm Loop Road that will enable access from Ballyogan Road.
- Page 54 notes Guiding Principles in terms of movement: Vehicular access for all new residential development within the SDF will be provided via the Loop Road and/or its feeder routes.
- Figure 12.8 depicts the Site Development Framework for Kilgobbin and indicates Key Vehicular Access routes, from the eastern direction i.e. Clay Farm Loop Road.
- Section 12.1 Phasing states re. the Kilgobbin Site Development Framework:

*The Kilgobbin lands will be served by the Clay Farm Loop Road. To progress the development of these lands the Loop Road will either be in place, with the necessary legal agreements in place for the developer to access the route, or the Applicant shall provide evidence that the Loop Road will be available to serve the development as homes are completed.*

8.7.2. I therefore agree with the Planning Authority that the proposed development would be contrary to the relevant transport, access, movement and phasing policies of the Ballyogan and Environs Local Area Plan 2019 – 2025.

8.7.3. The appeal refers to the precedence established by permissions granted without the completion of the Clay Farm Loop Road. Each planning application is individual and considered on its merits. However, in the interest of completeness and consistency, I have reviewed the cases in the local area with regard to the appellant's comments.

- 8.7.4. While I note that Clay Farm Phase 1 and 2 were granted without the entirety of the Clay Farm Loop Road being in place, or an agreement to delivery being in place, I note that these applications delivered the first two section of the CFLR at the eastern end. Similarly, developments at Castlecourt and Elmfield delivered the first western elements of the CFLR. The developments each delivered a portion of the CFLR, and provided access to the development sites off of that portion of the CFLR. The developments are consistent with the SDF set out in the LAP, and will remain consistent with the LAP when the CFLR is complete. The applications did not rely on access via other developments or new accesses off local roads infrastructure. The applications did not conflict with other objectives within the LAP, or undermine the future delivery of the CFLR. In the above regard, I do not believe they are comparable to the case in question.
- 8.7.5. I note ABP ref 314131-22 proposed to deliver the relevant section of the CFLR within its site boundary. Connection to the west, relied on other landowners. The development was assessed as proposing to access from the existing CFLR to east, (although I note ambiguity on this on the file in relation to ability to do so). The favourable consideration of the application on the basis that it would be accessed from, and deliver some of, the CFLR is be consistent with the approach taken in other applications above. The reason for refusal relating to the CFLR was the failure to provide an adequate all-uses connection into Stepside Park from the CFLR. The appellant states that this decision is not wholly applicable to the current application, which I accept. However, I do note that this decision reflects the fact that the CFLR has a role, not only in facilitating new development, but in improving connectivity within the area and dispersing traffic, i.e. securing other objectives as set out in the LAP. This consideration is relevant to the current application.
- 8.7.6. In relation to 315923-23; this application has some similarities, being a site removed from the direct line of the CFLR, but envisaged by the LAP to access from the CFLR in the longer term. Access was sought through an existing residential development, Stepside Park, in the absence of the delivery of a connection to the CFLR. I note that the application was considered inappropriate incremental development of lands covered by the Kilgobbin SDF, which would be contrary to the provisions of the BELAP and Kilgobbin SDF. I also note that the proposed alternative/interim access

was proposed through open space and conflicted with the zoning objectives of the CDP in that regard.

8.7.7. In relation to precedent, my conclusion upon review of nearby recent applications is that permission has not been granted for residential development without the appropriate connection to the CFLR, where it conflicted with other objectives of the LAP.

8.7.8. I note the LongTerm Access Strategy drawing submitted, and acknowledge the difficulties and delay in progressing the CFLR to completion. I note that these are outside the appellant's control and the appellant's view that intervention through CPO may be required to deliver the remainder of the road, which may be the case. However, I do not consider the use of the proposed access point, as an interim solution until such time as the CFLR is complete, to be appropriate:

- The access point necessitates significant alterations to the roadside boundary, discussed at 7.5 above, which conflicts with the provisions of the CDP and LAP in terms of the character of the rural road.
- The Kilgobbin Road is narrow, without proper infrastructure for vulnerable road users. It is winding and hilly, with cars accelerating to achieve uphill climb, and coming downhill at speed. Traffic calming proposed reflects inappropriate speeds. It has poor pedestrian and cycle infrastructure, which will only be marginally improved by the proposed development. It is less suitable than new infrastructure from the CFLR would be, which would be designed to current standards.
- The scheme is designed around the requirements of the short-term access. (A design based around the long term access is likely to be quite different.) If the main access from Kilgobbin Road is closed following connection to the CFLR, the resulting layout is likely to be anomalous in terms of the relationship of buildings to spaces and circulation routes.
- I note that a substantial portion of the CFLR has been delivered, with a significant amount of development along its length to date. To grant permission may set a precedent to allow further schemes use alternative access to the CFLR, which would undermine the delivery of remaining parts of the CFLR, and

the strategic framework of the LAP, which would be contrary to proper planning, and plan-led development.

8.7.9. Therefore I consider the proposed access point unacceptable in principle.

## **8.8. Traffic and Transport, Parking**

8.8.1. A number of submissions/observations raised issues in relation to traffic congestion, the safety of the access point, and unidentified off-site improvement works referred to in the appeal.

8.8.2. A Traffic and Transportation Assessment (TTA) accompanied the application along with a Mobility Management Plan. The TTA was prepared in accordance with the TII Traffic and Transport Assessment Guidelines 2014, the Traffic Management Guidelines the Design Manual for Urban Roads and Streets (DMURS), National Sustainable Mobility Policy Action Plan 2022-2025, Greater Dublin Area Transport Strategy 2022-2042 and other relevant policy documents. Site audit, traffic survey, trip generation exercises, trip distribution exercise, network impact analysis was carried out, which is typical methodology. Surveys were carried out in November 2023, which is considered reasonable in terms of the date of making of the application, when schools were fully open.

8.8.3. Existing bus services were considered to have a reserve capacity of 78%/80% peak. It does not appear that Luas capacity was assessed, despite a modal split of 19% predicted for Train/Dart/Luas. However, given the size of the development it is unlikely that this would be of such a significant impact such that refusal would be warranted.

8.8.4. Modelling/junction simulation was carried out in accordance with TRICS and PICARDY which are accepted industry modelling applications. Growth rates in accordance with TII Travel Demand Projections for the Dublin Metropolitan Region were used. Three different scenarios were assessed at three junctions; proposed site entrance, junction of Kilgobbin Road with Ballyogan Road (500m) and junction of Kilgobbin Road with Enniskerry Road (750m). As per the TII Traffic and Transport Assessment Guidelines, a 10% impact threshold is usually applied for road networks that operate well; this threshold is reduced to 5% where road networks experience

congestion. The percentage impact was less than 5% in all cases therefore it is not considered that congestion will arise from the proposed development.

- 8.8.5. However, while the requirements of guidelines are met in the above assessment, it is important to note the nature of the Kilgobbin Road. It is of narrow carriageway width in many places, with several sharp bends and hilly sections and limited forward visibility. It is heavily trafficked, with vehicles travelling at higher speeds than suitable for the road. It has limited pedestrian facilities – mostly a single footpath on one side of the road, which is narrow and without a grass verge to separate traffic from pedestrians. There are limited crossing points and lighting is substandard. There are no cycle lanes. The proposed addition of several traffic calming ramps acknowledges the need for interventions in the interest of traffic safety.
- 8.8.6. Therefore, while modelling may show traffic impact within accepted limits, it does not consider the limits in light of the quality of road infrastructure present on Kilgobbin Road. The impact would not be comparable to the impact on a road constructed to modern standards (width, alignment, pedestrian/cyclist infrastructure). The road has clear deficiencies, and I consider the development would exacerbate current traffic safety issues. The LAP is clear that the road is not considered suitable for access.
- 8.8.7. In addition, the quality of the roads infrastructure will also impact on modal shift. While noting capacity in buses, and proximity to bus and Luas stops, the pedestrian environment is poor; and will not encourage people onto more sustainable modes of transport than the car. Two crossing points are proposed, one of which I consider to be unsafe. Cycling infrastructure is absent, the width of the road and presence of ramps etc. will also not encourage cyclists. There are no other routes for pedestrians/cyclists except via Kilgobbin Road.
- 8.8.8. Car Parking: SPPR3 of the Compat Settlement Guidelines sets out car parking standards; for the subject area (City - Suburban/Urban Extension, not within an 'Accessible location as per 8.3 above) the maximum rate of car parking provision would be 2 spaces per dwelling. This does not include bays assigned for use by a car club, designated short stay on-street Electric Vehicle (EV) charging stations or accessible parking spaces, but includes visitor parking. Therefore the maximum rate would be 178 spaces plus accessible/EV/car club spaces as per SPPR3.



- 8.8.9. The Apartment Guidelines state that as a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required. Therefore adapting the rate from the Compact Settlement Guidelines the maximum rate would be 128 spaces plus accessible/EV/car club spaces.
- 8.8.10. The DLRCDP standards are set out in Table 12.6 of the CDP and would generate a maximum provision of rate of 129 plus 5 visitor spaces
- 8.8.11. It is proposed to provide 133 spaces inclusive of 3 no. disabled 4 no. visitors, 1 no. car share and 11 no. EV are provided. Excluding accessible spaces and car-club spaces, this equates to 129 spaces. This is within the parameters of the Guidelines above and the CDP and is acceptable. I note no objection in the Planning Report or Transportation Report in this regard.
- 8.8.12. Cycle Parking: As per the Apartment Guidelines, a general minimum standard of 1 cycle storage space per bedroom shall be applied and visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units. This generates a requirement of 97 spaces plus 25 visitor spaces for the Apartments.
- 8.8.13. As per DLRC Standards for Cycle Parking and associated Cycling Facilities for New Developments (2018) there would be a requirements for 10 visitor spaces and 50 spaces for units.
- 8.8.14. Provision of 173 no. cycle parking spaces and 2 no. motorcycle spaces is stated to be proposed. (269 spaces is stated in the Traffic and Transport Assessment which appears to relate to houses). Provision includes short term bicycle parking shelter near the apartment which appears to accommodate 16 units. A bicycle store is indicated in the lower level of the apartments, externally and internally accessible which appears to have 30 Sheffield type stands accommodating 60 spaces. Bin and cycle stores are shown to serve mid-terrace units.
- 8.8.15. The provision meets the DLR standard but not the Apartment Guidelines. I consider that increased provision could be required by condition in the event of a decision to grant planning permission.

## **Other issues:**

- 8.8.16. Access point: A DMURS Compliance Report was submitted with the application. A stage 1 Road Safety Audit is also noted. In terms of the safety of the proposed new entrance, the site boundary is proposed to be set back into the site in order to provide the appropriate level of visibility splays (2.4m by 49m) in accordance with DMURS. This meets required standards.
- 8.8.17. Pedestrian/cyclist ramp: Upon site inspection, I stood at the location of the proposed crossing point on the Kilgobbin Road, to which a pedestrian/cyclist ramp is proposed from within the development. The visibility of oncoming traffic was inadequate due to the horizontal alignment of the road. While the set back boundary and entrance will improve matters to the north it should be noted that the proposed ramp itself is likely to obstruct visibly from the east side, requiring a pedestrian to step onto the road. I also considered visibility south on the west side of the road inadequate due to the horizontal alignment of the road. I note this matter is highlighted in the Quality Audit assessment submitted with the planning application; the recommendation in relation to same is that "Appropriate visibility for the adopted design speed of the road at this location should be provided between northbound drivers and the proposed courtesy crossing". However, this is not evidently possible as it invites the removal of a third party wall/vegetation. I note proposed traffic calming, but I am not of the opinion that it would be effective to create a safe crossing point. In this regard, and also noting my assessment at 8.6.6 above in terms of the impact on the Protected Structure, I recommend this ramp be omitted.
- 8.8.18. Bus stop: The relocation of the bus stop by c. 35 m is not considered to detract from residential amenities, noting also that it will be upgraded.
- 8.8.19. Off-site improvements: These, largely traffic calming, are clearly indicated as part of the application.

## **8.9. Residential Amenity**

### **8.9.1. Residential Standards Proposed**

- 8.9.1.1. I have reviewed the standard of accommodation having regard to the Apartment Guidelines (SPPR 1, SPPR 3 Minimum Floor Areas and SPPR 4 Dual aspect units,

SPPR 5 Floor to ceiling height and SPPR 6 Lift/stair cores, along with standards in Appendix 1 in relation to aggregate areas and storage/private open space standards), with regard the Compact Settlement Guidelines (SPPR 2 in particular) and the provisions of the CDP.

- 8.9.1.2. While these standards are generally satisfied, in relation to the apartments I note some minor issues, e.g. Shortfall in living area of .1m<sup>2</sup> in A1A1 units. I also am not entirely satisfied that storage areas indicated on the Housing Quality Assessment correlate to drawings and comply with the Apartment Guidelines. (E.g. Unit A2B2 is a 2 bed 4 bed apartment requiring internal storage provision of 6m<sup>2</sup>. I note a potential storage area of 4m<sup>2</sup> off of the kitchen (possibly a utility room), and inside the door of c 0.9m<sup>2</sup>. This does not meet the 6m<sup>2</sup> minimum standard. In addition, the 4 m<sup>2</sup> space exceeds the maximum 3 m<sup>2</sup> recommended in the Guidelines. Also E.g. 3bed apartment A3A1 appears to be counting walk-in-wardrobes as storage space.)

*The Apartment Guidelines state in Section 3.31 Storage should be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms. In such cases this must be in addition to minimum aggregate living/dining/kitchen or bedroom floor areas.*

- 8.9.1.3. I note that all apartments exceed minimum overall floor area, and that therefore it is likely this matter could be clarified by condition, in the event of a grant of planning permission, by the submission of a schedule with a more detailed breakdown of storage areas within bedrooms and aggregate bedroom area excluding storage.

- 8.9.1.4. In relation to proposed houses, the requirement under the Compact Growth Settlement Guidelines is 40 sqm and 50 sqm respectively. Section 28 of the Planning Act provides that planning authorities and An Bord Pleanála shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines. I consider the private open space provision is therefore acceptable in this regard.

- 8.9.1.5. The minimum private open space standards of the DLRCDP are not met in each case. The requirement for private open space under the DLRCDP is 60 sqm for 3

bed houses and 75 sq. m for 4 bed houses. Of 39 houses, 31 do not meet the requirements of the DLRCDP for private open space. The remainder exceed it. Of those do that do not meet the requirements, there is a shortfall ranging between 0.5% to 33% of the DLRCDP standard. The mean/average shortfall is 18% (as is the median and mode).

- 8.9.1.6. This shortfall may be considered a Material Contravention of Section 12.8.3.3 of the DLRCDP. The provisions of Section 37(2)(a) of the Planning Act are noted - the Planning Authority refused permission, but did not do so on the grounds that the proposed development materially contravenes the development plan.

8.9.2. Daylight and Sunlight (proposed units)

- 8.9.2.1. A Daylight and Sunlight Assessment Report was submitted with the application, and a supplementary report submitted as part of the appeal, prepared having regard to BRE Site Layout Planning for Daylight and Sunlight a Guide to Good Practice ("the BRE Guide"). I have considered both I am satisfied regarding their adequacy and accept the conclusions within.
- 8.9.2.2. I note the view expressed in the Planning Report that Unit 11 on each floor of the apartment block does not meet minimum requirements in relation to direct sunlight hours to living spaces, and that this is deemed to relate to the linear layout of the southern portion of the apartment block jutting out to the south east of these units. This matter is also addressed in the appeal statement.
- 8.9.2.3. There are 6 units in question which do not meet required minimum sunlight hours, units 11 on each floor and units 10 on ground and first floor. When modelled without trees, only 4 do not meet required sunlight hours. I note that these are unit 11 on each floor which are single aspect oriented to north-east.
- 8.9.2.4. I am not convinced of the view expressed in the Planning Report that "a re-orientation of the apartment block layout could easily remedy that suboptimal situation". I am of the view that such revisions may have other implications, e.g. less enclosed communal open space, or space which would not relate as well to the

apartments, or a restricted area to accommodate a future connection to Clay Farm Loop Road, or reduced density.

8.9.2.5. I note the need for flexibility acknowledged in the BRE Guide, which states that numerical guidelines “should be interpreted flexibly since natural lighting is only one of many factors in site layout design”. I also note the need to balance considerations against the desirability of achieving wider planning objectives, and I would consider quality communal open space, appropriate density and strategic road connections ‘wider planning objectives’ to consider in this case. Given other standards are satisfied, including daylight levels, and given that these are one bed units which exceed minimum standards (in terms of floor area, aggregate areas, room sizes, private open space), have good outlook, and are proximate to areas of open space, I consider this shortfall in sunlight to these units acceptable in the context of overall standards achieved.

#### 8.9.3. Existing Residential Amenity.

8.9.3.1. There are three existing dwellings to consider in terms of direct impact on residential amenity; Oldtown House itself, Derriana House west of proposed dwelling no. 4 and Windthorpe, south west of proposed dwelling no. 27.

8.9.3.2. In relation to Oldtown House, I note a separation distance of over 30m between opposing windows from proposed 2 storey dwellings no. 6 and 7, and consider this adequate to prevent undue overlooking, having regard to SPPR 1 of the Compact Settlement Guidelines. I note dwelling no. 1 is single storey.

8.9.3.3. However, I note that all the private open space associated with Oldtown House is now exposed to views from dwellings, road/footpaths, open space and indeed the proposed heritage interpretive area near dwelling no.1 (See View 12, 13 and 14 in photomontages). I do not consider an adequate standard of private open space is retained. An option to address this would be the retention of part of the former kitchen garden as part of the curtilage of the dwelling, being a contained private area proximate to the house.

- 8.9.3.4. While the aspect to north from Winthorpe will change, I am satisfied due to the screening provided by a mature hedgerow and the arrangement of proposed units in relation to this existing dwelling that there will be no significant negative impact on the amenities of that property in terms of overlooking or overbearance.
- 8.9.3.5. In relation to Derriana House, I note separation distance of c. 25m from dwellings 21-27 which face towards the gable of Derriana House. I consider that this is adequate, having regard to SPPR1 of the Compact Settlement Guidelines. I note that there are no windows in the side elevation of Dwelling nos. 3 and 4 which are close to the boundary with the property. Therefore undue overlooking does not arise.
- 8.9.3.6. I note the observations in relation to the visual and overbearing impact of the proposed development on Derriana House. The main area to the rear of Darriana House is hard surfaced and used for parking/circulation and contains a garage. It is north east facing. There is a significant amenity space to the south west of Derriana House, with hard and soft landscaping, well tended gardens and children's play equipment.
- 8.9.3.7. Aspect to the north east from the single storey north western section of Derriana House is limited; there are only two small windows on the elevation, and the garage is positioned opposite. The rear building line of proposed dwelling no. 4 extends only marginally into the direct view from the upper floor windows of the rear of Derrriana House; views of proposed buildings are offset. Given the spatial arrangement and presence of the garage, I do not consider that a significant overbearing impact would arise to the rear, given the distance to dwelling no. 4.
- 8.9.3.8. In relation to proposed dwellings nos 2 and 3, I note again the use to the rear of the Derriana House, and the absence of direct aspect onto the side elevation of proposed dwellings. However dwelling no. 3 is c. 1m from the boundary at its closest point and I do consider that the proposed dwelling, due to the proximity, length and monolithic nature of the side elevation, would have an in appropriate relationship with Derriana House in terms of massing, and would be perceived as overbearing.

- 8.9.3.9. I note that these proposed dwellings nos. 2 and 3 are 2 storey, with first floor rear windows less than 6 metres from the boundary with Derriana House. This is close enough to overlook and prejudice future development of that property. In addition I am concerned in relation to the proximity of dwelling no. 3 to the hedgerow separating the two properties; I consider a greater separation distance is required to ensure the survival of the boundary. This is discussed further at 7.10 below.
- 8.9.3.10. I note a comment in the Planning Report that house no.3 and 4 should be omitted to address issues relating to residential amenity of Derriana House. On the basis of my assessment above, I consider the omission of houses nos. 2 and 3 and replacement with a single storey dwelling with greater separation distance, would be sufficient.
- 8.9.3.11. Based on the above, subject to the amendments referred to, I consider that the amenities of adjacent properties, while not preserved unchanged, are adequately protected and that no material contravention of the zoning objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities' occurs. The proposed development would strike a balance between the reasonable protection of the amenities and privacy of adjoining properties and the need to provide development, as per the provisions of Section 5.9 of the Compact Settlement Guidelines.

8.9.4. Daylight and Sunlight (existing dwellings)

- 8.9.4.1. The Daylight and Sunlight Assessment Report assessed the impact of the proposed development on existing buildings and open spaces by reference to distance from walls with windows to proposed buildings, the 25° obstruction angle check, VSC (vertical sky component) and overshadowing, having regard to the BRE Guide.
- 8.9.4.2. VSC on windows in Derriana House and Windthorpe was analysed and it was concluded that only one window did not meet required standards, however when weighted having regard to other windows in that room (as per Section 2.2.7 of the BRE Guide) standards are met.

8.9.4.3. I am satisfied that there would not be any undue loss of light or overshadowing of the amenity spaces of existing dwellings.

#### **8.10. Public open space**

- 8.10.1. The Compact Settlement Guidelines state in Policy and Objective 5.1 that “The requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances.” The CDP requires, as per Table 12.8, 15% of net site area.
- 8.10.2. 3,960 sq.m Public Open Space (16% of net site area) is provided to the front of the site and 388 sq.m Pocket Park (1.6% of net site area). Therefore public open space is adequate in terms of quantity.
- 8.10.3. I note the main vehicular access road separates two areas of open space at the front of the site. The space to the north of the access road will contain several trees while the space to the south is intended as a kickabout area. My perception is that these will function as two separate spaces and each is usable in its own sense. Thus, while the two spaces together it would offer greater potential use without the access road traversing it, I do not consider that the road impacts on the quality of these spaces to a degree that it should be discounted as open space. The proposed railings are indicated to continue from the entrance along the access road for c. 20 m and defend each side of the access road. I consider that any additional safety features e.g. a low wall, could be addressed by condition.
- 8.10.4. Within the kickabout area, I consider that the access road serving Oldtown House will have very low traffic movements as it serves only one dwelling. Therefore I do not consider that the roads impact on the quality is significant.
- 8.10.5. I consider public open space adequate in terms of quantity and quality.

#### **8.11. Ecology/Biodiversity and Trees/Vegetation**

- 8.11.1. The applicant has submitted an Ecological Impact Assessment for the proposed development site. The report outlines the methodology of the report including the scope of assessment, consultation, desktop research and survey, which included



site survey for large mammals e.g. otters, badgers, breeding birds, tree survey, bat survey along with biodiversity-related surveys and habitat classification.

- 8.11.2. The trees around the main gates were noted to have suitable roost potential for bats. However, there was no evidence of bats within any buildings examined. There were no trees in use as bat roosts at the time of the summer survey and there was no evidence of bat usage on any tree based on the winter assessment.
- 8.11.3. A range of common birds, typical of such a site, was recorded. No evidence was found that site is used by migrating or wintering birds such as those listed as Special Conservation Interests in any of the SPAs within the potential Zone of Influence of the proposed.
- 8.11.4. No invasive alien plant species were noted.
- 8.11.5. It was concluded that the site has Local (Higher Value) Ecological Importance. In the absence of mitigation, the construction of the proposed residential development is considered to have a slight to moderate negative impact on the local biodiversity of the site, but it is considered that the enhancement and retention of existing treelines and hedgerows, landscaping and planting proposed will in time reduce the impacts of development to neutral or slightly positive.
- 8.11.6. In the absence of mitigation, the loss of habitats and disturbance from lighting presents a long-term moderate negative impact on bats, however bat activity at the site is limited. Short-term, moderate, negative impacts on water and air quality during the construction phase of the proposed development is considered likely. Operational phase effects are expected to be permanent in duration, but neutral.
- 8.11.7. I am satisfied that the Ecological Impact Assessment has had regard to relevant guidance and been prepared according to standard methodology by qualified, experienced individuals, and sets out clear conclusions.
- 8.11.8. It is evident that the treelines/hedgelines/ditches are of most significant value in terms of biodiversity/ecology. The appeal responds to a number of issues were raised in the Parks section report in relation to tree impacts. Matters raised in the report and in submissions include:

- the unnecessary removal of trees along the southern boundary where there is an objective to retain an ecological corridor and objectives for tree/woodland protection.
- the removal of mature oak trees on the eastern boundary,
- the removal of trees to facilitate the entrance on the Kilgobbin Road,
- the impact of swales on trees,
- planting species.

8.11.9. The application, between Arboricultural Assessment, Tree Constraints Plan, Tree and Vegetation Impact Plan and Tree Protection Plan contains a thorough survey and assessment of trees and hedges on site, recommendations for their management, and comments on the impact of the development at particular locations.

8.11.10. The trees to be removed are

- 1 of the 9 category 'A' trees,
- 3 of the 14 category 'B' trees
- 33 of the 50 category 'C' trees.
- 8 of the 9 category 'U' trees,

8.11.11. In terms of location, these are mainly clusters in the former kitchen garden, within the hedgerow that traverses the middle of the site, at the footprint of proposed houses, in the southern site boundary and more sporadic removal of units in the northeastern boundary. Only one Category A tree to be removed, no. 947 Walnut.

8.11.12. In relation to the southern boundary, the application indicates the removal of 11 trees within hedge no. 7. Two of these are Category U trees, (existing value would be lost within 10 years and recommend for removal) one is a Category B tree and 8 are Category C trees. I note from the Tree Protection Plan which overlays proposed infrastructure with trees and hedgerows that 5 of the Category C trees conflict with the line of the proposed relocated foul sewer. The need for removal of 968, 969, 974 (Category C) and 6 (Category B) is unclear, but it is likely some relates to the provision of footpaths, SuDs features etc. The appeal has stated that trees in this

hedgerow 7 can be retained as requested, except where direct conflict arises. I consider this acceptable.

- 8.11.13. With regard to submissions which queried the removal of mature oak trees on the eastern boundary (which I take to be the northeastern boundary) the trees to be removed area identified as 981 Elm, 979 Ash, 977 Ash, 976 Ash, 975 Ash and 978 Ash. All with the exception of 978 are category U trees. 978 is a Category C tree. There are three oak trees Oak 926, 931, 932, all Category A and all shown to be retained.
- 8.11.14. Two trees are to be removed to facilitate the proposed entrance on Kilgobbin Road, numbers 915 and 916, horse chestnut and ash, category C2. The loss of 915 is particularly regrettable, being prominent and adding much canopy and character to the road.
- 8.11.15. The applicant has indicated in the appeal that swales are shallow and located between trees and particular species can be omitted as requested.
- 8.11.16. I note that the Arboricultural Assessment does not recommend the removal of hedge nos. 3/4, which run to the rear of dwellings 1-3 on the boundary line with Derriana House, and are indicated to be replaced with a proposed 2m metal post and timber panel fence, and a 2m granite faced wall. I consider the omission of houses nos. 2 and 3 and replacement with a single storey dwelling with greater separation distance, as detailed at 7.8.3.9 above, would enable the retention of these hedges, the retention of the residential amenity they afford Derriana House, and provide a more pleasing natural boundary to new dwellings at this location..
- 8.11.17. There is always a balance to be achieved between the development of a site and the loss of trees and vegetation. Overall I consider that the proposed development has achieved an appropriate balance in terms of the number of trees impacted. I note a significant amount of planting proposed, which includes mature specimens and exceeds in number that to be removed. In the event of a grant of planning permission, the attachment of conditions requiring a bond to secure retention of trees, and the employment of an arboriculturist to oversee clearance and construction stages, would be recommended.

## **8.12. Surface Water and Flooding**

- 8.12.1. Submissions on the application raised concerns in relation to potential increased flooding in the area and the capacity of the surface water network for additional discharge. The report of the LA Drainage section also requested further information in relation to drainage matters. The appeal raises this matter.
- 8.12.2. The application was accompanied by a Site Specific Flood Risk Assessment. The site is within Flood Zone C as defined by the Flood Risk Management Guidelines. The SSFRA concludes that there is a moderate risk of pluvial flooding from surface water and human/mechanical error. This is mitigated by designing the surface water network in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) including attenuation of the 1:100 year storm event and implementation of SuDS methodologies. Blockage analysis was undertaken and surcharging and flooding modelled, but it is noted that the flooded volumes are less than 10m<sup>3</sup> and will be diverted away from dwellings by overland flow paths.
- 8.12.3. The appeal has responded to the items raised by the Drainage section. It has clarified that no groundwater is proposed to enter the surface water network, confirmed that that simulation analysis allows for 20% climate change factor and 10% urban creep factor, and provided additional/replacement drawings and analysis results. It clarifies blockage analysis and states that any related flooding will be contained in the development and not impact on residential properties, and that further blockage analysis can be conducted at tender/construction stage and would not have implications for drainage design. The response provides direction to drawings, indicating relationship between the attenuation area/outfall with trees/root systems and details of headwall levels.
- 8.12.4. I have reviewed the overall Surface Water strategy submitted with the application. It sets out clear methodology, calculations for both the network-drained catchment and field-ditch drained catchment, plus cumulative discharge rate for both, which is equivalent to the greenfield run off rate. Based on soil investigations, the attenuation has been designed conservatively for no infiltration. Discharge is via a hydrobrake with flow control device to ensure that total discharge from the site is below the greenfield runoff rate.

- 8.12.5. The proposal incorporates an extensive selection of SuDS features throughout the development site including green roof, permeable paving, rear garden filter drains, swales, bio retention areas, and an attenuation system with petrol interceptor. These have attenuation, treatment and flow route control purposes and are integrated with biodiversity and amenity considerations. There are clear calculations of post-development impermeable area, interception volumes attributable to SuDS, and treatment volume required.
- 8.12.6. I note that the concerns of the planning authority largely related to clarification of certain issues. In my view, these are satisfactorily addressed. The appellant's position is that the items raised in the Drainage Section report are not considered to change the surface water drainage design strategy submitted. I note that the comment from the Planning Authority, upon referral of the appeal, made no remark on the drainage elements of the appeal.
- 8.12.7. While submissions on the application raise concerns about local surface water network capacity and flooding, these comments do not challenge any specific aspect of the surface water drainage system design, and are not offered by an individual qualified in this area.
- 8.12.8. I consider the Surface Water strategy to be comprehensive, methodological and clear, and reflects preparation by qualified and experienced professionals. The system is designed to discharge at a rate equal not exceeding greenfield run-off, having taken a conservative approach. I therefore conclude that surface water proposals are satisfactory and do not consider that any significant risk of flooding within or outside the site has been demonstrated.

### 8.13. **Noise**

- 8.13.1. Some submissions raised concerns in relation to noise pollution. The EHO also requested further information on the application in relation to noise.
- 8.13.2. The appeal is accompanied by a Noise Assessment which considers inward noise assessment, external amenity noise levels, construction noise impact, operational noise impact and vibration monitoring during construction. It concludes that internal and external noise levels will achieve targeted standards, that operational noise will not cause any negative impact on the nearest sensitive receptors and that, to

mitigation measures, construction noise will be at acceptable levels. A programme of construction noise and vibration monitoring is recommended.

- 8.13.3. I accept the findings of the assessment and consider that such matters are addressed by the CEMP and may be further detailed/secured by condition in the event of a grant of planning permission.

#### **8.14. Other Issues**

- 8.15. Trespass onto private property, or the impact of the completion of the proposed Clay Farm Loop Road on private properties and the requirement for consultation, is not relevant to this case.
- 8.16. In relation to the omission of the dwelling Sika from drawings, I note that this dwelling is separated from the site boundary by a field, and almost 100m away. I consider that the requirements of Article 23 of the Planning Regulations, in terms of the requirements to show buildings in the vicinity on the site layout plan, have been met.
- 8.17. The appeal makes reference to Section 37 (2) (b) of the Act, providing justification for a material contravention of the CDP. While the Planning Authority refused permission, it did not do so on the grounds that the proposed development materially contravenes the development plan. Therefore in the event of a decision by the Board to grant permission, the requirements under Section s.37(2)(b) do not arise.

### **9.0 AA Screening**

- 9.1. Please see Appendix 2 AA Screening Determination attached.
- 9.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA, Dalkey Island SPA, Rockabill to Dalkey Island SAC, Bray Head SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.3. This determination is based on:

- The scale of the development on fully serviced lands
- Distance from and weak indirect connections to the European sites
- No ex-situ impacts on habitats of wintering birds
- Scientific information provided in the screening report

9.4. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

## 10.0 Water Framework Directive Screening

10.1. The subject site is located near Stepside in south Dublin within Carrickmines Stream\_10 sub-catchment which has a status of “Good” and is “Not At Risk”. The site is within the Wicklow IE\_EA\_G\_076 Ground Waterbody which has a Status of “Good” and is “At Risk”.

10.2. The proposed development comprises 89 no. residential units, new vehicular access from Kilgobbin Road, provision of a new pedestrian ramp connection to Kilgobbin Road, parking, roads/footpaths/cycle paths, site and infrastructural works and alterations/improvements to Kilgobbin Road. Surface water drainage is part to network and part to drainage ditch.

10.3. No water deterioration concerns were raised in the planning appeal. It is noted that some surface water matters were raised during the application and have been considered in the assessment above.

10.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The scale and nature of development, on zoned and serviced lands,

- The proposed surface water strategy and the incorporation of SuDS measures into the development,
- Best practice construction management.

10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration of any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Conclusion and Recommendation

The proposed development is consistent with the zoning provisions relating to the site. I am satisfied that the development is of an appropriate scale and density and that, subject to some modifications detailed in the report above, the proposed development respects the character and setting of Oldtown House, protects archaeological heritage within the area, has an acceptable impact in terms of trees, vegetation and ecology on site, provides an appropriate standard of residential accommodation, and would not unduly detract from the residential amenities of adjacent properties.

However, as access is proposed off of the Kilgobbin Road and not via the Clay Farm Loop Road, as required in the Ballyogan and Environs Local Area Plan, the proposed development would be contrary to, or undermine, the relevant transport, access, movement and phasing policies of the Ballyogan and Environs Local Area Plan 2019 - 2025, as extended to 2027.

The objective for access off of the CFLR reflects other considerations: Kilgobbin Road is stated in the LAP to be unsuitable for development access. This is due to deficiencies in pedestrian and cyclist facilities and narrow width in parts. The proposed development would increase vehicular, pedestrian and cyclist traffic movements on a road which is not suitable to cater for such movements.

The proposed development would significantly detract from the character of the Kilgobbin Road, which it is stated objective of the CDP and LAP to retain.

I therefore recommend permission be refused.



## 12.0 Reasons and Considerations

It is a Specific Local Objective of the Dun Laoghaire Rathdown County Development Plan 2022-2028 to implement and develop the lands at Ballyogan and Environs in accordance with the adopted Ballyogan and Environs Local Area Plan, and the Specific Local Objectives, therein.

The proposed development is not accessed via the Clay Farm Loop Road, as required by the Ballyogan and Environs Local Area Plan ('Link No. 16'), and by the Site Development Framework for Kilgobbin, which requires that vehicular access for all new residential development within the SDF will be provided via the Loop Road and/or its feeder routes. The proposed development, by nature of its alternative access, would also detract from the character of the Kilgobbin Road, which it is an objective of the County Development Plan and Local Area Plan to protect. Furthermore, the proposed development would increase vehicular, pedestrian and cyclist traffic movements on a road which is not suitable to cater for same.

The development would therefore be premature pending the completion of the Clay Farm Loop Road, be contrary to the relevant transport, access, movement and phasing policies of the Ballyogan and Environs Local Area Plan 2019 – 2027, to Specific Local Objective 61 of the Dun Laoghaire Rathdown Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

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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Bébhinn O'Shea  
Senior Planning Inspector

02/07/2025

## Appendix 1: EIA Screening

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	320493-24
<b>Proposed Development Summary</b>	89 dwellings and associated site works.
<b>Development Address</b>	Site at Oldtown House, Kilgobbin Road, Dublin 18
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10(b) relates to infrastructure projects that involve:</p> <p>(i) Construction of more than 500 dwelling units,</p> <p>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

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

### Form 3 EIA Screening Determination

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	89 dwellings and associated site works.	
<b>Development Summary</b>	Site at Oldtown House, Kilgobbin Road, Dublin 18	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>No</b>	
<b>2. Has Schedule 7A information been submitted?</b>	<b>Yes</b>	See Section 4.2 of Brady Shipman Martin Screening Report
<b>3. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	AA Screening Report by Brady Shipman Martin
<b>4. 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?</b>	<b>No</b>	
<b>5. 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</b>		SEA of the Dun Laoghaire Rathdown County Development Plan 2022-2028 AA of the Dun Laoghaire Rathdown County Development Plan 2022-2028 Site Specific Flood Risk Assessment Ecological Impact Assessment

		Sustainability and Energy Report Outline Construction & Environmental Management Plan	
<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)  <b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	<b>Is this likely to result in significant effects on the environment?</b>  <b>Yes/ No/ Uncertain</b>
<b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b>			
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	No	Area is largely residential with growing pattern of infill and densification and a number of recent multistorey/multi unit developments in the area	No
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	No change to land use, but intensification. No changes to topography.	No

<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?	Yes	Raw materials to be used as per typical construction scheme but not of such scale and quantity that there would be significant effects on the environment	No
<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?	Uncertain	Construction activities will require the use of potentially harmful materials such as fuels and give rise to waste for disposal. the preliminary Construction & Environmental Waste Management Plan would mitigate potential impacts.	No
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Uncertain	Construction activities will require the use of potentially harmful materials such as fuels and give rise to waste for disposal. Pollutants such as dust emissions are likely. Waste during construction works. Waste Management Plan and Construction Management Plan sets out mitigation and management measures which are typically standard construction practice.	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	Typical construction management practices as set out in Preliminary Construction & Environment Management Plan to mitigate against contamination. Application contains robust surface water and nature based SuDS strategy.	No
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	During construction the project will cause noise and vibration, but will be subject to mitigation through the CEMP and planning conditions, and monitoring	No

<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	No	Typical construction management practices as set out in Outline Construction Management Plan to mitigate against contamination of noise, dust (both temporary and local) and water.  Operationally potential for air pollution from noise, traffic etc. However, noting traffic levels generated, existing urban environment this is not considered significant.	No
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No	Site not in the vicinity of any site with a risk, or within an area at risk of flooding.	
<b>1.10</b> Will the project affect the social environment (population, employment)	Yes	The proposed development will provide housing and population of 223 based on household size of 2.5 (DLRCDP)	No
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	Yes. DLR population is projected to grow by 31,125 – 38,125 to Q1 2028 and has a housing target of 18,515 for the same period as per the CDP. However, this has been subject to Strategic Environmental Assessment during the preparation of the CDP	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>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> </ul>	No	Nearest pNHA c.1.7km from site.  Nearest European Sites c. 5 km from development site. EclA Assessment and AA screening submitted. AA Screening included, Appendix 2, concludes that that the proposed development would not have a likely significant effect on any European Site either	No

- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan		<p>alone or in combination with other plans or projects.</p> <p>Trees/woodland identified for protection. Arboricultural assessment and Tree Protection plan submitted. See assessment in main body of report. No other features/species of ecological interest identified for protection/conservation.</p>	
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	<p>Ecological Impact Assessment included with application. No rare or plant species of conservation value present. No resting or breeding places of terrestrial animals. No terrestrial fauna species of conservation importance. No bats roosts in trees or within buildings.</p> <p>Sika deer observed on site. Deer habitats are not included in the Habitats Directive; protection under Wildlife Act just extends to hunting controls. Other grassland habitat in the vicinity</p>	No
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	Protected structure within site and archaeological features in vicinity. AHIA and AIA submitted. See detailed assessment in report. No significant impact arises	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	No	Urban land area	No



the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?			
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	There are notable drainage ditches at the site perimeter. The development will incorporate SUDS measures and attenuation/flow control to control surface water run off. The development will not increase the risk of flooding.	No
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No		No
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	Site served by local road network.	No
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	None in the immediate area	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?	No	A minor number of other recent permissions in the immediate vicinity e.g. DRLCC Ref.: D18A/0074; ABP-303695-19 43no. units.  Otherwise permitted developments in the surrounding environment are generally small-scale developments associated with individual properties, mostly residential. Recent significant development refused permission are noted as having been screened out for the need for EIA.	No

		Larger developments are more distant from site and complete or nearing completion. Cumulative effects with the subject project are not considered to arise.	
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No		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>	X	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>		EIAR Required	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			
<b><i>EG - EIAR <u>not</u> Required</i></b>			
Having regard to: -			
1. the criteria set out in Schedule 7, in particular (a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure (b) the absence of any significant environmental sensitivity in the vicinity (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)			
2. the results of other relevant assessments of the effects on the environment, including of an Appropriate Assessment and Strategic Environmental Assessment under the Dun Laoghaire Rathdown County Development Plan and the Appropriate Assessment Screening attached to the Inspector's Report			

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, in particular the proposal to preserve in situ known archaeological features, measures to protect the character and setting of the Protected Structure on site, the proposed surface water and SuDS strategy and the Preliminary Construction and Environmental Management Plan.

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_

## Appendix 2: Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Construction of 89 dwellings and associated site works
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>Site of 2.7 hectares in Kilgobbin, within urban environment, but towards edge. Large portion of site is greenfield with mature boundaries and drainage ditches - a watercourse bounds much of the site.</p> <p>There are no direct links to European Sites. Ballyogan stream is c. 150m to north, ultimately discharging as the Shanganagh River to the Irish sea c. 6km to east, at a point c 1.5 km from Rockabill to Dalkey Island SAC and c. 5.7 km from Bray Head SAC.</p> <p>Site preparation work and construction works will require ground clearance and excavations. A construction and environment management plan (CEMP) accompanied the application.</p> <p>The proposed development will be connected to a public water, surface water and foul sewer network. Surface water, following attenuation and treatment will outfall in part to network and also in part to the drainage ditch at the northeast of the site, at less than greenfield run-off rates.</p> <p>The application site was surveyed by ecologists with habitat, mammal and bat surveys undertaken at the appropriate time of year and in accordance with standard methodologies. No invasive plant species were recorded on the site.</p>
<b>Screening report</b>	Yes. (Brady Shipman Martin)
<b>Natura Impact Statement</b>	No.
<b>Relevant submissions</b>	None

## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Nine European Sites are within the zone of influence of the project. I note that 23 European Sites (including those below) within a wider area of 20km were considered in the Screening Report submitted but I am satisfied that these other sites can be ruled out due to distance and lack of, or weak, ecological connections.

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
South Dublin Bay and River Tolka Estuary SPA 4024	<a href="#">ConservationObjectives.rdl</a>	c. 5.5km	Indirect weak surface water connection via Ballyogan stream which discharges to Dublin Bay as Shanganagh River c. 10 km south of this European Site.  Potential connection by air/ex situ habitats for mobile bird species	Y
Dalkey Island SPA 4172	<a href="#">CO004172.pdf</a>	c. 8.2 km	Indirect weak surface water connection via Ballyogan stream which discharges to Dublin Bay c. 6.7 km south of this European Site.  Potential connection by air/ex situ habitats for mobile bird species	Y

Wicklow Mountains SPA 4040	<a href="#">CO004040.pdf</a>	c.5.2 km	No hydrological connection.  Potential connection by air/ex situ habitats for mobile bird species	<b>Y</b>
Wicklow Mountains SAC 2122	<a href="#">ConservationObjectives.rdl</a>	5.9km	None	<b>N</b>
South Dublin Bay SAC 0210	<a href="#">ConservationObjectives.rdl</a>	c. 5.5km	Indirect weak surface water connection via Ballyogan stream which discharges to Dublin Bay as Shanganagh River c. 6km from this European Site	<b>N</b>
Rockabill to Dalkey Island SAC 03000	<a href="#">ConservationObjectives.rdl</a>	c 8.2km	Indirect surface water connection via Ballyogan stream which discharges to Dublin Bay as Shanganagh River c 1.5 km from this European Site.	<b>Y</b>
Knocksink Wood SAC 0725	<a href="#">CO000725.pdf</a>	c. 5 km	None	<b>N</b>
Ballyman Glen SAC 0713	<a href="#">ConservationObjectives.rdl</a>	c. 6.4km	None	<b>N</b>
Bray Head SAC 0714	<a href="#">ConservationObjectives.rdl</a>	c. 10 k	Indirect weak surface water connection via Ballyogan stream which discharges to Dublin Bay as Shanganagh River c. 6 km	<b>N</b>

			north of this European Site.	
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<sup>1</sup> Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

### Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

[From the AA Screening Report or the Inspector's own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking the following into account:

- (a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).
- (b) Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?
- (c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1:</b> <b>South Dublin Bay and River Tolka Estuary SPA (4024)</b>  <b>Qualifying Interests:</b>  A046 Brent Goose Branta bernicla hrota  A130 Oystercatcher Haematopus ostralegus  A137 Ringed Plover Charadrius hiaticula  A141 Grey Plover Pluvialis squatarola	<b>Direct:</b> None  <b>Indirect:</b> Loss of any ex situ habitat  Localized, temporary, low magnitude impacts from noise, dust and construction related emissions to air  Localized, temporary, low magnitude impacts from dust and construction related emissions to surface water.	The distance of the development site from the SPA, the nature of the development site and the ecological surveys indicate that the site does not constitute ex situ habitat for wintering waterbirds therefore no indirect habitat loss.  The 5km distance from the SPA and intervening urban environment make it highly unlikely that there would be any disturbance to the SPA habitat from noise or impact on air quality from dust as

<p>A143 Knot Calidris canutus</p> <p>A144 Sanderling Calidris alba</p> <p>A149 Dunlin Calidris alpina alpina</p> <p>A157 Bar-tailed Godwit Limosa lapponica</p> <p>A162 Redshank Tringa tetanus</p> <p>A179 Black-headed Gull Chroicocephalus ridibundus</p> <p>A192 Roseate Tern Sterna dougallii</p> <p>A193 Common Tern Sterna Hirundo</p> <p>A194 Arctic Tern Sterna paradisaea</p> <p>A999 Wetlands</p>	<p>Localized, temporary, low magnitude impacts from operation related emissions eg. hydrocarbons to surface water</p>	<p>concentration would be dissipated over distance.</p> <p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance of 10km from surface water outfall in Dublin Bay to SPA make it highly unlikely that the proposed development, at construction or operation stage (which includes SUDS measures and attenuation), could generate impacts of a magnitude that could affect water quality/habitat within the SPA for the QIs listed.</p> <p>Conservation objectives would not be undermined</p>
	<p><b>Likelihood of significant effects from proposed development (alone):</b> No</p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> Other plans and projects examined in the Screening Report. No effects of magnitude that could add to other plans and projects.</p>	
	<b>Impacts</b>	<b>Effects</b>
<p><b>Site 2:</b> <b>Dalkey Island SPA (4172)</b></p> <p><b>Qualifying Interests:</b></p> <p>A192 Roseate Tern Sterna dougallii</p> <p>A193 Common Tern Sterna Hirundo</p>	<p>As above</p>	<p>As above. (Surface water outfall to Dublin Bay c. 6.7km from SPA)</p>



A194 Arctic Tern <i>Sterna paradisaea</i>		
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> Other plans and projects examined in the Screening Report. No effects of magnitude that could add to other plans and projects.	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 4:</b> <b>Rockabill to Dalkey Island SAC (03000)</b>  <b>Qualifying Interests:</b>  Reefs [1170]  Phocoena phocoena (Harbour Porpoise) [1351]	Localized, temporary, low magnitude impacts from dust and construction related emissions to surface water.  Localized, temporary, low magnitude impacts from operation related emissions eg. hydrocarbons to surface water	The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways), distance of flow within river network (>8km allowing for settlement and dilution) and distance of c. 1.5km km from surface water outfall in Dublin Bay to SAC make it highly unlikely that the proposed development, at construction or operation stage (which includes SUDS measures and attenuation), could generate impacts of a magnitude that could affect water quality/habitat within the SPA for the QIs listed.  Conservation objectives would not be undermined
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> Other plans and projects examined in the Screening Report. No effects of magnitude that could add to other plans and projects.	
	<b>Impacts</b>	<b>Effects</b>

<b>Site 6:</b> <b>Bray Head SAC (0714)</b>  <b>Qualifying Interests:</b>  1230 Vegetated sea cliffs of the Atlantic and Baltic coasts  4030 European dry heaths	As above.	As above. (Surface water outfall to Dublin Bay c. 6km from SAC)
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> Other plans and projects examined in the Screening Report. No effects of magnitude that could add to other plans and projects.	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on South Dublin Bay and River Tolka Estuary SPA, Dalkey Island SPA, Rockabill to Dalkey Island SAC, Bray Head SAC.</p> <p>The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		

## Screening Determination

### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA, Dalkey Island SPA, Rockabill to Dalkey Island SAC, Bray Head SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale of the development on fully serviced lands
- Distance from and weak indirect connections to the European sites

- No ex-situ impacts on habitats of wintering birds
- Scientific information provided in the screening report

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

### Appendix 3: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	320493-24	Townland, address	Oldtown House, Kilgobbin Road, Dublin 18
Description of project		Construction of 89 dwellings and all associated site works.	
Brief site description, relevant to WFD Screening,		The site measures 2.7 ha; a dwelling, entrance point, avenue and gardens make up the most northwestern part of the site which is otherwise greenfield in nature. The site slopes declining south to north. There are mature natural boundaries to northeast, east and south-west and waterfilled drains within same to northeast and eastern site boundary.	
Proposed surface water details		Two surface water sewer networks. Run-off from rear gardens, rear halves of roofs, the 'avenue' road will drain to adjacent swales, be attenuated and controlled discharge to ditch on eastern site boundary. Pipe-drained network will collect all other runoff from the site, attenuate and discharge to network.	

Proposed water supply source & available capacity			Public water supply. Confirmation of feasibility without upgrade included			
Proposed wastewater treatment system & available capacity, other issues			Public wastewater system. Connection feasible subject to upgrades			
Others?			Not applicable			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	175m	Carrickmines Stream_10 IE_EA_10C040350	Good	Not at risk	None	Network of land drains

Groundwater waterbody		Underlying site	Wicklow IE_EA_G_076	Good	At risk	Unknown, Agriculture	Well drained soil in majority of site
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Carrickmines Stream_10	Land drains	Siltation, contaminated run-off,	Standard Construction Measures / Conditions	No	Screened out
3.	Ground	Wicklow	Drainage	Hydrocarbon Spillages	Standard Construction	No	Screened out

					Measures / Conditions		
<b>OPERATIONAL PHASE</b>							
3.	Surface	0010	Land drains	Contaminated run-off	SuDS features, attenuation, petrol interceptor	No	Screened out
4.	Ground	0020	None	None	None	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	NA						