



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321220-24

<b>Development</b>	Demolition of buildings, construction of a residential development comprising 13 houses and 60 apartments and all associated works.
<b>Location</b>	Karuna and Glenina, Sandyford Road, Dublin 18, D18 C2H6 & D18 X5T7
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D24A/0424/WEB
<b>Applicant</b>	Platinum Key Limited
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First against Conditions & Third Party
<b>Appellants</b>	<ol style="list-style-type: none"><li>1. Platinum Key Limited</li><li>2. Aonghus O'Keeffe</li><li>3. Peter Ashe Browne</li></ol>
<b>Observers</b>	<ol style="list-style-type: none"><li>1. Robert Simpson</li><li>2. Declan &amp; Caroline Kelly</li></ol>

**Date of Site Inspection**

14<sup>th</sup> January 2025

**Inspector**

Margaret Commene

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## 1.0 Site Location and Description

- 1.1. The appeal site comprises a 0.905ha irregular shaped site on the eastern side of Sandyford Road/R117, Leopardstown, Dublin 18. It is made up of 2 no. land parcels and part of Sandyford Road/R117 not in the ownership of the applicant (to facilitate road works, new vehicular/cycle/pedestrian connections and connection to site services). The northernmost of the 2 no. land parcels currently contains a single storey detached dwelling, known as 'Glenina', and the southernmost land parcel currently contains a part single-part double storey detached dwelling, known as 'Karuna'. The grounds associated with these properties feature a no. of existing trees/vegetation and both properties are served by a vehicular entrance off Sandyford Road/R117. The site rises by c. 6 metres from north to south and by c. 1.5 metres from west (Sandyford Road) to east.
- 1.2. The subject site is within a transitional location in the foothills of the Dublin Mountains on the urban fringe of Dublin. Residential development in the immediately surrounding area comprises a mix of mature residential estates and recently permitted new developments, in a variety of architectural styles. More specifically, the site's northern boundary abuts a residential development known as 'Cul Cuille' and its eastern boundary a residential development known as 'Coolkill', which comprise of 2/3 storey terraced/semi-detached dwellings and detached double storey dwellings, respectively. Further east of the Coolkill housing estate sits the Sandyford Downs Housing Estate. The sites southern boundary abuts a single storey detached dwelling known as 'The Pastures'. To the west, on the opposite side of Sandyford Road/R117, is the offices/associated grounds of Dun Laoghaire Rathdown County Council's Parks Department and part of the site known as Whinsfield, on which a 65-apartment development is currently under construction (on foot of Reg. Ref. D17A/1003/ABP Ref. ABP-302954-18). Sandyford Road has partially segregated pedestrian and cycle facilities at this location.
- 1.3. The subject site is well served by public transport, with Bus Routes No. 44B and 114 running along Sandyford Road/R117 and the Glencairn Luas stop lying c. 1.7km east of the site. Sandyford Village is located c. 300 metres northeast of the subject site and offers various amenities, including shops, a pharmacy, a pub and restaurant, and a church. Dundrum Shopping Centre is situated approx. 2km from the appeal site.

## 2.0 Proposed Development

- 2.1. Planning permission was sought for (in summary): - demolition of the existing building/ancillary buildings known as 'Glenina' (totalling 229sqm), the existing building known as 'Karuna' (194sqm) and the existing boundary wall fronting Sandyford Road; construction of a residential development (8,214sqm total gross floor area), comprising 13 no. 2.5 storey houses (2 no. 3-bed units, 9 no. 4-bed units and 2 no. 5-bed units) and 60 no. apartments (9 no. 1-bed units, 36 no. 2-bed units and 15 no. 3-bed units) provided in 2 no. part-5 to part-6 storey blocks; and all other associated site and development works above and below ground.
- 2.2. 77 no. car parking spaces, 2 no. set down areas, 4 no. motorcycle parking spaces and 178 no. bicycle parking spaces were proposed to serve the development, with 2 no. vehicular accesses to the proposed development provided via Sandyford Road. In terms of materials and finishes, the proposed dwellings/apartment blocks feature primarily brick facades punctuated with bronze coloured aluminium windows/surround panels and metal roofs where pitched roofs are proposed.
- 2.3. The proposal was revised in response to a further information request. The revisions made resulted in the following amendments to the proposed development:
- The no. of apartments was reduced from 60 no. to 54 no. (reducing the total no. of units in the scheme to 67 no.);
  - Block A was reduced to 5-storeys in height from part 6-storey;
  - The 2 no. 2.5 storey 4-bedroom houses along the eastern boundary were reduced to single storey 2-bedroom houses;
  - Additional cycle and external storage was provided on the ground floor of the two apartment blocks;
  - The northernmost access/egress point was omitted, resulting in a single access point in the southernmost part of the site;
  - Provision of a 2 metre wide cycle track, 2 metre wide footpath and 1 metre wide verge along the western boundary of the site/Sandyford Road frontage; and
  - General layout changes to car-parking spaces to incorporate car club spaces, disabled spaces, motorcycle spaces etc.

- 2.4. A summary of the key site statistics/details of the proposed development (as amended by the further information response) are provided in the table below:

<b>Site Area</b>	0.905Ha (net area is 0.829Ha, excluding parts of Sandyford Road included in the site boundary)
<b>Demolition Works</b>	423sqm
<b>No. of Residential Units</b>	13 no. houses and 54 no. apartments (see table regarding mix below)
<b>Total Gross Floor Area</b>	c. 7,765sqm
<b>Open Space</b>	757sqm of communal open space (comprising of a 562sqm area between Blocks A and B and a 195sqm area north of Block A, both with frontage onto Sandyford Road)
<b>Car Parking</b>	74 no. in total (24 no. serving the houses, 41 no. serving the apartments, 7 no. serving visitors and 2 no. car share spaces)
<b>Bicycle Parking</b>	172 no. in total (136 no. (including 4 no. cargo spaces) serving residents of Blocks A & B and 36 no. serving visitors)
<b>Density</b>	80.8 units per hectare (based on a net area of 0.829ha)
<b>Height</b>	1-5 storeys
<b>Plot Ratio</b>	0.94
<b>Site Coverage</b>	29%
<b>Dual Aspect Apartments</b>	46 no. units (85%)

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

<b>Dwelling Size</b>	<b>Houses</b>	<b>Apartments</b>	<b>Total (%)</b>
<b>1-bed</b>	0	8	8 (12%)
<b>2-bed</b>	2	33	35 (52%)
<b>3-bed</b>	2	12	14 (21%)
<b>4-bed</b>	7	1	8 (12%)
<b>5-bed</b>	2	0	2 (3%)
<b>Total</b>	13	54	67 (100%)

## 3.0 Planning Authority Decision

### 3.1. Decision

Dun Laoghaire Rathdown County Council issued a Notification of Decision to Grant Permission on 14<sup>th</sup> October 2024 subject to 27 no. conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports*

##### Initial Planners Report (6<sup>th</sup> August 2024)

- It is considered that the principle of a residential infill development at this site is acceptable.
- Proposed for demolition are not designated Protected Structures, nor are they located within an Architectural Conservation Area or a candidate Architectural Conservation Area. They are not considered to have any notable vernacular or heritage interest features and are not readily visible from the public realm due to boundary treatments and their setback from the road. The proposed demolition would not unreasonably erode the existing streetscape character when viewed from the road, nor general visual amenity, but would instead lead to a much more sustainable use of these zoned lands.
- The proposed density is c. 88dpha. The subject site does not meet the criteria outlined, in the Compact Settlement Guidelines, for density levels in excess of 40-80 upha as although proximate to public transport it does not have immediate access to high frequency services. Having regard to these guidelines as well as the characteristics of the immediate receiving environment it is considered that the site currently has the potential of accommodating densities in the strict range 40 to 80 units per hectare. The density proposed is not considered acceptable and the omission of at least 7 units is recommended.
- With regard to overlooking/overbearing, there are concerns regarding the limited separation distance provided between the proposed houses and some of their respective boundaries which abut adjacent residential developments. A

redesign is needed in the context of the 13 no. dwellings proposed along the northern, eastern and southern boundaries.

- Noise caused during the construction phase would be temporary and during operation, it is not expected that the subject development will give rise to inappropriate noise levels.
- Given the orientation of the subject site and its relationship with surrounding properties, in tandem with the findings of the Daylight and Sunlight Assessment accompanying the application, the proposal is not considered to result in unreasonable overshadowing of neighbouring properties and the subject development achieves acceptable daylight and sunlight levels.
- The proposed development is considered acceptable in terms of unit mix.
- The proposed development generally complies with the residential standards set out in the context of size, aspect, floor to ceiling heights, lift/stair cores, internal storage and private open space. The provision of external storage space for apartment residents requires consideration, however.
- The proposed development does not include any public open space provision, and the applicant refers to the alternative of providing a financial contribution in lieu of such provision. While it is accepted that a financial contribution in lieu of that provision may be an acceptable alternative, it is recommended that the applicant investigate the possibility of providing public open space given they are being requested to look at reducing unit numbers and altering the proposed road network. Communal open space proposed exceeds the relevant requirements.
- Concerns are raised regarding the extent of tree removal proposed and the retention of Tree Nos. 318, 366 and 368 is recommended.
- Having regard to the sites overall size, its specific characteristics and its distance to shops and services, the Planning Authority is satisfied that the site is capable of sort of absorbing a higher density and height than the neighbouring 1-2 story buildings that sit in comparatively large individual plots. In the context of Policy Objective BHS 3 of the Building Height Strategy, the application site is considered to be located within a Residential Suburban Area.



Within such areas, general building height of 3 to 4 storeys, coupled with appropriate density is promoted, provided such proposals ensure a balance between the reasonable protection of existing amenities and the established character of the area. Having assessed the proposal against the criteria set out in Table 5.1, as contained in Section 5 of the Building Height Strategy, the proposed height of the development is considered to meet the relevant criteria and the proposed building houses accepted in principle based on the relevant height policies. Furthermore, the proposed height (and variation within) along with the site layout, ensures the development avoids appearing overbearing, unduly dominant and monolithic. Notwithstanding this positive finding on the issue of height, as stated previously it may be appropriate to reduce the height of the apartment blocks to address identified issues around excessive density and other connected matters.

- The site frontage will be located within lands to be permanently acquired by CPO. This issue was picked up by the Transportation Planning Section. They have recommended that this matter is raised in a Further Information Request, as well as concerns they have about the one-way loop arrangement proposed in terms of vehicular access.
- The Transportation Planning Section also has concerns with the provision of a road layout with two separate access points and considers that a single access/egress point would be a more suitable design. The applicant should be invited to explore ways to address these concerns.
- Given the proposed car parking provision, the site's location close to a bus route, the Luas and Sandyford Village, the proposed car parking provision is considered to be broadly acceptable in principle. However, a deficit in visitor car parking has been identified, and should be put to the applicant. Cycle and motorcycle parking proposed is considered acceptable in principle, however the Transportation Planning Section seeks to improve both aspects of the development in terms of location and variety of space types.
- Having regard to the nature and scale of the proposed development and it's fully serviced urban location, it's just considered that there is no real likelihood of significant effects on the environment arising from the proposed

development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and as such a screening determination is not required.

- The proposed development has been screened for AA and it has been determined that the proposed development would not significantly impact upon in Natura 2000 site.
- Having regard to the zoning objective applying to the subject site, and the massing, scale and form of the proposed works, it is considered that the proposed development would not adversely impact on residential amenity at the subject site or adjoining properties. However, the Planning Authority has concerns with regard to what it considers to be excessive density given the subject sites context, prospective residential amenity issues, parks/landscaping, transportation/layout concerns, and environmental matters. It is recommended that further information be requested on these items.

The report recommends a request for further information in respect of the following (in summary):

- Item 1: In response to concerns regarding the density proposed and proximity of proposed houses to neighbouring properties, the applicant was requested to consider the omission of a no. of units, particularly the 2 no. houses proposed along the eastern boundary, and the removal of a floor from one or both of the apartment blocks.
- Item 2: The applicant is requested to consider the provision of external storage to serve the proposed apartments.
- Item 3: The applicant is requested to submit a detailed electronic drawing of the proposed development, which illustrates compliance with the land take line associated with the Phase 2 road upgrades.
- Item 4: The applicant is requested to submit revised proposals/to address the following items of concern raised by the Transportation Department:
  - a) The proposed separate vehicular entrance and exit arrangement with associated one-way loop – a single vehicular entrance (to the north of the site) off Sandyford Road is preferred.

- b) Provision of a cycle link, similar to the pedestrian link proposed, to Cul Cuille to the north.
  - c) The provision of a cycle track and grass verge along Sandyford Road.
  - d) Provision of visitor parking spaces to serve the development.
  - e) Provision of car club vehicles/parking spaces.
  - f) Provision of a disabled car parking space located close to the entrance to each apartment block.
  - g) Provision of motorcycle parking spaces located close to the entrance of the apartment blocks.
  - h) Provision of internal secure covered cycle parking spaces for residents of the apartment blocks, including non-standard bike types.
- Item 5: The applicant is requested to submit revised proposals/to address the following items of concern raised by the Parks Department:
    - a) Redesign to ensure no development/building in the RPA of the Eucalyptus Globulus (Blue Gum) Tree No. 366 and possible retention of Eucalyptus Globulus (Blue Gum) Tree No. 318 and Acacia dealbata (Mimosa) Tree No. 368.
    - b) Removal of the smaller open space to the north of the development and its incorporation into a larger open space area that encompasses the RPA of the Eucalyptus Globulus (Blue Gum) Tree No. 366.
  - Item 6: In response to concerns raised by the Environment Section, regarding rock breaking, the applicant was requested to provide a revised Construction and Environmental Management Plan.
  - Item 7: The applicant is requested to submit a revised Noise Impact Assessment that addresses the impacts of prospective rockbreaking.
  - Item 8: The applicant is required to engage with Uisce Eireann through the submission of a Pre-Connection Enquiry in order to determine the feasibility of connection to the public water/waste water infrastructure.
  - Item 9: The applicant is requested to submit a revised public lighting design.

### Planners Report (14<sup>th</sup> October 2024)

The Planners Report, dated 14<sup>th</sup> October 2024, recommends a grant of permission subject to conditions. The following provides a summary of the points raised:

- In the context of FI Item 1: - The Applicant submitted revised plans which reduced the no. of units from 73 to 67, altered the dwellings proposed adjacent to the eastern boundary to single storey 2-bed dwellings, removed a floor level from Apartment Block A, removed an apartment from Block B's top floor and removed 3 no. apartments from the ground floor of Blocks A and B. This results in a reduced density of 80.8 dpha. While the removal of 6 no. units in an attempt to achieve a more reasonable density is welcomed, it is considered that the removal of an additional unit (or units) while retaining the proposed site layout would be a satisfactory compromise in this instance.
- The proposed height of the development was assessed in the original Planners Report and found to be acceptable in principle. The visual impact of the proposed development is slightly reduced by the omission of 6 units. It is considered that the full removal of an entire floor of one of the apartment blocks is not required in this instance. The planning authority still has concerns regarding the provision of the two dwellings adjacent to the eastern boundary by virtue of their proximity to the same notwithstanding that they have been reduced to single storey height. The removal of these two units would result in a density of 78.4 UPH while also allowing the applicant to provide an increased quantum of open space provision in the centre of the development. It is recommended that a condition requiring this amendment be attached to any grant of permission full stock this would result in a proposed development within the acceptable density range while also contributing to improving the legibility and design of the wider development. The number of two aspect apartments proposed remains acceptable in principle.
- In the context of FI Item 2: - The Applicant submitted revised plans which included for the provision of external storage space to serve the proposed apartments. This matter is considered to have been successfully addressed.
- In the context of FI Item 3: - The Applicant submitted the requested DWG drawing for the development.

- In the context of FI Items 4(a)-(h): - The Applicant submitted revised layout plans which (in summary) adopted a single access/egress to the south of the site, provided a 5 metre wide shared pedestrian/cycle link to the north, provided a cycle track/grass verge along Sandyford Road, reconsidered car parking space provision/allocation, provided 2 no. car club spaces, provided 3 no. disabled parking spaces, provided 4 no. motorcycle parking spaces and reconsidered bicycle parking space provision. The Transportation Planning Section/the Planner considered matters originally raised to generally have been successfully addressed. It was however recommended that 2 no. visitor car parking spaces be reallocated to residents of the apartment blocks, given the overprovision of the same.
- In the context of FI Items 5(a) & (b): - The Applicant submitted revised layout plans which retains/incorporates *Acacia dealbata* (Mimosa) Tree No. 368 into the layout and adopted an altered planting strategy. These matters are considered to have been successfully addressed.
- In the context of FI Item 6: - The Applicant submitted a Rock Breaking Noise Management Plan and a Construction Environmental Management Plan, both of which included mitigation measures. The Environmental Enforcement/Waste Management Section/the Planner considered this matter to have been successfully addressed.
- In the context of FI Item 7: - The Applicant submitted a Rock Breaking Noise Management Plan which included mitigation measures. The Environmental Health Officer/the Planner considered this matter to have been successfully addressed.
- In the context of FI Item 8: - The Applicant submitted a Confirmation of Feasibility Letter from Uisce Eireann.
- In the context of FI Item 9: - The Applicant submitted a revised Public Lighting Report and associated drawing.
- Having regard to the zoning objective applying to the site, and policies/objectives as set out in the current development plan, it is considered that the development would satisfactorily meet the requirements of those

respective zoning objectives, and would not detract from the amenities of the area. It is therefore recommended that permission be granted.

### 3.2.2. **Conditions**

The Planning Authority saw fit to include the following condition, at Condition No. 2:

2. *Prior to commencement of development, the Applicant shall submit for the written approval of the Planning Authority, plans that omit the 2 no. single storey dwellings on the eastern end of the site. The applicant shall submit revised architectural and landscaping details that includes this area as public open space.*

*Reason: In the interest of proper planning and sustainable development*

### 3.2.3. **Other Technical Reports**

**Building Control (15/07/2024):** No objection, subject to conditions.

**Drainage Planning (26/07/2024):** No objection, subject to conditions.

**Environmental Enforcement/Waste Management Section (01/08/2024):** Recommended that a revised Noise Impact Assessment be requested which considers resultant rock breaking.

**Environmental Enforcement/Waste Management Section (08/10/2024):** No objection, subject to conditions.

**Environmental Health Officer (23/07/2024):** Recommended that further information be requested in the context of a Construction Environmental Management Plan.

**Environmental Health Officer (08/10/2024):** No objection, subject to conditions.

**Housing Department (17/07/2024):** No objection, subject to conditions.

**Parks and Landscape Services (29/07/2024):** Recommended that further information/revised plans be requested which incorporate/retain the RPA of Eucalyptus globulus (Blue gum) tree no. 366 and facilitate a larger open space for the use of ball sports.

**Public Lighting (01/07/2024):** Recommended that further information/revised plans be requested which incorporate lighting levels to better match the lighting class they need to achieve and a lux contour diagram.

**Transportation Planning (31/07/2024):** Recommended that further information/revised plans be requested regarding the following: - drawings showing compliance with the landtake line from the site for Phase 2 road improvements; drawings including the addition of a cycle track/grass verge along Sandyford Road adjacent to the proposed development; drawings including the provision of a new cycle connection to the existing cul-de-sac adjacent to 'Cul Cuille'; drawings omitting the southern vehicular access; clarification regarding visitor parking space provision for the scheme; drawings including a disabled car parking space located close to both apartment block entrances; the provision of car club vehicles/parking spaces within the proposed development; drawings including motorcycle parking spaces located close to the apartment block entrances; and revised cycle parking provision (internal secure, covered resident (long stay) cycle parking spaces and accommodation of non-standard bikes such as cargo bikes and e-bikes).

**Transportation Planning (09/10/2024):** No objection, subject to conditions.

### 3.3. Prescribed Bodies

**Uisce Éireann (30/07/2024):** Requested further information, more specifically the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public water/waste water infrastructure, and outlined recommended conditions.

**Uisce Éireann (10/10/2024):** No objection, subject to conditions.

**Transport Infrastructure Ireland (01/07/2024):** No objection, subject to conditions.

**Transport Infrastructure Ireland (18/09/2024):** Position remains as set out in original correspondence.

### 3.4. Third Party Observations

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

- Boundary line accuracy.
- Tree removal.

- Verified views/CGIs provided are limited and those provided are inaccurate or misleading. The services of an external expert should be engaged by the Planning Authority. Additional images should be provided and a number of the images should be retaken/resubmitted.
- Lack of consultation with surrounding residents.
- Excessive height and upward modifiers do not apply to the site. 4 stories should be the maximum height permitted. Changes in height adopted at further information stage are negligible/trivial. Despite the height reduction of the two dwellings proposed at the eastern boundary, they remain very close to the boundary which is problematic.
- Excessive density and changes made at further information stage make little improvement in this regard.
- Unsuitable boundary treatments.
- Various images and drawings appear to be erroneous or omitted.
- Excessive construction hours. A limit should be placed on the construction phase as well as rockbreaking activity.
- The subject application documentation makes reference to the previous SHD application which is under judicial review. This is inappropriate.
- The subject site is in a peripheral location, a considerable distance from the nearest Luas stop.
- Flood risk concerns.
- Excessive bulk and scale.
- The non-provision of public open space should not be permitted.
- Safety concerns regarding the loop road through the site.
- A condition preventing bulk buying of units should be included on any grant of permission as well as a completion bond.
- Potential damage to existing properties associated with required rock breaking. Chicken should pay for surveys and any resultant damage to neighbouring properties arising from the construction phase.
- Proposed contrary to Objective A zoning as it does not protect residential amenity.
- Overlooking/overbearing impacts.



- Houses are acceptable but apartments are not.
- Proposal contrary to the Sandyford Urban Framework Plan.
- Proximity of proposed works to site boundary problematic.
- Traffic concerns. Single aspect units should not be permitted.
- Insufficient school places to accommodate new residents of the development.
- An appeal will be forthcoming if permission is not refused.

## 4.0 Planning History

### 4.1. Subject Site

The following previous applications pertaining to the subject site, or part thereof, are of relevance:

#### ***ABP Ref. ABP-313443-22***

Permission was granted by the Board in August 2023, subject to 26 no. conditions, for a strategic housing development involving (in summary): - demolition of dwellings known as 'Glenina' and 'Karuna'; construction of 116 No. apartments (permission having been sought for 137 no. apartments initially), across 4 no. blocks varying in height from 1-6 storeys over communal basement / undercroft level; and associated site works. The Board's Decision is subject to Judicial Review. At the time of writing this report, a decision had not been reached in the context of this Judicial Review.

#### ***Reg. Ref. D23B/0209***

Permission was granted by Dun Laoghaire Rathdown County Council, in November 2023, on part of the subject site (the 'Glenina' parcel) for construction of two single-storey extensions, one located to the north and one to the south of the existing house and associated solar/PV panels/swale and all associated site works. This permission has not been acted upon.

### 4.2. Adjacent Sites

- 4.2.1. There have been a no. of recent applications on sites adjacent to the subject site that are pertinent to the current proposal. These are summarised overleaf.

Cul Cuille, Sandyford Road, Dublin 18 (immediately north of the subject site)

***PA Reg. Ref. D14A/0843 (ABP Ref. PL06D.244843)***

This application related to a proposal for (in summary): - demolition of former residence and construction of 6 no. 2 storey 4 bedroom houses (in 2 Terraces of 3 houses each) as well as 4 no. apartments (2 no. one bedroom apartments, 2 no. two bedroom apartments) and 2 no. three bedroom duplexes in a 2/3 storey building and associated site development works. Permission was granted permission by Dun Laoghaire Rathdown County Council in April 2015. The Planning Authority's decision was subsequently appealed to An Bord Pleanala by the first party (ABP Ref. PL06D.244843) but this appeal was subsequently withdrawn.

0.316 Ha site at, The Pastures, Sandyford Road, Dublin 18 (immediately south of the subject site)

***PA Reg. Ref. D21A/0595 (ABP Ref. ABP-312990-22)***

This application related to a proposal for (in summary): - demolition of the single storey dwelling known as 'The Pastures' and ancillary garage and the construction of a residential development, comprising 33 no. apartments (10 no. one bedroom units, 20 no. two bedroom units and 3 no. three bedroom units) in 2 no. apartment blocks ranging in height from part 3 no. to part 5 no. storeys. Permission was granted permission by Dun Laoghaire Rathdown County Council in February 2022 for 27 no. apartments (6 no. apartments being omitted by way of condition). The Planning Authority's decision was subsequently appealed to An Bord Pleanala by the first party and a no. of third parties (ABP Ref. ABP-312990-22). The Board, concluding that the proposed development would be generally acceptable (seeing fit to include a similar condition as the Planning Authority limiting the no. of apartment to 27 no.), granted permission for this application in September 2023.

Site known as Whinsfield, Sandyford, Dublin 18 (immediately west of the subject site on the opposite side of Sandyford Road)

***P.A. Reg. Ref. D17A/1003 (ABP Ref. ABP-302954-18)***

This application related to a proposal for (in summary): - demolition of the existing dwelling house/sheds and construction of 67 no. apartments in 3 no. three storey plus penthouse blocks (Blocks A, B & C) containing in total 5 no. one bed units, 48 no. two

bed units and 14 no. three bed units. Permission was granted permission by Dun Laoghaire Rathdown County Council in October 2018 for 65 no. apartments (the no. of apartments having been altered and the building height increased by 1 storey in the context of Blocks A & B in response to the further information request). The Planning Authority's decision was subsequently appealed to An Bord Pleanala by a no. of third parties (ABP Ref. ABP-302954-18). The Board, concluding that the proposed development would be acceptable, granted permission for this application in March 2019.

#### **4.3. Sites in the Vicinity**

4.3.1. There have been a no. of recent applications in the vicinity of the subject site that are worth noting in the context of the current proposal. These are summarised below.

Crohamhurst, Sandyford Road, Dublin 18 (south-west of the subject site)

##### ***PA Reg. Ref. D23A/0456 (ABP Ref. ABP-319621-24)***

This application related to a proposal for (in summary): - demolition of the existing single storey dwelling and construction of a new neighbourhood centre and residential development, consisting of 80 no. residential apartment units, a supermarket and associated off licence, a restaurant / bar, 2 no. retail units, an ATM area, a health centre and a café. Permission was granted permission by Dun Laoghaire Rathdown County Council in April 2024. The Planning Authority's decision was subsequently appealed to An Bord Pleanala by the applicant and a no. of third parties (ABP Ref. ABP-319621-24). At the time of writing this report, the Board had not yet determined this appeal.

Lambs Cross/Crohamhurst, Sandyford Road, Dublin 18 (south-west of the subject site)

##### ***ABP Ref. ABP-309965-21***

Permission was refused by the Board in August 2021 for a strategic housing development involving (in summary): - demolition of an existing dwelling on site and construction of a mixed use development, comprising 143 no. residential units, communal room, hot desk area, commercial unit (42sqm), 2 no. office units (48sqm and 97sqm), coffee shop (42sqm), gym (115sqm), community room (36sqm) and a

crèche (200sqm), provided in 4 no. blocks generally ranging in height from 4–7 storeys with a single storey creche element. The Order stated the following reasons and considerations for refusal:

- 1. The Board is not satisfied that a comprehensive evaluation of the impact of the proposed development including the construction of a basement level and potential dewatering of the ponds in Gorse Hill has been provided. There are concerns that the proposed development would adversely impact on the hydrology and hydrogeology of the four number ponds in the Gorse Hill area with potential negative consequences for smooth newt. It is also considered that the developer has not adequately demonstrated that the proposed development, which includes a boardwalk through Fitzsimons Wood proposed National Heritage Area would be in accordance with the provisions of Policy LHB19: Protection of Natural Heritage and the Environment and Policy LHB22: Designated Sites of the Green County Strategy in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 to protect and preserve areas designated as proposed Natural Heritage Areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. It is considered that the proposed development by virtue of the scale, bulk and design of the blocks, the poor quality open space provision, undue overshadowing of the adjacent Whinsfield residential development and poor quality elevational treatments, that the proposed development would result in a substandard form of development that fails to integrate with the surrounding area and would, therefore, be contrary to the provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, and to Policy UD6: Building Height Strategy, Policy RES 3 Residential Density and Section 8.3.2 Transitional Zonal Areas of the Dún Laoghaire-Rathdown Development Plan 2016-2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 3. It is considered that the proposed development materially contravenes Policy UD6: Building Height Strategy of the Dún Laoghaire-Rathdown Development Plan 2016-2022. The statutory requirements relating to public notices and the*

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

Blackglen Road, Balally and Woodside, Sandyford, Dublin 18 (south-west of the subject site)

**ABP Ref. ABP-313321-22**

Permission was granted by the Board in August 2024 for a strategic housing development involving (in summary): - demolition of the existing structures on site, construction of 100 no. residential units (31 no. houses and 69 no. apartments), creche and associated site works.

## **5.0 Policy Context**

### **5.1. Dún Laoghaire Rathdown County Development Plan 2022-2028**

#### **5.1.1. Land Use Zoning**

The subject site is zoned Objective A in the Dún Laoghaire Rathdown County Development Plan 2022-2028 with a stated objective to '*provide residential development and improve residential amenity while protecting the existing residential amenities*'.

#### **5.1.2. Other Relevant Sections/Policies**

Sandyford Road/R117, which runs immediately adjacent to the site's western boundary, is subject to a six year roads objective/traffic management/active travel upgrades outlined in the Dun Laoghaire Rathdown County Development Plan 2022-2028.

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

#### **Section 2.3.6.4 Housing Target for the Core Strategy**

Table 2.7 details the housing target for the Core Strategy up to Q1 2028. Based on the high growth scenario of the RSES there is a requirement for an additional 18,515 residential units.

#### **Section 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings**

*'It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES).'*

#### **Section 4.3.1.1 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.'*

#### **Section 4.3.1.2 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.'*

#### **Section 4.3.1.3 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.'*

#### **Section 4.3.2.3 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.'*

#### **Section 4.4.1.1 Policy Objective PHP35: Healthy Placemaking**

*'It is a Policy Objective to:*

- Ensure that all development is of high quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES.*
- Promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013).*
- Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.'*

#### **Section 4.1.1.8 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 (consistent with NPO 13 of the NPF).'*

#### **Section 8.7.1.8 Policy Objective GIB25: Hedgerows**

*'It is a Policy Objective to retain and protect hedgerows in the County from development, which would impact adversely upon them. In addition, the Council will promote the protection of existing site boundary hedgerows and where feasible require the retention of these when considering a grant of planning permission for all developments. The Council will promote the County's hedgerows by increasing coverage, where possible, using locally native species and to develop an appropriate code of practice for road hedgerow maintenance. The Council will promote the protection of existing hedgerows when considering a grant of planning permission for all developments.'*

#### **Section 9.3.1.3 Policy Objectives OSR7: Trees, Woodland and Forestry**

*'It is a Policy Objective to implement the objectives and policies of the Tree Policy and the forthcoming Tree Strategy for the County, to ensure that the tree cover in the County is managed, and developed to optimise the environmental, climatic and educational benefits, which derive from an 'urban forest', and include a holistic 'urban forestry' approach.'*

#### **Section 12.3.3 Quantitative Standards for All Residential Development**

Table 12.1 sets out the mix requirements for apartment developments. For schemes of 50+ units within existing built up areas, apartment developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios. A minimum of 20% 3+ bedroom units is required.

#### **Section 12.3.5.2 Separation Between Blocks**

*'All proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. A minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and*



*location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant shall submit a daylight availability analysis for the proposed development.'*

#### **Section 12.3.7.7 Infill**

*'In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.'*

#### **Section 12.3.9 Demolition and Replacement Dwellings**

The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors.

#### **Section 12.4.5.6 Residential Parking**

A car parking rate of 1 space per 1 and 2 bedroom apartments and 2 spaces per 3+ bedroom apartment, plus 1 in 10 visitor parking for apartments, is specified for sites located within Parking Zone 3.

#### **Section 12.4.6 Cycle Parking**

*'Cycle parking should accord with the Council published – 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018) or any subsequent review of these standards'.*

This document specifies a requirement of 1 short stay (visitor) parking space per 5 units and 1 long stay parking space per 1 unit in the context of apartments.

#### **Section 12.4.7 Motorcycle Parking**

Developments are required to provide motorcycle parking spaces at a minimum of four or more spaces per 100 car parking spaces.

### **Section 12.7.3. Sensitive Landscape and Site Features**

*'To protect and enhance the character and amenities of the County's rural or sensitive open areas, all new developments of any scale shall incorporate high quality landscape design and shall ensure that:*

- Existing site features such as specimen trees, stands of mature trees, hedgerows, rock outcrops and water features are properly identified and retained where appropriate and new planting or other landscaping appropriate to the character of the area will be provided.*
- Existing significant on-site natural features must influence the layout.*
- Developers should consult the Planning Authority at an early stage in relation to landscaping and planting proposals.*
- Landscaping in new developments shall include planting of native Irish flora.*
- Developers will be responsible for the grading, hard landscaping, planting, and further development of open space, including the provision of pedestrian paths and other facilities. Developers will be required to provide roadside trees, street planting and screen planting where necessary.'*

### **Section 12.8.3.1 Public Open Space**

Table 12.8 sets out a minimum public open space requirement of 15% of the site area for residential development in an existing built up area. To qualify as public open space the area must be designed and located to be publicly accessible and useable by all in the County; generally free from attenuation measures; and capable of being taken in charge. It is acknowledged that in certain instances it may not be possible to provide the above standards of public open space. High density urban schemes and/or smaller urban infill schemes for example may provide adequate communal open space but no actual public open space. In these instances where the required percentage of public open space is not provided the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended.

### **Section 12.8.5.3 Communal Open Space - Quality**

*Communal amenity space within apartment and/or housing developments should be provided as a garden within the courtyard of a perimeter block or adjoining a linear*

*apartment block. Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year in accordance with BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', (2011). The communal open space should be visible from, and accessible to, the maximum number of units within the proposed scheme. Inaccessible, hidden or otherwise back land communal open space, and narrow linear strips of communal open space will not be acceptable.*

#### **Section 12.8.11 Existing Trees and Hedgerows**

New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows. New developments shall, also have regard to objectives to protect and preserve trees and woodlands.

#### **Appendix 5: Building Height Strategy**

It is a policy objective (Policy Objective BHS 3 - Building Height in Residual Suburban Areas) to '*promote general building height of 3 to 4 storeys, coupled with appropriate density in what are termed the residual suburban areas of the County provided that proposals ensure a balance between the reasonable protection of existing amenities including residential amenity and the established character of the area.*

*Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the residual suburban areas. Any such proposals must be assessed in accordance with the criteria set out below in table 5.1 as contained in Section 5. The onus will be on the applicant to demonstrate compliance with the criteria.*

*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.'*

Section 5 outlines Performance Based Criteria for assessing proposals for increased height or taller buildings or for a building that is higher than the parameters set out in any LAP or any specific guidance set out in this County Development plan. The performance based criteria take into account the protection of residential amenities,

the protection of the County's built and natural heritage and the promotion of compact growth in suitable locations throughout the County.

## **5.2. Regional Policy**

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

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

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

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

## **5.3. National Policy**

### **5.3.1. Project Ireland 2040 - National Planning Framework**

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

- NPO 3(a) - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

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

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

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price.
- built to a high standard and in the right place.
- offering a high quality of life.

### 5.3.3. **Climate Action Plan 2024**

The Climate Action Plan 2024 seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050. It comprises the third annual update to Ireland's Climate Action Plan and builds upon the 2023 plan by refining and updating the measures/actions required to deliver the carbon budgets and sectoral emissions ceilings. The plan calls for a reduction in emissions from residential buildings and in transport emissions. The reduction in transport emissions includes a reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

#### **5.3.4. National Policy Documents/Section 28 - Ministerial Guidelines**

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

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Childcare Facilities, Guidelines for Planning Authorities (2001).
- Greater Dublin Area Transport Strategy 2016-2035
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Cycle Design Manual (2023).

## **6.0 The Appeals**

### **6.1. Grounds of Appeal**

#### **6.1.1. Grounds of the Third-Party Appeal**

Third party appeals have been submitted by Aonghus O'Keeffe and Peter Ashe Browne. The main points raised therein can be summarised as follows:

- Significant concerns exist over whether this planning application can be implemented.
- The original objection submitted on the application has not been addressed.

- The Planners Report documents various errors in consideration of density. Among other things, in conducting the 'Refining Density' step, despite correctly identifying that the subject site does not have access to high frequency services, they did not correctly conclude that the site is in a 'peripheral location' and therefore, that densities below the mid density range (i.e. between 40 and 60 dpha) should be applied as per section 3.4.1 of the Compact Settlement Guidelines. The Planning Authority did not correctly apply Policy and Objective 3.1 of the Compact Settlement Guidelines as required.
- The applicants proposal relies on aging infrastructure requires upgrading and which would be made unsafe by these proposals. It is therefore contrary to a number of policies and objectives outlined in the current development plan, including Policy Objective PHP37: 'Public Realm Design', Policy Objective PHP38: 'Public Realm Offering', Policy Objective T12: 'Footways and Pedestrian Routes' and Policy Objective GIB14: 'Public Rights-of-Way'; and Section 12.3.4.1 'Roads and Footpath Requirements'. The Planning Authority's decision fails to have any, or any adequate regard, to the fact that the footpaths and cycleways on Sandyford Road would be visually detracted from and made hazardous by the traffic generated by this proposed development.
- By granting permission for the proposed development, the Council has materially contravened the current development plan and has not adopted the correct procedures. Material contravention arises in the context of the proposed density, the height of the proposed development, demolition of the existing dwellings on site, public open space provision, communal open space provision, private open space provision, and tree/hedgerow removal.
- The applicants case and the Council's decision is in part reliant on the National Planning Framework and the Regional Spatial and Economic Strategy. However, there is only an obligation on the Council in the plan making process for the current development plan to ensure consistency with the objectives of said documents. The current proposals are inconsistent with the current development plan as regards density, mobility management, SUDS measures, tree/hedgerows etc. The Applicant cannot rely on the NPF or the RSES to overrule the current development plan.

- The proposed development is over reliant on vehicular traffic and access to high capacity and frequent public transport is not achieved at this site.
- The original observation submitted to Dun Laoghaire Rathdown County Council outlined a no. of concerns regarding likely impacts on residential and visual amenities. In this regard, it was argued that the proposal was contrary to a no. of local and national planning policies, including Appendix 5 of the current Development Plan, Sections 3.4.1 and 4.4 of the Compact Settlement Guidelines and the Building Height Guidelines. In the absence of photomontages from the cul-de-sac of 30-37 Coolkill and the cul-de-sac of Cul Coille, the Townscape and Visual Impact Assessment submitted is considered to be insufficient and the photomontages submitted with the application are considered to be of questionable value/prepared using a questionable methodology. It is contended that the concerns raised have not been addressed by the Applicants proposals to remove a small no. of units from the scheme rather than entire floors from the primary blocks and/or to set the blocks further back from one another or by the Council's planning assessment.
- In the context of car parking provision, the Applicant has sought discretion for non-compliance with the Development Plan requirements at a location where the scheme will be very car based. Discretion is not acceptable in this case. The courts have found that discretion is only conferred in exceptional circumstances, the subject situation is not exceptional.
- There is no creche or childcare facilities provided within the development, contrary to the requirements of the current Development Plan for developments in excess of 75 dwellings. The planning application fails to include a childcare assessment report and/or to assess the issue of childcare at all. The applicant fails to justify the non-provision of a creche.
- The planning application includes no detailed assessment of the impacts of climate change on their development and or further made no provision for their impacts. The submitted Climate Action Energy Statement does not discharge the obligation in Section 12.9.6 and so the planning application is a material contravention of the current Development Plan. The council has no jurisdiction to grant permission without justifying by reference to reasons set out in Section 37(2) of the 2000 Act.



- The applicants submitted an Appropriate Assessment Screening Report and the Council has determined that it is its opinion that the conclusions of the report are correct. This assessment is challenged on the basis of an in combination and/or cumulative impacts arising from development in this area which has placed significant demands on wastewater infrastructure.
- It is contended that the Planning Authority have not properly interrogated and/or assessed issues pertaining to the EIA Directive, in particular the effect of the proposed development on loss of hedgerows/trees, demolition of the two dwellings, impacts on bats/biodiversity, and the cumulative effect of the scheme when added to existing permissions in the area when the total traffic in the area and wastewater from the area are combined and assessed.
- The Applicant failed originally to engage with Uisce Eireann and the original application submitted to the Council was therefore deficient and invalid.
- The Council's decision fails to properly address the issue of noise. The Noise Impact Assessment and the Construction Environmental Management Plan failed to provide assessed/credible mitigation measures to address identified likely significant adverse impacts arising from rock breaking. The proposed development contravenes and fails to comply with Section 12.9.2 Noise Solution and Noise Nuisance and Section 12.9.3 Noise, Odour and vibration Generating Uses of the current Development Plan. This is an area of great concern for local residents after months of detonation and pile driving needed for developments currently under construction on nearby sites.
- The submitted Construction Environmental Management Plan is incomplete and inadequate, failing to comply with Section 12.9.4 Construction Management Plans of the current Development Plan.
- Excessive number of planning, environmental and transportation matters arising from the decision are left to be addressed by way of condition. This reliance confirms that the planning application submitted was incomplete and the further information submitted failed to address this.

#### **6.1.2. Grounds of the First Party Appeal**

A first party appeal against Conditions No. 1 and 2 of the decision to grant permission was received from the applicant. The following is a summary of the main issues raised:

- The primary purpose of this appeal is to seek that the board amend Condition No. 1 of the permission to reflect the scheme as lodged and secondly to omit Condition No. 2 from the grant of permission.
- It is requested that Condition No.1 be amended to reflect the quantum of units lodged at application stage (73 no.) as opposed to the quantum of units lodged at FI stage (67 no.) as it is considered the requirement to omit 6 no. units in response to the FI request is without merit or a sound planning rationale.
- With the exception of the two dwellings omitted under Condition No. 2, the Planning Authority generally considered the scale, height and composition of the scheme as lodged appropriate. However, due to the guidance in the Compact Settlement Guidelines on density, which is not a SPPR and thus guidance only, they required a reduction in density from 88 units per hectare to 80 units per hectare. The Applicant removed 6 no. apartments to comply with this request, albeit they did not agree with the reasoning behind it. As the Board consider all applications 'de novo', we request that they consider the quantum of units as lodged as the appropriate design solution for the subject site.
- The development plan does not prescribe specific densities and ultimately states that they will be considered in accordance with national guidance. The most recent of such guidelines are the Compact Growth Guidelines which recognise the benefit of securing densities in existing urban areas to achieve scale, critical mass, vibrancy and a positive shift in infrastructure use.
- An SHD was lodged on the subject site previously with the residential density of 165 units per hectare. The Board opted to grant planning permission for this development in August 2023 subject to 26 conditions, including Condition No. 2 which required which required a number of modifications to the proposed apartment blocks by way of unit removal/amalgamation. As a result, the permitted development comprised 116 no. apartments as opposed to the 137 no. apartments initially proposed, equating to a residential density of 140 units per hectare. At the time of writing, this decision is subject to judicial review.
- In the context of the Compact Growth Guidelines, Section 3.3 specifically, we are of the opinion that the subject site is a 'City – Suburban/Urban Extension' location. A density within the general range of 40-80 dwellings per hectare is

sought in such a location. However, these new guidelines provide further guidance relating to 'Refining Density' to take account of specific characteristics and constraints of individual sites. This additional requirement is intended to incorporate the nuances of individual sites, pushing their densities up and down within the range set by the guidelines. Despite the 'Refining Density' step, it is contended that the above range is not a definitive prescriptive limit. Councils and An Bord Pleanála retain the authority to permit variation to these densities. Recently permitted densities both at the subject site and in the immediate environs, all of which exceed the range of the guidelines, are noted. They contended that blanketly requiring a density that fits into the range would be unreasonable given the recent decisions on site/in the surrounding area and the site's general characteristics.

- A density of 88.1dpha, as would be achieved were 73 no. units developed on the site, is appropriate in this instance for the following reasons:
  - In the context of the 'Refining Density' steps, although within 'intermediate and peripheral' location, the site benefits from local bus services and is within a reasonable walking distance of the Glencairn Luas stop. Additionally, the site is not markedly constrained in relation to character, amenity and natural environment, thereby warranting a higher density.
  - The recent approvals on the subject site and sites in the surrounding area our demonstration of the Council and Board's support for more sustainable and progressive uses of land in this part of the city.
  - Higher density development on brownfield sites and within the existing built up areas is broadly supported in national, regional and local policies.
  - Density plays an important role in terms of urban design and placemaking, by way of the creation of attractive and vibrant places. The new built edge along Sandyford Road and the activation of this prominent frontage, would be significantly diminished by a low rise (low density) design.
- A density of 88dpha is appropriate for the subject site and is not precluded by the wording of the Compact Growth Guidelines, rather, it is ultimately supported by planning policy at all levels.

- The Planning Authority have no concerns regarding the height of the building, as stated in their report. Yet, despite the positive assessment of the schemes height, the height was reduced to meet an arbitrary density figure that is not a SPPR, resulting in the loss of 3 no. homes.
- There is no logical planning rationale to omitting the 6 no. apartments in this scheme and in the midst of an ongoing debilitating housing crisis, it is respectfully asked that the Board consider the correct flexibility allowed in the 'Refining Density' section of the Compact Growth Guidelines and to restore the apartment blocks to what was originally proposed at application stage.
- In the context of Condition No. 2, the applicant considers both the dwellings lodged at application stage and the revised single storey 2 bedroom options submitted at FI stage to be appropriate for this core urban site.
- At application stage, the dwellings were 2.5 stories with the blank gable wall along the eastern boundary to limit overlooking of adjacent rear gardens and a separation distance of between 12.45 metres and 17.31 metres at first floor level was provided between the proposed blank gable and the rear of the existing neighbouring dwellings providing an appropriate separation distance.
- As demonstrated in the Daylight/Sunlight Assessment accompanying the application, none of the neighbouring gardens were negatively impacted upon in this regard and it is argued that some of the neighbouring dwellings actually benefited from the removal of evergreen trees resulting from the introduction of these two dwellings. As there is no overlooking due to the absence of windows on the gable wall, no overbearing due to the separation distance and no impact on daylight/sunlight, there is no rationale for removing these dwellings due to an impact on residential amenity.
- If concerns regarding overbearing existed in the context of the original 2.5 storey dwellings, it is argued that the revised single story dwellings proposed at FI stage can in no way be considered overbearing and again no overlooking or sunlight/daylight impacts arise. There is no planning rationale to remove these dwellings via condition. These are two additional homes on a core urban site that have no impacts on residential amenity and as such, they should be retained within the scheme.

- The inclusion of two houses along this eastern boundary plays an important role in creating a streetscape within the scheme. Their replacement with an area of public open space, as suggested, is not suitable given the space is location to the rear of the site setback from the street frontage.

## 6.2. Appeal Responses

### 6.2.1. First Party Response to Third Party Appeals

A first party response to the third-party appeals lodged was lodged. The main points raised therein can be summarised as follows:

- In response to the third party appellants claims that their original observations were not considered, it is contended that the Planning Authority did address the various matters raised and a directory of the same is provided in Table 2.1 featuring at page 4.
- In the context of claims that density was incorrectly considered in the context of the Compact Settlement Guidelines, the Board is referred to Section 6.2.3 of the Planning Report accompanying the application which included a thorough assessment of the same, as well as the Planning Authority's Planners Report. The densities in Table 3.1 are stated as being a 'policy and objective' and not a Specific Planning Policy Requirement. Thus, contrary to the assertions made, the Planning Authority and the Board are not required to "comply" with them but only need to have "regard" to them. It is contended that these Guidelines do not take precedence over the Development Plan. Table 3.1 also states that the density range "shall generally be applied", not that 'must' be applied.
- In the context of Table 3.8, the Guidelines explicitly state the following: - "*the characteristics detailed in Table 3.8 are not exhaustive and a local assessment will be required*". Therefore, the assessment of sites in terms of their proximity to services and transport provision can go beyond just the detail in Table 3.8.
- In response to the third party appellants claims that consideration was not given to the need to secure improvements to the public realm/the proposal is contrary to a suite of related policies, Table 2.2 (featuring at page 6) provides a

discussion on how the proposed development does in fact comply with the policies referenced. The content of the planning application pack demonstrates that the proposal will enhance the public realm and respects the prospect of future improvements to Sandyford Road by setting the building line back and delivering a new footpath/cyclepath.

- In response to the third party appellants claims that the proposal materially contravenes a series of Development Plan provisions and the adoption of incorrect procedures by the Planning Authority, Table 2.3 (featuring at page 8) provides a discussion on how the proposed development does not in fact materially contravene the various policies/provisions referenced. With respect to procedures, the Planning Authority conducted a detailed assessment of the proposal at both initial application stage and upon receipt of the RFI response.
- In response to the third party appellants commentary regarding to consistency with/reliance on the NPF and RSES and inconsistency with Development Plan provisions, the applicant has not provided any actual examples of inconsistency in the development plan but rather made broad sweeping statements in this regard. Proposed development has been carefully designed and assessed by the Planning Authority, wherein they concluded that a material contravention of the Development Plan would not arise. In regard to using the the NPF and RSES to overrule the Development Plan, we are not of the opinion that the content or provisions of either plan is necessary to overrule that of the Development Plan the applicant did not rely on them as such. References to these plans were simply intended to show overall compliance with their content and the role of the development in securing their delivery.
- The appellants make generalised, sweeping statements that the proposed development is over-reliant on “vehicular traffic” and that public transport is not adequate. In this regard, the third party appellants have provided no basis to these statements made. Further to this, they have missed or chosen not to mention the Bus/LUAS Capacity Assessment Report contained in Appendix I to NRB’s Transportation Assessment Report accompanying the application. With regard to the case law referenced, it is argued that it is not relevant in the context of the proposed development.

- In the context of the grounds of appeal made in relation to residential and visual amenities, the application material and the report accompanying it clearly demonstrate that the proposal complies with the various policies referenced and has been designed in such a way as to respect the existing pattern of development. The Appellants call into question the assessment of visual impacts, referencing arguments made in an observation about flawed methodology being adopted by 3D Design Bureau in the production of their verified view photo montages. The board is directed to the submitted Verified Views and CGI booklet and the Townscape and Visual Impact Assessment, wherein methodologies and their veracity can be reviewed. With regards to the claims made regarding the absence of verified view photomontages from Coolkill and Cul Cuille, it is noted that the inclusion of images from such locations would have resulted in a screening of the proposed development. The appellants contention regarding residential amenity focuses on the right to retain a view of the skyline and the developments impact on privacy and natural light/resultant overlooking and overbearing. It is strongly contended that, unless the statutory provision applies, a party does not have a right to a view and to, by consequence, sterilize the prospect of development that complies with policy at national, regional and local levels. In existing urban and suburban areas, where national, regional and local policy drives increases in sustainable land use intensity and residential density, there will inevitably be a greater quantum of development and extent of built form in closer proximity to each other. There is no basis in the Appellants claims that should warrant the Board reducing the height of the proposed development or refusing planning permission.
- The claims made in relation to car parking provision are considered to be a weakly-based broadbrush statement. Sufficient justification for and assessment of the proposed car parking provision is clearly presented in both the Planning Report and Transportation Assessment Report and the Council's Planning Report. In response to the argument made that the car parking is in variance to the Development Plan standards, it is noted that deviations from the standards outlined are allowed and car parking rates are now set by SPPR3 of the Compact Settlement Guidelines which specifies a maximum of 2 no. spaces per dwelling.

- With regards to the matters raised regarding childcare provision, it is affirmed that the proposed development is less than the 75-units threshold that requires a childcare facility and therefore there is no mandatory basis upon which the Applicant must deliver the same. The previous SHD decision is referenced in justifying their point made in this regard, however, this proposal was for 100 + units.
- With regard to the third party appellants contention that the submitted Climate Action Energy Statement is inadequate in the context of Section 12.9.6 of the Development Plan, it is noted that the Development Plan does not state what format such an assessment must take, nor does it specify exact contents. In response to this claim, a breakdown of where climate change impacts were considered in the submitted in the planning application material is provided on page 23.
- In the context of the third party appellants contention that the Council failed to consider cumulative impacts arising from development in this area in reaching their conclusion in respect of Appropriate Assessment, the Board's attention is drawn to the Appropriate Assessment Screening Report accompanying the application which considers, among other things, in-combination effects.
- In the context of the third party appellants contention that the Council failed to appropriately assess the proposed development in the context of EIA legislation, it is noted that the proposed development was subject to a 'Preliminary Examination' by the Council as detailed in the Planners Report. Although it did not make specific reference to cumulative or in-combination effects, the approach adopted by the Council was correct (having followed the guidance contained in OPR Practice Note PN02 – Environmental Impact Assessment Screening and the general content /structure set out as 'Form 2' contained therein. Further to this, cumulative impacts were considered and assessed in Section 4.3.3.14 of the EIA Screening Report accompanying the planning application. The Board is asked to undertake their own PE or screening and ensure that in drafting any conclusion, consideration is given to the possibility of cumulate impacts.



- In the context of the claims made that engagement did not occur with Uisce Eireann and that the planning application was “incomplete and invalid” are fundamentally incorrect. The Board is directed to the Confirmation of Feasibility submitted with the application.
- In the context of the third party appellants contention that the Noise Impact Assessment and the Construction and Environmental Management Plan fail to include assessed and credible mitigation measures to address identified likely significant adverse impacts arising from rock breaking noise, the Board is directed to the conclusion drawn in the Noise Impact Assessment upon completion of broad technical analyses. With specific regard to rock breaking, the Board’s attention is drawn to the detailed Rock Breaking Noise Management Plan prepared and submitted in response to the FI request. The grounds of appeal in respect of this matter are considered to be sweeping and fail to acknowledge/accept the details and finding of both of the aforementioned reports submitted. With regard to the claim that the proposal is contrary to Sections 12.9.2 and 12.9.3 of the Development Plan, Table 2.4 (featuring at page 29) provides a discussion on how the proposed development does in fact comply with Sections 12.9.2. It is noted that Section 12.9.3, which relates to operational considerations of noise, odour and vibration, is not relevant in this instance given the residential nature of the proposal.
- In the context of the third party appellants contention that the content of the Construction and Environmental Management Plan does not comply with Section 12.9.4 of the Development Plan, it is noted that they do not expand upon where deficiencies exist. In response to this claim, a breakdown of where in the Construction and Environmental Management Plan the various points mentioned in Section 12.9.4 is covered is provided on page 31.
- The third party appellants assert that too many of the attached conditions left points of detail to be agreed with the Council prior to development commencement and query the adequacy of the planning application/RFI response contents. This is a sweeping claim with no specific conditions identified. It is noted that the approach of allowing for points of detail to be

agreed by way of condition to a Grant of Planning Permission is widely used and accepted by Planning Authorities/the Board alike.

### **6.3. Planning Authority Response**

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

### **6.4. Observations**

Observations on the first-party appeal were lodged by Robert Simpson and Declan & Caroline Kelly. The main points raised by Robert Simpson can be summarised as follows:

- In the context of the arguments made by the first party regarding Condition No. 1, the applicants argue that the density be reinstated to the original 88dpha rather than the 80dpha resulting from the FI stage amendments. This argument is based on an erroneous interpretation that the site is not in an SPPR due to it being accessible to good public transport, which it is not. The applicable guidelines do not allow heights of more than 4 storeys but the Council have allowed a 6-storey block.
- In the context of the arguments made by the first party regarding Condition No. 2, the retention of the 2 no. dwellings on the eastern boundary, as sought by the applicant, would abut existing properties to an unacceptable level and the public open space resulting from their removal would be of benefit to the overall development.

The main points raised by Declan & Caroline Kelly can be summarised as follows:

- The arguments made by the applicant, in the context of public transport and site context, regarding a higher density development being appropriate for the subject site are factually incorrect. The subject site is a considerable distance from the Glencairn Luas Stop/is poorly served by busses and the site is small/shallow/immediately abuts low rise housing.

- In the context of the arguments made by the applicant regarding density's role in terms of urban design/placemaking, it is argued that the 2.7km length of Sandyford Road does not have any buildings of this height. This proposal is out of character with the area.
- In the context of the Compact Settlement Guidelines, the subject site is an 'intermediate' or 'peripheral' location in accordance with Table 3.8 and not an 'accessible location' as outlined in Table 3.1. These requirements of these Guidelines must be adhered to in the context of the subject site/development.
- In the context of the requested retention of the 2 no. dwellings adjacent to the eastern boundary, these dwellings will interfere with the enjoyment of adjoining gardens due to their overbearing impact. The findings of the sunlight assessment are questionable given the current impacts of trees, which have been let overgrow, on the subject site. The area occupied by these 2 no. houses would be better utilised as an open space area. Insufficient evidence has been provided by the applicant to evaluate the impact of the proposed development on the amenities of residential properties in close proximity to the development site.

## 6.5. Further Responses

A response to the first party appellant's response to the third-party appeals was lodged by Aonghus O'Keeffe. The main points raised therein can be summarised as follows:

- In relation to Section 2.1 of the first party response, the assertion that the grounds of third party appeal opposing the development are based on the fact that the decision didn't go in the third party's favour is contested. It is apparent from the Council's Planners Report that specific aspects of the observations were not addressed.
- In relation to Section 2.2, the first party response contends that justification for the proposed density was thoroughly detailed in the Planners Report accompanying the application. Although the two steps of 'Refining Density' are referred to therein, it is argued that the report did not present an outcome of applying those steps.

- Having regard to Sections 1.1 and 3.4 of the Compact Settlement Guidelines, it is evident that the Guidelines do take precedence in respect of individual planning applications. As outlined in the third party appeal submitted, while it is evident that the Planning Authority was aware of Step 1 'Refining Density', it is not evident that they had regard to this step.
- The flexibility afforded by the guidelines in respect of use of the density ranges is recognised. However, surely application of such flexibility is on the pretext that the correct ranges have been identified previously.
- The Applicant's Planners Report and the Councils Planners Report reference the site's 'peripheral' location in the context of car parking. Yet neither report considered the implications of such a location classification in the context of Section 3.4.1 of the Guidelines.
- In relation to Section 2.7 of the first party response, the emotive language used in relation to queries made regarding the Townscape and Visual Impact Assessment is unhelpful/unwarranted. The images provided to justify the use of images from more distant locations are taken from locations at least 60 metres away rather than locations proximate to the proposed development. This merely reinforces the contention that the impact that the impact on residential amenity could not have been sufficiently evaluated using the Townscape and Visual Impact Assessment submitted.
- The first party response infers that the third parties are asserting a 'right to retain a view'. This is not the case. Appropriately scaled development is supported on this site. In challenging the methodology/conclusions of this assessment, the Applicant's ability to adequately evaluate the impact of the proposed development on the amenities of neighbouring residential properties is being questioned.
- Based on current local and national planning policies, the subject site is best suited to a development with 3 or 4 storeys facing Sandyford Road which drops down to 1 or 2 storeys closer to Coolkill and Sandyford Downs. The higher density design proposed is contrary to proper planning and sustainable development and should be refused.

## 7.0 Assessment

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

- Principle of Development//Demolition of Existing Dwellings
- Density
- Design, Layout, Height and Visual Amenity
- Residential Amenity of Adjoining Properties/the appropriateness of Condition No. 2
- Residential Amenity of the Proposed Development
- Access, Traffic and Parking
- Open Space, Tree Removal and Ecology/Biodiversity
- Other Matters

### 7.1. Principle of Development/Demolition of Existing Dwellings

- 7.1.1. The proposed development provides for the demolition of two existing dwellings on the site and their replacement with 67 no. dwellings. As previously discussed, the development site lies within an area of suburban residentially zoned land and residential use has been established, with 2 no. dwellings currently featuring on site. Under the Objective 'A' land use zoning objective applying to the site, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in the subsequent sections of this report. Further to this, the Core Strategy included in the Dun Laoghaire Rathdown County Development Plan 2022-2028 identifies a housing target of an additional 18,515 residential units up to Q1 2028. The proposed development assists with the realisation of this housing allocation target.
- 7.1.2. In their appeals, the third parties contend that the proposed development includes the demolition of Karuna and Glenina which is a material contravention of Policy Objective CA6: Retrofit and Reuse of Buildings, Policy Objective PHP19: Existing Housing Stock – Adaptation and Section 12.3.9 Demolition and Replacement Dwellings featuring in

the current Development Plan. Policy Objective CA6 seeks retrofit/reuse of existing buildings rather than their demolition/reconstruction where possible for energy conservation reasons. Section 3.4.1.2 goes on to state that where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be considered to be acceptable to the Planning Authority. Policy Objective PHP19 seeks to conserve/improve existing housing stock through supporting improvements to/adaption of homes and densify existing built-up areas through small scale infill development having due regard to the amenities of existing established residential neighbourhoods. Section 12.3.9 states that the Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered simply on the grounds of replacement numbers only, but will be weighed against other factors.

7.1.3. To address the third-party `appellants contention that the proposed demolition materially contravenes the aforementioned policy objectives/section of the Development Plan firstly. Having reviewed Policy Objective CA6 and Section 12.3.9 of the current Development Plan, it is my interpretation that it is the Planning Authority's preference that structurally sound, habitable dwellings in good condition be retrofitted/reused rather than demolished and is not a mandatory requirement. The use of the terminology such as 'where possible' and 'preference for' as distinct from 'shall' or 'must' would seem to suggest that there is no overt requirement for an existing dwelling to be retained, but rather that any such proposals will be assessed on their merits with a key consideration being the justification provided for removal of the same. Similarly, Policy Objective PHP19, although encouraging the conservation/improvement of existing houses, makes specific reference to densification through small scale infill development.

7.1.4. In the context of Policy Objective CA6 and Section 12.3.9, the first party response to the third party appeals argues that this policy objective/section do not directly apply in this instance as they pertain principally to 1-for-1 or like-for-like demolition and rebuilds for single houses. I would not share this view regarding their applicability and will now turn my attention to the appropriateness of the proposed demolition of the existing 2

no. dwellings featuring on site having regard to the aforementioned policies. Having inspected the site, including the dwellings, I can confirm that they are currently inhabited and in reasonable condition. Justification for the proposed demolition is provided in the planning application material and response to the third party appeals submitted by the first party appellant. They contend that neither structure is listed in the Record of Protected Structures nor the National Inventory of Architectural heritage and neither is of any notable architectural merit or heritage value that would preclude their demolition. Further to this, they contend that the layouts of the existing houses would not be conducive to the delivery of other houses around them and that their replacement with the proposed houses/apartments would constitute a more efficient/sustainable use of the site.

- 7.1.5. Although habitable/capable of retrofit, I consider the demolition of the existing dwellings on site appropriate in this instance for the following reasons. Firstly, as correctly stated by the applicant/the Planning Authority, the dwellings in question are not Protected Structures, listed on the National Inventory of Architectural heritage or located within an ACA, nor are they of any particular heritage interest. Further to this, they make a minimal contribution to the area in terms of visual amenity, setback a minimum of 30 metres from the Sandyford Road frontage and obscured from view due to their height and the existing wall/planting currently featuring along the site's front boundary. While I would disagree that their current layout would not be conducive to additional house delivery on site, I would form the view that a limited no. of units could be achieved in any redevelopment proposal incorporating the existing dwellings and this would comprise an underutilisation of this residentially zoned/serviced land. I note also that the planning authority states no objection to the proposed demolition.
- 7.1.6. Having regard to the foregoing, the proposed demolition of the exiting dwellings is considered acceptable in principle. On the basis of the information before me, I am satisfied that on balance the proposed development is consistent with the Development Plan, including Policy Objective CA6 and Section 12.3.9, which requires justifiable rationale for the proposed demolition of the existing dwellings and their replacement.

## **7.2. Density**

7.2.1. Density is one of the main issues raised by first and third party appellants and third party observers alike. The first party appellant argues that the reduction in density required by the Planning Authority is without merit/sound planning rationale. They contend that the guidance in the Compact Settlement Guidelines on density relied upon by the Planning Authority to justify such a reduction constitutes guidance and is not an SPPR. In light of this, they are requesting that Condition No. 1 be amended to reflect the quantum of units lodged at application stage (73 no.) and that Condition No. 2 is omitted in order to retain the 2 no. units proposed adjacent to the eastern boundary. The third party appellants contend that the Planning Authority made various errors in their consideration of density and that the higher density design proposed is contrary to proper planning and sustainable development and should be refused. The third party observers state that the arguments made by the applicant, in the context of public transport and site context, regarding a higher density development being appropriate for the subject site, are factually incorrect.

7.2.2. The application, as originally lodged, proposed 73 no. houses/apartments on a net landholding of 0.829ha which equated to a density of 88 dpha. The Planning Authority, in the Planners Report (dated 6<sup>th</sup> August 2024), notes that while the site is appropriate for a higher density residential development, it does not meet the applicable Compact Settlement Guidelines criteria for density levels in excess of 40-80 dpha as although proximate to public transport it does not have immediate access to high frequency services. In light of this, they recommended the omission of at least 7 no. units in their further information request. In response to this, the applicant submitted a revised scheme involving 67 no. houses/apartments (having removed a floor level from Block A, removed an apartment from Block B's top floor and removed 3 no. apartments from the ground floor of Blocks A and B) which equated to a density of 80.8 dpha. The Planners Report (dated 14<sup>th</sup> October 2024) welcomed the removal of 6 no. units, however, it is considered that the removal of an additional unit (or units) while retaining the proposed site layout was required in this instance. In light of continued concerns regarding the dwellings proposed along the eastern boundary, Condition No. 2 was attached requiring their omission which in turn reduced the resultant density to 78.4 dpha. Amendment of Condition No. 1/reversion to the originally lodged proposal and the appropriateness of Condition No. 2 are considered in depth in the subsequent



sections of this report. For reasons pertaining to access and residential amenity concerns, I am recommending that the requested amendment to Condition No. 1 be refused. However, I am satisfied that the removal of Condition No. 2/the retention of 2 no. single storey dwellings adjacent to the eastern boundary is appropriate in this instance. Consequently, the applicable density for consideration is 80.8 dpha.

- 7.2.3. I have previously outlined the national and regional policy context, a key element of which is a commitment towards ‘compact growth’ which focuses on a more efficient use of land and resources. Similarly, the Dun Laoghaire Rathdown Development Plan 2022-2028, in particular Policy Objective PHP18, seeks to increase housing supply/promote compact urban growth/encourage higher residential densities. It does not set out any numerical limitations on density rather, in Section 4.3.1, outlines a general rule that the minimum default density for new residential developments in the County shall generally be 35 units per hectare and encourages minimum densities of 50 units per hectare on sites with good access to public transport services or Town/District Centres. Section 12.3.3.2 goes on to state that the number of units to be provided on a site should be determined with reference to the ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ (2009) and the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2020). In the intervening period since the Development Plans publication, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Compact Settlement Guidelines) were published in 2024, which replaced the ‘Sustainable Residential Development in Urban Areas’ (2009), and the Apartment Guidelines were updated in 2023. In considering the appropriateness of the proposed density, regard will be had to the Compact Settlement Guidelines, Section 2.2 of the same outlining that these Guidelines take precedence over Section 28 Guidelines previously issued.
- 7.2.4. Section 3.0 of the Compact Settlement Guidelines provides a methodology for establishing residential density based on settlement and area types and having regard to accessibility and local character. Tables 3.1 to 3.7 of the Guidelines identify five settlements and four sub-areas to which density ranges are applied. Table 3.1, which outlines Areas and Density Ranges for Dublin and Cork City and Suburbs, states that within City – Suburban / Urban Extension Areas residential densities in the range 40 to 80 dpha (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). Policy and Objective 3.1 of the Guidelines requires that the density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate. Section 3.4 of the Compact Settlement Guidelines outlines a two-step refining process for calculating an appropriate residential density. Firstly, an appropriate density range is determined based on the site's location and level of accessibility within the applicable urban category. Secondly, a site-specific analysis in the context of character, amenity and the natural environment is undertaken to further refine the residential density appropriate for the site.

- 7.2.5. 'Step 1' states that planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at intermediate locations and densities below the mid-density range at peripheral locations. Densities above the ranges are 'open for consideration' at accessible suburban and urban extension locations to the maximum set out in Section 3.3. Table 3.8 of the Guidelines outlines the accessibility criteria for a 'High Capacity Public Transport Node or Interchange', an 'Accessible Location', and an 'Intermediate Location'. Lands that do not meet any of these proximity or accessibility criteria are classified as 'Peripheral'. The application is accompanied by a Transportation Assessment Report which outlines the existing and planned public transport services in the area. In addition to this, I have had regard to available sources of information (TFI local link, Planning Authority, Bus Eireann and google maps) on existing and planned bus services (information correct as of the date of this report). I note that there are a no. of bus stops proximate to the subject site, the closest being c. 100 metres north on Sandyford Road (c. 2-min walk from the site). These bus stops are served by the No. 44B and 114 bus routes. Further to this, the site is c. 550 metres west (c. 7-min walk) of the Bearna Park Bus Stop (Stop ID 3492) which is served by Bus Route No. 44. Moving forward, the Bus Connects Network City Bound Bus Route 86, 87 and 88, and Local Route L33 and L25; and Peak Time Routes P13 and P16 are proposed to run along Sandyford Road. In terms of frequency of services, none of these existing or proposed bus services constitute a high frequency bus service. Therefore, the subject site would constitute a 'peripheral' location in the context of the Table 3.8.

7.2.6. Step 2 of the refining process, requires an assessment of whether the quantum and scale of development can integrate successfully into the receiving environment. It goes on to state that new development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character, amenity or the natural environment. Relevant criteria are outlined for consideration which are discussed hereunder:

(a) Local Character – This is a transitional location in the foothills of the Dublin Mountains on the urban fringe of Dublin. Residential development in the immediately surrounding area comprises a mix of mature residential estates and recently permitted new developments. In terms of recent and permitted development in the surrounding area (more detail regarding these applications features in Section 4.0), the below table outlines the emerging density and character of the area:

Reference No.	No. of Units	Density (dpha)
ABP Ref. ABP-312990-22	27	85
ABP Ref. ABP-302954-18	65	60
PA Reg. Ref. D23A/0456	80	104
ABP Ref. ABP-313321-22	100	64

Having regard to the above, I consider that the proposed density strikes an acceptable balance given the transitional nature of the site and the evolving character of surrounding area. The appropriateness of the proposed development, in terms of design, layout, height and visual amenity is provided in Section 7.3 of this report. In summary, it is considered that the proposed development will sit comfortably in the context of its immediate abutments and the surrounding area more broadly.

(b) The area is not particularly sensitive in terms of built or archaeological heritage, with the site being located a minimum of 200 metres from the nearest Protected Structure/Monument.

- (c) The proposed development will have limited potential impacts on protected habitats and species. This is considered further in Sections 8 and 10 of this report and I acknowledge that appropriate measures have been incorporated to protect habitats and species on site.
- (d) The subject sites northern, southern and eastern boundaries are flanked by a mix of mature residential estates and recently permitted new developments. The appropriateness of the proposed development, in terms of residential amenity impacts, including privacy and daylight/sunlight is provided in Section 7.4 of this report. In summary, it is considered that the development, as proposed at FI Stage, will not have an unreasonable impact upon the residential amenity of the surrounding properties (concerns did exist in the context of the originally lodged proposal). With regard to microclimate, the application was accompanied by a Microclimate Assessment, prepared by AWN Consulting. It assessed possible microclimate effects, in particular wind-speed impacts, associated with a proposed residential development and concluded that the proposed development would have no significant effects with regard to microclimate. I am satisfied with the findings contained therein.
- (e) The Uisce Éireann submission confirms that water and wastewater connections are feasible without infrastructure upgrade. It outlines that conditions should apply to any grant of permission. Further to this, upon review of Flood Zone Map No. 5 included in/the Strategic Flood Risk Assessment featuring at Appendix 15 of the current Development Plan and the Flood Risk Assessment Report accompanying the application, I am satisfied that the proposed development will not cause/increase flood risk (proposed development generates manageable surface water run-off levels). The site falls within Flood Zone C and there has been no historic record of flooding at the subject site.

7.2.7. I acknowledge that the density of the FI Stage proposal (80.8dpha) is marginally higher than the range recommended in these guidelines and does not fall within the mid-density range recommended for peripheral locations in Step 1 of the refining exercise. However, it should be noted that these guidelines outline that these densities shall 'generally' be applied. In accordance with Section 2.1.2 of the Guidelines, the Board is required to 'have regard' to this 'policy and objective', as opposed to the mandatory application of the SPPRs contained therein. Section 3.2 also outlines that the policies

and objectives are intended as a tool to guide the appropriate scale of development at different locations, rather than as a prescriptive methodology. Flexibility is offered so that planning authorities can operate a plan-led approach and take the circumstances of a plan area or an individual site into account as part of the decision-making processes. Accordingly, contrary to the views shared by the third parties, there is flexibility available to the Board to vary from the density recommendations in these guidelines.

7.2.8. I would contend that it is appropriate to exercise the discretion afforded the Board regarding density in this instance for a no. of reasons. Although, not directly accessible to high frequency public transport services, the subject site has access at present/will have access moving forward to numerous public transport services, many of which provide onward connections to the wider transport network. In terms of capacity, the bus capacity analysis provided in the Transportation Assessment Report accompanying the application, states that this existing provision has a capacity of c. 637 bus seats during the 7-9 am commuter peak. The analysis estimates that the development will create a 'worst case scenario' additional demand for c. 6 no. seats on bus services between 7-9 am, c. 1% of the existing total available seat capacity locally. A survey of the existing Bus Routes 44, 44B and 114 in April 2024 found that the services had over 50% spare capacity in AM and PM peak periods. The subject site is also 1.7km from the Glencairn Luas stop. In addition to this, the site is in close proximity to no. of larger employment/service centres, including Sandyford Business Park and Dundrum Town Centre (a 5 minute cycle/25 minute walk and a 10 minute cycle/30 minute walk, respectively) and is immediately proximate to Sandyford Village. The proposed development density is also considered appropriate having regard to the changing locational context, the area's character rapidly evolving as infill higher density residential developments punctuate/in some instances replace existing low density residential developments in the area. Further to this, the resultant plot ratio of 0.97/site coverage of 29% would indicate that the development does not represent overdevelopment of the subject site and, as will be discussed in greater detail in the subsequent sections of this report, the proposed higher density development sits comfortably in its immediately surrounding context.

7.2.9. On balance, I am satisfied that the development as proposed at FI Stage (80.8 dpha) comprises a suitable form of infill development at an appropriate residential density on

the site and would be consistent with the Compact Settlement Guidelines (2024). Similarly, I consider the density of the proposal to satisfy the requirements of the current Dun Laoghaire Rathdown County Development Plan 2022-2028, including Policy Objective PHP18. Notwithstanding, should the Board consider that the development originally submitted to Dun Laoghaire Rathdown County Council is appropriate and suitable, I do not consider that it should find itself constrained by the fact that the 88 dpha density is marginally outside the identified parameters as these are, ultimately, Guidelines.

### **7.3. Design, Layout, Height and Visual Amenity**

7.3.1. The subject site is irregular in shape, with a c. 6 metre level difference between the south and north. At present, the subject site comprises of 2 no. detached dwellings surrounded by generous gardens. The site is not within any designated historic landscape or subject to any development plan objectives relating to protected views or prospects. The FI Stage proposal looks to introduce a 5 storey apartment block (Block A) and 5-6 storey apartment block (Block B) adjacent to the sites western boundary fronting Sandyford Road and 13 no. 1-2.5 storey dwellings along the sites northern, eastern and southern boundaries. In the context of the proposed apartment blocks, they adopt a minimum setback of 6.765 metres from the western boundary and 19.7 metres between them, with an area of communal open space featuring in the intervening space. The westernmost dwellings proposed (Proposed Houses 01 and 13) adopt a minimum setback of 6.8 metres from the eastern boundary.

7.3.2. The site is surrounded mainly by existing residential developments and there are no structures or features of historic importance such as Protected Structures/Conservation Areas in the immediate vicinity. More specifically, to the north, is a residential development known as 'Cul Cuille', comprising of 2/3 storey terraced/semi-detached dwellings and a 3 storey apartment/duplex block. To the east, is a residential development known as 'Coolkill', which comprise of detached double storey dwellings. The sites southern boundary currently abuts a single storey detached dwelling known as 'The Pastures'. It is noted that permission has been granted on this site (under PA Reg. Ref. D21A/0595/ABP Ref. ABP-312990-22) for 27 no. apartments across 2 no. blocks ranging in height from 3 to 5 storeys. To the west, on the opposite side of Sandyford Road/R117, are the offices/associated grounds of Dun Laoghaire Rathdown County Council's Parks Department and part of the site known as

Whinsfield, on which a 65-apartment development is currently under construction (on foot of Reg. Ref. D17A/1003/ABP Ref. ABP-302954-18).

- 7.3.3. Turning my attention firstly to the suitability of the design and layout of the FI Stage scheme. Section 4.4.1 of the current Development Plan addresses quality design & placemaking principles, including Policy Objective PHP35: Healthy Placemaking which seeks to ensure that development is of high-quality design that assists in promoting healthy placemaking. The Development Plan sets out the key principles in assessing compliance with this policy including, proper consideration of context, connectivity, layout, public realm, wayfinding and detailed design. Further to this, Section 12.3.7.7 encourages the retention of the physical character of the area in the context of infill development.
- 7.3.4. The scheme, as per the FI Stage plans, features 4 no. house types, comprising a variety of 1 storey semi-detached and 2.5 storey detached dwellings and 2 no. apartment blocks featuring 54 no. apartments in a variety of 1, 2, 3 and 4 bedroom formats (the appropriateness of these in terms of residential amenity is considered subsequently in Section 7.5). All proposed buildings are contemporary in design with similar elevational treatments adopted across the development. A mix of brick (in a variety of patterns/textures) and bronze coloured aluminium windows/surround panels, in various configurations, are proposed to differentiate between the various dwelling types proposed. 2 no. areas of communal open space are provided as part of the development. The adequacy of this open space/resultant tree removal is considered in detail in Section 7.7. In the context of the proposed scheme's layout relative to the open space areas provided, I note it has been designed in such a way that the open space areas proposed are overlooked by a no. of dwellings/apartments with direct frontage to the same or dual aspect corner units, which is welcomed, as well as being immediately proximate to the street frontage. Given the high-quality design and layout of the scheme, that the proposed development represents a reasonable response to its site context and would support the consolidation of the urban area.
- 7.3.5. In terms of layout, the apartment blocks are provided adjacent to the site's western boundary fronting Sandyford Road and the 13 no. dwellings feature along the sites northern, eastern and southern boundaries accessible via an accessway which extends from a vehicular access point off Sandyford Road (provided in the southern

part of the site) and encircles the proposed apartment blocks leading to a cul-de-sac/turning area in the northern part of the site. Two further short cul-de-sacs lead off the accessway traversing the site, providing access to the easternmost dwellings. A pedestrian/cycle path is provided along the sites Sandford Road frontage which ties in with the pedestrian/cycle infrastructure featuring in the Cul Cuille estate to the immediate north. I am satisfied with the street/road layout proposed, including the connections provided to neighbouring housing estates, from an urban design perspective. The appropriateness of access road from a road safety/traffic perspective is considered in Section 7.6 of this report.

7.3.6. Turning my attention to the matters of height and visual amenity. The third party appellants have raised concerns regarding likely impacts on visual amenities arising from the scheme and argue that the site is best suited to a development with 3 or 4 storeys facing Sandyford Road which drops down to 1 or 2 storeys closer to Coolkill and Sandyford Downs. They contend that the Applicants FI Stage proposals to remove a small no. of units from the scheme rather than entire floors from the primary blocks and/or to set the blocks further back from one another, have not addressed the applicable concerns raised in the Planning Authority's initial assessment. Third party observers have also expressed a view that the proposal is out of character for the area. The first party appellant refutes these claims, arguing that the proposed development has been designed in such a way as to respect the existing pattern of development. They also note that in response to the increases in sustainable land use intensity/residential density sought by national, regional and local policy, there will inevitably be a greater quantum of development and extent of built form in closer proximity to each other moving forward.

7.3.7. The Urban Development and Building Height Guidelines (2018) remove any blanket policy with regard to building height and, in promoting increased heights in urban areas, require that general building heights of at least three to four storeys, coupled with appropriate density, in locations which include suburban areas must be supported. At a local planning policy level, Section 12.3.7.7 encourages new infill development to respect the height and massing of existing residential units and Policy Objective PHP42 requires adherence to the recommendations and guidance within the Building Height Strategy for the County, which is included as Appendix 5 to the current Development Plan. The subject site falls under the category of 'Residual



Suburban Areas' in the Building Height Strategy. The strategy, more specifically Policy Objective BHS 3, promote heights of 3 to 4 storeys, coupled with appropriate density in residual suburban areas provided that a balance is struck between the reasonable protection of existing amenities and the areas established character. Proposals for building heights in excess of this or taller buildings (defined as those that are more than 2 storeys taller than the areas prevailing height) must be assessed in accordance with the criteria set out table 5.1, under the following headings: - at county level, at district/neighbourhood/street level, at site/building scale, and county specific criteria. I have examined the proposal in the context of the criteria contained in Table 5.1 and note the following:

### **County Level**

- The proposed development assists in securing the objectives of the NPF as it provides increased density on an infill site which is residentially zoned, thus delivering compact growth.
- As outlined in Section 7.2 of this report, I am satisfied that the site is reasonably well served by public transport, being in close proximity to a no. of bus services and there are good links to other modes of public transport in the wider area.
- I would accept that the proposed development will be taller than the existing dwellings on site and some adjoining developments, however, I am satisfied that it would successfully integrate into/enhance the character and public realm of the area. The development has been laid out with the 1-2.5 storey dwellings located proximate to the existing housing estates featuring to the north, south and east and the higher density 5 and 6 storeys apartment blocks proposed along the Sandyford Road frontage. The 1-2.5 storey dwellings storey dwellings proposed are similar to the predominant form of residential development currently featuring in the immediate area. The 5 and 6 storey blocks proposed, although taller, would not be significantly out of character with the emerging pattern of development in the surrounding area, having regard to the 5-storey apartment development currently under construction on the Whinsfield Site to the immediate west and the recently permitted 3-5 storey apartment development at The Pastures located to the immediate south. Having regard to the foregoing, the proposed development will sit comfortably in the context of the existing and permitted residential estates in the immediate area, particularly having regard to the building heights/palette of materials proposed. In terms of the public realm, the proposed development includes 2 no. areas of communal amenity space and a

pedestrian/cycle path (which ties in with a pedestrian/cycle path featuring immediately north of the subject site) along the site's Sandyford Road frontage which will contribute to the amenity of the area, define the proposed scheme, and add visual interest to the streetscape. Potential visual amenity impacts are considered in further detail later in this section of the report.

- Table 8.1 of the current Development Plan outlines the views and prospects to be preserved. Upon review, there are no protected views or prospects toward the appeal site.
- In terms of site services, the development will connect to the existing public watermain and existing surface water infrastructure in the area, as well as adopting the following SuDs measures: - green roofs, permeable car parking spaces, permeable pavements and a stormwater attenuation tank. With regard to foul sewerage, it is proposed to connect to a new foul sewer proposed for construction by Uisce Éireann along Sandyford Road to the south-west of the site. The application is accompanied by an Engineering Services Report, prepared by Torque Consulting Engineers. I am satisfied with the conclusions contained therein regarding the appropriateness of the proposed development strategy in terms of site services. The Planning Authority has not raised any objections with regard to drainage/water services and I note that Uisce Eireann correspondence has confirmed the feasibility of the proposal in respect of water supply and wastewater disposal. In the context of wastewater, this is subject to upgrades downstream which are on Uisce Eireann's current investment plan due for completion in Q3 2028. Having regard to the information accompanying the application and given the limited scale of the development proposed (67 no. dwellings), I have no information before me to believe that the infrastructural carrying capacity of the area could not accommodate the proposed development subject to the aforementioned upgrade works, which I consider to be due for completion within a reasonable timeframe. On the topic of Uisce Eireann, I note that the third party appellants claimed that the original application submitted was deficient/invalid as the applicant had failed to engage with Uisce Eireann. The application was accompanied by a Confirmation of Feasibility from Uisce Eireann (dated 31<sup>st</sup> May 2024) and I am satisfied that sufficient engagement had occurred in terms of application preparation.

### At District/Neighbourhood/Street Level

- As discussed in the previous section of this table, the proposed development responds well to its overall environment and would make a positive contribution to the urban neighbourhood/streetscape of the area. Turning my attention specifically to the proposed development's presentation to Sandyford Road, to which it has a c. 160 metre frontage. At present, the subject site makes a minimal contribution to the Sandyford Road streetscape. The 5 and 6 storeys apartment blocks proposed will be located centrally along the Sandyford Road frontage, with the buildings stepping down to 2.5 storey dwellings to the immediate north and south of this. As illustrated in the elevations/sections accompanying the FI Stage response, the apartment blocks feature a flat roof. The configuration/height strategy adopted responds to the existing dwellings currently featuring on neighbouring sites to the north and south, while the taller buildings respond to the taller buildings under construction/permitted along Sandyford Road immediately proximate to the subject site. The proposed development provides an appropriate transition along the Sandyford Road streetscape.
- I am satisfied that the apartment blocks and the proposed houses have been designed/finished to a high standard and provide for a variety of building height, form, massing and articulation. In the context of the proposed apartment blocks, the use of varying materials and projections/recesses on the buildings facades avoids a monolithic appearance.
- As discussed in the previous section of this table, the proposed development improves legibility through the wider area and improves the public realm. Presently, the site adds little to the streetscape due to the boundary walls/planting featuring along its frontage and the recessed position of the existing dwellings on site.
- The provision of an entirely residential development is appropriate given the site's location. The proposal would positively add to the mix of building/dwelling typologies available in the area.
- With regards to site's presentation to Sandyford Road, the existing dwellings on site are set-back from the Sandyford Road frontage by a minimum of c. 30 metres. To the north of the site, the apartment/duplex block featuring in the Cul Cuille Estate is set-back from Sandyford Road by c. 17 metres. To the south, the buildings currently featuring at The Pastures are set-back by c. 35 metres. The apartment development approved on this southerly abuttal, under ABP Ref. ABP-312990-22, adopts a setback of c. 6 metres. To the west, on the opposite

side of Sandyford Road, the Whinsfield Development currently under construction adopts a street frontage setback of c. 6 metres proximate to the subject site. The proposed apartment blocks will be setback between 6.765 and 8.8 metres from its Sandyford Road frontage and proposed Units 01 and 13 will be setback between 6.8 and 10 metres. The proposed development's presentation to Sandyford Road is considered appropriate in this instance having regard to the varied building line currently featuring to the north and south of the subject site and the setbacks adopted in the context of recently permitted/developed buildings in the immediate surrounds. Further to this, it will provide an appropriate level of enclosure to the street.

- The area to the west of the subject site, fronting Sandyford Road, will feature 2 no. apartment blocks, 2 no. dwellings, 2 no. areas of landscaped communal open space and the vehicular and pedestrian accesses to the development, all of which will have an outlook towards Sandyford Road allowing passive surveillance of the same. The represents a marked improvement from the existing situation on site in terms of urban grain.
- Having considered the proposed design and the character of the existing development on site, I consider that the proposed development will make a positive contribution to the character and identity of the neighbourhood.
- The proposed design respects the form of buildings / landscape around the site perimeter and will not detract from the amenity of neighbouring properties, as will be discussed in greater detail in Section 7.4 of this report.

#### **At site/building scale**

- The proposed design maximises access to natural daylight, ventilation and views and minimises overshadowing. The development would meet the minimum requirement of 50% dual aspect units. Communal spaces and amenity spaces would meet daylighting standards. The proposal has been examined in the context of the BRE guidelines and I am satisfied in this regard, see Sections 7.4 and 7.5 below.
- I am satisfied that the FI Stage proposal ensures no significant adverse impact on adjoining properties by way of overlooking, overbearing and/or overshadowing, see Section 7.4 below.
- The site is not located within an ACA and is not immediately proximate to any Protected Structure.

- The application includes a Climate Action Energy Statement and a Building Lifecycle Report. I am satisfied with the findings contained therein. The topic of climate change is further discussed in Section 7.8 of this report.

#### **County Specific Criteria**

- The proposal is not located along coastal corridor nor the mountain foothills, but rather within an existing sub-urban area where developments of similar heights/scale have been permitted.
- As previously discussed in Section 7.2, the application was accompanied by a Microclimate Assessment. I am satisfied with the findings contained therein.
- The developments potential impact on ecology/biodiversity, including birds/bats, is considered in Section 7.7 of this report.
- The application was accompanied by a Telecommunications Report, prepared by ISM Independent Site Management. I am satisfied with the findings contained therein and that the proposal allows for the retention of telecommunications channels, such as microwave links.
- I would accept that the site is not located within any public safety or noise zones and that the proposed development would not impact negatively on air navigation.
- Relevant environmental assessment requirements are addressed in Sections 8 and 9 of this report.
- The site is not a larger redevelopment site and does not have potential to incorporate new streets. However, the incorporation of a pedestrian/cycle path, which connects with existing infrastructure to the north, makes a positive contribution in terms of place making.

7.3.8. Further to the above assessment, upon review of the material accompanying the planning application and FI Stage submission, I am satisfied that the DM requirements outlined in column 2 of Table 5.1 have been met.

7.3.9. I acknowledge that the proposed development would occupy an area currently featuring low rise buildings and would be visible within the surrounding streetscape. Notwithstanding this, considering the built form, scale, siting and materiality of the subject proposal and the existing site context, I am satisfied that buildings of the height proposed would sit comfortably in the context of the existing/emerging Sandyford

Road streetscape and would have sufficient respect and regard for the established pattern/character of development in the streetscape.

7.3.10. With regards to the developments potential impact on the visual amenity of the wider area, I note that the application was accompanied Verified Views and CGIs, prepared by 3D Design Bureau, and a Townscape and Visual Impact Assessment, prepared by Purser. The third party appellants have raised concerns about the questionable value of/questionable methodology utilized in the preparation of the photomontages submitted, the absence of photomontages from the cul-de-sacs of 30-37 Coolkill and Cul Coille and the adequacy of the Townscape and Visual Impact Assessment submitted on foot of/in the absence of said photomontages. In response to the claims made, the first party appellant in their response to the third party appeals, directs the board the aforementioned photomontages/assessment wherein methodologies and their veracity can be reviewed. With regards to the claims made regarding the absence of verified view photomontages, it is noted that the inclusion of images from these locations would have resulted in a screening of the proposed development and their omission constitutes standard practice in terms of photomontage preparation.

7.3.11. Before assessing the development's potential visual impact, I consider the third party appellants contentions require discussion. I note firstly that there is no requirement for the submission of photomontages with a planning application and the proposed development can be adequately assessed on the basis of the drawings submitted. Photomontages are only a tool, albeit a useful tool, in assisting and informing an assessment of the potential effects of a proposal which is primarily informed by the drawings submitted. The methodology utilised by 3D Design Bureau in their preparation of the Verified Views and CGIs is outlined in the appendix to said document. I find the steps outlined/information provided to be robust and am satisfied that the submitted Verified Views and CGIs were prepared in accordance with an acceptable technical methodology. In terms of the photomontages prepared, the applicable booklet featured images prepared from 11 no. viewpoints, featuring to the north, south, east and west of the subject site. Multiple photomontages were taken from a no. of viewpoints, the additional photomontage including imagery pertaining to the developments permitted at The Pastures (Reg. Ref. D21A/0595/ABP Ref. ABP-312990-22) and Crohamhurst (Reg. Ref. D23A/0456, currently under appeal). While I

appreciate the frustrations of the third party appellants regarding the absence of photomontages from the cul-de-sacs of 30-37 Coolkill and Cul Coille, I consider that the photomontages submitted are comprehensive in their extent and are representative of the main views available towards the site. Having regard to the immediate proximity of the two streets referenced, I am satisfied with the justification provided regarding their omission, noting that photomontages have been provided from the west of the Cul Coille cul-de-sac and to the immediate north of the 30-37 Coolkill cul-de-sac, as well as from the Sandyford Downs Estate further east. Having visited the subject site/surrounding area, reviewed mapping and aerial photography available to An Bord Pleanála and assessed the drawings submitted, I am satisfied that the photomontages submitted give a reasonable approximation of how the proposed development will appear in the surrounding area. I am also satisfied that the photomontages prepared are sufficiently accurate and of an acceptable standard to allow for a reasonable analysis of the development's visual impact in the context of a Townscape and Visual Impact Assessment.

7.3.12. Now to assess the development's potential visual impact. As previously mentioned, the site is not subject to any development plan objectives relating to protected views or prospects. The proposed development would change the site from low-rise dwellings to a higher-density scheme with buildings of up to 6 storeys in height. This represents a substantive increase in building height and scale when considering the existing low-rise single storey building characterising the site currently. The development would substantially alter the character of the site.

7.3.13. The photomontages generated in the context of viewpoints 5, 6, 7, 8 & 9 provide close up and more distant views of the proposed development in the context of Sandyford Road. The proposed development would replace existing low-rise dwellings, which are shielded from view by the existing boundary wall/planting and setback a considerable distance from the Sandyford Road frontage, with a higher-density residential development featuring buildings of between 2.5 and 6 storeys, which is developed within 6.765 metres of Sandyford Road/provides landscaped open space areas and cycle/pedestrian path along the Sandyford Road frontage. The Townscape and Visual Impact Assessment assesses impacts on views from viewpoint 5 as 'Imperceptible', viewpoint 9 as 'Not significant and Neutral' and viewpoints 6, 7 and 8 as 'Moderate-Slight and Positive' or 'Slight and Positive'. Although the subject

proposal constitutes a substantive increase in building heights/scale when considering the existing low-rise building characterising the site currently, I do not consider that the proposed development would be excessively visually dominant in the Sandyford Road streetscape at this location having regard to the transformation this section of Sandyford Road is currently undergoing. The subject site sits immediately south of the recently constructed Cul Coille housing development, which features a 3-storey apartment/duplex block immediately proximate to Sandyford Road, and immediately north of The Pastures site on which a 5-storey apartment block has been permitted (under Reg. Ref. D21A/0595/ABP Ref. ABP-312990-22) immediately proximate to Sandyford Road. Further to this, a 4-5 storey apartment development is currently under construction on the Whinsfield Site, to the west of the subject site on the opposite side of Sandyford Road. The development will present a substantial new frontage to Sandyford Road, with landscaped/open space areas and a cycle/pedestrian path (which ties in with a similar path featuring in Cul Cuille to the immediate north) provided along the Sandyford Road street frontage. Given the limited contribution to the public realm the existing site currently makes, I consider the proposed development will have a positive effect on the subject site's presentation to Sandyford Road/the appearance of the area.

- 7.3.14. The area surrounding the subject site features residential land uses, more specifically, the Cul Cuille Housing Estate, Coolkill Housing Estate/Sandyford Downs Housing Estate and The Pastures/Lamb's Brook Housing Estate sit to the north, east and south, respectively. Although the proposed development will change the existing outlook from these sites/estates, due to its height/scale, the existing site context and the removal of existing trees, I do not consider it will have a substantial visual impact. In my view, the visual impact has been appropriately dissipated in the context of these neighbouring residential abutments to the north, east and south. This has been achieved through the positioning of the taller built form elements centrally on site/along the Sandyford Road frontage and the stepping down of buildings to 1 and 2.5 storeys/positioning of rear gardens adjacent to the northern, southern and eastern boundaries. This is clearly illustrated by the photomontages generated in the context of Viewpoints 2, 3 and 4. In the context of these 3 no. viewpoints, the Townscape and Visual Impact Assessment assesses impacts on views from viewpoint 2 as 'Imperceptible', viewpoint 3 as 'No change' and viewpoint 4 as 'Slight and Neutral' (in



the context of the focal length 24mm image) and 'Not significant and Neutral' (in the context of the focal length 16mm image).

7.3.15. In broader visual terms, views of the site from the wider area would not be significant/would be obscured by existing/permitted structures and trees/vegetation featuring proximate. This is clearly illustrated by photomontages accompanying the application, prepared by 3D Design Bureau, more specifically photomontages prepared in the context of Viewpoints 1, 10 and 11. These verified views show the existing situation/the proposed development as viewed from the M50 Overpass (further north), Kilcross Avenue (further west) and Lamb's Cross (further south), respectively. I would be of the view that the overall visual impact of the proposed development can be adequately absorbed at this location and would be acceptable in the context of the visual amenities of the area.

7.3.16. There is one further matter requiring consideration in the context of building height and visual amenity – the reversion back to the originally lodged plans, as requested by the first party appellant. While, as discussed elsewhere in this assessment, I am not supportive of the first party appellant's request to amend Condition No. 1 and adopt the originally lodged plans, it is not due to concerns pertaining to building height or visual amenity in the context of the buildings fronting Sandyford Road. If the Board, were to form a contrary view on this matter, I think the provision of 2 no. 6 storey apartment blocks (Block A originally featuring a 6-storey component prior to changes made at FI stage) along the Sandyford Road frontage would be appropriate in this instance having regard to the existing/emerging context as outlined above. It is also worth noting that the Planning Authority's request at FI stage that floors be removed from the apartment blocks stemmed from concerns regarding resultant density as opposed to concerns regarding building height/visual impact, both of these aspects having been deemed satisfactory. However, in the context of the 2 no. dwellings featuring adjacent to the eastern boundary and their reversion back to the 2.5 storeys, as requested by the first party appeal, I would have concerns regarding building height/visual impact. This will be elaborated on further in Section 7.4 of this report. I would therefore not be in support of such a change.

#### **7.4. Residential Amenity of Adjoining Properties/the appropriateness of Condition No. 2**

7.4.1. The primary issue raised by the third party appellants and third party observers alike is that the proposed development will have a negative impact on the residential amenities of the adjacent properties/surrounding area. The first party appeal seeks omission of Condition No. 2 of the grant of permission, which requires the replacement of the 2 no. single storey dwellings proposed at the eastern boundary with an area of public open space, and amendments to Condition No. 1 to reflect the scheme as lodged. Such amendments have implications in terms of potential residential amenity impacts that require consideration.

7.4.2. In considering potential residential amenity impacts, regard is had to the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) and the requirements of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

##### *Properties to the East*

7.4.3. In terms of properties to the east, the Coolkill housing estate abuts the sites eastern boundary. More specifically, the eastern boundary abuts rear boundaries/gardens associated with Nos. 30-36 Coolkill. Upon review of the plans, proposed Houses 06-09 flank the common boundary immediately proximate to these neighbouring properties.

##### *FI Stage Plans*

7.4.4. Proposed Houses 06 and 09 flank the eastern boundary. As per the FI stage plans, proposed House 06 comprises of a 5-bed 2.5 storey detached dwelling (House Type B), proposed Houses 07 and 08 comprise of 2-bed single storey semi-detached dwellings (House Type D) and Proposed House 09 comprises of a of 3-bed 2.5 storey detached dwellings (House Type C/C1). Turning my attention firstly to potential residential amenity impacts arising from proposed Houses 07 and 08. As previously discussed, on foot of concerns regarding residential amenity impacts and an aspiration regarding public open space provision (the appropriateness of this condition in the context of public open space provision will be discussed in Section 7.6 of this report), the Planning Authority included a condition (Condition No. 2) on the grant of

permission requiring that these 2 no. dwellings be omitted/replaced with an area of public open space. The first party appellant has asked that this condition be omitted as, in their view, there is no planning rationale for their removal as they provide 2 no. additional homes and have no impacts on residential amenity. The observations on the first party appeal received call for the continued inclusion of this condition. They contend that, if retained these 2 no. dwellings would negatively impact upon the residential amenity of neighbouring properties and this area would be better utilised as an open space area.

7.4.5. Proposed Houses 07 and 08 sit immediately opposite Nos. 30-33 Coolkill which comprise of 2/2.5 storey detached dwellings with later single storey extensions to the rear. With regards to potential overlooking, all these neighbouring properties feature west-facing habitable room windows at upper floor levels and private open space areas immediately abutting the common boundary which require consideration in this regard. As proposed Houses 07 and 08 are single storey, there are no opportunities for overlooking of these windows/private open space area. With regards to potential overbearing impacts on dwellings to the east, due to the single storey/flat-roofed nature of these 2 no. proposed houses and the setbacks provided (between 1.2 metres and 3.9 metres) between them and these easterly abutments, I am satisfied that this aspect of the proposed development will not have an unreasonable overbearing impact.

7.4.6. With regards to potential overshadowing and impacts on daylight/sunlight received by dwellings to the east, the application was accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, which assessed shadowing and vertical sky component in the context of Nos. 31-36 Coolkill<sup>1</sup>. It concluded that the proposed development meets with the targets set out in BRE Guidelines regarding overshadowing, with well in excess of 50% of neighbouring private open space areas to the north receiving above 2 hours sunlight on March 21<sup>st</sup>, and that the proposed development would have a negligible effect on VSC in the context of neighbouring windows. I am satisfied with the findings of this report. This assessment assessed the provision of 2.5 storey houses on House Plots 07 and 08. The FI stage plans provided bungalows on these house plots. It is reasonable to deduce that these lower rise

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<sup>1</sup> I note a minor error was made in relation to the labelling of the neighbouring easterly properties in the shadow analysis table, with the properties incorrectly identified as Nos. 32-37 Coolkill

dwellings would achieve the same or improved results in terms of overshadowing/daylight and sunlight as those detailed in 3D Design Bureau's assessment. I am satisfied that sufficient distance is provided between proposed House 07 and 08 and these properties to negate unreasonable overshadowing/loss of daylight and/or sunlight.

7.4.7. Now looking to potential residential amenity impacts arising from proposed Houses 06 and 09. In terms of easterly abutments, proposed House 06 abuts Nos. 34-36 Coolkill, which comprise of 2 storey detached dwellings with later single storey extensions to the rear, and proposed House 09 abuts No. 30 Coolkill, which comprise of a 2.5 storey detached dwelling with later single and double storey extensions to the side and rear. With regards to potential overlooking, both of these proposed dwellings are devoid of east-facing habitable room windows at upper floor levels meaning there are no opportunities for overlooking of upper floor habitable room windows or private open space areas associated with easterly abutments. Turning my attention to potential overbearing impacts arising from proposed Houses 06 and 09. Proposed House 06 adopts setbacks of between 2.4 metres and 4.7 metres from the common boundary and a minimum separation distance of 16.4 metres from neighbouring houses to the east. These separation distances, as well as the staggered nature of the proposed houses eastern facade, are considered to obviate unreasonable overbearing impacts of its easterly abutments. Proposed House 09 immediately abuts No. 30 Coolkill's rear single storey extension which has been developed to the common boundary and its primary private open space area flanks its northern/western boundary as opposed to its eastern boundary. In light of this, I am satisfied that proposed House 09 will not cause unreasonable overbearing on this easterly abuttal.

7.4.8. With regards to potential overshadowing and impacts on daylight/sunlight received by dwellings to the east, I note the earlier discussion on the findings of the Daylight and Sunlight Assessment Report in the context of Nos. 31-36 Coolkill. I am satisfied with the findings of this report and that sufficient distance is provided between proposed House 06 and its easterly abutments to negate unreasonable overshadowing/loss of daylight and/or sunlight. In the context of No. 30 Coolkill, its west-facing habitable room windows sit opposite proposed House 08 (which is single storey)/a part of the site sitting between proposed Houses 08 and 09 which is occupied by car parking/landscaped areas and its private open space area flanks its northern/western

boundary. In light of this, I am satisfied that the proposed development will not cause unreasonable overshadowing and loss of daylight and/or sunlight to this easterly abuttal.

#### *Originally Lodged Plans*

- 7.4.9. The first party appellant has also appealed Condition No. 1, seeking that it be amended to reference the plans originally lodged with the planning application. In the context of Houses 07 and 08, when originally lodged the plans featured 4-bed 2.5 storey detached dwellings (House Type A) on these sites. The first party appellants argue that these original dwellings featured a blank gable wall along the eastern boundary to limit overlooking of adjacent rear gardens and adopted an appropriate separation distance of between 12.45 metres and 17.31 metres at first floor level from the proposed blank gable and the rear of the existing neighbouring dwellings. They contend that as there is no overlooking due to the absence of windows on the gable wall, no overbearing due to the separation distance and no impact on daylight/sunlight (as demonstrated in the Daylight/Sunlight Assessment accompanying the application), there is no rationale for removing these dwellings due to an impact on residential amenity.
- 7.4.10. Turning my attention firstly to potential overlooking of the properties to the east. Houses 07 and 08, as originally proposed, were devoid of east-facing habitable room windows at upper floor level so there were no opportunities for overlooking of upper floor habitable room windows or private open space areas associated with the eastern abutments.
- 7.4.11. With regards to the potential overbearing impacts on the properties to the east, upon review of the plans submitted with the application, I would share some of the concerns raised by the Planning Authority/the third party appellants and observers regarding proposed Houses 07 and 08's overbearing impact. The proposed development involves the replacement of 2 no. existing dwellings, one of which is a single storey detached dwelling and the other a part single-part double storey detached dwelling. These dwellings feature adopt a minimum setback of 8.34 metres from the eastern boundary and the majority of the eastern boundary is currently flanked by the large gardens serving these dwellings. Proposed Houses 07 and 08, as originally lodged, comprised of 4-bed 2.5 storey detached dwellings. They featured blank eastern

facades which extended to a height of 9.5 metres, adopted a minimum setback of c. 1.2 metres from and spanned a length of 9.25 metres along the site's eastern boundary. I consider that this aspect of the development originally lodged would have an unreasonable overbearing impact on the neighbouring properties to the east due to the existing site context, the design/height of the same and the limited setbacks adopted from the common boundary. Due to the limited setbacks provided, limited opportunity exists for the introduction of trees/screen planting along this section of the eastern boundary to help mitigate proposed Houses 07 and 08's overbearing impact.

7.4.12. With regards to potential overshadowing and impacts on daylight/sunlight received by dwellings to the east, I note the earlier discussion on the findings of the Daylight and Sunlight Assessment Report in the context of Nos. 31-36 Coolkill. I am satisfied with the findings of this report and that sufficient distance is provided between proposed Houses 07 and 08 and their easterly abutments to negate unreasonable overshadowing/loss of daylight and/or sunlight.

7.4.13. It is noted that proposed Houses 06 and 09 immediately abutting the site's eastern boundary were the same in the FI stage plans as the originally lodged plans so no additional assessment is needed in this regard.

#### *Conclusion*

7.4.14. Having regard to the requirements within the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) and the Dun Laoghaire Rathdown County Development Plan 2022-2028, I am satisfied that the proposed development, as presented at FI stage, would not have an unreasonable impact on the residential amenity of the eastern abutments. In the context of Condition No. 2, having regard to the assessment of potential residential amenity impacts outlined above, I am satisfied that the omission of proposed Houses 07 and 08/their replacement with a public open space area is not warranted and that the inclusion of such a condition is not merited in this instance. In the context of the amendments to Condition No. 1 sought, which among other things seeks the reintroduction of 4-bed 2.5 storey detached dwellings to House Plots 07 and 08, I would agree with the Planning Authority that the original dwellings proposed are not appropriate in terms of residential amenity impacts for the reasons outlined above. The single storey dwellings adopted at further information stage comprise a more appropriate response in the context of the subject site having regard to the residential

amenity of the neighbouring residential properties they abut to the east. Therefore, I recommend that the first party appellants requested amendments to Condition No. 1 be refused in this instance.

*Properties to the North*

7.4.15. In terms of properties to the north, the Cul Cuille housing estate abuts the sites northern boundary. More specifically, the northern boundary abuts the rear boundaries/gardens associated with Nos. 7-10 Cul Cuille and Apartment/Duplex Units No. 1-6 Cul Cuille and their associated shared open space area.

7.4.16. Firstly, I will consider Nos. 7-10 Cul Cuille. Upon review of the plans, proposed Houses 02-06 flank the common boundary immediately proximate to these neighbouring properties. Proposed Houses 02-05 comprise of 4-bed 2.5 storey detached dwellings (House Type A) and Proposed House 06 comprises of a 5-bed 2.5 storey detached dwelling (House Type B). Proposed Houses 02-06 all feature north-facing habitable room windows at first floor level (second floor level being devoid of north-facing habitable room windows) which require consideration regarding potential overlooking of neighbouring habitable room windows/private open space areas. A minimum separation distance from these windows to the common boundary of 8 metres is adopted and 16.35 metres from the south-facing habitable room windows associated with Nos. 7-10 Cul Cuille. The separation distances provided are consistent with SPPR1 included in the Compact Settlement Guidelines and is sufficient to obviate potential unreasonable overlooking of upper floor windows and private amenity space areas associated with these northerly abutments. These separation distances, as well as the height/scale of this aspect of the proposed development, are also considered to obviate unreasonable overbearing impacts of these northerly abutments. With regards to potential overshadowing and impacts on daylight/sunlight received by dwellings to the north, the application was accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, which assessed shadowing, vertical sky component and annual probable sunlight hours in the context of Nos. 7-10 Cul Cuille. It concluded that the proposed development meets with the targets set out in BRE Guidelines regarding overshadowing, with well in excess of 50% of neighbouring private open space areas to the north receiving above 2 hours sunlight on March 21<sup>st</sup>, and that the proposed development would have a negligible or beneficial effect on VSC/APSH in the context of neighbouring windows. I am satisfied with the findings of

this report and that sufficient distance is provided between the proposed development and these dwellings to negate unreasonable overshadowing/loss of daylight and/or sunlight.

7.4.17. Turning my attention now to Apartment/Duplex Units No. 1-6 Cul Cuille and their associated shared open space area. Upon review of the plans, proposed Houses 01 and 02 flank the common boundary immediately proximate to these units/open space area. Proposed House 01 comprises of a 5-bed 2.5 storey detached dwelling (House Type B1) and Proposed House 02 comprise of a 4-bed 2.5 storey detached dwelling (House Type A). Both houses feature north-facing habitable room windows at first floor level (second floor level being devoid of north-facing habitable room windows) which require consideration regarding potential overlooking of neighbouring habitable room windows/private open space areas. The adjacent Apartment/Duplex Block features 1 no. south-facing habitable room window (associated with Unit 5) and an upper floor balcony with a southerly outlook (associated with Unit 5), as well as the shared open space area, which require consideration in the context of the first floor windows featuring in proposed Houses 01 and 02. A minimum separation distance of 6.75metres from applicable opposing windows to the common boundary is adopted and 17.8 metres from the south-facing balconies/windows. The separation distances provided are consistent with SPPR1 included in the Compact Settlement Guidelines and are considered sufficient to obviate potential unreasonable overlooking of upper floor windows and private amenity space areas associated with these northerly abutments. These separation distances, as well as the height/scale of this aspect of the proposed development, are also considered to obviate unreasonable overbearing impacts on this northerly abuttal. With regards to potential overshadowing and impacts on daylight/sunlight received by the apartments to the north, the application was accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, which assessed vertical sky component and annual/winter probable sunlight hours in the context of the most southerly windows of Nos. 1-6 Cul Cuille and shadowing in the context of its associated open space area. It concluded that the proposed development would have a negligible or beneficial effect on VSC/APSH in the context of the most southerly of the neighbouring windows and that the proposed development meets with the targets set out in BRE Guidelines regarding overshadowing, with well in excess of 50% of the shared open space area to the north



receiving above 2 hours sunlight on March 21<sup>st</sup>. Given the other south-facing windows are setback further from the common boundary than those assessed, it can be reasonably concluded that they also comply with the necessary requirements. I am satisfied with the findings of this report and that sufficient distance is provided between the proposed development and these apartments to negate unreasonable loss of daylight and/or sunlight and overshadowing of their associated open space area.

- 7.4.18. It is noted that the aspects of the proposed development immediately abutting the site's northern boundary were the same in the FI stage plans as the originally lodged plans so no additional assessment is needed in this regard.

*Properties to the South*

- 7.4.19. The site is currently bounded to the south, by a single storey detached dwelling known as 'The Pastures'. Upon review of the plans, proposed Houses 09-13 flank the common boundary immediately proximate to this neighbouring property. Proposed Houses 09 and 13 comprise of 3-bed 2.5 storey detached dwellings (House Type C/C1) and Proposed Houses 10-12 comprises of 4-bed 2.5 storey detached dwelling (House Type A). The neighbouring property to the south is single storey and its primary private open space area flanks its southern boundary, therefore, there are no opportunities for overlooking from upper floor south-facing windows associated with the subject development. Given the separation distance that exists between the proposed dwellings and the common boundary/the dwelling featuring on this neighbouring site (a minimum of c. 2.8 metres and c. 28 metres, respectively), the 2.5 storey height of the dwellings proposed adjacent to the southern boundary, and the extensive tree planting/this property's car parking area featuring along the common boundary with the subject site, I am satisfied that the proposed development would not have any unreasonable overbearing impacts on the property currently featuring to the south. Given the orientation of the proposed development, to the north of 'The Pastures', the proposed development will also not cause unreasonable overshadowing of this southern abuttal. I am also satisfied that the proposed development is sufficiently distanced from this dwelling to negate any potential impacts on daylight/sunlight it currently receives.

- 7.4.20. As discussed previously in Section 4.2 of this report, the site flanking the subject site's southern boundary was the subject of a recent application, under Reg. Ref.

D21A/0595/ABP Ref. ABP-312990-22. More specifically, permission was granted for construction of 27 no. apartments (in 2 no. apartment blocks ranging in height from part 3 no. to part 5 no. storeys). Consideration of potential impacts on the residential amenity of this approved development is required in the context of the subject proposal. With regards to the potential overlooking of this approved development to the south, proposed Houses 09-12 feature south-facing habitable room windows at first floor level (second floor level being devoid of north-facing habitable room windows) which require consideration regarding potential overlooking of neighbouring habitable room windows/private open space areas. The adjacent apartment development approved to the south features 1 no. north-facing habitable room window (associated with Apartment B10) and 2 no. balconies (associated with Apartments A03 and B10) with a northerly outlook at first floor level. Proposed House 10 sits north of the north-facing habitable room window and balcony associated with Apartment B10. The easternmost of House 10s first floor habitable room windows (which is most proximate to Apartment B10s window/balcony) sits immediately opposite the blank northern wall associated with Apartment B10s kitchen/living room as opposed to this north-facing window/balcony so there is no opportunity for direct overlooking of the same. Further to this, oblique views towards the balcony/window are restricted as a result of the north-eastern corner of Apartment B10's kitchen/living room which projects northwards. There are no opportunities for overlooking of the balcony associated with Apartments A03 from the proposed development as proposed House 13, which sits immediately adjacent, is devoid of south-facing habitable room windows at first floor level (the second bedrooms window having been orientated to face Sandyford Road).

- 7.4.21. Given the separation distance that exists between the proposed dwellings and the common boundary/the blocks featuring on this neighbouring site (a minimum of c. 2.8 metres and c. 8.2 metres, respectively), the 2.5 storey height of the dwellings proposed adjacent to the southern boundary, and the orientation of the apartments proposed for development to the south, I am satisfied that the proposed development would not have any unreasonable overbearing impacts on the development approved to the south. Given the orientation of the proposed development, to the north the development approved to the south, the proposed development will also not cause unreasonable overshadowing of this southern abuttal. With regards to potential

impacts on daylight/sunlight received by the apartments proposed to the south, the application was accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, which assessed vertical sky component and annual/winter probable sunlight hours in the context of the development approved under Reg. Ref. D21A/0595/ABP Ref. ABP-312990-22. It concluded that the proposed development would have a negligible effect on VSC/APSH & WPSH in the context of neighbouring windows. I am satisfied with the findings of this report and that sufficient distance is provided between the proposed development and these approved apartments to negate unreasonable loss of daylight and/or sunlight.

7.4.22. It is noted that the aspects of the proposed development immediately abutting the site's southern boundary were the same in the FI stage plans as the originally lodged plans so no additional assessment is needed in this regard.

## **7.5. Residential Amenity of the Proposed Development**

7.5.1. The appropriateness of residential amenity afforded the future residents of the proposed development as per the plans lodged at FI stage and as originally lodged, as requested in the first party grounds of appeal, are considered in turn below.

### Houses – FI Stage Proposal

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

7.5.3. The proposed 2-bed (4P) single storey dwellings (House Type D/D1) have a total floor area of 84sqm, proposed 3-bed (5P) three storey dwellings (House Type C/C1) have a total floor area of 133sqm and proposed 4-bed (7P) three storey dwellings (House Type A) have a total floor area of 164sqm, all of which comply with the requirements set out in the Quality Housing for Sustainable Communities, 2007. The proposed dwellings were also found to be compliant with the same in the context of the main living room area, aggregate living area, aggregate bedroom area and storage. The development also features 2 no. 5-bed (9P) three storey dwellings (House Type B/B1). Space provision/room size specifications for such a dwelling type do not feature in

Table 5.1 of the Quality Housing for Sustainable Communities, 2007. However, with a total floor area of 183sqm, this dwelling is considered to be suitably sized to provide an appropriate level of amenity for future residents. Having reviewed the proposed floor plans, I am satisfied that the houses are suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents, including in regard to daylight/sunlight access.

7.5.4. The Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024), at Specific Planning Policy Requirement 2, requires that 2-bed houses are provided with a minimum of 30sqm of private open space, 3-bed houses are provided with a minimum of 40sqm and 4-bed + houses with a minimum of 50sqm. Upon review of the plans submitted with the application, the proposed dwellings will be served by private open space areas well in excess of these requirements. Specific Planning Policy Requirement 1 of the same guidelines requires a minimum separation distance exceeding 16 metres between opposing windows serving habitable rooms at the rear or side of houses above ground floor level. Upon review of the plans submitted with the application, the proposed development also complies with this requirement.

7.5.5. In conclusion, I am satisfied that the FI Stage proposal would provide a suitable level of amenity for future residents of the houses proposed.

#### Houses - Originally Lodged Proposal

7.5.6. The first party appellants have appealed Condition No. 1, asking that it be amended so that the originally lodged plans are referred to. The same house types feature in the originally lodged plans, save for House Type D/D1 which was introduced at further information stage. Therefore, no additional assessment is needed in the context of the originally lodged houses.

#### Apartments – FI Stage Proposal

7.5.7. In considering the residential amenity of the proposed apartments, regard is had to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) and the requirements of the Dun Laoghaire Rathdown County Development Plan 2022-2028, as relevant.

### *Unit Mix*

- 7.5.8. The proposal lodged at FI stage would entail the provision of 54 no. apartments, comprising of 8 x 1 bedroom apartments, 4 x 2 (3P) bedroom apartments, 29 x 2 (4P) bedroom apartments, 12 x 3 bedroom apartments and 1 x 4 bedroom apartment. This complies with the one bed/studio units specified in relation to unit mix in apartments in Specific Planning Policy Requirement 1 of the Apartment Guidelines.
- 7.5.9. The Dun Laoghaire Rathdown County Development Plan 2022-2028, at Policy Objective PHP27, calls for the provision of a wide variety of housing/apartment types, sizes and tenures in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment. Table 12.1 goes on to set out unit mix requirements for apartment developments. In the context of existing built up areas, scheme of 50+ units may include up to 80% studio, one and two bed units; no more than 30% of the overall development should comprise a combination of one bed and studio units; and that a minimum of 20% should be 3+ bedroom units. The proposed development, as per the FI Stage plans, provides the following unit mix in the context of the proposed apartments – 8 no. (15%) 1-bed units, 33 no. (61%) 2-bed units, 12 no. (22%) 3-bed units and 1 no. (2%) 4-bed unit. Therefore, the proposed unit mix complies with the quantum's set out in Table 12.1.

### *Floor Areas*

- 7.5.10. As detailed in the schedule of accommodation and compliance tables/floor plans accompanying the FI response, the 1-bed apartments would have a floor area of between 50.2sqm and 50.8sqm, the 2-bed (3P) units would have a floor area of 67sqm, the 2-bed (4P) units would have a floor area of between 80.5sqm and 85.4sqm, the 3-bed units would have a floor area of between 100.9sqm and 113.4sqm and the 4-bed unit would have a floor area of 148sqm. With respect to minimum floor areas, the proposed apartments exceed the minimum overall apartment floor areas specified in the Apartment Guidelines as well as complying with the associated minimums set out in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. In addition, there is a requirement under Section 3.8 for *'the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3*

*bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'. In this case, this standard is also met.*

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

7.5.11. Specific Planning Policy Requirement 4 requires that a minimum of 50% of apartments proposed are dual aspect units in suburban or intermediate locations, Specific Planning Policy Requirement 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres and Specific Planning Policy Requirement 6 specifies a maximum of 12 apartments per core. With regards to dual aspect, upon review of the plans submitted at FI Stage, 46 no. apartments constitute dual or triple aspect units (with no single aspect north-facing apartments proposed). At 85%, the proposed development complies with the requirements of SPPR 4. The floor ceiling height at ground floor level would be a minimum of 2.88 metres and a maximum of 6 apartments per core is proposed in the context of the apartment block proposed, thus complying with these two standards also.

#### *Storage*

7.5.12. As detailed in the schedule of accommodation and compliance tables/floor plans accompanying the FI response, the 1-bed units would be provided with between 3.6sqm and 4.1sqm of storage, the 2-bed (3P) units by 5sqm of storage, the 2-bed (4P) units by between 6sqm and 6.9sqm of storage, the 3-bed units by between 8.9sqm and 9.6sqm of storage and the 4-bed unit by 9.5sqm of storage which generally complies with the numerical storage requirements specified in Appendix 1 of the Apartment Guidelines. A slight shortfall exists in the context of internal storage space serving Apartment No. A00.01, however this is considered to be minimal (0.1sqm). Further to the internal storage space, residents of the proposed apartments have access an additional shared storage area at ground floor level of the proposed apartment blocks. This specific design feature was introduced in response to Item 2 of the further information request issued by the Planning Authority.

#### *Private Amenity Space*

7.5.13. As detailed in the schedule of accommodation and compliance tables/floor plans accompanying the FI response, the 1-bed apartments would be served by 5.1sqm or

5.3sqm balconies or terraces, the 2-bed (3P) apartments by a 6sqm balcony or terrace, the 2-bed (4P) apartments by 7sqm to 10sqm balconies or terraces, the 3-bed apartments by 9sqm or 14.2sqm balconies or terraces and the 4-bed apartment by c. 50sqm provided across 3 no. balconies, which have a minimum depth exceeding 1.5 metres. Therefore, they comply with the quantitative requirements set out in relation to private amenity space. I am satisfied that the proposed private amenity areas also satisfy the qualitative requirements of the Apartment Guidelines given their orientation, the separation distance provided between buildings and their positioning relative to each other/proposed windows.

#### *Communal Amenity Space*

7.5.14. In accordance with Appendix 1/paragraph 4.13 of the Apartment Guidelines, a minimum of 375sqm of communal amenity space would be needed to serve the proposed apartments and in light of the no. of 2+ bedroom apartments proposed, this is required to contain a small play space (about 85–100 sq. metres) to serve the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building. The FI Stage proposal complies with, and in fact considerably exceeds, the numerical communal amenity space requirements, providing 757sqm. In terms of the positioning of the communal amenity space provided, 562sqm is provided between Blocks A and B and 195sqm to the north of Block A, with both areas proposed featuring a dedicated play space.

7.5.15. From a qualitative perspective, I am satisfied that the proposed communal amenity spaces are appropriately overlooked and conveniently located relative to the apartment blocks proposed as well as being of an appropriate size/design so as to be usable. The Apartment Guidelines require that designers '*ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year*'. The application is accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, which includes an assessment of the proposed communal open space areas against the BRE guidelines. It concludes that the proposed development meets the relevant criteria, with amenity spaces within the development receiving in excess of 2 hours over 50% of the amenity space. I am satisfied with their assessment in the context of amenity spaces serving the proposed development.

### *Daylight/Sunlight*

7.5.16. The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration and regard should be had to the BRE standards. In this regard, a Daylight and Sunlight Assessment Report prepared by 3D Design Bureau, which among other things includes an assessment of the proposed apartment blocks in terms of daylight and sunlight access to habitable rooms (more specifically Spatial Daylight Autonomy, Sunlight Exposure and No Sky Line assessments were conducted), accompanied the application. Although this was based on the originally lodged plans, it is still relevant in the context of the FI Stage plans given the limited changes adopted in the context of internal layout at FI Stage. Upon review of the results contained therein, the majority of habitable rooms/apartments comply with the applicable BRE requirements in the context of Spatial Daylight Autonomy, Sunlight Exposure and No Sky Line. Some instances of non-compliance are to be expected especially for a development of this size and the inclusion of trees in the assessment accounted for most such instances. All rooms show compliance when trees are not included. Upon review of the various assessment results, 3D Design Bureau concluded that *'the scheme is performing very favourably and the studies have shown that there are no areas of concern with regard to daylight and sunlight provisions'*. I am satisfied with the daylight/sunlight assessments carried out and the conclusions reached in the context of the results of the same. I am generally satisfied that daylight and sunlight considerations have informed the proposed layout and design in terms of separation distances, scale, window sizing and the aspect of units.

### *Bin Storage*

7.5.17. Paragraph 3.37 of the Apartment Guidelines states that *'provision shall be made for the storage and collection of waste materials in apartment schemes. Refuse facilities shall be accessible to each apartment stair/lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required'*. Upon review of the plans submitted with the FI response, bin storage areas are provided at ground floor level of each apartment block. These would be acceptable in terms of accessibility, are appropriately sized and appropriately screened to reduce visibility.



### *Separation Between Blocks*

7.5.18. Section 12.3.5.2 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 states that for apartment developments a minimum clearance distance of circa 22 metres is required between opposing windows in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In the intervening period, the Compact Settlement Guidelines have been introduced. Specific Planning Policy Requirement 1 of these guidelines requires a minimum separation distance exceeding 16 metres between opposing windows serving habitable rooms in apartment units above ground floor level. Upon review of the plans submitted with the FI response, the proposed development complies with this requirement, with separation distances of between 19.7 metres and 26.45 metres provided between Blocks A and B and a minimum of 19.2 metres provided between the proposed apartment blocks and the dwellings proposed on site.

### ***Conclusion***

7.5.19. In conclusion, I am satisfied that the development submitted at FI stage would provide quality apartments which would provide a suitable level of amenity for future residents.

### *Apartments - Originally Lodged Proposal*

7.5.20. The first party appellants are seeking an amendment to Condition No. 1 such that it refers to the plans originally lodged with the application. This section will assess the originally lodged proposal in the context of the 2023 Apartment Guidelines and current Development Plan, as relevant.

### *Unit Mix*

7.5.21. The originally lodged proposal entailed the provision of 60 no. apartments, comprising of 9 x 1 bedroom apartments, 5 x 2(3P) bedroom apartments, 31 x 2(4P) bedroom apartments and 15 x 3 bedroom apartments. As was the case with the FI proposal, this complies with the one bed/studio units specified in relation to unit mix in apartments in Specific Planning Policy Requirement 1 of the Apartment Guidelines. In the context of Development Plan Policy Objective PHP27 and the unit mix for apartments set out in Table 12.1, the originally lodged proposal provides the following

unit mix in the context of the proposed apartments – 9 no. (15%) 1-bed units, 36 no. (60%) 2-bed units and 15 no. (25%) 3-bed units. Therefore, its unit mix complies with the quantum's set out in Table 12.1.

#### *Floor Areas*

- 7.5.22. As detailed in the schedule of accommodation and compliance tables/floor plans accompanying the originally lodged proposal, the 1-bed apartments would have a floor area of between 50.2sqm and 57.9sqm, the 2-bed (3P) units would have a floor area of 67sqm, the 2-bed (4P) units would have a floor area of between 80.5sqm and 85.4sqm and the 3-bed units would have a floor area of between 98.6sqm and 107.8sqm. With respect to minimum floor areas, the apartments originally proposed exceed the minimum overall apartment floor areas specified in the Apartment Guidelines as well as complying with the associated minimums set in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. In addition, the requirement under Section 3.8 was also met.

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

- 7.5.23. Upon review of the plans originally lodged with the application, 51 no. apartments constitute dual or triple aspect units (with no single aspect north-facing apartments proposed). At 85%, the proposed development complies with the requirements of SPPR 4. The floor ceiling height at ground floor level would be a minimum of 2.88 metres and a maximum of 6 apartments per core is proposed in the context of the apartment block proposed, thus complying with SPPRs 5 and 6 also.

#### *Storage*

- 7.5.24. As detailed in the schedule of accommodation and compliance tables/floor plans accompanying the originally lodged planning application, the 1-bed units would be provided with between 3.5sqm and 4.1sqm of storage, the 2-bed (3P) units by 5sqm of storage, the 2-bed (4P) units by between 6sqm and 10sqm of storage and the 3-bed units by between 9sqm and 10.2sqm of storage which generally complies with the numerical storage requirements specified in Appendix 1 of the Apartment Guidelines.
- 7.5.25. In the FI stage plans, residents of the proposed apartments have access an additional shared storage area at ground floor level of the proposed apartment blocks.

This specific design feature was introduced in response to Item 2 of the further information request issued by the Planning Authority, the Planning Authority having concluded that external storage space for apartment residents required further consideration. If the originally lodged plans are relied upon, as sought by the first party appellant, the resultant development will be devoid of external storage areas to serve residents of the apartments. Paragraph 3.32 of the Apartment Guidelines states that *“apartment schemes should provide storage for bulky items outside individual units (i.e. at ground or basement level). Secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building is particularly useful and planning authorities should encourage the provision of such space in addition to minimum apartment storage requirements”*. I do not consider this to be a mandatory requirement but rather a desirable feature in the context of apartment developments. Therefore, I do not consider the absence of an external storage area a sufficient reason to refuse this aspect of the first party appellants appeal. There are other relevant considerations which have been dealt with in the other sections of this report.

#### *Private Amenity Space*

- 7.5.26. As detailed in the schedule of accommodation and compliance tables/floor plans accompanying the application, the 1-bed apartments would be served by 5.1sqm or 5.3sqm balconies or terraces, the 2-bed (3P) apartments by a 6sqm balcony or terrace, the 2-bed (4P) apartments by 7sqm to 10sqm balconies or terraces and the 3-bed apartments by 9sqm or 14.2sqm balconies or terraces, which have a minimum depth exceeding 1.5 metres. Therefore, they comply with the quantitative requirements set out in relation to private amenity space. I am satisfied that the proposed private amenity areas also satisfy the qualitative requirements of the Apartment Guidelines given their orientation, the separation distance provided between buildings and their positioning relative to each other/proposed windows.

#### *Communal Amenity Space*

- 7.5.27. In accordance with Appendix 1/paragraph 4.13 of the Apartment Guidelines, a minimum of 427sqm of communal amenity space would be needed to serve the proposed apartments and in light of the no. of 2+ bedroom apartments proposed, this is required to contain a small play space (about 85–100 sq. metres) to serve the

specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building. The communal amenity space provided in the originally lodged plans were the same size/locations as that featuring in the FI Plans. As discussed previously, this was found to be satisfactory in the context of the quantitative and qualitative requirements of the Apartment Guidelines.

#### *Daylight/Sunlight*

7.5.28. As previously discussed, I am satisfied with the daylight/sunlight assessments carried out by 3D Design Bureau in the Daylight and Sunlight Assessment Report accompanying the application and the conclusions reached in the context of the results of the same. I am generally satisfied that daylight and sunlight considerations have informed the proposed layout and design in terms of separation distances, scale, window sizing and the aspect of units.

#### *Bin Storage*

7.5.29. The bin storage areas provided in the originally lodged plans was of a similar size/location as that featuring in the FI Plans. As discussed previously, this was found to be satisfactory in the context of the Apartment Guidelines.

#### *Separation Between Blocks*

7.5.30. The originally lodged proposal generally adopted the same separation distances between Blocks A and B as those provided in the FI Stage plans. Therefore, as discussed previously, the requirements set out in the Compact Settlement Guidelines in this regard are complied with.

#### **Conclusion**

7.5.31. In conclusion, I am satisfied that the original apartment proposal submitted would provide a suitable level of amenity for future residents.

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

#### Access & Traffic

7.6.1. The application, as originally lodged, proposed 2 no. separate vehicular access and egress points off Sandyford Road linked by a one-way internal loop road which encircled the proposed apartment buildings. The Planning Authority's Transportation

Section, in their report (dated 31<sup>st</sup> July 2024), raised concerns about the proposed separate vehicular entrance/exit arrangement with associated one-way loop – fearing it would encourage excessive vehicular speeds within the development and be unclear to visiting drivers and/or a temptation for drivers at either end of the loop road not always to comply, resulting in vehicles going the wrong way into/out of the exit and entrance and along the loop road. Further to this, they did not consider the size of the proposed development warranted the provision of 2 no. two-way vehicular accesses on Sandyford Road. They instead indicated a preference for a single vehicular entrance (to the north of the site) off Sandyford Road. In light of this, the FI Request issued by the Planning Authority (more specifically Item No. 4) requested that revised proposals be submitted to address this, and other, concerns raised by the Transportation Section. In response to this, the applicant submitted a revised scheme which adopted a single access/egress point to the south of the site. The Transportation Planning Section/the Planner considered this, and other matters originally raised, to generally have been successfully addressed.

7.6.2. The FI Stage plans form the basis of the Planning Authority's decision and will form the basis of my assessment first and foremost. The applicable section of Sandyford Road is relatively straight and level and there are no particular constraints on the visibility to/from the proposed junction (located in the southern part of the site), as illustrated in Proposed Exit Sight Lines Drawing included in the Transportation Assessment Report, prepared by NRB Consulting Engineers, which accompanied the application (although based on the originally lodged plans it remains relevant for the FI Stage plans). Sandyford Road is within the 50kph speed limit for the area. I note that the Planning Authority saw fit to include a condition (Condition No. 7(d)) requiring revised vehicular entrance layout drawings/details which prioritised pedestrian and cyclist movements over infrequent large vehicle movements be submitted/agreed with the Planning Authority (it is worth noting that the Stage 1 Independent Road Safety Audit including Quality Audit (incl Walking/Cycling), prepared by Bruton Consulting Engineers Ltd, which accompanied the application raised issues regarding the cycle/pedestrian crossing of the proposed entrance). I think this amendment would improve the vehicular entrance/exit point in terms of public safety. Therefore, it is recommended that a suitably worded condition be attached to Board's Order moving forward. In terms of internal road network, a central 5.5/6 metre wide access road runs

from the vehicular access through the site, with 2 no. short cul-de-sacs leading off this accessway to provide access to the easternmost dwellings. The application includes a State 1 Road Safety Audit and a DMURS Statement of Consistency (included as appendices to the Transportation Assessment Report). I am satisfied that the proposed development has been designed having appropriate regard to DMURS. Having regard to the foregoing, subject to the condition outlined above, it is my view that the proposed development will not endanger public safety by reason of traffic hazard and that a good quality and safe street environment will be provided for residents of the proposed development.

- 7.6.3. The first party appellant has requested that Condition No. 1 be amended/reversion to the originally lodged proposal. Although the reasoning for such an amendment provided by the first party pertains to density, this amendment would have consequences for the access arrangements for the development which require consideration. Upon review of the originally lodged plans, I would share the concerns expressed by the Planning Authority's Transportation Planning Section regarding the one-way loop, in particular regarding vehicles going the wrong way into/out of the exit and entrance points due to confusion among visitors/shortcut seeking among residents. An argument could be made for addressing this particular matter through the introduction of signage/traffic control measures etc. by way of condition, thus restricting the flow of two-way traffic. However, even with signage/traffic calming measures opportunity would still exist for traffic conflicts and given a suitable 2-way traffic solution involving 1 no. access/egress point to Sandyford Road is capable of being easily accommodated (with limited or no disruption to the scheme), as demonstrated in the FI Stage plans submitted, I do not think such conditions are merited in this instance. Further to this, the size of the proposed development does not warrant the provision of 2 no. two-way vehicular accesses off Sandyford Road, with a reduction in the no. of access points off roads generally encouraged in infill schemes such as this which involve the amalgamation of sites. Therefore, having regard to the foregoing (as well as amenity concerns discussed in the preceding section of this report), it is recommended that the first party appellants requested amendments to Condition No. 1 be refused in this instance.
- 7.6.4. There is one further matter that requires consideration in the context of the proposed development's access arrangements – the proposed pedestrian/cycle path. This

requires consideration in the context of the planned road upgrades and claims made by the third party appellants regarding public realm improvements. As previously discussed, the buildings proposed adjacent to the site's western boundary adopt generous setbacks from the Sandyford Road frontage and the space featuring within the intervening space is to accommodate a shared pedestrian/cycle lane which it is envisaged will tie in with the Cul Cuille development located to the immediate north. Sandyford Road/R117 is subject to a six-year roads objective/traffic management/active travel upgrades outlined in the Dun Laoghaire Rathdown County Development Plan 2022-2028. I welcome the improvements to pedestrian/cyclist movement adopted in the context of subject proposal and consider this aspect of the proposed development to be consistent with the vision outlined for Sandyford Road in the context of the six year roads objective/traffic management/active travel upgrades, more specifically the Blackglen Road / Harold's Grange Road Improvement Scheme. I think FI Stage Drawing No. NRB-RFI-003, prepared by NRB Consulting Engineers, which overlays the subject proposal and the drawings provided by the Planning Authority regarding their proposed upgrades, is indicative of this. Following receipt of the FI Stage plans, initial minor concerns raised by the Transportation Planning Section regarding this matter (in particular conflicts with the Planning Authority plans for this section of road) were considered to have been satisfactorily addressed. Given the exact details of the Planning Authority's proposed upgrade works to this section of Sandyford Road have yet to be finalised, it is recommended that a condition be attached requiring the proposed development's frontage to Sandyford Road be agreed upon with the Planning Authority.

- 7.6.5. The third party appellants claim that the proposal relies on aging infrastructure requiring upgrading and which would be made unsafe by these proposals. It is therefore contended that the proposal is contrary to Policy Objectives PHP37: 'Public Realm Design', PHP38: 'Public Realm Offering', T12: 'Footways and Pedestrian Routes' and GIB14: 'Public Rights-of-Way'; and Section 12.3.4.1 'Roads and Footpath Requirements' of the current Development Plan. This claim is refuted by the first party appellant who have provided a discussion (in Table 2.2 featuring at page 6) on how the proposed development does in fact comply with the policies/section referenced. I am satisfied that the proposed development complies with Policy Objectives PHP37, PHP38 and T12, as the removal of the existing wall/vegetation and introduction of a

new pedestrian/cycle path, open space areas and residential buildings providing passive surveillance along the Sandyford Road frontage will enhance the public realm. Further to this, the proposed pedestrian/cycle path ties in with existing such infrastructure to the north thus improving the County's footway/pedestrian route network. In the context of Section 12.3.4.1, as stated earlier appropriate regard has been had to DMURS in the designing of this scheme. As previously discussed, a condition is recommended for inclusion on the Board's Order requiring revised vehicular entrance layout drawings/details be submitted which prioritise pedestrian and cyclist movements over infrequent large vehicle movements. Subject to this amendment, I am satisfied that the proposal will satisfy Section 12.3.4.1 requirements in the context of safety/convenience pedestrians and cyclists. I would not consider Policy Objective GIB14 to be of relevance in this instance given the subject site does not feature a public right-of-way currently and there does not seem to be any in immediate or close proximity to the subject site.

- 7.6.6. With regards to traffic generation arising from the proposed development, I note that the Transportation Assessment Report (TAR), prepared by NRB Consulting Engineers, accompanying the application considers the potential impact of vehicular traffic associated with the proposed development. It was informed by traffic generation estimates for the subject development (prepared using TRICS software), as well as traffic turning movement surveys of applicable nearby junctions (undertaken in March 2024), including: - Sandyford Road/Bother Ath an Ghainimh, Sandyford Road/Kilcross Road and Enniskerry Road/Blackglen Road/Hillcrest Road. In carrying out their assessment, NRB Consulting Engineers firstly ascertained the base conditions for both the weekday AM and weekday PM Commuter Peak period and then applied TII-recommended annual traffic growth factors to calculate opening and design year traffic conditions. I am satisfied with the approach taken in this regard. This assessment concluded that *'the proposed Development will have an absolutely negligible impact upon the established local traffic conditions and can easily be accommodated on the road network without any capacity concerns arising'*. Dun Laoghaire Rathdown County Council's Transportation Planning Section have reported no objection to the proposed development in the context of traffic generation. Similarly, Transport Infrastructure Ireland have raised no issues of concern. This is important as, although the development is not on a national route, Sandyford Road feeds traffic into the



surrounding regional road network which in turn feeds into the Junction 14 Interchange on the M50, to the north-east of the subject site. Upon review of the information submitted with the application, I am satisfied that the traffic that would be likely to be generated by the proposal would be capable of being accommodated on Sandyford Road and would not have an unreasonable impact on nearby junctions. In my view, there is sufficient capacity to accommodate the proposed development, and I am satisfied that significant traffic congestion or risks to road safety in the wider area would not be likely to arise from the proposed development.

### Parking

#### FI Stage Proposal

- 7.6.7. The material submitted with the FI response indicates that the proposed development will be served by 74 no. car parking spaces in total assigned in the following manner:
- 65 no. serving residents of the development, 7 no. serving visitors and 2 no. car share spaces.
- 7.6.8. Section 12.4.5.6 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 specifies maximum car parking provision rates for various development types, including residential developments. In the intervening period since the adoption of the Development Plan, the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) have been introduced. The Specific Planning Policy Requirement outlined in this document take precedence over conflicting Development Plan objectives. Specific Planning Policy Requirement 3 contained within these guidelines requires that in intermediate locations (defined as *'lands within 500-1,000 metres (i.e. 10-12 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services; and 500 metres (i.e. 6 minute walk) of a reasonably frequent (minimum 15 minute peak hour frequency) urban bus service'*), the maximum rate of car parking provision for residential development shall be 2 no. spaces per dwelling (which differs from the requirements specified in the Dun Laoghaire Rathdown County Development Plan 2022-2028). In the context of the subject development, this would equate to a maximum car parking provision of 134 no. car parking spaces.

- 7.6.9. The quantum of car parking spaces provided is less than the maximum car parking provision outlined in the Compact Settlement Guidelines. However, I am satisfied with the no. of spaces provided in this instance given the site does have access to no. of public transport services (albeit none of them constituting 'high frequency' as previously discussed); is in close proximity to no. of larger employment/service centres, including Sandyford Business Park and Dundrum Town Centre (a 5 minute cycle/25 minute walk and a 10 minute cycle/30 minute walk, respectively), as well as being immediately proximate to Sandyford Village; the pedestrian/cyclist improvements incorporated into the scheme; and the provision of 2 no. car share spaces within the development. Section 5.3.4 of the Compact Settlement Guidelines encourages a reduction in car parking ratios across all urban locations and outlines that proximity to urban centres, and not just transport options as alluded to in the wording of SPPR 3, should be taken into account when assessing the approach to car parking provision. Further to this, National Policy Objective 13 of the National Planning Framework which requires that *'in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected'*.
- 7.6.10. With regard to car parking allocation, on foot of the FI Request (which was informed by concerns held by the Transportation Planning Section) the applicant submitted an Indicative Car Parking Allocations Layout Plan, prepared by NRB Consulting Engineers. It allocated the proposed car parking spaces in the following manner: - 24 no. spaces serving the 13 no. houses proposed (2 no. per 3+ bedroom dwelling and 1 no. per 2-bedroom bungalow); 41 no. serving the 54 no. apartments proposed (equating to a car parking rate of 0.76 per apartment); 7 no. serving visitors of the development; and 2 no. car share spaces serving residents of the development/the surrounding area. Upon review of the plans accompanying the application, I am broadly satisfied that the proposed car parking spaces are appropriately sized and conveniently located proximate to the proposed apartments and dwellings. I also consider the location of car share spaces proposed generally (adjacent to the estate entrance/Sandyford Road frontage) to be appropriate, providing convenient access to

residents of the subject development and surrounding area more broadly. In terms of the car parking allocation specified, I note that the Planning Authority saw fit to include a condition (Condition No. 7(f)) requiring a revised car parking allocation layout be submitted/agreed with the Planning Authority (this was on foot of the report/recommendations of the Transportation Planning Section which sought the reallocation of the proposed 3 no. visitor car parking spaces adjacent to the houses as apartment residential parking and provision of a total of 5 no. car parking spaces adjacent to the apartments in one grouping, designated as apartment visitor car parking spaces). The Transportation Planning Section also recommended the reallocation of 2 no. visitor parking spaces to resident parking spaces by way of condition. Given the scattered nature of the visitor parking spaces proposed/the confusion this could cause for visitors to the scheme and the overprovision of visitor parking spaces provided (in the context of Development Plan requirements)/the resultant improvement to the car parking rate (0.8 per apartment), I think these amendments were merited in this. Therefore, it is recommended that conditions requiring these aforementioned amendments be attached to Board's Order moving forward.

7.6.11. In terms of cycle parking requirements, Section 12.4.6 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 specifies maximum bicycle parking provision rates also (these reflect the requirements specified in the 2023 Apartment Guidelines). In the intervening period since the adoption of the Development Plan, the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) have been introduced. The Specific Planning Policy Requirement outlined in this document take precedence over conflicting Development Plan objectives. Specific Planning Policy Requirement 4 contained therein outlines the following in terms of quantity of cycle parking: - for residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied (which differs to the requirements specified in the Dun Laoghaire Rathdown County Development Plan 2022-2028). Visitor cycle parking should also be provided. In the context of the subject development, this would equate to a requirement of 114 no. bicycle parking spaces to serve residents of the proposed apartments. The proposed apartments will be served by 136 no. bicycle parking spaces, including 4 no. cargo spaces, and 36 no. spaces

provided to serve visitors to the apartments/development, which exceeds the requirements outlined. From a qualitative perspective, the resident spaces serving the apartment blocks are provided within dedicated secure bicycle storage areas featuring at ground floor level and the visitor spaces are provided proximate to the apartment blocks/communal open space areas. These are considered to be appropriate locations in terms of shelter, accessibility and passive surveillance.

#### Originally Lodged Proposal

- 7.6.12. As previously discussed, the first party appellant has requested that Condition No. 1 be amended/reversion to the originally lodged proposal. In the context of parking, the originally lodged proposal was served by 77 no. car parking spaces, 2 no. set down areas, 4 no. motorcycle parking spaces and 178 no. bicycle parking spaces. The no. provided was similar to that in the FI Stage plans. Although considered to be generally appropriate in terms of quantum, I note that the Planning Authority's Transportation Planning Section raised concerns regarding the following aspects of parking provision:
- the proximity of the disabled car parking spaces to the apartment blocks; the absence of car club vehicles/parking spaces; the proximity of the motorcycle parking spaces to the apartment blocks; and the double stacked nature of the cycle parking proposed.
- Although as previously discussed, I am recommending that the first party appellants requested amendments to Condition No. 1 be refused in this instance, I am satisfied that these matters could be dealt with by way of condition were the Board inclined to grant the first party appellants request in relation to Condition No. 1.

### **7.7. Open Space, Tree Removal and Ecology/Biodiversity**

#### Open Space Provision

- 7.7.1. Section 12.8.3.1 of the Dun Laoghaire Rathdown Development Plan 2022-2028 requires that, in the context of new residential developments in existing built up areas, 15% of the site area be reserved for public open space provision. It goes on to acknowledge that in certain instances, for example in the context of high density urban schemes and/or smaller urban infill schemes, it may not be possible to provide this standard of public open space and instead a development contribution will be sought. The proposed development is devoid of public open space. On foot of residential amenity concerns/aspirations regarding public open space provision, the Planning Authority saw fit to include Condition No. 2 requiring the omission of the 2 no. dwellings

proposed adjacent to the site's eastern boundary/their replacement with a public open space area. The appeal received from the first party seeks the removal of this condition, the applicant arguing that the provision of such an area of public open space is not suitable given it would be to the rear of the site setback from the street frontage and that the two houses to be removed play an important role in creating a streetscape within the scheme. Third party observers contend that the applicable area would be better utilised as an open space area and the third party appellants contend that, in failing to provide an area of public open space, the proposed development materially contravenes the current Development Plan in this regard.

- 7.7.2. While I note third party concerns regarding the lack of public open space/the aspirations of the Planning Authority, I consider that the development will make a satisfactory contribution to the public realm irrespective of the absence of a public open space area and that such an absence is appropriate given the limited size of the subject site, the extensive public open space featuring in the wider area (a substantial public amenity area featuring immediately west at Fitzsimons Wood) and the generous communal open space areas featuring within the development. With regards to public realm contribution, the proposed development provides an improved frontage to Sandyford Road, with new pedestrian/cycle paths provided along the sites western site boundary which extend northwards and connect to Cul Cuille. This improves permeability within in the wider area, as well as creating a more direct connection to Sandyford Village to the north-east. Therefore, the non-provision of public open space is considered acceptable in this instance. With specific regard to Condition No. 2, I would agree with the first party appellant that the provision of an area of public open space adjacent to the site's eastern boundary is unsuitable due to the separation distance of the applicable area from the Sandyford Road frontage. Further to this, I think the applicable area would make a limited contribution in terms of amenity due to its limited size/depth.
- 7.7.3. With regards to arguments made regarding material contravention, given that the development plan provides for a development contribution in lieu of open space provision in certain instances, I do not consider that the proposal materially contravenes the development plan in this respect.
- 7.7.4. In light of the above discussion, the inclusion of Condition No. 2 is not merited in this instance, and it is instead recommended that the Board attach a suitably worded

condition requiring payment of a financial contribution in lieu of public open space provision, in accordance with the Dún Laoghaire Rathdown County Council Development Contribution Scheme 2023-2028. It is noted that in the context of development contributions more broadly, the proposed Part V units to be provided as part of the development fall under the exemptions listed in the development contribution scheme and the subject site is located within the applicable catchment area relating to the Section 49 Supplementary Development Contribution Schemes (LUAS Line B1).

- 7.7.5. The appropriateness of communal amenity space provided as part of the proposed development has been considered previously in Section 7.5 of this report.

#### Tree Removal

- 7.7.6. The subject site features a no. of existing trees/vegetation, in particular the site's northern and southern boundaries feature heavy tree planting. The third party appellants contend that the proposal, more specifically the tree/hedgerow removal required to facilitate it, materially contravenes the current Development Plan – specifically Policy Objectives GIB25: Hedgerows and OSR7: Trees, Woodland and Forestry and Sections 12.7.3. (Sensitive Landscape and Site Features) and 12.8.1 (Existing Trees and Hedgerows). Policy Objective GIB25 and Section 12.8.11 both encourage the retention of existing hedgerows and their incorporation into the design of new developments, as far as practicable; and Policy Objective OSR7 looks to implement the objectives/policies of the Tree Policy and the forthcoming Tree Strategy and to ensure that the tree cover in the County is managed. Based on the wording of these policy objectives/this section retention is not a mandatory requirement (and in turn the proposal does not constitute a material contravention of the same) but rather the appropriateness of the proposed hedgerow/tree removal and retention must be considered in the context of new developments. I do not consider Sections 12.7.3 to be entirely relevant for consideration in the context of the subject urban site as it pertains to the County's rural or sensitive open areas.
- 7.7.7. The application was accompanied by an Arboricultural Report, prepared by The Tree File Ltd. A total of 41 no. trees and tree groups/hedges were surveyed in 2022 and May 2024. In the context of the trees and tree groups/hedges featuring on the site, it was proposed to remove 40 no. trees and tree groups/hedges to facilitate the

development and/or due to their poor condition/invasive nature. As illustrated/detailed in the Landscape Masterplan/Schedule of Proposed Tree Planting contained therein and the Design Rationale – Landscape Architecture (both prepared by Griffin Landscape Architecture), submitted with the application, it was proposed to plant 83 no. additional trees as part of the subject proposal<sup>2</sup>. Upon review of the as lodged material, the Parks and Landscape Services Department expressed some concerns regarding the extent of tree/hedgerow removal proposed. In particular, the removal of Eucalyptus globulus (Blue gum) tree No. 318, the Eucalyptus globulus (Blue gum) tree No. 366 and the Acacia dealbata (Mimosa) tree No. 368. They recommended that the applicant be requested to re-design the site layout to propose no development/building in the RPA of Tree No. 366, ideally retain Trees No. 318 and 368 and removed the smaller open space/incorporate it into a larger open space that encompasses the RPA of Tree No. 366. Item 5 of the Planning Authority's FI Request requested the submission of revised proposals/the addressing of the items of concern raised by the Parks Department. The amended proposal submitted at FI Stage facilitated the retention of Tree No. 368, with the updated plans illustrating a new planting buffer around this tree to further settle it into the proposed design. As discussed in applicant's submission, the retention of Trees No. 366 and 318 could not be facilitated as their retention would significantly constrain development and have a substantial impact on the overall site layout. Instead, the proposed planting strategy introduced a new, predominantly native selection of trees of various sizes to compensate for the removal of existing trees and assist the new development blend more naturally into its surrounding environment, enhancing the landscape and supporting local biodiversity.

- 7.7.8. I note that there are no special designations pertaining to the site and no Tree Preservation Orders under the Planning and Development Act, 2000 (as amended), applying to the subject site. Further to this, the Arboricultural Report submitted with the application shows that none of the trees being removed are classified as 'Category A' trees, the majority of the trees being removed comprising Category 'C' and 'U' trees. Based on the arboricultural material submitted with the application, the absence of tree-specific objectives/orders applying, the subject site lying outside of the important green infrastructure links identified in the Green Infrastructure Strategy Maps, the

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<sup>2</sup> A slight discrepancy exists between the Landscape Masterplan and Design Rationale – Landscape Architecture submitted, which detail the planting of 83 no. and 84 no. trees, respectively.

supplementary planting put forward in landscape proposals and my own site visit, I am satisfied that the level of tree loss required to facilitate the proposed development is acceptable in this instance. Having compared the plans and the Tree Impact Plan accompanying the application, I would concur with the applicants argument that the existing trees/hedgerows on site are very restrictive in terms of re-developing the subject site. While the extent of tree removal proposed is regrettable, the Development Plans policies/objectives regarding tree/hedgerow retention require balancing against other Development Plan policies/objectives encouraging infill and compact development/densification of existing urban areas, as well as national and regional planning policy encouraging the same, particularly in light the national housing crisis we are currently facing.

#### Ecology/Biodiversity

- 7.7.9. The application was accompanied by an Ecological Impact Assessment Report (EclAR), prepared by Enviroguide. This assessment was informed by habitat, fauna and bird surveys carried out at the development site on 23<sup>rd</sup> April 2024 and bird surveys carried out at the development site on 23<sup>rd</sup> April and 28<sup>th</sup> May 2024. I have had regard to the contents of this document, as well as observations made while on site, in considering ecology/biodiversity in the context of the proposed development.
- 7.7.10. The receiving environment is discussed in Section 4 of the EclAR. The habitats encountered and identified at the site comprise Buildings and Artificial Surfaces, Stone Walls and Other Stonework, Hedgerows, Treelines, Dry Meadows and Grassy Verges, Ornamental/Non-native Shrub and Areas of Spoil and Bare Ground. Table 10 of the EclA provides an evaluation of the habitats present on site and identifies them as being of local importance. No rare or protected flora were observed on site during the surveys conducted. With regards to invasive species, Cherry laurel (High Impact invasive species), rhododendron (High Impact invasive species), giant rhubarb (High Impact invasive species), Monbretia (Low Impact invasive species) and arrow bamboo (non-native) were found on site. Fitzsimon's Wood (proposed Natural Heritage Area (pNHA) 001753) is located 0.1km to the west of the subject site. It is considered to be of ecological importance as birch woodland is rare in Dublin, and Badger and Sika Deer, both of which are protected under the Wildlife (Amendments) Act, 2000, have been recorded there.



7.7.11. Section 4.4 of the report deals specifically with bats, birds and fauna more broadly. I am satisfied that bats, along with birds/other protected species, have been appropriately surveyed/considered during preparation of the subject application. With regards to potential bat roost features, the mature trees within the treelines on site, along with the buildings on site, were found to have Negligible bat roost potential. With regards to bat foraging and commuting, the treelines within the site were considered to offer Moderate foraging and commuting suitability to bats and may act as ecological corridors, however there is limited connectivity of the site with the surrounding landscape due to the relative lack of vegetation in the immediately surrounding area. Turning our attention to birds. The bird scoping survey conducted recorded 9 no. bird species (detailed in Table 8), including 3 no. amber listed (goldcrest (*Regulus regulus*), house sparrow (*Passer domesticus*), herring gull (*Larus argentatus*)). No red listed species were recorded on site during the scoping survey. With regards to fauna more broadly, no evidence of rare or protected mammals was recorded on site. The treeline, hedgerow, shrub and grassland habitats offer commuting, foraging, and nesting habitat for a no. of small local mammals ((detailed in Table 9). Due to the level of human activity on site, it is unlikely it would be utilised by local badgers for sett creation. Two adult foxes (*Vulpes vulpes*) and one cub were recorded commuting through the site, however no dens were recorded on site. No evidence of any amphibians was recorded on or within the vicinity of the site, and no suitable breeding habitat was recorded within the site.

7.7.12. There is potential for negative impacts on mammals and birds at the site during construction due to disturbance and loss of foraging/nesting habitat. Further to this, although there is no hydrological connection between the site and the Fitzsimon's Wood pNHA, potential impacts may arise from emissions of noise, dust, pollutants and/or vibrations produced during the construction phase. Construction management measures are to be implemented to minimise impacts on bats, birds and fauna, as well as potential impacts on Fitzsimon's Wood pNHA, including avoidance of tree removal during nesting season and measures to reduce/avoid dust, noise and light related impacts. These are outlined in Section 6 of the report. In terms of the operational phase, there is some potential for the increase in lighting/noise at the site to negatively impact on bats, as well as small mammals, during the operational phase. Potential impacts also exist in the context of the Fitzsimon's Wood pNHA. Embedded design

features, such as green roofs, attenuation tanks, fuel interceptors etc. have been adopted in the context of the proposed development which may act to avoid or mitigate negative impacts that would likely occur in the absence of these features. Further to this, mitigation measures have been outlined in the context of the operational phase in Section 6, these include the adoption of bat-friendly lighting. Once operational, the proposed landscaping will include planting of native flora and protecting pollinators, which will provide additional food for birds and bats at the site. Further to this, biodiversity enhancement features, such as bat boxes and swift boxes/bricks, are to be incorporated into the development. Table 15, contained within the EclAR, outlines monitoring and pre-works inspections during the Construction Phase, as well as any surveys that should be completed during the Operational Phase. It is recommended that a condition be attached to any Board Order granting permission requiring implementation of the mitigation and monitoring measures outlined in the EclAR, as well as the Construction Environmental Management Plan. The EclAR provides details of proposed invasive species removal by physical and chemical control methods, according to best practice guidelines. A condition requiring an Invasive Species Management Plan is also recommended for inclusion on the Board's Order should permission be granted.

- 7.7.13. Section 5.5 of the EclAR considers potential cumulative impacts on flora and fauna with regard to recently permitted developments in the immediate surrounding area and in the wider area. The planning applications pertaining to these recently permitted developments were all accompanied by the relevant environmental assessments that detail the potential impacts and the mitigation measures required to ensure the developments do not have a significant effect on local biodiversity, alone or in-combination with other developments. The EclAR concludes that there is no potential for the proposed development to act in-combination with other permitted developments in the vicinity that could cause likely significant effects on any nearby or linked Key Environmental Receptors. Residual impacts were considered in Section 8 of the EclAR. In this regard, the EclAR concluded that *'provided all recommended measures are implemented in full and remain effective throughout the lifetime of the proposed development, no significant negative residual impacts on the local ecology, or on any designated nature conservation sites, will occur as a result of the proposed development'*.

7.7.14. To conclude, I am satisfied that the development will not result in any significant adverse impacts on flora, fauna, biodiversity or pNHAs in the local area, subject to the implementation of the proposed construction management measures, other mitigation/monitoring measures and physical/chemical control methods in the context of invasive species. Implementation of the same will be required by way of condition, as discussed above.

## **7.8. Other Matters**

7.8.1. *Childcare Provision* - Concerns were expressed by the third party appellants regarding the lack of a childcare facility within the proposed development and the applicants failure to justify the non-provision of the same. The Planning Guidelines for Childcare Facilities (2001) requires one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units. The Apartment Guidelines, 2023, provide some further guidance in this regard. They state that the threshold for provision of childcare in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. By way of clarification it states that 1 bed or studio units should generally not be considered to contribute to a requirement for childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms. The proposal does not include provision for a childcare facility. This is considered appropriate in this instance given the no. of 2 + bedroom apartments/dwellings proposed falls below the 75-unit threshold in the context of both the FI stage and originally lodged proposals (featuring 59 no. 2 + bedroom apartments/dwellings and 64 no. 2 + bedroom apartments/dwellings, respectively). Further to this, given the sub-threshold nature of both proposals, I do not consider the submission of a Childcare Needs Assessment to have been necessary in this instance. It is noted that the previous SHD development referenced by the third party appellants, in the context of the need for such an assessment to be provided, involved 137 no. apartments which was well in excess of the 75-unit threshold.

7.8.2. *Climate Change* – The third party appellants contend that the planning application includes no detailed assessment of the impacts of climate change and made no provision for their impacts. They contend that the submitted Climate Action Energy Statement does not discharge the obligation in Section 12.9.6 and so the planning

application is a material contravention of the current Development Plan. Section 12.9.6 requires, among other things that applications for developments of 50+ residential units or  $\geq 1000\text{sq.m.}$  commercial shall include an assessment of the impacts of climate change on their development and make provision for these impacts - particularly relating to drainage design, waste management, and energy use. In response to the claim made regarding the adequacy of the submitted Climate Action Energy Statement, the first party notes that the Development Plan, Section 12.9.6 in particular, does not state what format such an assessment must take, nor does it specify exact contents. The first party response to third party appeals also includes a breakdown of where climate change impacts were considered in the submitted in the planning application material, including the Planning Report, Engineering Services Report, Flood Risk Assessment, Resource & Management Plan and Operational Waste Management Plan, as well as the Climate Action Energy Statement. I would agree with the first party appellant regarding the absence of a prescriptive format such an assessment must take. Upon review of the aforementioned documents, I am satisfied that appropriate regard has been had to climate change in the context of the proposed development, consistent with the requirements of the Development Plan as well as national planning policy including the Climate Action Plan 2024, and that a material contravention has not occurred in this instance.

- 7.8.3. *Construction Impacts/Inadequacy of the Construction and Environmental Management Plan and Noise Impact Assessment* – The third party appellants argue that in coming to their decision, the Planning Authority has not had appropriate regard to the potential impacts on neighboring properties arising from construction and resultant vibration and noise, particularly rock breaking, and that the Construction and Environmental Management Plan and Noise Impact Assessment submitted fail to comply with Section 12.9.4 Construction Management Plans, Section 12.9.2 Noise Solution and Noise Nuisance and Section 12.9.3 Noise, Odour and vibration Generating Uses of the current Development Plan. In response to the claims made regarding non-compliance with the aforementioned sections of the Development Plan, the first party response to third party appeals includes a breakdown (in Table 2.4 and on page 31) of where each matter outlined in Sections 12.9.2 and 12.9.4 have been addressed within these documents (Section 12.9.3, which relates to operational considerations of noise, odour and vibration, considered to be irrelevant in this

instance given the residential nature of the proposal). With specific regard to concerns regarding rock breaking, the Board's is directed to the detailed Rock Breaking Noise Management Plan submitted in response to the FI request. In my view, the aforementioned documents submitted are broadly acceptable in terms of scope and mitigation measures. While there is potential for significant noise/vibration impacts during construction at nearby sensitive locations, as would be the case for any development of these zoned and serviced lands, to refuse the development purely on these grounds would be disproportionate. Such impacts would be short term in nature and I am satisfied overall that impacts predicted to arise in relation to construction, noise, vibration etc. would be avoided, managed and mitigated by the measures which form part of the proposed scheme, through good construction management and practice, the proposed mitigation measures and through suitable conditions. I am satisfied that, subject to the implementation of a detailed Construction and Environmental Management Plan, Construction Noise Management Plan and Rock Breaking Noise Management Plan, which may be required by condition if permission is granted, as well as monitoring of the excavation and construction phases, the excavation and construction phases of the development would not have any significant adverse impacts on residential amenities.

## **8.0 Environmental Impact Assessment Screening**

- 8.1. Third party appellants contend that the Planning Authority have not properly interrogated and/or assessed issues pertaining to the EIA Directive, in particular the effect of the proposed development on loss of hedgerows/trees, demolition of the two dwellings, impacts on bats/biodiversity, and the cumulative effect of the scheme when added to existing permissions in the area when the total traffic in the area and wastewater from the area are combined and assessed. In responses to these claims, the first party response to third party appeals notes that the proposed development was subject to a 'Preliminary Examination' by the Council as detailed in the Planners Report. Although it did not make specific reference to cumulative or in-combination effects, the approach adopted by the Council was correct (having followed the guidance contained in OPR Practice Note PN02 – Environmental Impact Assessment Screening and the general content/structure set out as 'Form 2' contained therein).

Further to this, cumulative impacts were considered and assessed in Section 4.3.3.14 of the EIA Screening Report accompanying the planning application.

- 8.2. This application was submitted to the Board after the 1<sup>st</sup> of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 8.3. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended), provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units; and
  - Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere ('business district' means a district within a city or town in which the predominant land use is retail or commercial use).
- 8.4. The site to which this appeal pertains is a greenfield site currently comprising 2 no. dwellings and associated gardens/areas of hardstanding. It is proposed to construct a maximum of 73 no. residential units, on this 0.905ha site in the south Dublin suburb of Dublin 18 in close proximity to Sandyford village. Therefore, it is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations, 2001 (as amended), in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).
- 8.5. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended) provides that an EIA is required for: *"any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."* For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

- 8.6. The application addresses the issue of EIA within an EIA Screening Report, prepared by Enviroguide, submitted with the application. This EIA Screening Report contains information provided in line with Schedule 7A of the Planning and Development Regulations, 2001 (as amended). The information provided in the EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. I have had regard to same in this screening assessment. I have also had regard to the reports submitted with the application, which address a variety of environmental issues and the environmental impacts of the proposed development.
- 8.7. I have completed an EIA screening assessment as set out in Appendix 2 of this report. 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, and the location of the proposed development outside of the designated archaeological protection zone;
    - (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 submitted by the applicant
  3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment
- 8.8. I have concluded that, by reason of the nature, scale and location of the subject site proposed in conjunction with the environmental sensitivity of the geographical area, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an Environmental Impact Assessment Report for the proposed development is not necessary in this case. In the context of the matters raised by the third party appellants, in reaching this conclusion I have had due regard to the developments permitted/under construction in the vicinity

and potential for cumulative impacts arising from the same in combination with the subject proposal. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## **9.0 Appropriate Assessment Screening**

- 9.1. I have considered the proposed residential development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The application included an Appropriate Assessment Screening Report, prepared by Enviroguide, which considered the proposed development's potential impact on European sites. I have had regard to the contents of said report in carrying out this screening exercise. The third party appellants challenge the Planning Authority's assessment of the said report, more specifically their deduction that the conclusions therein are correct on the basis that in combination and/or cumulative impacts arising from development in this area, which has placed significant demands on wastewater infrastructure, have not been considered. In the context of this challenge, the first party response to third party appeals draws the Board's attention to the Appropriate Assessment Screening Report accompanying the application which considers, among other things, in-combination effects.

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

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



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

9.4. Full details of my assessment are provided in Appendix 3 attached to this report.

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

## 10.0 Recommendation

10.1. Having regard to the foregoing, it is recommended that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out overleaf.

## 11.0 Reasons and Considerations

Having regard to the zoning objective applying to the site in the Dun Laoghaire Rathdown County Development Plan 2022–2028, the layout of the proposed development, the nature, scale and design of the proposed development relative to adjoining dwellings and the pattern of existing and approved development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development, would represent an acceptable height and design for the site, would be acceptable in terms of the amenities of adjoining properties, would not seriously injure the visual amenities or character of the area and would be acceptable in terms of traffic and road safety; and would comply with local, regional and national planning policy, including the Dun Laoghaire Rathdown County Development Plan 2022–2028, the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023) and the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 12<sup>th</sup> September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The final layout and specifications for the following shall be agreed with the Planning Authority in writing prior to commencement of development:
  - (a) Details of the cycle/pedestrian path and frontage to Sandyford Road.
  - (b) Details of the vehicular entrance layout. Pedestrian and cyclist movements are to be prioritised over vehicle movements.
  - (c) Details of the cycle/pedestrian link to the Cul Cuille estate.
  - (d) Details of car parking allocation for the development. This plan should accommodate a total of 5 no. visitor car parking spaces.

**Reason:** In the interests of permeability, sustainable transport, community safety, residential amenity and orderly development.

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

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

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

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

5. Final details of all proposed site boundary treatments and details of tree protection measures for trees at adjoining sites shall be agreed in writing with the Planning Authority prior to the commencement of development.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

6. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.  
  
(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

7. The Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment Report and Noise Impact Assessment, submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

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

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

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

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

10. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of

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

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

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

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

12. The construction of the development shall be managed in accordance with a final project Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the construction practice for the development, including:

- a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse;
- b) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;
- c) Details of on-site car parking facilities for site workers during the course of construction;

- d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- e) Measures to obviate queuing of construction traffic on the adjoining road network;
- f) Details of construction phase mobility strategy, incorporating onsite mobility provisions;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;
- n) An Invasive Species Management Plan;
- o) A Construction Noise Management Plan; and

p) A Rock Breaking Noise Management Plan.

A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

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

13. Each residential unit shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

**Reason:** In the interests of sustainable development and proper planning.

14. The apartments shall not be used for any short-term residential letting.

**Reason:** In the interests of the proper planning and sustainable development of the area.

15. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

16. The Mobility Management Plan submitted with the application shall be implemented by the management company for all units within the development.

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

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

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

18. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking

spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

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

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

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

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

21. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, shall comply with the requirements of the Planning Authority for such works and services.

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

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

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

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and section 96(2) and (3) (Part



V) of the Planning and Development Act, 2000 (as amended), unless an exemption certificate shall have been applied for and been granted under Section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

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

25. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development,

coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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

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

28. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under Section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such

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

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission

29. The developer shall pay to the planning authority a financial contribution as a contribution in lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority which is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under section 48 of the Planning & Development Act, 2000 (as amended). The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.

**Reason:** In the event of a shortfall in the provision of public open space it is a requirement of the Planning & Development Act, 2000 (as amended), that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act (as amended) be applied to the permission.

*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

---

Margaret Commane  
Planning Inspector

5<sup>th</sup> February 2025

# Appendix 1 - Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-321220-24		
<b>Proposed Development Summary</b>	Demolition of buildings, construction of a residential development comprising 13 houses and 60 apartments and all associated works.		
<b>Development Address</b>	Karuna and Glenina, Sandyford Road, Dublin 18, D18 C2H6 & D18 X5T7		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	✓	
	<b>No</b>		
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Class 10(b)(i)(iv) - Infrastructure Projects	Proceed to Q3.
<b>No</b>			No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	Applicable thresholds are: > 500 homes > 10 hectares  The proposal involves a maximum of 73 no. dwellings on a 0.905ha site.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Screening determination remains as above (Q1 to Q4)
Yes	✓	Screening Determination required

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

## Appendix 2 - Form 3

### EIA Screening Determination

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	ABP-321220-24	
<b>Development Summary</b>	Demolition of buildings, construction of a residential development comprising 13 houses and 60 apartments and all associated works.	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
1. Was a Screening Determination carried out by the PA?	Yes	The PA was satisfied that the proposed development is not likely to have significant effects on the environment and it considered that EIA and the preparation of an EIAR was not required for this project.
2. Has Schedule 7A information been submitted?	Yes	An EIA Screening Report is submitted with the application which includes Schedule 7A information.
3. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report is submitted with the application which includes information regarding proximate European sites.
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?	No	
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	Yes	<p>The following were submitted with the application:</p> <ul style="list-style-type: none"> <li>• An Ecological Impact Assessment Report.</li> <li>• A Flood Risk Assessment Report.</li> <li>• A Resource &amp; Waste Management Plan.</li> <li>• A Construction Environmental Management Plan.</li> <li>• An Operational Waste Management Plan.</li> </ul>

		SEA and AA were undertaken by the planning authority in respect of the Dun Laoghaire Rathdown County Development Plan 2022-2028.
<b>B. EXAMINATION</b>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<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?	The development comprises demolition of existing buildings and the construction a residential development on zoned/serviced lands in an existing urban area. From an environmental perspective, the nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	No
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	The proposed development will require demolition of existing buildings and site excavations to facilitate construction of the new development. There are no substantive waterbodies on the subject site. The Carrickmines Stream features to the east, c. 13 metres from the eastern boundary in the adjacent Coolkill and Sandyford Downs housing estates. There are limited excavation works proposed and the proposed development adopts a generous separation distance from this stream so it is not anticipated that any negative impacts will result.	No
<b>1.3</b> Will construction or operation of the project use	Construction materials will be typical of such urban development. The loss of	No

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



due to water contamination or air pollution?	in nature and the application of standard measures within a CEMP and a CDWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services.	
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding as previously discussed. There are no Seveso / COMAH sites in the vicinity of this location.	
<b>1.10</b> Will the project affect the social environment (population, employment)	Population of this urban area would increase. This is in accordance with the Core Strategy outlined in the Dun Laoghaire Rathdown Development Plan 2022–2028. Housing would be provided to meet existing demand in the area.	No
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	<p>This is a stand-alone development on a greenfield development located in an established urban area. As detailed in Sections 4.2 and 4.3 of this report, planning permission has been granted for (in summary) the construction of c. 270 additional dwellings (on foot of ABP Ref. ABP-312990-22, ABP Ref. ABP-302954-18, Reg. Ref. D23A/0456 (which is the subject of an appeal) and ABP Ref. ABP-313321-22) on sites in the vicinity of the subject site. Given the nature and combined scale of development proposed across these and the subject site and the existing urban context of the area, it is not envisaged that significant cumulative environmental effects would occur.</p> <p>It is noted that the Dun Laoghaire Rathdown County Development Plan 2022-2028, which applied a residential zoning objective on the subject site as well as the surrounding sites, was subject to Strategic Environmental Assessment (SEA). I also note that the abovementioned applicants were the subject of their own individual environmental assessment and were considered appropriate by the Planning Authority/Board. Combined with the subject development, the resultant</p>	No

	dwelling total falls considerably short of the 500-unit threshold previously outlined.	
<b>2. Location of proposed development</b>		
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <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> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	<p>Sensitive ecological sites are not located on site. Annex II habitats or habitat suitable for protected species, including plants, were not found on site during ecological surveys. The subject site is located immediately adjacent to Fitzsimons Wood pNHA. As discussed in Section 7.7 of this report, it is not envisaged that the proposed development will negatively impact on this site.</p> <p>The nearest European sites are listed in Section 9.0 of this report. The proposed development would not result in significant impacts on these sites.</p>	No
<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?</p>	<p>Existing habitats, flora and fauna (including protected species, such as bats) have been surveyed as part of the preparation of the submitted Ecological Impact Assessment Report. The submitted Ecological Impact Assessment Report did not raise any issues of concern. Mitigation measures are outlined therein in Section 6 to be adopted during construction/operation specific to habitats featuring on site. Biodiversity measures in the form of additional planting is anticipated to be of benefit to nesting and foraging birds.</p>	No
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>The site and surrounding area does not have a specific conservation status or landscape of particular importance and there are no Protected Structures or known archaeological sites on site or within immediate proximity of the subject site.</p>	No
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture,</p>	<p>No such features arise in this area.</p>	No

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?	The development will implement SUDS measures to control surface water run-off. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated. The site is not at risk of flooding as previously discussed.	No
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No risks are identified in this regard.	No
<b>2.7</b> Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by an existing urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.	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?	There are no such sensitive land uses adjacent to the subject site.	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>		
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	As detailed in Sections 4.2 and 4.3 of this report, planning permission has been granted for (in summary) the construction of c. 270 additional dwellings (on foot of ABP Ref. ABP-312990-22, ABP Ref. ABP-302954-18, Reg. Ref. D23A/0456 (which is the subject of an appeal) and ABP Ref. ABP-313321-22) on sites in the vicinity of the subject site. Given the nature and combined scale of development proposed across these and the subject site, it is not envisaged that significant cumulative environmental effects would occur.  Some cumulative traffic impacts may arise during construction. This would be subject to a Construction Traffic Management Plan.	No

<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No transboundary considerations arise	No
<b>3.3</b> Are there any other relevant considerations?	No	No

### C. CONCLUSION

<b>No real likelihood of significant effects on the environment.</b>	✓	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Required

### D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- The criteria set out in Schedule 7, in particular
  - the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure;
  - the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone;
  - 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);
- The results of other relevant assessments of the effects on the environment submitted by the applicant
- the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment

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 3

## Screening for Appropriate Assessment

### Screening for Appropriate Assessment Screening Determination

#### Description of the project

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

The subject site is located in Dublin 18 close to Sandyford Village. The subject site is described in more detail in Section 1.0 of this report. The site is urban in nature and has limited value in terms of ecology/biodiversity. The habitats featuring on the subject site are described in more detail in Section 7.7 of this report and the Ecological Impact Assessment Report provided by the applicant.

The site is located primarily within the Ovoca-Vartry catchment and the Dargle sub-catchment, however the north-western part of the site falls within the Liffey and Dublin Bay catchment and the Dodder sub-catchment. The closest watercourse to the site is the Carrickmines Stream, approximately 13 metres to the south-east, which flows into the Shanganagh River approximately 6.7km to the south-east and ultimately into Killiney Bay. The River Slang is located approximately 950 metres west of the site, and this watercourse flows into the River Dodder 4.6km north-west of the site, and ultimately into Dublin Bay.

The Natura 2000 sites located in closest proximity to the subject site are as follows:

- South Dublin Bay SAC (Site Code 000210) - 5km to the north-east.
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) - 5km to the north-east.
- Wicklow Mountains SAC (Site Code 002122) - 5km to the south.
- Wicklow Mountains SPA (Site Code 004040) – 5.1km to the south.
- Knocksink Wood SAC (Site Code 000725) – 6.2km to the south.
- North Bull Island SPA (Site Code 004006) - c. 6.8km to the north-east.
- Ballyman Glen SAC (Site Code 000713) – 7.8km to the south.
- Glenasmole Valley SAC (Site Code 001209) – 8.9km to the south-west.
- Dalkey Islands SPA (Site Code 004172) - 8.9 km to the north-east.
- Rockabill to Dalkey Island SAC (Site Code 003000) - 9.2 km to the east.
- North Dublin Bay SAC (Site Code 000206) - 10km to the north-east.
- North-West Irish Sea SPA (Site Code 004236) - 10km to the north-east.
- Bray Head SAC (Site Code 000714) - 12.2 km to the south-east.

The proposed development comprises demolition of 2 no. dwellings and associated structures featuring on site; construction of a maximum of 73 no. dwellings, accommodated in buildings ranging in height from 1-6 storeys; and all associated siteworks and services. It is proposed to connect to the existing Uisce Eireann water and wastewater services. Please refer to Section 2.0 of this report and the Appropriate Assessment Screening Report/other planning documents provided by the applicant for further details regarding the proposed development.

#### **Potential impact mechanisms from the project**

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

With regards to indirect impacts, potential impacts could include:

- Surface water pollution (silt/hydrocarbon/construction related) from construction works resulting in changes to environmental conditions such as water quality.
- Foul water from the development leading to increased loading on wastewater treatment plants.
- Ground water pollution - effects on groundwater dependent habitats.
- Habitat loss in the context of the abovementioned SPAs.
- Emissions release to land or air.

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

In applying the 'source-pathway-receptor' model, in respect of potential indirect effects, I would accept that the following sites can be screened out for further assessment at the preliminary stage based on a combination of factors (including being located upstream of the site, being located a considerable distance from the subject site and the absence of a hydrological connection): - Wicklow Mountains SAC, Wicklow Mountains SPA, Glenasmole Valley SAC, Knocksink Wood SAC, Ballyman Glen SAC, Bray Head SAC and Dalkey Islands SPA.

Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of the European Sites and their qualifying interests as summarised in the Table 1 overleaf. I am satisfied that no other European Sites fall within the possible zone of influence.

#### **European Sites at risk**

The site is not located within or adjacent to any European site and will not result in any direct loss of, or impact on, habitats in such sites.

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

- South Dublin Bay SAC (000210).
- South Dublin Bay and River Tolka Estuary SPA (004024).
- North Dublin Bay SAC (Site Code 000206).
- North Bull Island SPA (Site Code 004006).
- Rockabill to Dalkey Island SAC (Site Code 003000).
- North-West Irish Sea SPA (Site Code 004236).

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

<b>Table 1 European Sites at risk from impacts of the proposed project</b>			
<b>Effect mechanism</b>	<b>Impact pathway/Zone of influence</b>	<b>European Sites</b>	<b>Qualifying interest features at risk</b>
Surface water pollution	If pollutants generated on site reached the Carrickmines Stream, they would be carried south-east into the Shanganagh River and from there into Killiney Bay.	Rockabill to Dalkey Island SAC	<u>Rockabill to Dalkey Island SAC</u>  Reefs; and Phocoena phocoena
Foul water pollution	Foul water generated on site being discharged from Rinsend WwTP	South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, North Bull Island SPA & North-West Irish Sea SPA	<u>South Dublin Bay SAC</u>  Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; and Embryonic shifting dunes  <u>South Dublin Bay and River Tolka Estuary SPA</u>  Light-bellied Brent Goose; Oystercatcher; Ringed Plover; Grey Plover; Knot; Sanderling; Dunlin; Bar-tailed Godwit; Redshank; Black-headed Gull; Roseate Tern; Common Tern; Arctic Tern; Wetland and Waterbirds

			<p><u>North Dublin Bay SAC</u></p> <p>Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; Atlantic salt meadows; Mediterranean salt meadows; Embryonic shifting dunes; Shifting dunes along the shoreline with Ammophila arenaria; Fixed coastal dunes with herbaceous vegetation; Humid dune slacks; and Petalophyllum ralfsii</p> <p><u>North Bull Island SPA</u></p> <p>Light-bellied Brent Goose; Shelduck; Teal; Pintail; Shoveler; Oystercatcher; Golden Plover; Grey Plover; Knot; Sanderling; Dunlin; Black-tailed Godwit; Bar-tailed Godwit; Curlew; Redshank; Turnstone; Black-headed Gull; and Wetland and Waterbirds</p> <p><u>North-West Irish Sea SPA</u></p> <p>Red-throated Diver; Great Northern Diver; Fulmar; Manx Shearwater; Cormorant; Shag; Common Scoter; Little Gull; Black-headed Gull; Common Gull; Lesser Black-backed Gull; Herring Gull; Great Black-backed Gull; Kittiwake; Roseate Tern; Common Tern; Arctic Tern; Little Tern; Guillemot; Razorbill; and Puffin</p>
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The proposed development is not located within or immediately adjacent to any European sites. Therefore, there is no potential for direct habitat loss or alteration to occur as a result of the construction or operation of the proposed development.

In the context of surface water pollution, the Rockabill to Dalkey Island SAC covers coastal waters c. 9.7km downstream. However, this is not considered to be a feasible surface water pathway because the connection is extremely tenuous. The dilution capacity of intervening watercourse, as well as the coastal waters of Killiney Bay/the Irish Sea, would reduce any pollutants to negligible concentrations before they could affect the qualifying interests of any European sites. Ongoing regular monitoring and maintenance of drainage and the SuDS measures will be incorporated into the overall management strategy, at both construction and operational phases, to ensure that there are no impacts on water quality and quantity.

In the context of foul water pollution and potential impacts on the South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, North-West Irish Sea SPA, North Dublin Bay SAC and South Dublin Bay SAC arising from via discharges from Ringsend WwTP once



operational, I note that there is no direct hydrological pathway and dilution in the surface water network during heavy rainfall events is anticipated, which reduces the concentration and impact of potential contaminants. Further to this, the Ringsend Wastewater Treatment Plant is undergoing upgrade works that will increase its capacity from 1.6 million PE to 2.4 million PE, enhancing its ability to manage wastewater, as recorded on the Uisce Eireann report 'Works progress on the Ringsend Wastewater Treatment Plant Upgrade Project (2021).

The South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North-West Irish Sea SPA were designated to protect a range of overwintering birds that use Dublin Bay, including brent geese (in the context of the South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA). The site is considered unsuitable for any species associated with these SPAs for the following reasons:

- The distances from the site to the SPAs.
- The habitats featuring on site are unsuitable for brent geese or any other species associated with these SPAs whose primary habitats are coastal wetlands (e.g. mudflats). The habitats on site are of limited suitability for foraging wetland birds as the grasslands featuring on site are enclosed by treelines, hedgerows, and building and artificial surfaces. In addition, the development site is highly disturbed by human and domestic animal activity.

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

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

European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Yes/No)?	
		Surface water pollution	Foul water pollution
South Dublin Bay SAC			
Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; and Embryonic shifting dune	To maintain the favourable conservation condition	No	No
South Dublin Bay and River Tolka Estuary SPA			
Light-bellied Brent Goose; Oystercatcher; Ringed Plover; Knot; Sanderling; Dunlin; Bar-tailed Godwit;	To maintain the favourable conservation condition	No	No

Redshank; Black-headed Gull; Roseate Tern; Common Tern; Arctic Tern; and Wetland habitat;			
<b>North Dublin Bay SAC</b>			
Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; Atlantic salt meadows; Mediterranean salt meadows; Embryonic shifting dunes; Shifting dunes along the shoreline with Ammophila arenaria; Fixed coastal dunes with herbaceous vegetation; Humid dune slacks; and Petalophyllum ralfsii	To maintain or restore the favourable conservation condition	No	No
<b>North Bull Island SPA</b>			
Light-bellied Brent Goose; Shelduck; Teal; Pintail; Shoveler; Oystercatcher; Golden Plover; Grey Plover; Knot; Sanderling; Dunlin; Black-tailed Godwit; Bar-tailed Godwit; Curlew; Redshank; Turnstone; Black-headed Gull; and Wetland and Waterbirds	To maintain the favourable conservation condition	No	No
<b>Rockabill to Dalkey Island SAC</b>			
Reefs; and Phocoena phocoena	To maintain the favourable conservation condition	No	No
<b>North-West Irish Sea SPA</b>			
Red-throated Diver; Great Northern Diver; Fulmar; Manx Shearwater; Cormorant; Shag; Common Scoter; Little Gull; Black-headed Gull; Common Gull; Lesser Black-backed Gull; Herring Gull; Great Black-backed Gull; Kittiwake; Roseate Tern; Common Tern; Arctic Tern; Little Tern; Guillemot; Razorbill; and Puffin	To maintain or restore the favourable conservation condition	No	No

Taking into consideration the Qualifying Interests/Conservation Objectives of the applicable SACs/SPAs, the subject sites' distance from the same and the absence of a direct hydrological pathway or any other pathway or link to these conservation sites, as well as the site's suitability for SPA birds, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of SPAs/SACs outlined above. Further AA screening in-combination with other plans and projects is required.

I note that the AA Screening & EIAR Pre-Screening exercise carried out by Dun Laoghaire Rathdown County Council in preparing the Planner's Report, concluded that: - *"It is clear from the location and nature of the project that there will be no likely significant effects on a Natura 2000 site as there are no known direct pathways including hydrological /*

*hydrogeological links from the proposed development site to any of the Natura 2000 sites examined in this screening report.”*

**Likely significant effects on the European sites ‘in-combination with other plans and projects’**

Section 4.3 of the applicant’s Appropriate Assessment Screening Report has considered cumulative / in-combination impacts, including those arising from planning applications listed as granted or decision pending from within the last five years, local policies and plans and operation of Ringsend WwTP, and concluded that there is no possibility for any significant in-combination effects to European sites involving the proposed development.

I am satisfied with the conclusion reached in this regard and consider that the development would be unlikely to give rise to a significant effect individually or in combination with other plans or projects on any European site.

I note the development is on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such, the proposal will not generate significant demands on the existing municipal sewers for surface water and foul water. In preparing the Dun Laoghaire Rathdown County Development Plan 2022-2028, which zoned the subject site for residential development under the ‘A’ zoning objective, the Planning Authority carried out an Appropriate Assessment Screening and Stage 2 Appropriate Assessment. In this regard, they concluded that the Development Plans implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.

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

**Overall Conclusion - Screening Determination**

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

This conclusion is based on:

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

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

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