



An
Bord
Pleanála

Inspector's Report ABP-321419-24

Development	7 year planning permission for an LRD comprising demolition of existing buildings, construction of 523 residential units, a childcare facility and all associated site works. NIS & EIAR as part of application. (www.oldcourtlrd.ie)
Location	Townlands of Bohernabreena, Oldcourt & Kilininny, Dublin 24.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	LRD24A/0007
Applicants	Capami Limited
Type of Application	Permission for Large-Scale Residential Development
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Mary Collins & Others
Observers	None
Date of Site Inspection	18 th February 2025
Inspector	Margaret Commene

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1.0 Site Location and Description

- 1.1. The appeal site is located at Bohernabreena, Dublin 24, in the foothills of the Dublin Mountains on the southern fringe of the built-up area of the wider city. It comprises part of a larger c. 125ha landbank located at the foothills of the Dublin Mountains and stretching between Bohernabreena Road to the west and the M50 to the east which has been zoned for new residential development in the South Dublin County Development Plan 2022-2028.
- 1.2. The appeal site is a c. 20.4ha irregular shaped elongated parcel of land, stretching east to west, in the townlands of Oldcourt and Bohernabreena. Access to the site is from the eastern side of the Bohernabreena Road, c. 275 metres south-west of the junction of Bohernabreena Road and the R114 (Oldcourt Road). The majority of the appeal site comprises of a large area of open farmland characterised by mature hedgerows/vegetation. The south-western corner of the site, proximate to Bohernabreena Road, features a single storey detached dwelling known as Beesley Lodge and a series of single and double storey buildings and warehouse/shed structures. The application boundary also encompasses a small stretch of the Bohernabreena Road to the north of the northernmost site entrance. In terms of gradient, the site is at its lowest adjacent to its northern boundary, from there it rises by c. 21 metres in a southerly direction. The site is traversed by electricity pylons, wayleaves associated with these and an existing Uisce Eireann main run centrally through the site (west to east).
- 1.3. The site is at the urban edge of the County; therefore, the surrounding area features a mix of residential, agricultural, sport/recreation and ecclesiastical land uses. The sites northern boundary flanks St. Anne's GAA Club (westernmost part), agricultural fields characterised by mature hedgerows/vegetation (centrally) and the Dodderbrook Housing Estate (easternmost part). Further north, the surrounding area is dominated by suburban housing estates. The sites southern boundary is flanked by Bohernabreena Cemetery (westernmost part) and agricultural fields characterised by mature hedgerows/vegetation. Further south, lands rise steeply towards the Dublin Mountains. To the east, are agricultural fields characterised by mature hedgerows/vegetation and a site on which a residential development, known as Ballycullen Gate, is currently under construction (on foot of Reg. Ref. SD23A/0083). Part of the site's western boundary has frontage to Bohernabreena Road, with the

remainder of the western boundary flanking the rear/side boundaries of 4 no. detached one-off houses fronting Bohernabreena Road (Moneen, Windermere, Hillcrest and Mount Carmel).

2.0 Proposed Development

- 2.1. A 7-year planning permission was sought for a large scale residential development comprising (in summary): - (i) 523 no. residential units, comprising of 255 no. 2, 3 & 4 bed, 2 & 3 storey, detached, semi-detached and terraced houses; 206 no. 1, 2 & 3 bed duplex units in 20 no. 2 & 3 storey blocks; and 62 no. 1, 2 & 3 bed apartments in 7 no. 2-3 & 3-4 storey blocks (i.e. Blocks A, B2 & D, and 2 no. Blocks B1 & 2 no. Blocks C); (ii) a 2 storey childcare facility; (iii) c. 7.3Ha of public open space and c. 5,505sqm of communal open space associated with proposed residential units; (iv) demolition of all existing structures on site, including 2 no. single storey dwellings and outbuildings/sheds; and (v) all associated site development works above and below ground, including 2 no. underground foul sewerage pumping stations & 5 no. ESB sub-station/kiosks.
- 2.2. 746 no. car parking spaces and 1,268 no. bicycle parking spaces were proposed to serve the development, with vehicular access provided via the following 4 no. access points: - (i) from the west of the site, via 2 no. accesses, located off Bohernabreena Road; (ii) from the north of the site, via 1 no. access at Dodderbrook Place; and (iii) from the east of the site, via Oldcourt Road (R113) and via adjoining residential development at Ballycullen Gate. Pedestrian and cyclist connection/accesses are provided throughout the proposed development and to adjoining lands to the north at Dodderbrook Avenue and to the north-west into St. Anne's GAA club. The 523 no. residential units proposed are provided across 4 no. neighbourhoods. In terms of materials and finishes, the proposed residential units/childcare facility feature brick, render, metal/zinc cladding and slate or concrete roof tiles.
- 2.3. The application is accompanied by an Environmental Impact Assessment Report and a Natura Impact Statement.
- 2.4. A summary of the key site statistics/details of the proposed development are provided in the table overleaf:

Site Area	20.4ha (net area is stated to be 12.46ha, excluding the parts of the site covered by the proposed east-west
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	main link street, by wayleaves and areas of environmental sensitivities that cannot be developed).
Demolition Works	c. 4,152sqm
No. of Residential Units	523 no. residential units (see table regarding mix below)
Non-residential Uses	c. 457sqm childcare facility (126 no. childcare places)
Part V Provision	95 no. Part V units (23 x 1-bed apartments, 38 x 2-bed apartments, 6 x 3-bed apartments, 1 x 1-bed duplex unit, 10 x 2-bed duplex units & 17 x 3-bed duplex units).
Total Gross Floor Area	c. 52,490sqm
Open Space	c. 7.3Ha of public open space (provided across 6 no. areas), c. 0.55Ha of communal open space (provided across 18 no. areas) and c. 3.77Ha of environmental open space (provided across 8 no. areas)
Car Parking	746 no. in total (673 no. serving residents, 7 no. serving the childcare facility and 66 no. serving visitors).
Bicycle Parking	1,268 no. in total (1,024 serving dwelling residents, 225 no. serving visitors, 14 no. serving childcare facility staff and 5 no. serving childcare facility visitors).
Density	42 units per hectare (based on a net area of 12.46ha)
Height	2-4 storeys
Plot Ratio	0.42 (based on net area)
Site Coverage	11.5%
Dual Aspect Apartments	265 units (99%)

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

Dwelling Size	Houses	Apartments & Duplex Units	Total (%)
1-bed	0	51	51 (10%)
2-bed	61	107	168 (32%)
3-bed	160	110	270 (52%)
4-bed	34	0	34 (6%)
Total	255	268	523 (100%)

2.6. The phasing proposed (as per Drawing No. MP12) is as follows:

- Phase 1 – 94 no. dwellings, part of the east-west link road (continuing on from what is currently under construction to the immediate east at Ballycullen Gate) and public open space areas in the easternmost part of the site.
- Phase 2 – 62 no. dwellings, continuation of the east-west link road (continuing on from what is currently under construction to the immediate east at Ballycullen Gate), delivery of proposed pedestrian and cycle links from Neighbourhood Zone 1 to Dodderbrook to the north and public open space areas in the southernmost part of the site.
- Phase 3 – 86 no. dwellings, the childcare facility, northernmost access off Bohernabreena Road/part of east-west link road, infrastructural services including drainage outfalls through third party lands and public open space areas in the north-western corner of the site.
- Phase 4 – 112 no. dwellings, continuation of the northernmost access off Bohernabreena Road/part of east-west link road and public open space areas featuring centrally.
- Phase 5 – 101 no. dwellings, the central piece of east-west link road, vehicular, cycle and pedestrian links from Neighbourhood Zone 2 to Dodderbrook to the north and public open space areas featuring centrally.
- Phase 6 – 68 no. dwellings, the southern-most access off Bohernabreena Road and public open space areas in the south-western corner of the site.

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

- Architectural Design Statement.
- Housing Quality Assessment.
- CGIs.
- Planning Statement.
- Statement of Consistency.
- Statement of Response to South Dublin County Council LRD Opinion.
- Social Infrastructure Assessment.
- Building Lifecycle Report.
- Universal Design Statement.

- Property Management Strategy Report.
- Outline Construction Management Plan.
- Engineering Assessment Report.
- SuDS Maintenance Manual.
- Traffic & Transport Assessment.
- Outline Construction Traffic Management Plan.
- DMURS Statement of Compliance.
- Travel Plan.
- Stage 1 & 2 Road Safety Audit.
- Site Specific Flood Risk Assessment.
- Construction Environmental Management Plan.
- Ground Investigation Report.
- Geotechnical Test Report.
- Landscape Design Rationale.
- Arboricultural Assessment.
- Hydrological & Hydrogeological Qualitative Risk Assessment.
- Water Framework Directive Screening Assessment.
- LVIA Photomontages.
- Sunlight, Daylight & Shadow Assessment.
- Energy & Sustainability (Climate Action) Report.
- Appropriate Assessment Screening Report.

3.0 Planning Authority Opinion

- 3.1. The Planning Authority and the Applicant convened a meeting under Section 32C of the Planning and Development Act, 2000 (as amended), for the proposed Large-scale Residential Development (in respect of a development comprising 522 no. residential units, a creche and associated site works) on 1st March 2024. The record of that meeting is attached to the current file.

- 3.2. Further to that meeting, the Planning Authority issued an opinion, on 28th March 2024, under Section 32D of the Act stating that the documents that had been submitted constituted a reasonable basis on which to make an application for permission for the proposed LRD subject to specific further consideration and amendment.
- 3.3. The detailed assessment contained within the Opinion highlights areas for the applicant to reconsider or address when making a future planning application. These can be summarised as follows:
- The density of the development should be increased in line with the 40–80 dpha density range for City – Suburban/Urban Extension sites as specified in the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, 2024.
 - Reduction in the level of perpendicular car parking provided along the link road. Car parking should be relocated off the link road, within residential blocks. Perpendicular parking may be acceptable.
 - Amendments to the design of the link road in accordance with the Cycle Design Manual and DMURS, in particular to provide a two-way cycle track continually through the site on one side of the road and to provide lay-by bus stops.
 - Reduction in the fragmentation of hedgerow by ensuring all hedgerow is maintained in public open space areas and reconfiguration of pathways to minimise impacts to existing hedgerow.
 - Revision to design of Oldcourt Park to minimise impacts to existing hedgerow. Hedgerow should not be provided in any private open space areas and should not form the site boundary of any single dwelling.
 - Additional connections to adjoining lands should be sought, in particular pedestrian/cycle links and an additional route through 'OS' lands connecting to Ely View. Details of all connections should be provided, to confirm connectivity of all routes and a permeability map should be submitted.
 - Flow route analysis and conveyance plan required to inform SuDS strategy at the site which maximises above ground, natural, attenuation.
 - Engage directly with Water Services to agree proposals relating to the diversion of the 450mm surface water sewer.

3.4. The Opinion also stated that, in the event that the applicant proceeds to submit a planning application, the LRD application should include:

1. A Housing Quality Assessment.
2. A Schedule of Accommodation, including adequate information in relation to the calculation of Development Contributions
3. An Architect's Design Statement, including details on how 'The Plan Approach' has been followed (see Policies QDP1 and QDP2 of the County Development Plan) and a detailed analysis of the proposal and statement based on the guidance, principles and performance-based design criteria set out in South Dublin County's Height and Density Guide.
4. Detailed CGI's of development during summer and winter (trees with and without leaves), with views from sensitive nearby receptors.
5. A Traffic and Transport Assessment, including current public transport routes serving the site, a capacity study of routes serving the site, consistent drawings and a traffic assessment and traffic counts of the junctions particularly to the west, determining the junction capacity and justification for the junction type.
6. A Sunlight and Daylight Analysis for all proposed dwellings and assessment of any potential nearby dwellings that may be affected by the development.
7. A Green Infrastructure Plan.
8. Green Space Factor Calculations.
9. A Street Tree Planting Plan.
10. A Landscape Scheme, including a Planting Plan including the following details: - location of species, types of plants, planting sizes and proposed numbers/densities; implementation timetables; and proposals for future maintenance/management.
11. A Tree and Hedgerow Protection Plan.
12. Detailed design of play areas, including items of equipment to be included.
13. An Ecological Impact Assessment.
14. A Road Safety Audit.
15. Details for covered outdoor bicycle parking.

16. Layout Plans, not less than 1:200 scale showing: - (a) road cross sections detailing carriageway/footpath/cycle widths; (b) all of the developments access junctions, showing the carriageway dimensions and junction type and provision of a visibility splay; (c) location and design of all pedestrian crossings within the development; (d) swept Path Analysis demonstrating that fire tenders and large refuse vehicles can access/egress the site; (e) autotrack/swept path analysis for the bus routes along the link street; (f) location of the refuse collection points; (g) Taking in Charge Plan, including areas to be maintained by a management company; (h) detailing the autotrack and visibility splay of vehicles entering and exiting the development; (i) details of the footpath layout for the development; (j) show all proposed future link roads constructed to the boundary to ensure no "ransom Strips" remain to inhibit potential development; (k) location of 20% EV charging car parking spaces; and (l) a total of 5% Mobility Impaired Car Parking Spaces.
17. A SUDs Strategy, including: - (a) SUDs Design details; (b) flow route analysis for the site; (c) comprehensive surface water conveyance plan for the site; (d) a drawing showing how much surface water is attenuated in m³; (e) a revised report showing surface water attenuation calculations; (f) revised calculation reports showing increased surface water attenuation provided and show calculations for same; (g) if underground tanks present, information on why these cannot be excluded from the design; (h) SUDs Layout identifying the different types of SUDs features; (i) demonstrate adherence to SDCC SUDs guidance; and (j) a drawing showing plan and cross-sectional views of all SuDS features.
18. A SUDS Management Plan.
19. Confirmation of Feasibility from Irish Water.
20. An Appropriate Assessment Screening Report.
21. An Environmental Impact Assessment Report.
22. An Archaeological Impact Assessment and Method Statement.
23. A Building Lifecycle Report.
24. A Community and Social Infrastructure Audit.
25. Part V Proposals.

26. A Public Lighting Plan.

These documents/materials have been included with the application.

4.0 Planning Authority Decision

4.1. Decision

South Dublin County Council issued a Notification of Decision to Grant Permission on 18th November 2024 subject to 34 no. conditions, none of which significantly altered the proposed development.

4.2. Planning Authority Reports

4.2.1. *Planners Report*

- The subject site is identified as a Housing Capacity Site in the South Dublin County Development Plan 2022-2028 and is therefore identified as having the capacity to accommodate residential development. Overall, the proposed uses could be facilitated on the site (and are considered to be consistent with the 4 no. applicable zoning objectives), subject to them being in accordance with the relevant policies and objectives contained within the Development Plan. Since the application being lodged (on 24th September 2024), the Ballycullen – Oldcourt Local Area Plan 2014 has expired in the context of the subject site, therefore the proposed development is assessed under the relevant provisions of the 2022-2028 South Dublin County Development Plan.
- The site layout has evidently been informed by the existing pylon corridor/associated wayleave, the existing Uisce Eireann wayleave and the location of existing hedgerow field boundaries.
- Overall, the Planning Authority is generally satisfied with the proposed layout and connectivity of the development, and considers the passive surveillance provided at public realm, public open space, communal spaces, and at street level, as generally acceptable.
- In the event of grant, a condition should be attached to ensure a suitable pedestrian/cyclist access gate is provided on the northeastern boundary of the

application site, where it directly abuts the adjoining 'OS' lands, to allow for a future connection linkage through this OS land to the adjoining Ely View Estate.

- The building height strategy adopted is considered acceptable.
- Given the site location, at the foothills of the Dublin Mountains, densities within the lower end of the range of 40-80 dpha are considered more appropriate for the site, reflective of the surrounding area's character and allowing for sympathetic integration with the rural landscape. In addition, considering the site's existing constraints (i.e. wayleaves, existing hedgerows, streams, and the site topography), the proposed net density of 42 dpha is considered appropriate for the site.
- Based on the findings included in the Sunlight, Daylight & Shadow Assessment accompanying the application, the development is considered acceptable in terms of daylight, sunlight and overshadowing. The proposed units are largely compliant with the BRE guidelines and, where units are deficient, compensatory measures have been proposed within the design. It is considered that the layout of the development has maximised solar gain, with 99% dual aspect proposed.
- The proposed development provides a good mix of unit types and meets the minimum 30% requirement for 3-bedroom units under Policy H1 Objective 12 of the Development Plan.
- The HQA demonstrates that the proposed development generally complies with the relevant guidelines: the 'Quality Housing for Sustainable Communities Best Practice Guidelines' 2007, 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' 2024, 'Sustainable Urban Housing Design Standards for New Apartments' 2023, as amended, and the 2022-2028 South Dublin County Development Plan in relation to residential accommodation. Further to this, units capable of adaptability in the future have been provided.
- The development would be considered acceptable and accord with national policy guidance.
- Overall, the Planning Authority is satisfied with the design and location of the proposed communal areas throughout the site.

- The South Dublin Childcare Committee have raised concerns with the standalone 2 storey childcare facility proposed (regarding the no. of childcare spaces provided and its internal layout). In the event of a grant of permission, an advisory note is recommended to advise the applicant that the requirements of Tusla shall be ascertained and complied with in full in relation to said matters. A condition should also be included regarding associated signage.
- In the context of the community space provision requirement included in the Ballycullen – Oldcourt LAP, the Planning Authority has agreed to accept a commitment from the applicant to pay the remainder of an agreed figure as part of any decision relating to development of the subject application site (by way of a development contribution). The rationale for this approach is to provide a meaningful community facility in the vicinity of the site, instead of piecemeal provision of smaller community spaces on a site-by-site basis which presents operational challenges for management and useability.
- A condition should also be attached in the context of the Development Plan Policy COS11 Objective 3 which requires the provision of an artistic physical feature in residential developments in excess of 500 units.
- The proposed open space provision is in accordance with the Development Plan requirements. With regard to existing playing pitches, the Planning Authority is satisfied that the information submitted adequately addresses the concerns raised regarding existing playing pitches/land swap arrangements. Overall, no significant reduction in playing pitches would result from the subject application.
- The improved levels of hedgerow retention/maintenance is welcomed.
- In order to ensure adequate on-site attenuation and the inclusion of an appropriate level of SuDS, the Planning Authority considers it appropriate to apply a condition that ensures the above items outlined are adequately addressed in the event of a grant, as well as conditions pertaining to flood risk.
- Having regard to the concerns raised within the Roads Report/highlighted within Section 3.9 of the supporting RSA (regarding the existing entrance to the dwelling (Windermere) at the proposed Bohernabreena Road Junction) and irrespective of the established precedent set under the permitted link road (Reg. Ref. SD17A/0041), in the event of a grant, the Planning Authority considers it

appropriate to request that the applicant undertakes a Stage 3 RSA and Stage 4 RSA that focuses on the concern raised in Section 3.9 of the Stage 1 & 2 RSA. The Applicant is encouraged to liaise with the adjoining landowner to come up with a viable access solution for this property prior to this access point coming into use. This should be addressed by way of condition, and such audits should be submitted to the Planning Authority (Roads Department) for written agreement within 12 months of completion of the proposed development.

- Construction works will impact the existing ecology at the site, due to site clearance and disturbance. The operational phase of the development would represent a new use for the site, with the environment and ecology altered permanently. The NIS has been reviewed and the conclusion is accepted. On this basis it is not considered that, following the implementation of mitigation measures, the development will result in direct or indirect effects to any Natura 2000 site.
- In terms of adequacy, it is considered that the EIAR contains the information as set out in Schedule 6 of the Planning and Development Regulations, (2001) as amended, and in accordance with European Union (Planning and Development) (Environmental Impact Assessment) Regulations, 2018. It is considered that the information contained within the EIAR allows for adequate assessment of the potential impacts of the proposed development on the receiving environment and complies with the requirements of Article 94 of the Planning and Development Regulations, 2001 (as amended).
- The overall scheme broadly aligns with the relevant policies and objectives of the South Dublin County Development Plan 2022-2028 and would assist in delivering much-needed housing stock for the county. The scheme is at an appropriate scale and density for its location at the foothills of the Dublin Mountains, and subject to the recommended conditions, acts as an appropriate transition to the rural zone to the south.
- Having regard to the provisions of the South Dublin County Development Plan 2022- 2028 and the overall design and scale of the development proposed it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity

and would, therefore, be in accordance with the proper planning and sustainable development of the area.

4.2.2. **Other Technical Reports**

Roads Department (14/10/2024): Raised concerns in relation to the existing entrance to the dwelling (Windermere) at the Bohernabreena Road Junction. It was recommended that conditions, including one requiring this item of concern be addressed, be attached to any grant of permission.

Public Realm (12/11/2024): Satisfied that concerns previously raised at opinion stage have been addressed and recommended conditions for inclusion on any grant of permission issued.

Public Lighting (14/10/2024): No objection, subject to conditions.

Water Services (18/10/2024): In the context of surface water, they raised concerns regarding: - the inlet pipe to detention basin, Qbar figures, attenuation calculations, bends within the Surface Water network, the use of SuDS (Sustainable drainage Systems) and the entrance to outlet pipe from detention basin. Contact with/agreement on the surface water and SuDS layouts for the proposed development with the Water Services is required prior to commencement of development. In the context of flood risk, they had no objection, subject to conditions.

Environmental Health Officer (23/10/2024): No objection, subject to conditions.

Housing Department (25/10/2024): No objection, subject to conditions.

Arts Officer (11/11/2024): No objection, subject to conditions.

4.3. **Prescribed Bodies**

Uisce Éireann (29/10/2024): No objection, subject to conditions.

National Transport Authority (29/10/2024): No objection.

Transport Infrastructure Ireland (17/10/2024): Asked that the Planning Authority has regard to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications; and TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".

Dept. of Housing, Local Government and Heritage (01/11/2024): Requested further information, more specifically the carrying out of an Archaeological Impact Assessment inclusive of a programme of Archaeological Test Excavations.

Dept. of Environment, Climate and Communications (24/10/2024): No objection.

Department of Defence (08/11/2024): No observations to make on the application.

Inland Fisheries Ireland: No objection, subject to conditions.

South Dublin County Childcare Committee (29/10/2024): Having regard to the requirements under the Child Care Act 1991 (Early Years Services) Regulations (2016), Childcare Facilities Guidelines for Planning Authorities (2001) and the Universal Design Guidelines for Early learning and care settings, they were not satisfied with the design of the proposed creche, in particular: - the no. of childcare spaces, sleep provision for 1-2 year olds, nappy changing facilities, staff toilet provision, laundry facility provision, storage provision, milk sink provision and kitchen provision.

4.4. Third Party Observations

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

- Existing infrastructure not sufficient to support the proposed development.
- Concerns regarding existing traffic congestion, proposed development likely to exacerbate further.
- Concerns regarding proposed timeframes of the construction phase and its effects on local residents.
- Inadequate existing public transport and bus stop locations to cater for the proposed development.
- Proposed development would restrict any expansion of Bohernabreena cemetery.
- Safety concerns regarding proposed access to the R114, proposed exit/entrance onto Bohernabreena Road would also give rise to further concerns.
- Building heights are unacceptable in this rural setting.

- Noise and light pollution will negatively impact upon surrounding area.
- Impacts on views and prospects of the Dublin Mountains.
- Open space and green spaces eroding along Oldcourt Road.
- Proposed childcare facility is insufficient, concerns regarding permitted creches sitting idle on adjacent developments.
- Concerns on existing healthcare facilities and the impact the proposed development would have on same, additional healthcare provisions should be provided in the area.
- LAP expiration – no development should be accepted on subject lands until a new LAP is approved.
- Condition recommended to ensure road from Bohernabreena Road to Kiltipper Road and associated works are completed first.
- Traffic Assessment fails to accurately capture the existing congestion issues.
- Concerns regarding density for site, proposal would be below national guideline recommendations.
- Inadequate school facilities to cater for existing area and proposed development.
- Insufficient retail and amenity development to serve the area.
- Insufficient sports and community facilities to serve the area.
- Lack of public bins provided in the area.

5.0 Planning History

5.1. Subject Site

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

PA Reg. Ref. SD19A/0139

This application by Capami Ltd related to a proposal for (in summary): - construction of 46 no. dwellings on a site measuring 4.1 hectares, comprising of: - 9 no. one storey, three bed detached houses; 1 no. two storey, three bed detached houses; 20 no. two storey, three and four bed semi-detached houses and 16 no. one and two bed duplex apartment units in 2 two storey buildings; accessed via a previously permitted Main Link Street under Reg. Ref. SD17A/0041 & ABP Ref. PL06S.249367 which includes permitted access off Bohernabreena Road.

Permission was refused by South Dublin County Council in October 2019 for the following reasons:

1. *Having regard to the objectives of the Ballycullen – Oldcourt Local Area Plan, 2014 and the following issues:*

- *A number of units (units 10, 17, 24, 31 and 37) side onto the streetscape and protrude beyond the building line, providing for poor urban design;*
- *The central open space (in the vicinity of unit 17 and 43) is severely limited in terms of amenity value;*
- *The development does not adhere to Local Area Plan objectives in relation to density and height and of development on upper slope lands (Objective LUD7);*
- *Density to the south of the development does not reflect the LAP requirements for very low density development (approx. 12 units / ha) close to the southern fringe green buffer; and*
- *The revised layout provides duplicate carriageways to serve some units (for example, units 6 – 10 and 40 - 42)*

The proposed development does not adequately address the matters raised in the request for additional information and would result in a development that does not provide adequate residential amenity, and would materially

contravene the relevant objectives of the Local Area Plan and the 'RES-N' land use objective under the South Dublin County Development Plan, 2016- 2022.

- 2. The proposed mitigation measures contained in the Ecology Report, submitted with the significant additional information on 9th September 2019, have not been integrated into the proposed development. As such, the proposed development risks destroying important commuting routes for bats through the site.*
- 3. The proposed development would result in under-provision of attenuation facilities for some catchment areas. The proposed development would not provide adequate surface water drainage and attenuation infrastructure and would therefore contravene Policy IE2 (in particular Objective 5) of the South Dublin County Development Plan, 2016-2022.*
- 4. The Main Link Street through the lands was permitted under SD17A/0041 and PL06S.249367. The grant of permission by An Bord Pleanala contains a number of conditions relating to proposed changes to the layout of the street. As some of the street is outside the control of the applicants in this case, it is considered that the pre-commencement conditions relating to that street should be agreed prior to a grant of permission on these lands. Development of the kind proposed would therefore be premature pending the determination by the planning authority of the road layout for the area.*

PA Reg. Ref. SD19A/0138 (ABP Ref. ABP-306617-20)

This application by Capami Ltd related to a proposal for (in summary): - construction of 52 no. dwellings on a site measuring 2.66 hectares, comprising of: - 1 no. three storey, 4 bed detached house; 1 no. two storey, three bed detached house; 32 no. two and three storey three and four bed, semi-detached houses; and 18 no. one and two bed apartment units in 1 no. three storey apartment block; accessed via a previously permitted Main Link Street under Reg. Ref. SD17A/0041 & ABP Ref. PL06S.249367 which includes permitted access off Bohernabreena Road.

Permission was granted by South Dublin County Council in January 2020 (for 44 no. residential units and a childcare facility, on foot of amendments made at Further Information/Clarification of Further Information Stages). The Planning Authority's decision was subsequently appealed to An Bord Pleanala by a third party (ABP Ref. ABP-306617-20). The development was refused by the Board on 9th September 2020 for the following reason:

Having regard to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009 and the Urban Development and Building Heights, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018 in relation to housing density in outer suburban/greenfield sites in cities and larger towns, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage, given the site location on zoned land and in an area that has been earmarked for residential development in both the South Dublin County Council Development Plan, 2016-2022 and the Ballycullen–Oldcourt Local Area Plan, 2014 and noting that the density of the proposed development is at the lower end of the density range as set out within the stated Local Area Plan.

It is considered that the density proposed would be contrary to the 2009 Ministerial Guidelines, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency and contrary also to the 2018 Ministerial Guidelines which affirm under Specific Planning Policy Requirement 4, that the minimum densities for greenfield or edge of city locations set out in the 2009 Ministerial Guidelines must be secured. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area¹.

PA Reg. Ref. SD19A/0137

This application by Capami Ltd related to a proposal for (in summary): - construction of 73 no. dwellings on a site measuring 4.1 hectares, comprising of: - 1 no. three storey, 4 bed detached house; 36 no. two and three storey three and four bed, semi-detached houses; 12 no. two storey, three bed terraced houses; and 24 no. one, two and three bed duplex and apartment units in 3 no. two and three storey buildings; accessed via a previously permitted Main Link Street under Reg. Ref. SD17A/0041 & ABP Ref. PL06S.249367 which includes permitted access off Bohernabreena Road.

¹ In the interest of clarity, I note the net density involved in this proposed development was 23.2 dpha and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), 2009, was the relevant Section 28 Guidelines in place. The Compact Settlement Guidelines have been subsequently introduced in 2024.

Permission was refused by South Dublin County Council in October 2019 for the following reasons:

1. *Having regard to the objectives of the Ballycullen – Oldcourt Local Area Plan, 2014 and the following issues:*
 - *The need to omit units 37 and 38;*
 - *Interface between units 1-12 and 21-38 (due to retaining wall at their rear gardens), and the overbearing visual impact on the latter;*
 - *Use of retaining walls and associated impact on units 21-28 and unit 51;*
 - *Mix of units (too many duplexes on a Mid Slopes site – Objectives LUD3 and LUD6)*
 - *Duplexes (53-64 and 65-74) backing onto the footpath to the south;*

The proposed development does not adequately address the matters raised in the request for additional information and would result in a development that does not provide adequate residential amenity, and would materially contravene the relevant objectives of the Local Area Plan and the 'RES-N' land use objective under the South Dublin County Development Plan, 2016-2022.

2. *The Main Link Street through the lands was permitted under SD17A/00412 and PL06S.249367. The grant of permission by An Bord Pleanála contains a number of conditions relating to proposed changes to the layout of the street. As some of the street is outside the control of the applicants in this case, the pre-commencement conditions relating to that street should be agreed prior to a grant of permission on these lands. Development of the kind proposed would therefore be premature pending the determination by the planning authority of the road layout for the area.*
3. *The proposed mitigation measures contained in the Ecology Report, submitted with the significant additional information on 9th September 2019, have not been integrated into the proposed development. As such, the proposed development risks destroying important commuting routes for bats through the site.*
4. *The applicant has provided inadequate proposals in relation to surface water infrastructure, and having regard to:*
 - *Proposed development and attenuation outside the applicant's control (blue line);*

- *Under-provision of attenuation facilities for some catchment areas; and*
- *Surface water discharging to road;*

It is considered that the proposed development would not provide adequate surface water drainage and attenuation infrastructure and would therefore contravene Policy IE2 (in particular Objective 5) of the South Dublin County Development Plan, 2016-2022.

PA Reg. Ref. SD17A/0041 (ABP Ref. PL06S.249367)

This application by HWBC Allsop & Capami Ltd related to a proposal for (in summary):

- construction of the Main Link Street (consisting of a single 7 meter wide carriageway including footpaths, cycle paths, bus bays, traffic calming measures, public lighting and tree planted grass margins) as shown in the Ballycullen - Oldcourt Local Area Plan 2014 with access onto the Oldcourt Road at Gunny Hill to the east and the Bohernabreena Road to the west.

Permission was granted by South Dublin County Council in September 2017. The Planning Authority's decision was subsequently appealed to An Bord Pleanala by a third party (ABP Ref. PL06S.249367). The development was granted by the Board in July 2018.

5.2. Adjacent Sites

5.2.1. There has been a no. of recent applications on sites adjacent to the subject site that are pertinent to the current proposal. These are summarised below/overleaf.

Oldcourt Road, Firhouse, Dublin 24 (immediately east of the subject site)

PA Reg. Ref. SD17A/0468 – Parent Permission

Permission was granted by South Dublin County Council, in September 2018, for (in summary):

- construction of 64 no. dwellings on a site measuring 3.8 hectares, comprising of: - 48 no. 1-2 storey detached and semi-detached houses and 16 no. apartments in three 2 storey buildings, accessed from Oldcourt Road.

PA Reg. Ref. SD22A/0356

Permission was granted by South Dublin County Council, in January 2023, for (in summary):

- alterations to part of the permitted residential development granted under Ref. SD17A/0468, comprising changes of dwelling type and increase in unit number from 17 no. permitted houses to 24 no. proposed houses.

South/South-West of Oldcourt Road, Oldcourt, Dublin 24 (immediately east of the subject site)

PA Reg. Ref. SD23A/0083

Permission was granted by South Dublin County Council, in January 2024, for (in summary): - construction of 71 no. dwellings on a site measuring 2.56 hectares, comprising of: - 41 no. three & four bed, two and three storey, detached, semi-detached and terraced houses and 30 no. two, three & four bed apartments & duplex units accommodated in 1 two/three storey block and 2 three storey blocks, accessed from Oldcourt Road via permitted roads infrastructure previously granted permission under Planning Ref.'s SD17A/0468 and SD17A/0041 & ABP Ref. PL0&S.249367.

5.3. Sites in the Vicinity

5.3.1. The following recent application in the vicinity of the subject site is worth noting in the context of the current proposal.

South of Oldcourt Road, Oldcourt, Firhouse, Dublin 24 (north-east of the subject site)

PA Reg. Ref. SD19A/0104 (ABP Ref. ABP-305800-19)

This application involved a proposal for (in summary): - demolition of a detached dwelling and construction of 24 no. dwellings on a site of 0.76 hectares comprising: - 8 no. two storey, four bed semidetached houses, 12 no. two storey, three bed semi-detached and terraced houses and 4 no. two bed apartments in 1 two storey apartment block; accessed via an adjoining development known as Dodderbrook.

Permission was granted by South Dublin County Council in October 2019. The Planning Authority's decision was subsequently appealed to An Bord Pleanála by third parties (ABP Ref. ABP-305800-19). The Board, concluding that the proposed development would be acceptable, granted permission in March 2020.

6.0 Policy Context

6.1. National Policy

6.1.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. Revised targets were included in

the updated Draft Revised NPF, published in November 2024, which seek the provision of 55,000 new homes up to 2030 and 60,000 thereafter. The NPF includes 75 National Policy Objectives. The following objectives are of note in this instance:

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

6.1.2. Climate Action Plan 2024

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

6.1.3. National Biodiversity Action Plan 2023-2030

The National Biodiversity Action Plan 2023-2030 sets out actions through which a range of government, civil & private sectors will undertake to achieve Ireland's 'Vision for Biodiversity' and follows on from the work of the previous National Biodiversity Action Plans. It outlines five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Action

number 3C1 requires that “*all Public Authorities and private sector bodies move towards no net loss of biodiversity through strategies, planning, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure*”. Section 59B(1) of the Wildlife (Amendment) Act, 2000 (as amended), requires the Board, as a public body, to have regard to the objectives and targets of the National Biodiversity Action Plan in the performance of its functions, to the extent that they may affect or relate to the functions of the Board.

6.1.4. 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).

6.2. Regional Policy

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

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Area (adopted June 2019) provides a framework for development at regional level. The RSES encourages promotes the regeneration of our cities, towns and villages by

making better use of under-used land and buildings within the existing built-up urban footprint. The site is located within the identified 'Dublin City and Suburbs' area. The following Regional Policy objectives are noted in particular:

- RPO 3.2 Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO 4.3 Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- RPO 5.4 Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for New Apartments' Guidelines, and 'Urban Development and Building Heights Guidelines for Planning Authorities'.
- RPO 5.5 Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

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

6.3. Local Policy

6.3.1. South Dublin County Development Plan 2022-2028

Land Use Zoning

The subject site is subject to 4 no. land use zoning objectives in the South Dublin County Development Plan 2022-2028. The majority of the appeal site is zoned 'RES-N – New Residential' with a stated objective to '*provide for new residential communities in accordance with approved area plans.*' A small triangular area in the north-western part of the site is zone 'RES - Existing Residential' with a stated objective to '*protect and/or improve residential amenity*'. To the north of the site, 2 no. strips of land (proximate to the Ely Housing Estate and Dodderbrook Lawn) are zoned 'OS - Open Space' with a stated objective to '*preserve and provide for open space and recreational amenities*'. To the south of the site, a small strip of land located centrally is zoned 'RU - Rural and Agriculture' with a stated objective to '*protect and improve rural amenity and to provide for the development of agriculture.*'

Other Relevant Sections/Policies

Part of the subject site, as well as part of the land extending further east, is included in the Six Year Road Programme of road upgrades outlined in the South Dublin County Development Plan 2022-2028. More specifically, as outlined in Table 7.5, formation of a strategic street network providing access throughout the site is sought in the context of the Ballycullen-Oldcourt LAP lands.

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

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

Chapter 2 Core Strategy and Settlement Strategy

A Land Capacity analysis was carried out by the Planning Department to calculate the potential yield of undeveloped land (RES, RES-N, TC, REGEN, VC, DC, LC and SDZ) zoned in the 2016-2022 County Development Plan. The subject site is identified as a Housing Capacity Site, in Figure 9 included in Section 2.6.1 Land Capacity Study².

² I note a specific housing target was not specified in the context of this particular Housing Capacity Site, rather a target of 1,600 residential units was outlined in the context of the lands covered by the Ballycullen-Oldcourt Local Area Plan, 2014.

Chapter 2 outlines a series of policies/objectives in the context of Settlement Strategy. The following are particularly relevant:

- **CS3 Objective 6:** - To ensure the phased development of new housing areas in tandem with the delivery of physical and social infrastructure provision as identified within Local Area Plans or as informed by assessments carried out by the Planning Authority.

Chapter 3 Natural, Cultural and Built Heritage

Chapter 3 outlines a series of policies/objectives in the context of Natural, Cultural and Built Heritage. The following are particularly relevant:

- **Policy NCBH6 Dublin Mountains:** - Protect and enhance the visual, environmental, ecological, geological, archaeological, recreational and amenity value of the Dublin Mountains, as a key element of the County's Green Infrastructure network.
- **Policy NCBH11 Tree Preservation Orders and Other Tree / Hedgerow Protections:** - Review Tree Preservation Orders (TPO) within the County and maintain the conservation value of trees and groups of trees that are the subject of a Tree Preservation Order while also recognising the value of and protecting trees and hedgerows which are not subject to a TPO.

Chapter 4 Green Infrastructure

Chapter 4 outlines a series of policies/objectives in the context of Green Infrastructure. The following are particularly relevant:

- **Policy GI1 Green Infrastructure Overarching:** - Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.
- **Policy GI2 Biodiversity:** - Strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across the County as part of South Dublin County Council's commitment to the National Biodiversity Action Plan 2021-2025 and the South Dublin County Council Biodiversity Action Plan, 2020-2026, the

National Planning Framework (NPF) and the Eastern and Midlands Region Spatial and Economic Strategy (RSES).

- **Policy GI3 Sustainable Water Management:** - Protect and enhance the natural, historical, amenity and biodiversity value of the County's watercourses. Require the long-term management and protection of these watercourses as significant elements of the County's and Region's Green Infrastructure Network and liaise with relevant Prescribed Bodies where appropriate. Accommodate flood waters as far as possible during extreme flooding events and enhance biodiversity and amenity through the designation of riparian corridors and the application of appropriate restrictions to development within these corridors.
- **Policy GI4 Sustainable Drainage Systems:** - Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.
- **Policy GI7 Landscape, Natural, Cultural and Built Heritage:** - Protect, conserve and enhance landscape, natural, cultural and built heritage features, and support the objectives and actions of the County Heritage Plan.

Chapter 4 outlines a number of objectives in the context of Green Infrastructure, including the following which are considered particularly relevant:

- **GI1 Objective 4:** - To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.
- **GI2 Objective 1:** - To reduce fragmentation and enhance South Dublin County's GI network by strengthening ecological links between urban areas, Natura 2000 sites, proposed Natural Heritage Areas, parks and open spaces and the wider regional network by connecting all new developments into the wider GI Network.
- **GI2 Objective 2:** - To protect and enhance the biodiversity and ecological value of the existing GI network by protecting where feasible (and mitigating where removal is unavoidable) existing ecological features including tree stands, woodlands, hedgerows and watercourses in all new developments as an essential part of the design and construction process, such proactive approach to include

provision to inspect development sites post construction to ensure hedgerow coverage has been protected as per the plan.

- **GI2 Objective 4:** - To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.
- **GI2 Objective 5:** - To protect and enhance the County's hedgerow network, in particular hedgerows that form townland, parish and barony boundaries recognising their historic and cultural importance in addition to their ecological importance and increase hedgerow coverage using locally native species including a commitment for no net loss of hedgerows on any development site and to take a proactive approach to protection and enforcement.
- **GI4 Objective 1:** - To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.
- **GI4 Objective 3:** - To require multifunctional open space provision within new developments to include provision for ecology and sustainable water management.
- **GI5 Objective 4:** - To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500sqm. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).

Chapter 5 Quality Design and Healthy Placemaking

Chapter 5 outlines a number of policies in the context of Quality Design and Healthy Placemaking, including the following which are considered to be particularly relevant:

- **Policy QDP3 Neighbourhood Context:** - Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.

- **Policy QDP4 Healthy Placemaking:** - Promote the delivery of neighbourhoods that are attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in.
- **Policy QDP7 High Quality Design – Development General:** - Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.
- **Policy QDP8 High Quality Design – Building Height and Density Guide (BHDG):** - Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide 2021.
- **Policy QDP9 High Quality Design - Building Height and Density:** - Apply a context driven approach to building heights in South Dublin, as supported by South Dublin's Building Heights and Density Guide.
- **Policy QDP10 Mix of Dwelling Types:** - Ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028.

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

- **QDP3 Objective 7:** - Any development on the RES-N lands (Killinarden and Ballycullen / Oldcourt) abutting the Rural Zone at Map 9 shall be designed, located, scaled and serviced in a manner that does not detract from the character and landscape of the receiving environment bearing in mind its proximity to the HA-DM zone.
- **QDP14 Objective 1:** - To support a plan led approach through Local Area Plans in identified areas by ensuring that development complies with the specific local requirements of the Local Area Plan, having regard to the policies and objectives contained in this Development Plan and ministerial guidelines.
- **QDP14 Specific Local Objective 3:** - That the provisions of the Ballycullen - Oldcourt Local Area Plan (2014) as extended, in respect of the steep topography in the lands zoned RES-N between Stocking Lane, Ballycullen Road and the M50 (Map 10) remain in force during the lifetime of this Plan having regard to ministerial guidelines.

In the context of QDP14 Specific Local Objective 3, I note that the Map 10 included in the current South Dublin County Development Plan 2022-2028 encompasses the eastern LAP lands but does not include the western LAP lands, within which the subject site is located.

Chapter 6 Housing

Chapter 6 outlines a number of policies in the context of Housing, including the following which are of particular relevance:

- **Policy H7 Residential Design and Layout:** - Promote high quality design and layout in new residential developments to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.
- **Policy H8 Public Open Space:** - Ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provide for active and passive recreation and enhances the visual character, identity and amenity of the area.
- **Policy H12 Steep or Varying Topography Sites:** - Ensure that development on lands with a steep and / or varying topography is designed and sited to minimise impacts on the natural slope of the site.

Chapter 6 outlines a number of objectives in the context of Housing, including the following which are of particular relevance:

- **H1 Objective 12:** - Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:
 - there are unique site constraints that would prevent such provision; or
 - that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or
 - the scheme is a social and / or affordable housing scheme.

Chapter 8 Community Infrastructure and Open Space

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

- **COS3 Objective 2:** - To ensure the provision of new community centres in new and existing development areas or where provision is the responsibility of the developer, the Council will ensure the developer provides, in proximity to the population they serve and in accordance with the standard of one centre per 8,000 population with a size of approximately 1,200-1,800sqm, or dependent on specific local demographic or other needs, smaller centres at a more local level, generally between 350-650sqm in size at the discretion of the Council, or as may be updated by any future community centre strategy carried out by the Council.
- **COS5 Objectives 4 & 5** (in summary): - Require public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2. The Plan also outlines discretionary options (such as financial contribution in lieu) for the remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population. Table 8.2: Public Open Space Standards requires a minimum of 15% of the site area for new residential development on lands zoned RES-N and 10% of the site area for new residential development on lands in other zones (not comprising RES-N).
- **COS5 Objective 6:** - To require that public open space calculations be based on an occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.
- **COS5 Objective 10:** - To support and facilitate the key role of parks and open spaces in relation to green infrastructure including sustainable drainage systems (SuDS), flood management, biodiversity and carbon absorption and to promote connections between public open spaces and the wider GI network.
- **COS5 Objective 12:** - To ensure that proposed SuDS measures are only accepted as an element of public open space where they are natural in form and integrate well into the open space landscape supporting a wider amenity and biodiversity value.
- **COS5 Objective 18:** - To ensure that incidental areas of open space and areas immediately underneath high voltage electricity lines are not included in open space calculations.
- **COS5 Objective 19:** - To support the provision within new residential developments and parks and public open spaces, of formal and informal play areas with appropriate equipment and facilities, incorporating nature-based play opportunities where appropriate, ensuring that the needs of differing age groups

including young children, older children and teenagers are catered for and that different abilities and needs are accommodated to be able to access and participate in play, and to ensure playspaces and play facilities comply with universal design principles.

- **COS5 Objective 20:** - Ensure that children's play areas are provided as an integral part of the design and delivery of new residential and mixed-use developments.
- **COS7 Objective 2:** - Require appropriate childcare facilities as an essential part of new residential developments in accordance with the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001).
- **COS11 Objective 3:** - To require new commercial developments greater than 5,000sqm in size, in the case of non-residential development, and in excess of 500 units in the case of residential development, to incorporate a physical artistic feature into the scheme to improve the built environment / public realm, which could include high quality features within the environment / landscaping, in agreement with the Council, and to invite local artists to participate where appropriate by way of open competition.

Chapter 12 Implementation and Monitoring

Section 12.4.2 Green Infrastructure and Development Management states that '*all planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission*'. In the context of sites with a particular sensitivity or value from a GI perspective, it goes on to state that '*developers will be required to engage with the Council to determine those GI interventions that will be required to ensure the environmental integrity of the site. This will primarily apply to sites located within or adjacent to primary and secondary GI corridors (see Figure 4.4). In such cases, specific consideration will be required to ensure that development does not fracture the existing GI network and preserves or enhances connectivity.*'

Section 12.5 outlines further guidance and standards relating to quality design and healthy placemaking, while 12.6 addresses residential development and standards relating to housing mix, tenures, sizes, open space, and amenities etc.

Section 12.7 outlines parking standards for cars, bicycles, etc., as well as other standards and criteria for the assessment of traffic/transport impacts.

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

Land Use	Maximum Car Parking Provision (Zone 1)	Minimum Bicycle Parking Provision
House (2 bed)	1.5 spaces per unit	n/a
House (3+ bed)	2 spaces per unit	n/a
Apartment (1 bed)	1 space per unit	1 long term space per bedroom and 1 short stay space per two apartments
Apartment (2 bed)	1.25 space per unit	
Crèche	1 per classroom	1 long term space per 5 staff and 1 short stay space per 10 children

Appendix 9 - Landscape Character Assessment

The Landscape Character Assessment included at Appendix 9 identifies 9 no. Landscape Character Types and 5 no. Landscape Character Areas (LCA). The subject site is located within the 'Foothills' Landscape Character Type which is defined as: - *"generally located between 100 to 200 m. Bedrock largely sedimentary sandstones, shales and greywackes. Landcover largely pasture and rough grazing. Dispersed rural housing with a variety of architectural styles and treatments interspersed with generally single-storey farmhouses with round gate pillars a vernacular feature. Golf courses and forest walks present."* The Landscape Character Assessment identifies LCT Foothills as having a Medium to High sensitivity. The following Principles for Development are outlined in the context of this 'Foothills' Landscape Character Type, in Table 6D:

- The foothills form an important backdrop to the lowlands and large-scale development would diminish their landscape and visual value.
- Hedgerows of native species remain a feature so should be encouraged as a boundary treatment will improve screening and locally enhance biodiversity.
- Viewpoints and laybys – better boundary treatments would enhance these.
- Opportunity to replant with more appropriate woodland species and reduce blocks of coniferous plantations.

- Support ecological linkages for wildlife into uplands and lowlands and onwards to National Park.

The site lies within LCA 4, the 'River Dodder and Glenasmole Valley', which is described as follows: - *"this is a highly scenic and distinctive glacial valley with a variety of attractive features, and enclosed fields contrasting with the upland blanket bog areas. Distinctive stone cut cottages and boundaries are present along the valley floor, while the area also contains significant archaeological clusters. This LCA offers varied and extensive views across Dublin Bay and to the Wicklow mountains and is an important recreational and ecological landscape, evidenced by its statutory designations. It forms a significant backdrop to the greater Dublin area and is a remarkable landscape in its wildness and remoteness so close to heavily urbanised areas. Its character and integrity are of importance to local residents, and it is a very significant resource for recreation users and for tourism. The objective of managing this LCA is to preserve its overall character and the features and values that contribute to its uniqueness."* The Landscape Character Assessment identifies LCA 4 as having High sensitivity.

6.3.2. **Ballycullen - Oldcourt Local Area Plan, 2014 (extended to September 2024)**

The subject site forms part of a c. 125ha landbank located at the foothills of the Dublin Mountains and stretching between Bohernabreena Road to the west and the M50 to the east, which was the subject of the Ballycullen - Oldcourt Local Area Plan, 2014 (the LAP). This LAP provided a framework for the development of these lands which are largely undeveloped and zoned for new residential development. More specifically, the LAP provides for the development of 1,600 new residential units in a phased manner. The LAP's overriding strategy is to ensure that development, at a wider level, is carried out in an integrated, coherent and universal design led manner that responds to the local context and also accords with relevant national guidelines including the Design Manual for Urban Roads and Streets. The LAP was adopted in 2014 and was subsequently extended to September 2024³. While the Ballycullen - Oldcourt Local Area Plan, 2014, was in place at the time the application was lodged, as referenced by the applicant in Section 7.1 of the Statement of Consistency accompanying the

³ By a resolution under Section 19 of the Planning and Development Act, 2000 (as amended) and on foot of circulars issued extending the planning time periods during the Covid-19 emergency.

application and the Planning Authority in their LRD Opinion, it had expired by the time a decision came to be made on the subject application.

7.0 The Appeal

7.1. Grounds of Appeal

A third party appeal has been submitted by Mary Collins & Others. The main points raised therein can be summarised as follows:

- The existing road network is unsuitable for traffic volumes associated with a development of this scale. Currently the road network is heavily trafficked/major tailbacks occur. The resultant traffic will also exacerbate current road safety issues experienced by pedestrians/cyclists using the road.
- There is a lack of social, health and education amenities to support such a high density development.
- The proposed density/design is unsuitable for this rural area. A cluster style development, more in keeping with the rural village, was previously rejected by SDCC. Further to this, frustration exists among locals regarding this approval in light of applications previously refused for locals due to reasons pertaining to inappropriate design, environmental impact and increase in vehicular traffic on local roads.

7.2. Applicant Response

The applicant's response to the third party appeal can be summarised as follows:

- With regards to the contentions regarding road network suitability/traffic, it is noted that the subject site has been zoned for housing and been the subject of the Ballycullen - Oldcourt Local Area Plan, 2014, for many years. Both this LAP and the Development Plan provide for an east-west road/roads objective traversing the lands. Permission was previously granted, under Reg. Ref. SD17A/0041/ABP Ref. PL06S.249367, for the Main Link Street detailed in the LAP, however, works for the same never commenced. Access from Oldcourt Road and an initial section of the Main Link Street was constructed by the applicant under a subsequent permission (Reg. Ref. SD17A/0468). This proposal takes into consideration the route of the previously permitted Main Link Street

and seeks to construct the remainder of this street in a coherent manner to provide connectivity from Oldcourt Road and Bohernabreena Road. On from where the road has been constructed to date, the subject proposal seeks to deliver the east-west link street in its entirety.

- Whilst the aforementioned permission for the Main Link Street lapsed, the Planning Authority confirms that it has permitted the development of 750 units that would be built on these lands and that they were satisfied that the local junctions could accommodate the additional traffic generators up to and including 2033. Further to this, the details submitted with this application (the Traffic and Transport Assessment and EIAR) confirm that the junctions/road locations assessed in terms of traffic impacts were operating within capacity up to 2032 (and 2045) including the subject site, along with the other committed developments. It is worth noting that the proposed east-west link road will lead to a redistribution of traffic on the existing road network.
- It is also evident from the information accompanying the application that the east-west link street has been designed to accommodate future bus services. The future delivery of public transport services, to be determined by the NTA, along with the major piece of roads infrastructure to be delivered in full by the applicant, would provide for sustainable modes of transport thus reducing perceived increases of traffic on local roads in the longer term. It is worth noting that neither the NTA or TII have objections in principle to the proposed development or the delivery of the east-west link road.
- With regards to the contentions regarding social infrastructure, it is firstly noted that the statements made are broad/sweeping and not backed up by evidence. The application was accompanied by a Social Infrastructure Assessment that evaluates the existing social and community infrastructure in the vicinity of the development which are available to serve the needs of both existing and future residents. A wide range and variety of existing facilities were identified in the catchment area of the subject site, 71 no. social amenities and facilities in total. It is argued that there is sufficient social infrastructure in the environs to cater for the proposed development.
- In the context of the LAP requirement for a minimum of 300sqm of community space to be provided in the development of Phase 2 (western part) of the LAP lands, discussions were had with South Dublin County Council regarding satisfaction of the same. It was agreed that payment of a contribution in lieu of

the provision of community floor space (based on the estimated cost of constructing an extension to an existing community centre) was more appropriate in this instance. The Planning Authority attached Condition No. 28 on the Grant of Permission issued which required payment of the necessary contribution as discussed.

- The contentions regarding density/design are wholly incorrect. In terms of density, the net density of 42 dpha is consistent with the LRD Opinion issued by the Planning Authority which referenced the 40-80 dpha outlined in the Compact Settlement Guidelines. In the context of the Compact Settlement Guidelines, the subject site can be described as a 'City-Suburban/Urban Extension' and an 'Intermediate Location', as per Table 3.1 and 3.8, respectively. A range of 40-80 dpha is outlined for such areas.
- In designing this scheme, consideration was given to the locational context in terms of the location at the edge of the built-up area and at the foothills of the Dublin Mountains, as well as varying topography across the site. The proposed building heights, which are predominantly 2 and 3 stories with one split level 3 to 4 storey building proposed, and are considered to be appropriate, consistent with development in the area and respectful of the sites topography and location. The Planning Authority concurred with this.
- The subject site is identified as a Housing Capacity Site in the current Development Plan. Both the LAP and Development Plan have identified the site as being suitable for new housing.

7.3. Planning Authority Response

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

7.4. Observations

- None.

7.5. Further Responses

- None.

8.0 Assessment

Having examined the appeal, reviewed all other documentation on the case file, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider that the main issues in the appeal to be as follows:

- Principle of Development
- Density and Building Height
- Access, Traffic and Parking
- Social Infrastructure Provision
- Design and Layout
- Residential Amenity
- Open Space and Tree/Hedgerow Conservation
- Other Matters

This application is considered “de novo”, with regard being had to matters raised in the third party grounds of appeal and the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance.

In respect of the proposed development, I have carried out a Stage 1 and Stage 2 Appropriate Assessment (AA) and completed an Environmental Impact Assessment (EIA), which are presented in Sections 9.0 and 10.0 below. The Appropriate Assessments are to be read in conjunction with Appendices 1 and 2 of this report.

8.1. Principle of Development

8.1.1. The subject proposal involves the demolition of existing structures on site and the construction of 523 no. residential units and a childcare facility, as well as the provision of communal/public open space areas and vehicular/pedestrian/cyclist accesses. The subject site has been zoned for new residential development in the South Dublin County Development Plan 2022-2028. More specifically, the subject site forms part of a Housing Capacity Site shown in Figure 9 of the same.

- 8.1.2. From a local policy perspective, the appeal site forms part of a c. 125ha landbank earmarked for new residential development in the Ballycullen - Oldcourt Local Area Plan, 2014 (LAP). However, as previously discussed in Sections 6.3.1 and 6.3.2, the Ballycullen - Oldcourt Local Area Plan, 2014 (as it relates to the western LAP lands within which the subject site is situated), has expired in the intervening period between the subject application being lodged and a decision being made by the Planning Authority.
- 8.1.3. In terms of land use zoning, the majority of the appeal site is zoned 'RES-N – New Residential', in the South Dublin County Development Plan 2022-2028, with a stated objective to '*provide for new residential communities in accordance with approved area plans*'. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being consistent with the approved area plans. The difficulty that arises in this instance is that the Ballycullen – Oldcourt Local Area Plan, 2014 (as it relates to the western LAP lands) has expired in the intervening period between the subject application being lodged and a decision being made by the Planning Authority. Therefore, there is currently no approved area plan in place. This issue has been highlighted in the third party observations received on the application. In the absence of an approved area plan, I consider the proposed development cannot comply with the 'RES-N – New Residential' zoning objective applying to the majority of the subject site. Although, the Statement of Consistency accompanying the application acknowledged the likelihood of the LAP having expired by the time a decision came to be made on this application and the Planning Authority confirming as such in their Planners Report, the matter of compliance with this zoning objective was not raised by the applicant or Planning Authority alike. It therefore constitutes a new issue and, in light of this, the Board may wish to seek the views of the parties, pursuant to Section 132 of the Planning and Development Act, 2000 (as amended).
- 8.1.4. In the context of this matter, I would note Section 32A of the Planning and Development Act, 2000 (as amended), which relates to the seeking the opinion of planning authority prior to application for LRD, which reads as follows:

32A.—(1) *A person who intends to apply for permission under this Part—*

(a) for large-scale residential development,

(b) on land—

(i) that is not located in a strategic development zone, and

(ii) the zoning of which facilitates its use for the purposes proposed in the application,

(referred to in this Act as a "prospective LRD applicant") shall not make the application unless at that time he or she holds an LRD opinion, or written confirmation referred to in section 247(7), in relation to the proposed LRD provided not more than 6 months before the date of the application.

(2) A planning authority shall refuse to consider an application for permission—

(a) for large-scale residential development,

(b) on land—

(i) that is not located in a strategic development zone, and

(ii) the zoning of which facilitates its use for the purposes proposed in the application,

unless it is satisfied that the applicant holds an LRD opinion, or written confirmation referred to in section 247(7), in relation to the proposed LRD provided not more than 6 months before the date of the application.

(3) Where a planning authority refuses to consider an application for permission under subsection (2), it shall return the application to the applicant, together with any fee received from the applicant in respect of the application, and shall give reasons for its decision to the applicant.

8.1.5. Turning my attention to the other land-use zoning objectives applying to the subject site. The proposed childcare facility and a small no. of residential units proposed in the northernmost section of Neighbourhood Zone 3 would be located on the 'RES - Existing Residential' which has a stated objective to '*protect and/or improve residential amenity*'. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area/the established residential amenities of properties in its vicinity. These matters are considered in the subsequent sections of this report. Under this land use zoning objective, childcare facilities are open for consideration subject to suitability in terms of visual/residential amenities as well as Development Plan policies/objectives/standards. The part of site zoned 'RU - Rural

and Agriculture' will feature an area of landscaped open space and is devoid of dwellings/childcare facility structures. Under this land use zoning objectives, open space is permitted in principle.

- 8.1.6. The parts of site zoned 'OS - Open Space', which has a stated objective to '*preserve and provide for open space and recreational amenities*', will accommodate foul sewer infrastructure serving the development. This area is devoid of dwellings/childcare facility structures. 'Public Services' is listed as an open of the open for consideration use set out under the 'OS - Open Space' zoning objective. 'Public Services' are defined as including '*all service installations necessarily required by electricity, gas, telephone, radio, telecommunications, television, drainage and other statutory undertakers...*' in Appendix 6 of the South Dublin County Development Plan 2022-2028. I am satisfied that the proposed foul sewer infrastructure constitutes a public service and therefore this aspect of the proposed development is open for consideration in the context of the 'OS - Open Space' zoning objective. Section 12.2.1 of the Development Plan states that uses listed as 'Open for Consideration' may be acceptable where the proposed development would be compatible with the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in the Development Plan. Given the proposed foul sewer infrastructure is subterranean and occupies such a limited amount of the 'OS - Open Space' zoned land on the subject site, I do not consider that it would affect the future utility of the 'OS' lands or have an undesirable effect on the 'generally permitted uses' under this zoning objective. I note the Planning Authority shared a similar view regarding the provision of foul sewer infrastructure on these parts of the subject site.

Conclusion

- 8.1.7. While I consider that the appeal site is an appropriate and strategic location to support the growth of South Dublin County, with the expiration of the approved area plan in the context of the western LAP lands, the development cannot comply with the 'RES-N – New Residential' zoning objective pertaining to the site as set out with the South Dublin County Development Plan 2022-2028. In light of this, I recommend that planning permission be refused for the proposal on this basis.

8.2. Density and Building Height

- 8.2.1. The third party appellants contend that the density/scale of the proposed development is not in keeping with this rural area. As density and building height are intrinsically

linked, in considering the appropriateness of the density/scale of the proposed development as raised by the appellant, regard will be had to the suitability of the proposed building heights also. The 20.4ha site involved in the subject appeal comprises of a large area of open farmland characterised by mature hedgerows/vegetation, a single storey detached dwelling, a series of single and double storey warehouse/shed structures and a small stretch of the Bohernabreena Road. Excluding the part of the site comprising the proposed east-west main link street (c. 0.82ha), areas occupied by ESB/Uisce Eireann wayleaves (c. 4.35ha) and areas of environmental sensitivities (hedgerows, ditches, buffers to streams/watercourses, wetland areas, bio-retention areas etc.) that cannot be developed (c. 2.77ha), the developable area within this site is 12.46ha. Based on 523 no. residential units, this results in a net density of 42 units per hectare. In terms of building height, the proposed development is 1-4 storeys in height. More specifically, the proposed dwellings are 1 to 3 storeys and the proposed duplex/apartment blocks are 2 to 4 storeys.

8.2.2. Policy QDP8 requires that development proposals adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide. In the intervening period since the adoption of the Development Plan, 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). The Compact Settlement Guidelines generally encourage compact/sustainable growth of urban centres and the promotion of higher densities in appropriate locations. Section 3.0 of these 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 dpha (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 goes on to outline 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.

8.2.3. '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'.

8.2.4. The application is accompanied by a Traffic and Transport Assessment 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). There are 2 no. bus stops proximate to the subject site. The site (the northernmost site entrance from Bohernabreena Road more specifically) is c. 1km south-west of (c. 14-min walk) the Oldcourt Road Bus Stop (Stop ID 4882), which is served by Bus Routes No. 65B, S8 and SD4, and c. 1.1km south of (c. 15-min walk) of the Firhouse College Bus Stop (Stop ID 2542), Bus Routes No. 49 and S6. In the context of the Oldcourt Road Bus Stop, the distance from this stop will be reduced as a result of the pedestrian/cycle links incorporated into the subject development). Moving forward, assuming the Bus Connects Network is further rolled out, Other City Bound Bus Route 85 is proposed to run along Oldcourt Road and Spine/Branch Route F1 is proposed to run along Firhouse Road. Although the 49, S6 and S8 are reasonably frequent urban bus services, given the distance from the bus stops served by these routes, the subject site would constitute a 'peripheral' location in the context of the Table 3.8. Consideration has been given in designing the subject scheme to the potential for 2 no. bus stops to be introduced along the proposed link road, thus providing options for additional public transport services to be provided.

However, these bus stops do not form part of the road layout currently being considered so the subject site remains a 'peripheral' location for the purposes of this assessment. Given the sites peripheral location, the proposed density (42 upha) is consistent with the 'below mid-density range' recommended in the context of the 40 to 80 dpha density range outlined for Dublin's suburban and urban extension locations.

8.2.5. 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 where land has been residentially zoned and earmarked for the provision of 1,600 homes. The topography across the site varies dramatically. The site is at its lowest adjacent to its northern boundary, from there it rises by c. 21 metres in a southerly direction. I am satisfied that the development strategy adopted in the context of the proposed development has had appropriate regard to the site's locational context/topography. As indicated in the 'Overall Lands - Height Strategy' Plan (Drawing No. MP14) and the height strategy map included in the Architectural Design Statement accompanying the application, the proposed development was designed having regard to the height/density strategy outlined in the context of upper, mid and lower slope areas within the Ballycullen-Oldcourt Local Area Plan 2014. The area of land abutting the southern boundary, features the lowest rise dwellings (split-level houses) proposed. This suitably protects the landscape and setting of the Dublin Mountains and maintains a suitable transition from the suburbs to the countryside. 2, 3 and 4 storey buildings feature further north, thus responding to nearby medium to low density suburban housing/providing a transition towards the upper slopes and mountain fringe. The building heights proposed are consistent with recently permitted new developments in the immediately surrounding area, which vary in height from 1-3 storeys. Having regard to the above, I consider that the proposed density strikes an acceptable balance given the transitional/sloping nature of the site, the evolving character of the surrounding area and the

efficient use of zoned/serviced land. The appropriateness of the proposed development, in terms of design, layout and visual amenity is provided in Section 8.5 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 a considerable distance from the nearest Protected Structure/Monument. With regards to landscape heritage, as will be discussed in greater detail in Section 8.5 of this report, the proposed development appropriately responds to the Dublin Mountain Foothills landscape it sits within.
- (c) The proposed development will have limited potential impacts on the environment and protected habitats/species. This is considered further in Sections 9 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, eastern and western boundaries (in part) are flanked by residential dwellings and estates. The appropriateness of the proposed development, in terms of residential amenity impacts, including privacy and daylight/sunlight is provided in Section 8.6 of this report. In summary, it is considered that the development will not have an unreasonable impact upon the residential amenity of the surrounding properties. Given the scale of the buildings proposed, it is not envisaged that the proposed development would have significant effects with regard to microclimate.
- (e) The Uisce Éireann submission confirms that water and wastewater connections are feasible subject to infrastructure upgrades. Uisce Éireann considers the interim pumping stations proposed for installation by the Applicant to be appropriate in principle. It outlines that conditions should apply to any grant of permission. With regards to the matter of flood risk, upon review of SFRA Flood Zone Map Sheet 16 of 26/the Strategic Flood Risk Assessment prepared in conjunction with the current Development Plan and the Site-Specific Flood Risk Assessment accompanying the application, I am satisfied that the proposed development will not cause/increase flood risk on the site or other properties in the vicinity subject to the adoption of the mitigation measures outlined for the proposed development. It is noted that South Dublin County Council's Water

Services Division have raised no objection to the development in the context of flood risk.

8.2.6. In completing the two-step density refining process, I consider a residential density of 42 dpha and the proposed positioning of higher density/lower density buildings within the development to be appropriate for the appeal site. This density can be absorbed at the site without causing a negative impact on existing residential and visual amenities.

8.2.7. Turning my attention now to the South Dublin County's Building Height and Density Guide. This guide features in Appendix 10 of the Development Plan and Section 4 of the same sets out a Contextual Analysis Toolkit by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development. I note Section 5 of this guide outlines a number of notional development scenarios based on typical contexts found across the South Dublin County Council administrative area wherein increased building heights and densities might be accommodated. I do not consider any of the 'Indicative Development Scenarios' outlined therein to be applicable in the context of the subject proposal. I am satisfied that the height strategy adopted in the context of the proposed development is consistent with the Contextual Analysis Toolkit included in Section 4 of the guide for the following reasons:

- The majority of the proposed buildings are 2-3 storeys in height which is consistent with the height of buildings featuring in the recently constructed residential developments/residential developments currently under construction to the north-east and east of the subject site.
- The tallest built form element (Block C) extends to 4 storeys in height. It has been positioned centrally within the scheme (within Neighbourhood 2), immediately adjacent to Oldcourt Park. It is setback a considerable distance from adjacent residential abutments as well as the steepest part of the site.
- As previously discussed, the part of the site positioned closest to the Dublin Mountains features the lowest rise dwellings - split-level houses. I am satisfied that their design appropriately responds to the site's topography and that they have been designed to sensitively incorporated into the slope of the lands.
- The incorporation of 3 and 4 storey built form elements has allowed for a density range consistent with the Compact Settlement Guideline requirements

(discussed above) to be achieved. This was something that the Planning Authority encouraged in their Section 32D Opinion.

- The proposed development incorporates a continuation of the link road, consistent with the Six Year Road Programme of road upgrades outlined in the South Dublin County Development Plan 2022-2028, as well as the Oldcourt Park. Taller buildings proposed within the scheme (i.e. the 3 and 4 storeys built form elements) have been positioned along the proposed link road and/or immediately adjacent to Oldcourt Park and the other public/communal open space areas proposed. This provides an appropriate frontage to this road and activation/passive surveillance of these spaces, respectively.

8.2.8. Having considered the height/density and the layout of the proposed development, I consider that it would be acceptable in accordance with the 'Building Height and Density Guide' contained within the South Dublin County Development Plan 2022-2028. Having regard to the foregoing, I am satisfied that the proposal represents a suitable form of new residential development at an appropriate density/height. It will integrate successfully into the receiving environment and will not result in a significant negative impact on character, amenity or the natural environment but rather make a positive contribution to the changing character of the area. I am also satisfied that the density/height strategy adopted in the context of the subject scheme has appropriate regard to the landscape within which the subject site sits.

8.3. Access, Traffic and Parking

- 8.3.1. The primary concern raised in the third party appeal is the impact traffic volumes associated with the development will have on the existing road network. They contend that currently the road network is heavily trafficked/major tailbacks occur and that the resultant traffic will also exacerbate current road safety issues experienced by pedestrians/cyclists using the road. In response to concerns raised in this regard, the applicant notes that the subject proposal provides for the completion of the east-west link road, sought by both the Ballycullen - Oldcourt Local Area Plan, 2014, and the current Development Plan, and that this link road will lead to a redistribution of traffic on the existing road network. Further to this, the application material submitted confirms that the junctions/road locations assessed were operating within capacity up to 2032 (and 2045) when the subject development as well as other committed developments were taken account of.

- 8.3.2. With regards to access, 4 no. vehicular access points are proposed as part of the development: - (i) from the west of the site, via 2 no. accesses, located off Bohernabreena Road; (ii) from the north of the site, via 1 no. access at Dodderbrook Place; and (iii) from the east of the site, via Oldcourt Road (R113) and via adjoining residential development at Ballycullen Gate. A link road is provided between the northernmost access off Bohernabreena Road and the eastern access, which is the primary access route through the development, and a series of secondary roads and home zones extend outwards from that. As detailed in the Architectural Design Statement accompanying the application, the roads/street network proposed as part of the subject proposal was informed by the Ballycullen - Oldcourt Local Area Plan, 2014. Further to this and having regard to the recent expiry of this LAP in the context of the western LAP lands, I note that the 6-year road proposal included in Map 9 of the South Dublin County Development Plan 2022-2028 adopts a similar layout/positioning to the Main Street link road outlined in the LAP. As outlined in Section 5 of this report, permission was previously granted, under Reg. Ref. SD17A/0041/ABP Ref. PL06S.249367, for the construction of the entirety of the Main Link Street shown in the Ballycullen - Oldcourt Local Area Plan, 2014. The easternmost section of this Main Link Street is currently under construction as part of the residential developments being developed on foot of Reg. Refs. SD17A/0468 and SD23A/0083. The current proposal under appeal seeks to tie in with the easternmost section currently under construction and construct the remaining part of the Main Link Street between these neighbouring developments under construction and Bohernabreena Road to the west. The subject proposal adopts a similar layout to that approved under Reg. Ref. SD17A/0041 which is reflective of the route outlined in Map 9 of the current Development Plan. I am satisfied that the proposed development has been designed having appropriate regard to the 6-year road proposal included in the South Dublin County Development Plan 2022-2028 and that the internal network of secondary roads and streets extending from this link road achieves the street hierarchy approach outlined in DMURS.
- 8.3.3. With regards to vehicular connectivity with the broader area, I am satisfied that the accesses provided to Dodderbrook Place, the Ballycullen Gate development currently under construction and the southernmost of the Bohernabreena Road accesses have been suitably designed. However, the northernmost of the Bohernabreena Road accesses requires some further consideration.

- 8.3.4. This access, which utilises an existing agricultural entrance, is to be the primary access serving the proposed development. It is proposed to install a priority-controlled signalised junction at the intersection of Bohernabreena Road and the proposed Link Street. It is also proposed to upgrade the existing public footpaths featuring on Bohernabreena Road adjacent to the proposed vehicular entrance. I note that South Dublin County Council's Road Department have reiterated concerns previously raised in the Section 32D Opinion issued regarding the Bohernabreena Road Junction's proximity to an existing entrance associated with the southerly abuttal, Windermere. The Road Safety Audit prepared in relation to this application raised this entrance as an issue under Item 3.9. The applicant sought to rely on the previous grant of permission under Reg. Ref. SD17A/0041, for the construction of the Main Link Street as shown in the Ballycullen - Oldcourt Local Area Plan 2014, which included a similar layout in the context of this entrance point off Bohernabreena Road. While the Road Safety Auditor, Bruton Consulting Engineers Ltd, was satisfied in this regard, South Dublin County Council's Road Department were not and recommended that this matter be addressed. The Planners Report included the following commentary in this regard: - *"while noting the established precedent set under the permitted link road (SD17A/0041), the Planning Authority is not satisfied that the precedence of an expired permission trumps a hazardous traffic arrangement to the proposals under consideration. It notes both the Planning Authority's and applicant's specialist concur that the arrangement presents a traffic hazard. In addition, this LRD application is a separate application to the expired permission SD17A/0041, and therefore includes a separate assessment of same"*. In light of this, the Planning Authority saw fit to include a condition (Condition No. 33) requiring details to be agreed with the Planning Authority (Roads) which resolve the concerns raised in Section 3.9 of the Stage 1 and 2 RSA regarding this access point, as well as submission of Stage 3 RSA and Stage 4 RSA.
- 8.3.5. Although I consider this proposed site entrance to be generally appropriate (having regard to the section of road being within the 50kph speed limit zone/being relatively straight/level), I would share the concerns expressed by South Dublin County Council's Road Department/Planner in this regard, in particular having regard to the volumes of traffic entering/exiting the subject site given the scale of proposed development. While I appreciate the Road Safety Auditor's eventual acceptance of the northernmost access provided off Bohernabreena Road as originally proposed, given

the potential traffic hazard/endangerment to public safety issues arising from this aspect of the proposed junction I do not consider reliance on the previous permission under Reg. Ref. SD17A/0041/ABP Ref. PL06S.249367, which is expired, to be appropriate in this instance. Further to this, give the site's frontage to Bohernabreena Road is c. 27 metres wide, there is ample opportunity for alterations to be made to this junction to reduce potential conflicts and improve traffic safety. If the Board were inclined to grant permission, I would recommend that a suitably worded condition be attached to the Board's Order requiring that details to be agreed with the Planning Authority (Roads) which resolve the concerns raised in Section 3.9 of the Stage 1 and 2 RSA regarding this access point, as well as submission of Stage 3 RSA and Stage 4 RSA. Having regard to the foregoing, subject to the inclusion of the aforementioned condition, I am satisfied that suitable vehicular access arrangements can be achieved in relation to the subject development and the proposed development will not endanger public safety by reason of traffic hazard.

- 8.3.6. The pedestrian/cyclist connections provided as part of the subject proposal improve permeability/accessibility within the immediately surrounding area and encourage walking/cycling among residents of the subject development/neighbouring developments and are therefore welcome inclusions.
- 8.3.7. With regards to traffic, a Traffic and Transport Assessment, which outlines the predicted impact resulting from vehicular traffic associated with the proposed development, was submitted with the application. It is worth noting that in preparing their report, Pinnacle Consulting Engineers had regard to the Ballycullen - Oldcourt LAP Main Link Street Traffic and Transport Assessment which would have informed the Ballycullen - Oldcourt Local Area Plan, 2014. The Traffic and Transport Assessment submitted estimates traffic generated by the subject proposal utilising the TRICS database and assigned the traffic arising from the subject development to the road network based on the industry standard assumption that the trip patterns will mirror the existing established weekday AM and PM peak hour traffic count data in terms of traffic turning proportions and distribution at junctions. I am satisfied with the approach taken in this regard. It then proceeded to carry out an assessment of junction capacity (informed by surveys conducted on 14th May 2024), which included an assessment of the proposed Link Street/Oldcourt Road junction, the proposed Link Street/Bohernabreena Road junction (the northernmost vehicular access proposed to Bohernabreena Road) and the proposed Estate Road/ Bohernabreena Road junction

(the southernmost vehicular access proposed to Bohernabreena Road). As part of the junction analysis the following scenarios were modelled (with and without development flows): – 2024 Baseline Year, 2032 Opening Year, 2035 Opening Year + 5 Years and 2047 Opening Year + 15 Years. This assessment concluded that *‘all junctions operate within capacity. This impact assessment has confirmed that the proposed access arrangements can accommodate anticipated levels of traffic visitation to the development as similar concluded in the Ballycullen - Oldcourt LAP Main Link Street planning application (as amended by the proposed application), originally permitted under Reg. Refs. SD17A/0041 & PL 06S.249367’*.

8.3.8. 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. While I acknowledge the concerns raised by the third party appellants regarding the unsuitability of the existing road network to accommodate traffic volumes associated with this development, these concerns have not been substantiated by evidence (such as an alternative technical assessment) demonstrating such an outcome is likely. In the absence of such evidence and having regard to the Transportation Assessment Report accompanying the application, I do not agree that this is a likely consequence of the proposed design. 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 Bohernabreena Road/Oldcourt Road and the surrounding road network more broadly. I am satisfied, having regard to the material submitted with the application, that the proposed development will not pose an unacceptable level of traffic hazard or unduly impact on the carrying capacity of/cause an unreasonable increase in congestion on the surrounding road network and junctions.

8.3.9. With regards to parking provision, the proposed development will be served by 746 no. car parking spaces in total, comprising of 673 no. serving residents, 7 no. serving the creche and 66 no. serving visitors, and 1,268 no. bicycle parking spaces in total, comprising of 1,024 serving dwelling residents and 225 no. serving visitors. Consistent with the view shared by the Planning Authority, I consider parking provision to be acceptable in terms of quantum/location in this instance, save for in one regard. I would have concerns about the proximity of the childcare facility’s bin/bike storage building (which accommodates childcare facility staff bicycle parking spaces) relative to the

proposed childcare facility. If the Board were inclined to grant permission, I would recommend that a condition be attached to the Board's Order requiring that this aspect of the proposed development be redesigned.

8.4. Social Infrastructure Provision

- 8.4.1. Third party appellants contend that there is a lack of social, health and education amenities to support such a high-density development. In refuting claims made in this regard, the applicant directs the Board to the Social Infrastructure Assessment Audit accompanying the application which identified a wide range/variety of existing facilities within the subject site's catchment area available to serve the needs of both existing and future residents.
- 8.4.2. The Ballycullen - Oldcourt Local Area Plan, 2014, included a Phasing Strategy' in Section 6.3 which required development be carried out in tandem with the provision of the necessary physical and social infrastructure. Albeit expired now, I note that the following social infrastructure has been rolled out in conjunction with the development of the Western LAP lands to date: - the Gunny Hill playing pitches (on foot of Reg. Ref. SD16A/0059/ABP Ref. PL06S.247693); and a school site has been provided to the south of the Ballycullen Green Estate/off the Oldcourt Road. In the context of the appeal site, the subject proposal includes the construction of a Neighbourhood Equipped Area for Play (NEAP)⁴ and the Oldcourt Park. Having regard to the existing facilities identified within the subject site's catchment area and the Park/NEAP proposed as part of the subject development, I am satisfied that sufficient social, health and education amenities exist to serve to serve the needs of both existing and future residents.
- 8.4.3. In terms of social infrastructure provision, the suitability of the proposed childcare facility requires specific consideration. The submission of South Dublin Childcare Committee raised a no. of concerns regarding the proposed childcare facility, regarding the no. of childcare spaces provided and its internal layout. Given the proposed development includes 472 no. dwellings (2+ bedroom units only having regard to the guidance included in the 2023 Apartment Guidelines) capable of accommodating families and the proposed floor area, I consider the proposed creche (which has a floor area of c. 457sq.m and accommodates 126 no. childcare places)

⁴ Defined as an activity area of 1,000sqm minimum featuring play facilities for a wide range of age groups. The activity area in the NEAP should be divided into a play equipment area (at least 8 items) and a hard surfaced area for older children to include a Multi Use Games Area and/or skate park.

to be consistent with the Childcare Facilities Guidelines for Planning Authorities (2001) in terms of no. of places/floor area and to address the projected demand for childcare services associated with the proposed development. With regard to the concerns raised regarding the childcare facility's internal layout, I note that the floor area of the proposed childcare facility provides ample space for changes to be made to the internal layout to achieve compliance with the abovementioned regulations/guidance. Irrespective of this, I note that the issues raised by the South Dublin Childcare Committee in relation to the internal layout specifications are matters to be addressed between the applicant and Tusla as opposed to being matters specifically relevant to this planning application.

- 8.4.4. There are two things pertaining to the proposed childcare facility that requires further planning consideration. Firstly, associated signage. I note that the Planning Authority saw fit to include a condition (Condition No. 32) requiring that details/specs of signage associated with the childcare facility be agreed with them/be consistent with current Development Plan policies given the absence of signage detail within the application material. I consider the inclusion of such a condition to be merited if the Board were inclined to grant permission. Secondly, its location in the context of the overall site layout. I consider the location/general layout of the childcare facility to be suitable, as well as its outdoor play area and car/bicycle (short stay) parking areas. However, I would have concerns about the proximity of the childcare facility's bin/bike storage building relative to the proposed childcare facility. It is located c. 14 metres to the north of the childcare facility building, which is not overly convenient, particularly in the context of bin storage. Upon review of the layout plan accompanying the application for Neighbourhood Zone 3, I think there is scope for this building to be repositioned closer to/or to be encapsulated within the proposed childcare facility building, without the adjacent dwelling's/communal open space area or the childcare facility's playground being detrimentally impacted upon. Therefore, if the Board are inclined to grant permission, I would recommend that the Board's Order include a suitably worded condition in this regard.

8.5. Design and Layout

- 8.5.1. The site layout has been informed by a number of elements/constraints, including the site's narrow/elongated/sloping nature and irregular shape, the Main Link Street required pursuant to the Ballycullen - Oldcourt Local Area Plan 2014/encompassed in

Map 9 of the current Development Plan, the wayleaves traversing the subject site and the desire to preserve the existing landscaping / hedgerow features.

- 8.5.2. As outlined in the Architectural Design Statement accompanying the application, the design and layout of the proposed development has been informed by the development Option A outlined in the context of the existing 220kV overhead lines and the following strategies outlined in the to the Ballycullen - Oldcourt Local Area Plan 2014: - the Streets Rationale Diagram included in Fig. 4.5, the Land Use and Density Rationale Diagram included in Fig. 4.6, the Green Infrastructure Strategy set out in Section 5.3 and the 'Phasing Strategy' set out in Section 6.3. As previously discussed, this LAP has recently expired in the context of the western LAP lands.
- 8.5.3. As discussed previously in Section 8.4, the road/street network adopted in the context of the proposal is consistent with the 6-year road proposal included in Map 9 of the South Dublin County Development Plan 2022-2028. This main link street provides access to 4 no. neighbourhood zones. More specifically, Neighbourhood Zone 1 is located in the south-eastern part of the site, to the south of proposed Oldcourt Park; Neighbourhood Zone 2 is located in the central part of the site, to the west of proposed Oldcourt Park; Neighbourhood Zone 3 is located in the north-western part of the site, to the south of St. Annes GAA Club; and Neighbourhood Zone 4 is located in the south-western part of the site, to the north of Bohernabreena Cemetery. All 4 no. neighbourhoods feature a mix of the residential units proposed (which of 15 no. different house typologies, a mix of 2, 3 and 4 bedroom detached, semi-detached and terraced houses; 1 no. 3-storey duplex unit (House Type E which is interspersed among the proposed houses); 8 no. different duplex blocks, featuring a mix of 1 and 2 storey 1, 2 and 3 bedroom units; and 5 no. different apartment blocks, featuring a mix of 1, 2 and 3 bedroom apartments) and Neighbourhood 3 also features the proposed 2-storey childcare facility.
- 8.5.4. All buildings proposed are contemporary in design with similar elevational treatments. A variety of brick types and differing compositions of brick, render and metal/zinc cladding in the context of elevations are proposed to differentiate the neighbourhood zones as well as the varying typologies proposed. The finished floor levels and ridge heights are varied throughout the development and split-level dwellings feature in the southernmost part of the site in response to the natural topography of the site, which has informed the layout. Although the layout generally responds to the topography of the site, to provide for appropriate levels in some parts of the site, it is proposed to cut

and fill sections of the site, as illustrated in the contiguous elevations/sections accompanying the application. Given the high-quality design and layout of the scheme and the landscaping proposals for the subject site, it is my view that the proposed development generally represents a reasonable response to its context and the topography of the site and would support the consolidation of the urban area. I would, however, note one condition (Condition No. 31(a)) the Planning Authority saw fit to include in relation to the layout of the development. Condition No. 31(a) requires the following: - *'an updated version of the 'Proposed Elevations & Section, Block B Drawing' and relevant Site Layout Plans showing the two storey house types replaced with a house type that allows a more gradual transition with the adjoining three storey units'*. Upon review of the applicable elevations, I would concur with the Planning Authority that such an amendment to proposed Apartment Blocks B (of which there are 3 in total) is necessary. Currently, an abrupt transition is provided between the 2 and 3 storey elements within the block, particularly due to the fact that the 3-storey component sits higher than the adjacent 2-storey component. Therefore, it is recommended that a condition be included on the Board's Order requiring that Block B's 2-storey element be redesigned to provide a more gradual transition to the block's 3-storey element in the event a grant of permission is contemplated.

- 8.5.5. Upon review of the layout plan for Neighbourhood Zone 2, I would have one further concern regarding Apartment Block B2 in particular. This block is located in the north-western corner of this neighbourhood zone, immediately north of proposed Dwellings No. 183 and 191. Due to the orientation of this block relative to the northern boundaries associated with these dwellings, the easternmost units featuring in Block B2 will be in very close proximity to House No. 191's northern boundary. To reduce potential overbearing in the context of the private open space associated with this dwelling, when redesigning this block to address the transition issue, it is also recommended that the easternmost duplex unit (Unit No. 7) be omitted. A suitably worded condition should also feature in the Board's Order in this regard if they are inclined to grant permission. Subject to the inclusion of these conditions, I am satisfied with the design and layout adopted in the context of the proposed development.
- 8.5.6. The question that arises is whether the proposed development is appropriate in the context of the development currently featuring on adjoining sites/the character of the surrounding area. The surrounding area is generally characterised by suburban housing, agricultural fields, recreational land uses (St. Annes GAA Club) and

ecclesiastical land uses (Bohernabreena Cemetery). As previously discussed, the majority of the site is currently free of development, comprising agricultural fields which are delineated by tree lined hedgerows, save for a single storey detached dwelling and a series of single/double storey buildings and warehouse/shed structures featuring in the south-western corner. In terms of residential abutments, the subject site is located immediately east of 4 no. detached single and double storey houses fronting Bohernabreena Road and the Dodderbrook Housing Estate, which features primarily double storey semi-detached/terraced dwellings and a 3-storey residential block, is located further north of the subject site and the Ballycullen Gate residential development currently under construction (on foot of Reg. Ref. SD23A/0083), which features a mix two and three storey dwellings/duplex and apartment blocks, is located further east. The proposed development is consistent with form of residential development emerging in the immediate area in recent years.

8.5.7. In the context of the more traditional, lower rise residential development featuring to the west, the subject scheme has been laid out with the lower density/2-3 storey buildings located proximate to the existing dwellings featuring to the immediate west, with taller/more dense building featuring further east closer to the more recently developed residential abutments. As previously discussed, the proposed development will be contemporary in design, adopting a mix of flat and pitched roof forms and featuring brick, render and metal/zinc cladding in terms of materials/finishes. The immediately surrounding area is varied in terms of building stock, architectural styles and materiality with re-development having occurred in the area in recent years. Having regard to the foregoing, the proposed development will sit comfortably in the context of the residential estates/properties featuring to the north, east and west of the subject site, particularly having regard to the building height strategy/palette of materials proposed. I think this is best illustrated by the LVIA Photomontages, in particular those taken from Viewpoints 3, 4, 5 (part 2) and 6a (part 1), submitted as part of the application.

8.5.8. Turning my attention to the proposed development's presentation to Bohernabreena Road. Due to the unusual shape/elongated nature of the subject site, the subject site's street frontage to both Bohernabreena Road is limited relative to the overall size of the site (c. 50 metres in the context of the southernmost abuttal and c. 27 metres in the context of the northernmost abuttal, a combined total of c. 77 metres). The southernmost part of site flanking Bohernabreena Road is currently occupied by a

single storey detached dwelling, a series of single/double storey buildings and warehouse/shed structures and associated access roads/parking areas. As part of the subject proposal, these buildings will be demolished/parking areas and access roads will be removed and replaced by an open space area, the development's secondary access road/a pedestrian path and a row of semi-detached/terraced dwellings. Given the dilapidated state of some of the existing buildings featuring along this frontage currently, I consider the proposed development will have a positive effect on the subject site's presentation to Bohernabreena Road in the context southernmost Bohernabreena Road abuttal. Proposed Houses No. 387 and 388 has been orientated to front the Bohernabreena Road streetscape and will provide for a modern insertion which is of a scale and design appropriate to the site/neighbouring properties and will not significantly detract from the visual amenity of the Bohernabreena Road streetscape. Due to the narrow width of this part of the site, the provision of the development's primary access road/cycle and pedestrian paths immediately proximate to Bohernabreena Road, the nearest building proposed being setback c. 53 metres from the road frontage and westernmost buildings featuring in Neighbourhood Zone 3 being tucked behind Hillcrest, as well as the presence of the aforementioned 4 no. neighbouring dwellings along Bohernabreena Road, there would be limited views of the proposed development in the context of the northernmost Bohernabreena Road abuttal. Similarly, given the proposed development sit behind the Ballycullen Gate development currently under construction, there will be limited views of the proposed development from Oldcourt Road.

- 8.5.9. More broadly, the proposed development would extend County's built-up area further north towards the Dublin Mountains, replacing mainly fields on the periphery of the built-up areas with a suburban residential estate. This is in keeping with planned growth for the area, the subject site being identified as a Housing Capacity Site in the South Dublin County Development Plan 2022-2028. In broader visual terms, views of the site from the wider area would not be significant/would be obscured by existing structures and trees/vegetation featuring proximate as well as the areas undulating topography. This is clearly illustrated by the LVIA Photomontages, in particular those taken from Viewpoints 10, 14, 15 and 16, submitted with the application. These verified views show the existing situation/the proposed development as viewed from the junction of Ellensborough Rise and Kiltipper Road; McMahon's Lane; Conroy's Lane; 'Forest Loop' trail, Hell Fire Club & Massy's Estate, respectively. I would be of the view

that the overall visual impact of the proposed development can be adequately absorbed at this location and would be acceptable in the context of the visual amenities of the area. I am also satisfied that the proposal will have limited impact on existing views of the Dublin Mountains, due to height/open space strategies adopted in the context of the layout. It is worth noting that the Landscape and Visual Impact Chapter prepared in conjunction with the EIAR accompanying the application concluded that none of the “Prospects to be Preserved and protected”, identified in Section 9.2.1 of the South Dublin County Development Plan 2022-2028 fall within the ‘Bare earth’ Zone of Theoretical Visibility pattern and are likely to be impacted in any material way by activity or land use on the application site.

8.6. Residential Amenity

- 8.6.1. The suitability of the development in terms of residential amenity, both in the context of potential impacts on neighbouring properties and the residential amenity afforded residents of the proposed development, is assessed in this section of the report.
- 8.6.2. The closest neighbouring residential abutments are Moneen, Windermere, Hillcrest and Mount Carmel to the west. The part of the subject site immediately abutting Moneen and Windermere features access roads/landscaped open space areas, the nearest dwelling proposed being setback c. 45 metres from the common boundary. Therefore, it is not anticipated that these properties will be impacted upon by way of overlooking, overbearing or overshadowing and the separation distances provided are sufficient to negate any potential impacts on daylight/sunlight they currently receive. In the context of Hillcrest and Mount Carmel, proposed Apartment/Duplex Units No. 389-396 are located immediately proximate to the applicable common boundaries. Of these, Mount Carmel features 3 no. south-facing upper floor level windows which require consideration (Hillcrest being devoid of east and south facing windows at upper floor level). The westernmost of the south-facing upper floor windows associated with Mount Carmel sits directly opposite a landscaped area and an access road so there are no opportunities for overlooking of this upper floor window. The remaining 2 no. of the south-facing upper floor windows sit directly opposite proposed Apartment/Duplex Units No. 389 & 390. These Apartment/Duplex Units adopt a minimum setback of 21.3 metres from the common boundary and c. 34 metres from Mount Carmel's side elevation which is well in excess of the 16-metre separation distance specified by Specific Planning Policy Requirement (SPPR) 1 of the Sustainable Residential

Development and Compact Settlements - Guidelines for Planning Authorities (2024). In terms of overlooking of private open spaces areas associated with Hillcrest and Mount Carmel, proposed Apartment/Duplex Units No. 389-396 adopt minimum setbacks of 13.4 metres and 21.3 metres, respectively, from the common boundaries. This is sufficient to restrict undue overlooking of the adjacent private amenity spaces. Given the generous separation distances that exist between proposed Apartment/Duplex Units No. 389-396 and these properties, as well as the flat roof design adopted/maximum height of the proposed Apartment/Duplex Block (10.55 metres), I do not consider the proposed development would unreasonably overshadow or overbear upon these adjacent properties. I am also satisfied that the proposed development is sufficiently distanced from these dwellings to negate any potential impacts on daylight/sunlight they currently receive.

8.6.3. In the context of the Dodderbrook Housing Estate and the Ballycullen Gate residential development currently under construction (on foot of Reg. Ref. SD23A/0083), given the nature of the development proposed immediately adjacent to the common boundaries (which generally comprises landscaping/infrastructural proposals) and the separation distances provided from dwellings featuring within these estates, it is not anticipated that this development will be impacted upon by way of overlooking, overbearing or overshadowing. Further to this, the separation distances provided from the closest dwellings proposed are sufficient to negate any potential impacts on daylight/sunlight they receive.

8.6.4. With regards to the residential amenity afforded residents of the proposed development, upon review of the plans accompanying the application, I am generally satisfied that the proposed houses, apartments and duplex units comply with the relevant requirements outlined in the Quality Housing for Sustainable Communities (2007), Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024), the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023), and the requirements of the South Dublin County Development Plan 2022-2028. I note some minor non-compliances identified in the context of House Types D1, D3, D4, D5 and F1, regarding floor space requirements; proposed Houses No. 285-291 and 323-328, regarding minimum separation distances between opposing habitable room windows; a small no. of units featuring within Urban Duplex Blocks E1, E2, E3 and E4/Apartment Blocks B1 and B2 and Block D, regarding aggregate bedroom floor space and aggregate

living room floor space; and Apartment Block C, regarding the floor to ceiling height proposed at ground floor level. In this regard, the applicable shortfalls are considered to be minor. While the majority of the proposed apartments/duplex units comply with the quantitative storage requirements, there are a no. that fall short. Given the floor areas/layouts of the same, I am satisfied that compliance with this aspect of the requirements could be addressed by way of condition, were the Board inclined to grant planning permission. Having reviewed the proposed floor plans, I am generally satisfied that the houses, apartments and duplex units 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. However, I would have concerns about House Types A and A1, more specifically the north-facing bedroom featuring at second floor level (currently served by a roof light only). Upon review of the plans, opportunity exists for a window to be added to the dwelling's northern elevation which would improve the internal amenity of this room. If the Board is inclined to grant planning permission, I would recommend that a suitably worded condition be attached requiring this amendment.

8.7. Open Space and Tree/Hedgerow Conservation

8.7.1. Chapter 8 of the South Dublin County Development Plan 2022-2028, more specifically Section 8.7.3 (Table 8.2), outlines a minimum public open space 'overall standard' of 2.4 hectares per 1000 population, based on an occupancy rate of 3.5 persons for dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms and specifically requires that a minimum of 15% of the site area be reserved for public open space provision in the context of lands zoned 'RES-N' and a minimum of 10% in the context of lands zoned 'RES'. Based on the occupancy rates outlined above, I calculate that the population of the development would be 1392.5 persons (i.e. 219 units x 1.5 persons and 304 units x 3.5 persons). In accordance with the 'overall standard' of 2.4ha per 1000 population, this would equate to a requirement of 3.34ha of public open space.

8.7.2. As clearly indicated in the material accompanying the application, the proposed development features 6 no. public open space areas, including Oldcourt Park being provided centrally on site. These areas amount to a total of 3.24Ha of public open space or 15.9% of the site. This generally satisfies/exceeds the aforementioned quantum outlined regarding public open space provision in the Development Plan. The minor shortfall in the context of the Section 8.7.3 requirements is considered di

minimis, particularly in light of the 37,702sqm of supplementary environmental open space provided throughout the site. In addition to satisfying the numerical requirements, I am satisfied that the proposed open space areas are appropriately located/dispersed within the proposed development as well as being appropriately overlooked in terms of safety/passive surveillance. The current Development Plan (including at COS5 Objective 19) requires the provision of suitable play areas, accommodating various ages groups, within parks/public open space areas. Of the 6 no. public open space areas provided, 5 no. feature a play area (the combined area of which is 2,470sqm). The one public open space area devoid of a play area is located immediately opposite of the large play area provided in Oldcourt Park. Further to this, I note that addition play areas, equating to 736sqm, feature within the 18 no. communal open space areas provided throughout the development. Upon review of the application material, I am satisfied with the quantum and location of play areas proposed as well as the variety of play area typologies proposed.

- 8.7.3. The Development Plan (in particular Policy GI1, including Objective 4) aims to protect, enhance, and further develop a multifunctional green infrastructure (GI) network and to require development to incorporate GI as an integral part of the design and layout concept. Upon review of the Green Infrastructure Strategy Map included in the Development Plan (at Figure A 4.1 in Appendix 4), part of the subject site (the westernmost part) lies within the Dodder River Primary GI Corridor. The Development Plan outlines that the quantity and quality of green infrastructure will be improved by the implementation of a Green Space Factor (GSF), which is a measurement that describes the quantity and quality of landscaping and GI across a defined spatial area. Policy GI5 Objective 4 is to implement the minimum GSF for all qualifying development in accordance with Section 12.4.2 of the Plan. The South Dublin County Council GSF Guidance Note outlines that a minimum score of 0.5 applies to the 'RES' and 'RES-N' zones. I am satisfied that the proposed landscaping scheme incorporates GI as an integral part of the design. The proposed scheme aims to enhance connectivity between open spaces, including the wider GI network and its biodiversity value. It would also enhance the existing watercourse featuring centrally on site through the creation of a wetland ecology trail within the Oldcourt Park. The Landscape Design Rationale document, at Section 7.3, includes a completed 'Green Factor Score Sheet'. It outlines that a GSF of 0.62 is achieved, which is in excess of the 0.5 minimum required score. In light of the foregoing, I consider the proposed development would

be consistent with the Green Infrastructure Strategy included in the South Dublin County Development Plan 2022-2028.

8.7.4. The Development Plan (including GI2 Objectives 2 and 5) encourage the retention/protection/enhancement of existing trees and hedgerows, in particular townland and parish boundaries. The application was accompanied by an Arboricultural Assessment & associated drawings and a Landscape Design Rationale Document. As part of the proposed development, it is proposed to remove 48 no. trees and c. 557 metres of tree lines (24.4% of the overall total) to facilitate the proposed development and/or due to their poor condition/unsuitability in terms of species. I note that there are no special designations pertaining to the site and no Tree Preservation Orders under the Planning and Development Act, 2000 (as amended), applying to the subject site. Further to this, the Arboricultural Assessment submitted with the application shows that the majority of the trees proposed for removal are 'Category C' and 'Category U' trees, with only 1 no. 'Category A' tree and 3 no. 'Category B' trees proposed for removal. The Landscape Design Rationale Document, indicates that 5,486m of hedgerows are to be removed to accommodate the proposed development, with 28,871m of hedgerows being retained/maintained and incorporated in to the scheme. The level of hedgerow retention is welcomed as well as their incorporation into open space areas/publicly accessible spaces as opposed to private gardens. Further to this, as illustrated in the Landscape Plans submitted with the application additional tree planting is proposed throughout the site. Having regard to the foregoing, I am satisfied that the level of tree loss/hedgerow removal required to facilitate the proposed development is acceptable in this instance.

8.8. Other Matters

- *Surface Water Drainage* - Upon review of the material accompanying the application, South Dublin County Council's Water Services Division raised concerns regarding: - the inlet pipe to detention basin, Qbar figures, attenuation calculations, bends within the Surface Water network, the use of SuDS (Sustainable drainage Systems) and the entrance to outlet pipe from detention basin. They advised that contact with them/agreement on the surface water and SuDS layouts for the proposed development is required prior to commencement of development. In light of this commentary, the Planning Authority saw fit to include a condition (Condition No. 2), requiring submission of an updated SUDs

Drainage Plan which addresses the aforementioned items. I find the approach adopted by the proposal in the context of surface water drainage to be generally acceptable and am similarly satisfied that the aforementioned items could be dealt with by way of condition. I would recommend that a condition be attached on the Board's Order pertaining to this matter if the Board were inclined to grant permission.

- *Aviation* – As previously discussed, the subject site falls within the Outer Horizontal Surface and Bird Hazards aviation layers outlined for Casement Aerodrome in the South Dublin County Development Plan 2022-2028. The Aviation Safeguarding and Public Safety Zones Technical Guidance Map included in the South Dublin County Development Plan 2022-2028 places the subject site within an area identified as a location in which developments of up to 30 metres in height above ground are unlikely to have significance in relation to aviation. The tallest building proposed as part of the subject development is Block C which extends to a maximum height of c. 11 metres. Therefore, I am satisfied that the proposed development will not have any negative implications regarding aviation. It is worth noting that the Department of Defence, in their correspondence dated 8th November 2024, advised that they had no observations to make on the application.
- *Public Art* – COS11 Objective 3 included in the current Development Plan requires that residential developments in excess of 500 units incorporate a physical artistic feature into the scheme. To ensure compliance with this requirement and consistent with the recommendation of the Arts Officer, the Planning Authority included a condition (Condition No. 27) requiring the provision of an artistic physical feature at the subject site, to be installed prior to the completion of the 3rd phase of development. To ensure consistency with this Development Plan objective, were the Board so minded to grant permission, I would recommend that a similarly worded condition be included on the Board's Order.
- *Duration of Permission* – The applicant seeks a 7-year permission for the proposed development, a duration longer than the standard five years. They argue that such a permission duration is justified having regard to the scale/nature of the proposed development, the delivery of all of the site

development/infrastructural works and context/complexities of the subject site. The Development Management Guidelines for Planning Authorities (2007) advise that extended durations for permissions may be appropriate in some situations, for example, for major developments, which I consider the subject development to fall into the category of based on the extensive scale of development proposed, which is substantially larger than the standard developments in the area. The additional permission period sought is not substantially greater than the standard and I am satisfied that there are appropriate circumstances based on the Development Management Guidelines and the scale of the development to allow a seven-year permission.

- *Water Framework Directive Screening* – All new developments in Ireland that may have an impact on the water environment are required to comply with the objectives of the Water Framework Directive (WFD), under the European Communities (Water Policy) Regulations 2003 S.I. No. 722/2003 (as amended). This includes ensuring that no changes occur that cause a deterioration of the ecological status of any water body, and that the development does not prevent the achievement of the future status objectives of any water body. A Water Framework Directive Screening Assessment accompanies the subject planning application. In summary, the report sets out the WFD assessment methodology, outlines the site context in terms of hydrology and hydrogeology and carries out a screening exercise. The report identifies the following 4 no. WFD surface water bodies and 1 no. groundwater body which need to be considered in the context of the subject proposal: - The Dodder_SC_040 (European Code: IE_EA_09D010620), Dodder_SC_050 (European Code: IE_EA_09D010900), Liffey Estuary Lower transitional waterbody (European Code: IE_EA_090_0200), Dublin Bay coastal waterbody (European Code: IE_EA_090_0000) and the Kilcullen groundwater body (Code: IE_EA_G_003). Having developed a conceptual site model, possible Source Pathway Receptor (S-P-R) linkages were identified. Having assessed the S-P-R model and the mitigation/design measures to be incorporated during the construction phases, it concluded that no impact was anticipated on the current status of waterbodies, both in the context of the hydrological environment and the underlying hydrogeological environment. Further to this, it did not consider that any aspects of the proposed development will prevent the WFD objectives from being achieved or to meet the requirements

and/or objectives in the second RBMP 2018-2021 (River Basin Management Plan) and draft third RBMP 2022-2027. In light of this, no further assessment of WFD was deemed necessary. Having considered the nature, scale and location of the proposal, I consider that it is reasonable to conclude on the basis of objective information, including the screening document accompanying the application, that the proposed development will not result in a risk of deterioration of any waterbody (rivers, lakes, groundwaters, transitional and coastal) either on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

9.0 Appropriate Assessment

Appropriate Assessment Screening

- 9.1. I have completed a screening for Appropriate Assessment (Stage 1) and determined that the project may have likely significant effects on the following European sites: - Glenasmole Valley SAC and Wicklow Mountains SAC in view of those sites' conservation objectives and qualifying interests. The Board determined that an Appropriate Assessment (Stage 2) is required of the implications of the project on the same. I am satisfied that the possibility of likely significant effects by the project on other European sites could be excluded in view of the nature and scale of the project and those sites' conservation objectives.

Appropriate Assessment

- 9.2. I have considered the Natura Impact Statement submitted by the applicant and all other relevant documentation accompanying the application and completed an Appropriate Assessment (Stage 2) of the implications of the project on the Glenasmole Valley SAC (Site Code 001209) and Wicklow Mountains SAC (Site Code 002122) in view of the sites' conservation objectives. I consider that the information submitted was adequate to allow the carrying out of an Appropriate Assessment.
- 9.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would adversely affect the integrity of the European sites No. 002122 and 001209, or any other European site, in view of the site's Conservation Objectives.

9.4. This conclusion has been reached following a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. More specifically, this conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the Glenasmole Valley SAC and Wicklow Mountains SAC.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Glenasmole Valley SAC and Wicklow Mountains SAC.

9.5. See Appendices No. 1 and 2.

10.0 Environmental Impact Assessment

10.1. Introduction

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

10.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended), provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects comprising of either:

- *Construction of more than 500 dwelling units.*
- *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.*

The proposed development involves the construction of 523 no. residential units/a childcare facility on a site in a built-up area comprising 20.4ha in size. The proposed development exceeds the relevant dwelling unit nos. and area specified in Part 2 of Schedule 5 and is therefore subject to mandatory EIA.

- 10.1.3. The application is accompanied by an Environmental Impact Assessment. The EIAR comprises a non-technical summary (Volume 1) and a main report (Volume 2). In the context of the main report, Chapters 1 to 3 inclusive set out an introduction (which includes a description of methodology); the planning policy; and a description of the project and alternatives considered. Chapters 4 to 16 describe and assess the likely significant direct, indirect and cumulative effects of the proposed development in accordance with the relevant headings listed in Article 3(1) of the 2014 EIA Directive, including the interactions between relevant effects. Proposed mitigation and monitoring measures are outlined in Chapter 17.
- 10.1.4. The subsequent sections of my report examine of the information presented by the applicant, including the EIAR, made during the course of the application and carries out an independent and objective environmental impact assessment (EIA) of the proposed project in accordance with the requirements of relevant legislation.
- 10.1.5. I am satisfied that the information contained in the EIAR has been prepared by competent experts (as outlined in Table 1.2, included in Section 1.12.16 of the EIAR, as well as in the individual chapters) and generally complies with Article 94 of the Planning and Development Regulations, 2001 (as amended), and the provisions of Article 5 of the EIA Directive 2014. I am also satisfied that appropriate opportunities have been afforded for public participation, and that the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

10.2. Vulnerability of Project to Major Accidents and/or Disaster

- 10.2.1. Article 3(2) of the 2014 EIA Directive includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 10.2.2. The Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018) identify two key considerations:
- The vulnerability of the project to potential disasters/accidents, including the risk to the project of both natural disasters and man-made disasters.
 - The potential of the project to cause accidents and/or disasters, including implications for human health, cultural heritage, and the environment.

- 10.2.3. The EIAR, at Section 3.26.3, outlines that the subject site does not include any man-made industrial processes (including SEVESO II Directive sites (96/82/EC & 2003/105/EC) which would be likely to result in a risk to human health and safety.
- 10.2.4. Chapter 6 and Chapter 7 of the EIAR consider geohazards and the risk of flooding, respectively, and the application is accompanied by a Site-specific Flood Risk Assessment (SFRA) and a Hydrological & Hydrogeological Qualitative Risk Assessment. This SFRA concludes that the proposed development is not at risk of flooding from external sources, or as result of the proposed development and will not give rise to flooding impacts elsewhere. The proposed buildings featuring in this development are located within Flood Zone C. Pluvial and groundwater flooding will be managed through the implementation of the design/drainage measures.
- 10.2.5. Having regard to the nature of the proposed residential development on zoned lands, and to the surrounding pattern of land uses and development, I am satisfied that the development is not likely to cause, or to be vulnerable to, major accidents and / or disasters.

10.3. **Consideration of Alternatives**

- 10.3.1. Article 5(1)(d) of the 2014 EIA Directive requires the following:

“a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment”.

- 10.3.2. Annex (IV) (Information for the EIAR) provides the following additional detail in relation to ‘reasonable alternatives’:

“A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.”

- 10.3.3. Chapter 3, specifically Section 3.21, included a discussion on main alternatives considered. The reasonable alternatives examined can be summarised as follows:

- Alternative Locations: Taking into consideration the zoning and development objectives relating to the subject site and it is considered that the site is suitable for the proposed development.
- Alternative Uses: The main alternative use for the subject lands would be to maintain its use. The subject lands are currently, in the majority, in greenfield agricultural use and have no specific / relevant previous grant of permission for similar residential development attached to them. In light of the zoning objectives applying to the site, it is evident that the Local Authority supports the provision of residential development on the subject lands.
- Alternative Design & Layouts: The design parameters for the development proposal are set down in the first instance in the current Development Plan and Ballycullen-Oldcourt Local Area Plan, 2014, which have determined the land use mix, the building height, density and other physical characteristics. The initial stage involved a constraints analysis of the land within the proposed development site to identify all high-level constraints and aggregate them against the site to allow a suitable layout to be developed. The development proposal has been guided by detailed discussions with the relevant SDCC departments, Planning, Roads & Traffic, Parks & Water and Drainage etc. prior to the proposed development being prepared. Alternative site layouts and siting progressed throughout the design process in order to minimise the impact on the receiving environment at the earliest opportunity.
- Previous Development Proposals: On parts of the subject LRD application site, three no. planning applications were previously submitted, under Reg. Refs. SD19A/0137, SD19A/0138 and SD19A/0139. These applications were previously refused for reasons pertaining to (in summary), delivery of the previously permitted Main Link Street, design and density.
- Alternative Processes: This is a residential/urban development and therefore there are no alternative processes to be considered.
- “Do Nothing” Scenario: The alternative is leaving the subject lands undeveloped thus not realising national policy to deliver more homes and not being an efficient use of zoned lands.

- “Do Minimum” Scenario: The “Do Minimum” Scenario could involve the construction of the subject site at the minimum density prescribed in the LAP for this area. However, the current proposal is supported by national and local planning policy, including the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024, which seek to provide housing and intensify land use through increased densities. Alternatively, the “Do Minimum” scenario could involve the construction of the application site via a number of individual planning applications. While this alternative may reduce the level of construction activity in the short term, it is considered that it would have the effect of spreading construction over a longer period of time and could result in incoherent development which will not deliver the objectives of the CDP.
- “Do Maximum” Scenario: The “Do Maximum” Scenario could involve the construction of the entire site in one phase of development. This would involve a greater degree of disruption to the receiving environment in the short term. This alternative was discounted on the basis of practical considerations relating to phasing of development, funding and feasibility.

10.3.4. I am satisfied that the alternative designs and layouts have been adequately explored for the purposes of the EIAR. In the prevailing circumstances the overall approach of the applicant is considered reasonable, and the requirements of the 2014 EU Directive in this regard have been satisfactorily addressed.

10.4. **Assessment of the likely significant direct and indirect effects**

10.4.1. The likely significant direct and indirect effects of the development are considered under the following headings, in accordance with those set out in Article 3 of the EIA Directive 2014/52/EU:

Population and Human Health

10.4.2. Population and Human Health is addressed in Chapter 4 of the EIAR. The methodology for assessment is described as well as the receiving environment. Recent demographic trends (for State, County and Local Level i.e. the catchment area of the Bohernabreena DED) are examined, and it is noted that the population of the Bohernabreena DED experienced a c. 20% increase in population between 2016 and 2022, which exceeds both the South County Dublin average growth (7.4%) and the

national average (7.5%) within the intercensal period. With regards to age profile, the proportion of dependants (aged 0-14 and 65+ years) within the Bohernabreena DED was 34% which is similar to the national figure of 35%. For both the Bohernabreena DED and the State, the 25-44 age cohort represents the largest age demographic of the population.

10.4.3. An overview of the community facilities available within the nearby area for existing residents and future residents of the proposed development is provided in Section 4.4.6. Facilities within the study area include 7 no. primary schools, 9 no. health and wellbeing providers, 20 no. sports and recreation facilities, as well as a number employment centres. There are numerous bus operators providing a bus services locally and within walking distance to the site and the proposed development has made provision for the future provision of 2 no. bus stops along the proposed east-west link road.

10.4.4. Potential impact has been identified as a direct result of both construction and operation phases. Considering the construction stage firstly. In the absence of mitigation, potential impacts on population and human health as a result of the construction phase of the proposed development are as follows:

- Nuisance due to dust generating activities;
- Nuisance and disturbance due to noisy activities and vibration;
- Negative impacts on journey characteristics, parking availability and noise due to construction traffic;
- Negative visual impacts due to presence of construction site;
- Positive direct and indirect economic impacts due to construction employment and increased demand for local businesses, suppliers and other supporting services; and
- Negative impacts on site personnel and local community due to improper construction site waste management.

10.4.5. Overall, subject to adherence to best practice and implementation of appropriate mitigation measures detailed below, the overall temporary impacts associated with the construction phase (excluding employment, which will be positive) are considered to be negative and slight/moderate.

10.4.6. In the absence of mitigation, potential impacts on population and human health as a result of the operation of the proposed development may be summarised as follows:

- Nuisance and disturbance of residents due to noisy building services plant and vehicular deliveries / collections within the site.
- Negative impacts on journey characteristics due to additional operational phase traffic generated by the proposed development.
- Positive impacts on pedestrians and cyclists due to enhanced permeability and provision of public realm which prioritises these users.
- Nuisance and disturbance due to increased traffic volumes arising from operation of proposed development.
- Visual impacts due to completion of proposed development, establishing significant new residential development.
- Direct and indirect positive socioeconomic impacts due to employment opportunities and increased demand for goods and services from local businesses.
- Positive impacts on existing and new residents due to provision of new facilities i.e., creche as well as direct links to local services, facilities and amenities.
- Positive socioeconomic impacts due to provision of significant additional housing; and
- Negative impacts on residents and local community due to improper waste management.

10.4.7. With regards to potential negative impacts in the context of the construction phase, the following mitigation measures are outlined (in summary):

- Restrictions on hours of construction on site.
- Maintain a Traffic Management Plan (TMP) in effect for duration of works.
- Agreeance of a Construction and Environmental Management Plan (CEMP) with the Planning Authority upon receipt of planning permission.
- As part of the CEMP, implement a Dust and Noise Abatement Plan.

- 10.4.8. Where relevant, mitigation measures to address the potential impacts of noise, air traffic etc. on people are included in the appropriate chapters of this EIAR. No likely significant impacts have been identified for population, or land use, accordingly no mitigation measures are required for the operational phase. The proposed development has been designed to avoid significant impacts in relation to local amenities and recreational facilities by: - providing a new childcare facility; c. 7.37Ha of public open; new pedestrian and cyclist links; and a new east-west road connecting Oldcourt Road to Bohernabreena Road within the design proposal. Accordingly, no further mitigation measures are required.
- 10.4.9. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative environmental impacts in terms of population and human health.

Biodiversity

- 10.4.10. Biodiversity is addressed in Chapter 5 of the EIAR. It is noted that an Appropriate Assessment Screening Report and a Natura Impact Statement (standalone documents) have been submitted as part of the application. The Biodiversity chapter details the methodology of the ecological assessment, the relevant legislative/policy requirements and the ecology of the site/surrounding area. The following protected designated sites were considered to fall within the proposed development's zone of influence: - Dodder Valley pNHA; Glenasmole Valley pNHA; South Dublin Bay pNHA; North Dublin Bay pNHA; Dolphins, Dublin Docks pNHA; UNESCO Dublin Bay Biosphere; Sandymount Strand/Tolka Estuary Ramsar Site; and North Bull Island Ramsar Site⁵. As assessed in Section 9.0 above, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.
- 10.4.11. A desktop study was carried out to collate and review available information, datasets and documentation sources pertaining to the site's natural environment. The

⁵ I note the conclusion of the AA Screening quoted in Section 5.5.2.1 is not reflective of that featuring in the Appropriate Assessment Screening Report accompanying the application. Regard will be had to the contents of the Appropriate Assessment Screening Report and Natura Impact Assessment accompanying the application in considering the subject application.

desk study, completed in July 2024, included examining records and data from the National Parks and Wildlife Service (NPWS), National Biological Data Centre (NBDC), Geological Survey Ireland (GSI), and the Environmental Protection Agency (EPA), in addition to satellite imagery and mapping obtained from various sources and planning history in the vicinity of the site.

10.4.12. The following field surveys were also undertaken:

Field Survey	Survey Dates	Surveyors
Habitat/Flora/Fauna	20 th September, 7 th October (both of 2022) & 4 th June 2024	Enviroguide Consulting
Bird Scoping Survey	4 th May 2023	Enviroguide Consulting
Breeding Bird Surveys	10 th May, 19 th June & 5 th July (all of 2023)	Enviroguide Consulting
Potential Bat Roost Assessment	4 th July, 13 th July (both of 2023) & 4 th June 2024	Enviroguide Consulting
Bat Dusk Transect Survey	1 st September, 8 th September (both of 2022), 16 th May, 21 st June & 9 th August (all of 2024)	Enviroguide Consulting

10.4.13. The site is located in the Liffey and Dublin Bay (Catchment I.D 09) and in the Dodder_SC_010-Subcatchment (Sub-catchment I.D.10_5) (EPA, 2024). Two small streams cross the subject site, the Bohernabreena Stream and the Friarstown Upper Stream, before converging and continuing in a northerly direction until meeting the Ballycullen Stream, which ultimately flows into the River Dodder main channel. The site is situated on the Kilcullen groundwater body IE_EA_G_003, which is classified as having “Good” status (WFD Status 2013-2018). The aquifer type in the area is a “Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones”. The bedrock units underlying the site are classified as “Aghfarrell Formation” (GSI, 2024) while the quaternary sediments classified as “Till derived from limestones” (GSI, 2024).

10.4.14. Habitats within the site were coded and categorised as per Fossitt (2000). The primary habitat types located within the site of the proposed development (the agricultural fields) comprises Improved agricultural grassland (GA1). The following habitats are also found throughout the site: - a small area of Amenity grassland (GA2) comprising the GAA pitch featuring in the north-west corner of the site; an area of

Buildings and artificial surfaces (BL3) in the south-west corner of the site; a small area of Spoil and bare ground (ED2) associated with the access road at the eastern end of the commercial buildings/featuring along the south margin of field 3; 3 no. distinct areas of Scrub (WS1) were observed at the north-west corner of field 1, south margin of field 9, and at the boundary between fields 15 and 16; a small area of Earthbank (BL2) features along the northern boundary; an area of Recolonising Bare Ground/Earthbanks (ED3/BL2) features centrally on site; three areas of Dry Meadows and Grassy Verges (GS2) feature in the south-west of the site; Drainage Ditch (FW4) feature in the eastern half of the site; Hedgerow (WL1) feature throughout the site; and the western half of the site features Treeline (WL2). The site is linked to the Dodder River via the drainage ditches/small tributaries within and adjacent to the site. This river is considered to be a Depositing/Lowland river (FW2) for the remainder of its length downstream and supports a variety of terrestrial and semi-aquatic fauna and flora on its banks, as well as spawning trout (*Salmo trutta*) and lamprey (*Lampetra* spp.)

10.4.15. Below is a synopsis of the findings of the various surveys:

- *Rare and Protected Flora*: No rare or protected flora were identified during the surveys conducted.
- *Invasive Flora Species*: During site walkovers, Japanese knotweed (*Fallopia japonica*), which is a high impact invasive species, and Butterfly bush (*Buddleia davidii*), which is a medium impact invasive species, were recorded on site.
- *Bats*: The buildings within the site were observed as having negligible bat roost potential. 3 no. trees with potential roosting feature were identified on site, however, these trees were only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitats. The site was deemed to be of “Moderate” suitability for foraging and commuting bats. During 2023 site surveys, bats were observed utilizing the site for foraging (concentrated along hedgerows and treelines) and commuting throughout the site. 4 no. bat species/species groups were recorded: - Common pipistrelle, Soprano pipistrelle, Leisler’s bat (average bat activity was considered moderate for these species) and Brown long-eared bat (recorded only once).
- *Birds*: A total of 35 species were recorded over the course of the 3 no. breeding bird surveys conducted. All species recorded during the surveys are outlined in

Table 5-16 of the EIAR. 8 no. species observed on or over the site are on the Amber List of the Birds of Conservation Concern in Ireland; and 1 no. species is on the Red List, the Swift (*Apus apus*).

- *Mammals (excl. bats)*: Mammals have the potential to utilize the WS1 – Scrub, WL1 - Hedgerow and WL2 – Treeline habitats on site for commuting, foraging and resting. Small mammals, such as pygmy shrew, hedgehog, Irish stoat and pine marten, have the potential to use these habitats, as well as the GS2 – Dry meadows and grassy verges habitats. Red squirrel is unlikely to be present on site due to lack of suitable woodland habitats. There was no evidence of Irish hare or red deer observed during the field surveys. This is likely due to the presence of invasive rabbit (*Oryctolagus cuniculus*) and a lack of woodland habitats/the year-round presence of cattle, respectively. A potential badger sett was recorded during one of the walkovers but upon review of video clips/photos taken during subsequent trail surveys (which recorded badger presence in only one photo), this was ruled out. Other species recorded on the trail camera included red fox (*Vulpes vulpes*), a rat or mouse species, domesticated house cats, rabbits (*Oryctolagus cuniculus*) and cattle. A red fox was also recorded during one walkover and evidence of red fox (scats) was recorded during two other walkovers. The site does not contain suitable habitats for otter (*Lutra lutra*), however, otter have been recorded in the nearby Dodder. Invasive fauna species recorded on the site during the walkover surveys included the rabbit and sika deer (*Cervus nippon*).
- *Amphibians*: During the walkover surveys, no signs of amphibians were recorded. However, the drainage ditches and streams traversing the site may provide suitable pooling water areas for breeding amphibians.
- *Common Lizard*: There is some suitable habitat for this species within the site, particularly along the hedgerows where ground is more exposed. As no targeted surveys for Common Lizard were carried out, it is assumed under the precautionary principle that a locally important population of this species may be present on site.
- *Fish*: None present on site but the Dodder River supports a known fishery of brown trout. Other fish species such as lamprey (*Lampetra* spp.) and European eel (*Anguilla anguilla*) are also known to be present in the Dodder River.

10.4.16. Designated sites, habitats, and fauna have been evaluated for their conservation importance in Table 5-17. Potential impacts were identified and can be summarised as potential construction phase impacts via: - hedgerow and treeline removal; impacts on surface water; earthworks – causing the mobilisation of particles to air (dust); noise and vibration; increased lighting; and increased human presence. Operational phase impacts can be summarised as: - impacts on surface water; lighting; and increased human presence and associated hazards to wildlife (e.g., traffic, litter, etc.).

10.4.17. The following mitigation measures have been set out in the context of the construction phase (in summary):

- In addition to the best practice development standards included in a Construction and Environmental Management Plan (CEMP), site-specific surface water mitigation measures are outlined to ensure the ecology of internal ditches and streams, as well as any downstream watercourses such as the Dodder River are not adversely impacted.
- Best practice site hygiene and biosecurity measures will be in place to avoid spread of the invasive flora identified at the site into the surrounding areas during Construction Phase and to limit the potential for spread of invasive species at the site.
- Protective tree fencing will be erected prior to any construction works being undertaken to prevent damage to the canopy and root protection areas of existing trees and hedgerows being retained.
- Construction phase lighting will be designed/located having regard to bats.
- A comprehensive Invasive Species Management Plan will also be prepared prior to beginning of construction to limit the potential for spread of Japanese knotweed and butterfly bush within and outside of the site.
- A pre-felling check will be conducted of all trees to be felled prior to felling taking place; to ensure that no changes have occurred. In the unlikely event that a roosting bat is found, no felling of the tree in question will take place and a derogation licence will be obtained from the NPWS to proceed and a buffer area will be provided around the tree to prevent disturbance.

- A pre-construction badger survey will be conducted prior to any clearance of scrub, cutting back of hedgerows taking place.
- Any demolition works or clearance of vegetation will be carried out outside the main breeding seasons.
- All construction-related rubbish will be kept in a designated area/off ground level to prevent entrapment/death of small mammals; trenches/pits must be either covered at the end of each working day or include a means of escape for any animal falling; and any temporarily exposed open pipe system will be capped in such a way as to prevent animals gaining access.

10.4.18. No specific mitigation measures for potential impacts on fauna were identified in addition to the embedded design features such as the Landscape Plan providing continuous green corridors through the site and the public lighting plan. Enhancement measures recommended for the site include features, such as pollinator inclusion in soft landscaping, bat boxes, swift bricks, bird boxes and inclusion of bare earth banks in suitable areas within the main park.

10.4.19. Upon review of relevant plans, policies and other off-site/proposed developments, no cumulative effects are foreseen. It concluded that provided the mitigation measures proposed within this Chapter together with all best practice development standards as outlined in the CEMP are carried out in full, there will be no significant negative impact to any KER habitat, species group or biodiversity as a result of the proposed development. Additionally, the landscaping strategy will inherently offset any loss of the existing habitats resulting, and along with the aforementioned specific enhancement measures will provide a net increase in biodiversity value at the site.

10.4.20. Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the development of the site and the proposed landscaping/planting provides greater benefits in terms of biodiversity. I draw the Boards attention to the Appropriate Assessment section of my report (see Section 9.0) where the potential impact of the proposed development on designated Natura 2000 sites in the area is discussed in greater detail.

10.4.21. It is considered that, with the implementation of the mitigation measures set out in this EIAR, the construction and operation of the proposed development will not have a significant negative impact on biodiversity in the Zone of Influence.

Land, Soil, Water, Air and Climate

Land, Soils and Geology

10.4.22. Chapter 6 of the EIAR discusses the topic of land, soils and geology. The methodology for assessment is described. A detailed desk study, ground investigations, a site walkover survey and review of all relevant drawings and documents pertaining to the site and proposed development was carried out. The results of the assessment provided information on the baseline conditions at the site. The site is predominantly greenfield and the sequence of strata encountered on the masterplan lands generally comprises of topsoil and glacial till, as outlined in the Site Investigation Report which informs this chapter.

10.4.23. Predicated impacts during the construction phase will include: - removal of topsoil during earthworks and the construction of roads, services, and buildings will expose subsoil to weathering/may result in the erosion of soils during adverse weather conditions; construction traffic movements may result in localised compaction of the subsoil along haulage routes; surface water runoff from the surface of the excavated areas, or rainfall on stockpiled material, may result in silt discharges to the local surface water network via overland flow; dust may arise from the site/from soil spillages on the existing road network around the site; accidental oil or diesel spillages from the construction plant/equipment may result in oil contamination of the soils and underlying geological structures; and accidental discharges from welfare facilities during the construction stage has the potential to contaminate surface and groundwater course. During the operational phase of the development, it is not envisaged that there will be any ongoing impacts on the underlying soil as a result of the proposed development.

10.4.24. The following mitigation measures are outlined in relation to the construction phase (in summary):

- Implementation of practical measures (such as proposed road/building levels match existing ground levels where possible) during the design process to minimise cut/fill volumes generated have been kept to a minimum. Subsoil and rock removed will be: - carefully stored and used for in-fill on site where required;

carefully stored and used elsewhere; or deposited in approved fill areas off-site or an approved waste disposal facility, where not capable of reuse.

- Silt traps, silt fences and tailing ponds will be provided by the contractor where necessary to prevent silts and soils being washed away by heavy rains. All surface water will be treated for silts and sediment prior to disposal.
- Provision of wheel wash areas at the exit/s to the development as necessary, the adjoining road network will be cleaned regularly, and trucks carrying soils on the public road will be covered/their load limited to prevent spillage and damage to the surrounding road network.
- Appropriate storage/bunding measures will be implemented to prevent contamination of the soil and groundwater from oil and petrol leakage; allocated re-fuelling areas will be established; and emergency fuel spill kits to be provided for across the site.
- If groundwater is encountered during excavations, mechanical pumps will be required to remove that groundwater from sumps.
- Where feasible all ready-mixed concrete will be brought to site by truck and the wash down/washout of concrete transporting vehicles will take place at an appropriate facility offsite.
- A variety of best practice techniques/methods will be adopted to control dust emissions.

10.4.25. During the operational phase, there is no identified potential impact for any adverse impact on the receiving land, soil and geological environmental taking account of the SuDs measures proposed and the design of the foul drainage network and watermains.

10.4.26. During the construction phase of the proposed development, the following monitoring measures will be considered:

- Excavation of the historic in-fill material.
- Adequate protection of topsoil/subsoil stockpiled for reuse.
- Adequate protection from contamination of soils for removal.

- Monitoring of surface water discharging to the existing surface water drainage system.
- Monitoring cleanliness of the adjoining road network.
- Monitoring measures for prevention of oil and petrol spillages.
- Dust control by dampening down measures, when required due to dry weather conditions.

10.4.27. Ongoing monitoring of the surface water network/SuDs measure will be undertaken throughout the lifetime of the operational phase.

10.4.28. Following implementation of the proposed mitigation and monitoring measures, the construction of the proposed development has potential to cause a slight, adverse, temporary, residual impact on soils in the immediate vicinity of the site; and the operation of the proposed development is not considered to have an impact on soils in the immediate vicinity of the site. There are no other cumulative impacts associated with land, soil and geology associated with the construction and operational phases of the proposed development.

10.4.29. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to land, soils and geology would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation/monitoring measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative environmental impacts in terms of land, soils and geology.

Water & Hydrology

10.4.30. Chapter 7 of the EIAR discusses the topic of water and hydrology. The methodology for assessment is described. This chapter is informed by a detailed desk study, ground investigations, a site walkover survey, the Site-Specific Flood Risk Assessment, the Hydrological and Hydrogeological Qualitative Risk Assessment and a review of all other relevant drawings and documents pertaining to the site.

10.4.31. In terms of baseline conditions, the subject site is located within the River Dodder Catchment (WFD Sub-catchment Dodder_SC_010; WFD river sub basin DODDER_040) which has a status of “moderate” according to EPA mapping. The Bohernabreena, Oldcourt and Friarstown Upper streams are located in the/in the vicinity of the subject site (all of which eventually converge with the Ballycullen Stream

before being discharged in to the River Dodder). A review of the EPA's (Environmental Protection Agency) website database classifies the ground waterbody (2016-2021) status as good. Upon review of the GSI groundwater vulnerability map, the site lies within an area ranging from low groundwater vulnerability on the northern portion of the site, tending towards high groundwater vulnerability on the southern boundary of the site.

10.4.32. The following potential impacts are outlined in the context of the proposed development. During the construction phase:

- During site stripping and excavation, sediments could be washed into receiving watercourses or sewers.
- Contaminants from cement or concrete could be washed into the sewers potentially impacting on watercourses and groundwater.
- Foul water, if incorrectly connected to the surface water drainage network or damage to foul pipes, could result in contaminants seeping into groundwater.

10.4.33. During the operational phase:

- The resultant increase in impermeable surfaces on site could lead to higher rates of surface water runoff and increased downstream flooding.
- Discharge of contaminants from the development, including particulates, oil, and soluble extracts from road surfaces, poses a potential risk to surrounding drainage systems.
- Leaks in the foul network could lead to groundwater contamination.
- Accidental spills of fuels or hydrocarbons, along with their washdown into the drainage system, could adversely affect the receiving hydrogeology.
- Watermain leaks could increase water infiltration into the underground soil strata.

10.4.34. The following mitigation measures are outlined in the context of the construction phase (in summary):

- Installation of petrol interceptor on drainage network prior to outfall to public surface water network.
- Appropriate storage of materials in designated areas.

- Temporary foul water connection to be obtained from Uisce Éireann to serve site compound welfare facilities.
- Fuels, oils, greases, and other potentially polluting chemicals will be stored in roofed and bunded compounds at the Contractor's compound, located over 50m away to ensure no direct pathway to the surface water network.
- Bunds are to be provided with 110% capacity of storage container.
- Spill kits, inclusive of 10 hr terrestrial oil booms and a plastic sheet, will be kept on site at all times and all staff trained in their appropriate use.
- Method statements for dealing with accidental spillages will be provided the Contractor for review by the Employer's Representative.
- A designated wash down area within the Contractor's compound will be used for cleaning of any equipment or plant, with the safe disposal of any contaminated water.
- Any refuelling and maintenance of equipment will be done at designated bunded areas, located at least 50m from any direct pathway to the surface water drainage network, and discharge licence (where required) pollutant limits to be monitored and adhered to.
- Silt entrapment facilities will be installed.
- A Construction Surface Water Management Plan (CSWMP) will be implemented.

10.4.35. The following mitigation measures are outlined in the context of the operation phase (in summary):

- Surface water outflow will be restricted to or below the equivalent greenfield runoff rate from the proposed detention basin as per the drainage design.
- Sustainable urban drainage measures will be provided to improve water quality, which will be the subject of regular maintenance.
- A petrol interceptor will be installed to prevent hydrocarbons entering the local drainage system at the outfall.
- All SuDS/Surface water sewers will be laid strictly in accordance with South Dublin County Council requirements for taking in charge, private outfall manholes built in accordance with the Greater Dublin Regional Code of Practice for

Drainage Works, and drains will be laid in accordance with the requirements of the Building Regulations, Technical Guidance Document H.

10.4.36. In terms of monitoring measures, during the construction phase the following monitoring measures will be implemented: - monitoring of the management and storage of dangerous chemicals and fuel; monitoring and maintenance of the wash and wheel wash facilities; regular maintenance and monitoring of the sediment control measures; and monitoring and maintenance of the SUDS features, road gullies and, attenuation ponds and or sedimentation facilities. Monitoring and maintenance of the water metering telemetry, SUDS features, road gullies, attenuation, and flow control devices are imperative during the operation phase of the development.

10.4.37. The assessment concludes that, in light of the aforementioned mitigation measures, no significant adverse impacts are expected to arise during the construction or operational phases of the proposed development. There are no anticipated construction stage cumulative impacts arising from the proposed development, or any further development in the locality in relation to water, other than a neutral, imperceptible, and temporary increase in water supply demand and increase to foul flows generated. There are no anticipated cumulative impacts arising from the proposed development, or any further development in the locality in relation to water, other than a neutral, imperceptible, and permanent increased water supply demand and increase to foul flows generated.

10.4.38. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to hydrology and hydrogeology would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation/monitoring measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative environmental impacts in terms of hydrology and hydrogeology.

Air & Climate

Air Quality

10.4.39. Chapter 8 of the EIAR refers to Air Quality and considers the potential for the proposed development to impact upon air quality. The methodology and receiving environment are addressed therein. In terms of prevailing meteorological conditions, based on Casement Aerodrome's (the nearest representative weather station) meteorological data over a five-year period, the prevailing wind direction is westerly to

south-westerly with a mean wind speed of 5.4 m/s. The baseline air quality of the site was examined using EPA monitoring data or representative locations. The site of the proposed development lies within 'Zone A' of Ireland, which comprises Dublin and its immediate hinterland. The air quality in 'Zone A locations' is generally good, with concentrations of the key pollutants generally well below the relevant limit values.

10.4.40. In terms of receptor sensitivity to dust soiling, 8 no. high sensitivity residential properties within 0m–20m of the proposed development boundary were identified. During the construction phase construction, dust emission (from site preparation works, earthworks and truck movements) have the potential to impact air quality. Engine emissions from site vehicles and machinery may also impact air quality. Engine emissions from vehicles accessing the site have the potential to impact air quality during the operational phase also.

10.4.41. A variety of dust mitigation measures in the context of the following general areas shall be implemented during the construction phase of the proposed development (in summary):

- Communication measures, including Stakeholder Communications Plan and display of contact information.
- Site management measures, including monitoring of dust control methods, keeping of a complaints register and log book in the context of exceptional incidents/action taken, and regular liaison meetings with other high risk construction sites.
- Preparation/maintenance measures on site, including locating machinery/dust causing activities away from receptors, erection of solid screens or barriers, avoidance of site runoff of water or mud, keeping clean of site fencing, barriers and scaffolding, early removal of dust producing materials (unless being re-used), and cover, seed or fence stockpiles.
- Operating Vehicles / Machinery and Sustainable Travel measures, including all vehicles are switched off engines when stationary, avoidance of diesel or petrol powered generators, adoption of a maximum-speed-limit of 15 kph, and adoption of a Construction Logistics and a Travel Plan.
- Operations measures, including use of cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques or local

extraction, adequate water supply on the site, enclosed chutes/conveyors and covered skips, minimise drop heights for equipment and provisions of equipment re spillages.

- No bonfires or burning of waste materials.
- Earthwork specific measures, including re-vegetation of earthworks and exposed areas/soil stockpiles, use Hessian, mulches or trackifiers where re-vegetation not possible or cover with topsoil, limited cover removal and operation of a bowser during dry and windy periods.
- Construction specific measures, including storage of sand/other aggregates in bunded areas, delivery of bulk cement/other fine powder materials in enclosed tankers/their storage in silos with suitable emission control systems and appropriate sealing/storage of smaller supplies of fine power materials.
- Trackout specific measures, including speed restrictions of 15 kph, avoidance of dry sweeping of large areas, covering of vehicles entering/leaving site, inspection/repair of on-site haul routes (details of which are to be kept in a log-book), installation of hard surfaced haul routes, implementation of a wheel washing system/provision of an adequate area of hard surfaced road between the wheel wash facility and the site exit and locate access gates at least 10 m from receptors.
- Monitoring measures, including daily on-site and off-site inspections (frequency of which should increase during prolonged dry or windy conditions) and monitoring of construction dust deposition along the site boundary to nearby sensitive receptors.

10.4.42. Once the dust minimisation measures outlined are implemented, the effect of the proposed development in terms of dust soiling will be direct, short-term, negative and not significant. A detailed air quality assessment of the construction stage traffic has been scoped out. It can therefore be determined that the construction stage traffic will have a direct, short-term, negative and imperceptible impact on air quality. There is no mitigation required for the operational phase of the development as effects on air quality are predicted to be direct, long-term, negative and not significant.

10.4.43. In terms of cumulative impacts, a review of relevant planning applications within 500m of the site identified 2 no. sites (Reg. Refs. SD23A/0038 and SD22A/0356)

identified which may have coinciding construction phases with that of the proposed development. However, these developments are both currently under construction and it is likely that the majority of dust generating construction works would be substantially completed prior to construction of the proposed development. Therefore, the potential for cumulative impacts is significantly lessened. There is the potential for cumulative impacts to air quality during the operational phase as a result of traffic associated with other existing and permitted developments within the area. The impact to air quality during the operational phase of the proposed development will be direct, long-term, negative and not significant which is overall not significant in EIA terms.

- 10.4.44. I am satisfied that potential effects would be avoided, managed and mitigated by proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Air Quality.

Climate

- 10.4.45. Chapter 9 of the EIAR refers to Climate and assess the potential significant effects on climate associated with the proposed development. The methodology, relevant legislation/policies/guidance and baseline environment are addressed therein. The climate assessment is divided into two distinct sections – a climate change risk assessment (CCRA) and a greenhouse gas assessment (GHGA).

- 10.4.46. A detailed CCRA of the construction phase has been scoped out. In determining the proposed development's vulnerability to climate change once operational the sensitivity and exposure of the development to the following climate hazards was determined: - flooding (coastal, pluvial, fluvial), extreme heat, extreme cold, wildfire, drought, extreme wind, lightning, hail, landslides and fog. Upon review, it was concluded that proposed development does not have any significant vulnerabilities to these identified climate hazards. In light of this, a detailed risk assessment was not required.

- 10.4.47. With regards to GHGA, embodied carbon of materials and GHG emissions from construction activities were deemed to be the primary source of climate impacts during the construction phase.

- 10.4.48. During the construction phase the following best practice measures shall be implemented on site to prevent significant GHG emissions and reduce impacts to climate:

- Creating a construction program which allows for sufficient time to determine reuse/recycling opportunities for construction wastes.
- Reuse of materials on site where possible.
- Prevention of on-site or delivery vehicles from leaving engines idling.
- Regular maintenance/inspection of plant and machinery.
- Minimising waste of materials due to poor timing or over ordering on site to minimise the embodied carbon footprint.
- Review of material choices/quantities during detailed design, to identify and implement lower embodied carbon options where feasible.
- Sourcing materials locally where possible to reduce transport related CO2 emissions.
- The project shall review and determine compliance with the requirements set out in the EU Taxonomy Regulation in relation to circular economy. This is specific to reuse, recycling and material recovery of demolition and construction wastes.

10.4.49. In terms of impact on the proposed development due to climate change, during construction the Contractor will be required to mitigate against the effects of extreme rainfall/flooding, wind/storms and temperature extremes, as well as the effects of fog, lighting and hail through site risk assessments and method statements.

10.4.50. As per the Energy & Sustainability Report (submitted under separate cover with this planning application), the development will be a Nearly Zero Energy Building in accordance with the relevant Building Regulations and the relevant sustainability policies of the current Development Plan. The following measures (in summary) have also been incorporated into the design of the development to reduce the impact on climate:

- The units are targeting a Building Energy Ratio (BER) of A2.
- The development will be designed and constructed to limit heat loss, and where appropriate, limit heat gains through the fabric of the building
- Reasonable care will be taken during the design and construction to limit the air permeability.
- Air-source heat pumps and PV panels will be installed for the residential units.

- A-rated, low-energy LED lamps will be utilised throughout the development.
- The development will achieve an Energy Performance Coefficient (EPC) < 0.30; a Carbon Performance Coefficient (CPC) < 0.35; and a Renewable Energy Ratio (RER) > 0.20.

10.4.51. Measures (attenuation and drainage systems accounting for potential flooding impacts due to increased rainfall events in future years) have been incorporated into the design of the development to mitigate the impacts of future climate change.

10.4.52. The proposed development will result in some impacts to climate through the release of GHGs. The proposed development has proposed some best practice mitigation measures and is committing to reducing climate impacts where feasible. The impact of the proposed development in relation to GHG emissions is considered direct, long-term, negative and slight, which is overall not significant. In relation to climate change vulnerability, there are no significant risks to the proposed development as a result of climate change. The residual effect of climate change on the proposed development is considered direct, long-term, negative and imperceptible.

10.4.53. Having regard to the foregoing, I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Climate.

Noise & Vibration

10.4.54. Chapter 10 of the EIAR evaluates Noise and Vibration associated with the construction and operational phases of the development. The methodology, relevant legislation/policies/guidance and baseline environment are addressed therein. A baseline noise survey was completed to establish the receiving environment and to determine the impact from the noise generating activities associated with the proposed development at 4 no. locations across the development site. It was determined that the existing noise environment measured is typical of a suburban location.

10.4.55. In the context of the Construction Phase, the range of activities with potential to generate noise and vibration emissions to off-site sensitive receptors was described in Sections 10.5.1.1 and 10.5.1.2, respectively. At the closest of these sensitive receptors, Bohernabreena cemetery, the predicted construction noise levels are above the 65 dB(A) Construction Noise Thresholds. In the absence of mitigation the effect of this, is negative, moderate to significant and temporary during the general

construction phase and the road works/landscaping stage. The predicted noise level associated with construction vehicle traffic is below the construction noise threshold and the prevailing noise levels along Bohernabreena Park and The Rise, and would result in a negative, slight and short-term effect. In terms of vibrations, standard excavation machinery will be used for excavations, which typically do not generate appreciable levels of vibration close to the source. In light of this and considering the distance that these properties are from the works/the attenuation of vibration levels over distance, the resultant vibration levels are expected to be well below a level that would cause disturbance to building occupants or even be perceptible. In the context of the operational phase, there is potential for noise and vibrations to be generated as a result of building/mechanical services plant items, vehicular traffic associated with the site and use of amenity spaces, such as gardens and patios.

10.4.56. Mitigation measures, including the selection of quiet plant, enclosures and screens around noise sources, limiting the hours of work and noise/vibration monitoring (where required), are detailed for the construction phase. In the context of the operational phase, noise mitigation measures with respect to the outward impact of traffic from the development are not deemed necessary. No negative impact at sensitive receivers off site are anticipated in the context of mechanical services, therefore no further mitigation is required. Specific noise mitigation measures are also not required to the site boundary or site buildings to control noise intrusion to internal spaces or to control noise in the external amenity spaces. No vibration mitigation measures are required in the context of the operational phase.

10.4.57. Subject to the application of binding noise limits, hours of operation, along with implementation of appropriate noise and vibration control measures, noise and vibration associated with construction phase will have a negative, not significant to moderate to significant and short-term effect of impact. Once operational, the overall contribution of induced traffic is considered to be of neutral, negligible and long-term effect of impact to nearby residential locations and the resultant residual noise impact from mechanical plant is estimated to be of neutral, imperceptible, long term effect of impact.

10.4.58. There is potential for cumulative impacts to arise in the context of developments under construction on adjacent sites, should construction of both sites occur simultaneously. In this scenario, liaison between construction sites will be on-going and work will be scheduled in a co-operative effort to limit the duration and magnitude

of potential cumulative impacts on nearby sensitive receptors. In the context of the operational phase, permitted developments are included in the traffic impact and therefore the potential for a cumulative effects of impact has been assessed (and found to be negative, negligible, and long-term).

10.4.59. I am satisfied that the proposed mitigation measures and through suitable conditions impacts would be avoided, managed and mitigated. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of noise or vibration.

Material Assets, Cultural Heritage and the Landscape

Material Assets (Built Services)

10.4.60. Chapter 11 of the EIAR considers the potential significant effects of the proposed development on the water supply, wastewater drainage, surface water drainage and associated utilities/services in the vicinity of the site. An Engineering Planning Report and a set of engineering drawings accompanies the application. They inform this chapter. The methodology, relevant legislation/policies/guidance and baseline environment are outlined therein, as well as the approach adopted in the context of the subject proposal regarding site servicing. I note the approach regarding water supply, wastewater drainage and surface water drainage infrastructure is outlined in the Engineering Report accompanying the application. In the context of electricity supply and telecommunications, the development shall be supplied via connection to the existing electrical network that is adjacent to the site and from the existing telecoms network that runs nearby (Eir, Siro and Virgin Media all having service cables and existing chambers installed within the vicinity), respectively.

10.4.61. The following construction phase mitigation measures are outlined (in summary):

- Dust and Dirt Control measures.
- Protection of Surface Waters: - overseeing of pollution prevention measure implementation by a suitably qualified person; installation of settlement pond/silt trap where required; regular testing of surface water discharges; ceasing of works in areas where silt control measures are noted to be failing/not working adequately; bunding/suitable storage of all fuels and chemicals; and the accurate location of all existing services will be identified before excavation works commence.

- Refuelling: - construction plant/equipment will be checked daily for oil or fuel leakage/wear and tear and be parked within the site compound overnight; fuel will not be stored on site but rather brought to site via mobile fuel bowser housed in a designated area; refuelling of vehicles to be carried out at designated refuelling location within the site storage compound/no refuelling permitted on site; immediate notification of any spillage or pollution incident to the Local Authority; suitable storage/positioning of small plant; and appropriate disposal of waste oils, empty oil containers and other hazardous wastes.
- Monitoring, Inspection and Record Keeping measures.
- Water Supply Infrastructure: - establishment of exclusion zones/setback requirements to the existing trunk watermains; construction method statements/specific and detailed cross sections of all built assets crossing the existing watermains to be agreed with Uisce Éireann; and protection of construction compound's potable water supply.
- Wastewater Drainage Infrastructure: - management of wastewater discharge by a licenced waste disposal contractor; coordinated construction of the proposed new foul rising main with Uisce Éireann; wastewater pipes/manholes to be laid and pumping stations designed in accordance with the Uisce Éireann requirements; pressure testing/CCTV surveying of all foul drainage infrastructure; and 15m minimum separation distance adopted between the nearest existing habitable building and pumping stations.
- Surface Water Drainage Infrastructure: - implementation of specific mitigation measures, for release of hydrocarbons, polluting chemicals, sediment/silt and contaminated waters control by construction contractor; measures to capture, remove and treat sediment prior to discharge of the filtered runoff to the receiving watercourses; stripping back of the topsoil having regard to prevailing weather conditions/time of year; careful management/coordination of topsoil layer removal; suitable storage of sand, gravel or other loose materials; dedicated set down area for deliveries to the site and temporary storage of construction materials; preparation of/implementation of a Construction Management Plan; regular preconstruction meetings/inspections of the site and subcontractor activities; spill kits are to be made available; concrete batching/wash out of concrete trucks will take place off site; provision of wheel wash down facilities; all

fuel stored will be bunded; fuel spill clean-up kits will be kept in the designated re-fuelling areas; suitable positioning of topsoil stockpiles; a full time Site Manager will be in place; and limited dewatering of trenches.

- Electricity: - confirmation of electricity network infrastructure locations prior to construction commencement/excavation taking place; measures put in place to ensure no interruptions to existing services; and works near ESB Networks infrastructure carried out in ongoing consultation with ESB Networks/in compliance with their requirements or guidelines.
- Telecommunications: - confirmation of telecommunications network infrastructure locations prior to construction commencement/excavation taking place; measures put in place to ensure no interruptions to existing services; and works near telecommunications provider's infrastructure carried out in ongoing consultation with relevant provider/in compliance with their requirements or guidelines.

10.4.62. The following operational phase mitigation measures are outlined:

- Water Supply Infrastructure: - usage of low flush toilets.
- Wastewater Drainage Infrastructure: - removal of operational waste by licenced contractors to appropriately licensed facilities; design/construction of wastewater drainage infrastructure in accordance with Uisce Éireann requirements; and the pumping stations designed to incorporate a duty and stand-by duty pump in case of failure of any single pump/to accommodate 24hrs overflow storage below ground in the chamber.
- Surface Water Drainage Infrastructure: - regular maintenance of all SuDS features; road/block levels designed to follow the existing natural site contours and replicating where possible the natural flow path; adoption of appropriate SuDS features; surface water drainage infrastructure designed to allow for a 20% increase in rainfall due to climate change; surface water runoff limited to the greenfield runoff rate/the attenuated flows stored in detention basins; and waste storage areas have gullies connected to the foul drainage network to facilitate wash down.

10.4.63. Construction and operational stage monitoring measures outlined are as follows:

- Water Supply Infrastructure: - metering will allow the water supply to the development to be monitored once operational.
- Wastewater Drainage Infrastructure: - monitoring during the construction phase of the development will consist of normal quality control inspection of the works; monitoring of discharges to the existing network; pressure testing/CCTV inspections of the foul sewers following completion of stages of the construction; and upon completion of the development, monitoring of the discharges from the development will be undertaken as required.
- Surface Water Drainage Infrastructure: - monitoring during the construction phase of the development will consist of normal quality control inspection of the works; monitoring of possible discharges to the existing culverted watercourse at its outfall; pressure testing and CCTV inspections of the surface water drains following completion of stages of the construction; upon completion of the development, monitoring of the discharges from the development will be undertaken as required. Monitoring during the operational phase is recommended as follows: regular inspection of all filters, silt traps, hydro-brakes and overflows and in particular after heavy rainfall events; gullies in the public road should be inspected and cleaned as required; and pollutants which accumulate within the oil petrol interceptor on site should be regularly monitored and removed as necessary.

10.4.64. Following implementation of the proposed mitigation and monitoring measures, the predicted impacts on the site's material assets associated with the proposed project during the construction phase are considered to be slight negative, not significant and short term in the context of water supply, surface water drainage and wastewater drainage. A neutral impact is expected in the context of electricity and telecommunications. Due to the development of the lands, there will be an increase in demand for water, wastewater, electrical power, gas and telecommunications supply once operational. There is existing infrastructure network available local to the site and available capacity, subject to upgrades, to facilitate the demands this development will impose.

10.4.65. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to material assets (built services) would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation

measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative environmental impacts in terms of material assets (built services).

Material Assets (Transportation)

10.4.66. Chapter 12 of the EIAR details/assesses the traffic and transportation element of the development. The methodology/relevant legislation, policy and guidance and receiving environment are addressed therein. The Board is referred also to Section 8.4 of my report, where the likely significant traffic and transport impacts have been described and assessed. The application was accompanied by a Traffic & Transport Assessment and a Construction Traffic Management Plan. These documents and the EIAR chapter were informed by a traffic survey conducted in May 2024, which assessed 4 no. junctions in the surrounding area.

10.4.67. In terms of potential effects arising from the proposed development, the construction phase will result in the generation of traffic associated with construction workers and construction materials. Construction is likely to last up to 5 years as the development is built in phases. A maximum uplift in traffic volumes as a result of construction activities of c. 23% is estimated. Once operational (estimated to be fully operational in 2032), the proposal is anticipated to generate up to 47 arrivals and 143 departures in the AM peak and 157 arrivals and 91 in the PM peak hour associated with residents and childcare facility operations.

10.4.68. The cumulative effects of the subject proposal, and neighbouring schemes has been considered within the traffic assessment. Whilst there would be an increase in traffic resulting from the cumulative schemes during both the construction and operation phases, overall, there are no significant effects anticipated as a result of the cumulative impacts.

10.4.69. In terms of mitigation measures, the following are outlined in the context of the construction phase (in summary):

- Preparation/implementation of a Construction Traffic Management Plan.
- In the context of site access and egress: - advanced warning signs will be erected in advance on the approach to proposed site access locations; erection of fencing/hoarding to help reduce unauthorised access; access will be limited to

authorised persons; and construction traffic and non-construction traffic will be separated for all modes of transport.

- Access to the site along the National Road Network will be via the M50.
- A safe system of permanent flag men for the control of traffic during all access/egress operations will be put in place at access/egress points within the local road networks.
- Haulage routes will avoid passing local schools at the start and end of the school day.
- Suitable signage, including warning signs and general information signage, shall be installed prior to works commencing on site.
- Traffic management measures will be put in place in the context of road works required on the public highway.
- In the context of pedestrians, hoarding will be checked regularly, protection will be put in place to prevent concrete splashing beyond the site boundary, dedicated pedestrian access route will be provided on site and gateman/traffic marshals will ensure public safety when vehicles are entering/exiting the site.
- Care will be taken/liaising with the management of other construction projects in the context of programming of deliveries.
- Speed limits will be put in place in the context of construction vehicles/HGVs.
- Care will be taken/protocols be put in place in the context of spoil removal from the site.
- Regular road cleaning will be carried out.
- Measures, including the covering of materials, utilisation of enclosed units etc. will be put in place to limit potential negative impacts on road conditions.
- A series of pre- and post construction surveys will be carried out, in the context of haul route roads and pavement conditions, and where damaged/deterioration has occurred as a result of construction traffic, the construction related damage will be repaired.
- Implementation of the mitigation measures outlined in the EIAR Chapter 8: Air Quality Chapter in respect of dust / dirt control, in the EIAR Chapter 10: Noise

and Vibration in respect of noise control and in the Hydrology Chapter of EIAR in respect of the protection of the surface water.

- A holding area will be established on site and utilised for the coordination of deliveries to prevent congestion.
- Measures/limitations will be established in the context of refuelling.
- Implementation of the mitigation measures outlined in the Construction and Environmental Management Plan and the Construction Traffic Management Plan with respect to monitoring, inspections and record keeping.
- Should works be required on the external road network, road opening licences will be sought from the Local Authority via the Road Management Office.
- Unobstructed access will be provided for all emergency vehicles along all routes and site accesses.
- A log of site complaints will be maintained, and a Liaison Officer will engage with the local community regarding progress and timing of particular construction activities and respond to concerns.
- Close communication with the relevant local authorities and the emergency services shall be maintained.

10.4.70. In terms of mitigation measures, the following are outlined in the context of the operational phase (in summary):

- For signal-controlled junctions all arms are controlled by traffic lights that indicate which approach has the right of way at any given time.
- Dedicated infrastructure will be provided for pedestrians, cyclists and other vulnerable road users.
- Where vehicles interact with pedestrians, cyclists and other vulnerable road users it will be done in a controlled manner, the proposal including a number of controlled crossings.
- The uncontrolled crossings provided throughout the development for pedestrians have been designed to accommodate persons with visual impairments and mobility impairments.

10.4.71. This assessment concludes that the proposed development will not have a significant effect on the local road network during either the construction or operational phases.

10.4.72. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to traffic and transportation would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation/monitoring measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative environmental impacts in terms of traffic and transportation.

Material Assets (Resource and Waste Management)

10.4.73. Chapter 13 of the EIAR considers the potential significant effects of the proposed development associated with waste management. The methodology, relevant legislation/policy/guidance and receiving environment are addressed therein. The application is also accompanied by a site-specific Resource Waste Management Plan (RWMP), which deals with waste generation during the excavation and construction phase of the proposed development, and an Operational Waste Management Plan (OWMP), which deals with waste generation once operational.

10.4.74. During the construction phase the mismanagement of waste, including the inadequate storage of waste, inadequate handling of hazardous waste, the use of inappropriate or insufficient segregation techniques, and the use of non-permitted waste contractors, would likely lead to negative impacts such as waste unnecessarily being diverted to landfill, litter pollution which may lead to vermin, runoff pollution from waste, fly tipping and illegal dumping of waste. In the absence of mitigation, the effect on the local and regional environment is likely to be long-term, significant and negative. Once operational, there is potential for impacts on the environment to arise from improper, or lack of waste management in the context of the development. In the absence of mitigation, the effect on the local and regional environment is likely to be long-term, significant and negative.

10.4.75. The following mitigation measures will be implemented during the construction phase of the proposed development (in summary):

- Typical construction waste materials generated will be source segregated on-site into appropriate skips/containers, within designated waste storage areas and

removed from site by suitably permitted waste contractors as required, to authorised waste facilities, by appropriately licensed waste contractors.

- Implementation of the mitigation measures outlined in the project specific RWMP.
- Building materials will be chosen to 'design out waste'.
- Left over materials and any suitable construction materials shall be re-used on-site where possible.
- Nearby sites requiring clean fill material will be contacted to investigate reuse opportunities for clean and inert material, if required.

10.4.76. During the operational phase, the following mitigation measures will be implemented (in summary):

- All waste materials will be segregated into appropriate categories and will be temporarily stored in appropriate bins or other suitable receptacles in a designated, easily accessible areas of the site.
- Implementation the project specific OWMP. This Plan/Strategy will be supplemented, as required, by facilities management with any new information on waste segregation, storage, reuse and recycling initiatives that are subsequently introduced.

10.4.77. Provided the mitigation measures detailed in the various waste management plans are implemented, national legislation is complied with, and recycling and recovery is achieved, no significant residual impacts are anticipated during the construction and operational phases.

10.4.78. In terms of cumulative impacts, developments with the potential to overlap during the construction phase, as well as operational, are detailed in Table 13.4. As they are required to manage waste in compliance with national and local legislation, policies and plans, any potential cumulative effects associated with waste generation and waste management across both construction and operational phases will be mitigated against. The assessment concluded that the likely cumulative impact of the proposed development with other developments in the area during both the construction and operational phases will be neutral and not significant on waste management facilities in the area in the long-term.

10.4.79. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to material assets (waste) would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative environmental impacts in terms of material assets (waste).

Archaeology and Cultural Heritage

10.4.80. Archaeology and Cultural Heritage is considered in Chapter 14 of the EIAR. The methodology for assessment and the receiving environment is described. Field walking and archaeological testing, undertaken by a suitably qualified Archaeologist, and two programmes of geophysical survey, as well as a desk top analysis of all available archaeological, architectural, historical, and cartographic sources, informed preparation of this chapter.

10.4.81. No architecturally significant structures recorded in the NIAH, Protected Structures as listed in the South Dublin County RPS and no Recorded Monuments feature within the subject site. Further to this, no part of the site is within an Architectural Conservation Area. There are nine buildings or architectural features recorded in the NIAH (five of which are Protected Structures) located within c. 1km of the proposed development. The closest of these is Allenton House (NIAH 11220005/RPS 350) which is c. 0.34Km north of the subject site. They will not be directly impacted by the proposed development. In light of the above, no impacts are anticipated during construction or operational phases in the context of architectural heritage.

10.4.82. Potential archaeological features have been identified during geophysical surveys within the study area. Given the fact that this area has remained undeveloped in the recent past and has retained the current layout of field boundaries since the early nineteenth century the potential for subsurface archaeological remains is moderate. This assessment has demonstrated that the study area is located in a rich archaeological landscape, with nearby archaeological monuments dating to prehistoric, Medieval, and Early Modern periods. Additionally, nearby excavations have discovered archaeological features which demonstrate continuous inhabitation of this area of the South Dublin uplands since the Neolithic period. Geophysical survey has identified three areas with potential archaeological features, however, there is low

confidence in these interpretations. These features include one possible pit-type feature, as well as two areas of possible plough-damaged linear and curvilinear features. The features identified by geophysical survey do not comprise substantial archaeological sites such as Early Medieval ringforts, ecclesiastical sites, or significant burial grounds. As such, pre-development testing of these features was not deemed necessary.

10.4.83. The removal of topsoil, the digging of foundation trenches for proposed dwellings, the insertion of services and the movement of construction machinery across the proposed development area will have a profound, permanent, negative effect on potential subsurface archaeological features and/or deposits without the correct mitigation measures. With the correct mitigation measures, the proposed development can have a significant, positive effect for any potential archaeological features and/or deposits. As there are no known archaeological features within the proposed development, the operational stage of the residential development would have no impact on known archaeology.

10.4.84. In terms of mitigation measures, a programme of archaeological testing, which targets the 3 no. areas identified with potential archaeological features, will be carried out prior to the commencement of construction. Following implementation of mitigation measures, no significant negative effects are predicted upon the archaeological resource. Once operational, no mitigation is required in the context of archaeology.

10.4.85. In the context of archaeology, the Department of Housing, Local Government and Heritage, in their correspondence received dated 1st November 2024, partially agreed with the recommendation outlined in the EIAR regarding a programme of archaeological testing. More specifically, they recommended that the archaeological testing be carried out across the relatively large-sized proposed development site rather than targeting the 3 no. aforementioned areas. The correspondence went on to recommend that an Archaeological Impact Assessment, including a programme of Archaeological Test Excavation, be requested by way of further information request. The Planning Authority did not issue a further information request in the context of this application but rather included a condition (Condition No. 4) on the Notification of Decision to Grant Permission requiring preparation/submission of an Archaeological Impact Assessment, inclusive of a programme of Archaeological Test Excavation prior to the commencement of any development or of any groundworks on the site. I am satisfied with the approach taken by the Planning Authority in this regard, particularly

having regard to the findings of the Archaeology and Built Heritage Chapter of the EIAR. Therefore, it is recommended that a similarly worded condition, requiring preparation/submission of an Archaeological Impact Assessment, inclusive of a programme of Archaeological Test Excavation covering the entirety of the site, prior to the commencement of any development or of any groundworks on the site, be attached to the Board's Order.

- 10.4.86. From an environmental viewpoint, I am satisfied that archaeology, architecture and cultural heritage have been appropriately addressed in terms of the application and that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on the same. Having regard to the EIAR, and subject to the inclusion of the aforementioned condition, I am satisfied that impacts predicted to arise in relation to archaeology would be avoided, managed, and mitigated by the proposed mitigation measures and through suitable conditions.

Landscape and Visual Impact

- 10.4.87. Chapter 15 of the EIAR addresses landscape and visual impact. The EIAR sets out the methodology and examines the policy context and existing visual character. The applicant has submitted verified photomontages of the development from various viewpoints (16 no. in total, detailed in Table 15.6). A dedicated landscape design is included as part of the proposed development. The potential impacts in both landscape and visual terms are assessed, including cumulative impacts.
- 10.4.88. The existing site is currently in agricultural use, consistent in character with much of the rising landscape associated with the Dublin foothills to the south and is typically dissected by a framework of mature hedgerows. Lying at the suburban edge of Dublin, the context to the north is dominated by sprawling residential development. The site and study area comprises an extensively modified landscape setting influenced by the contrasts between the expansive urban townscape to the north, the intensive agricultural use of the land to the south, and the mountainous landscapes of the Dublin Mountains. A key feature of the landscape within the study area is the rising nature of the landscape beyond the existing urban edge. This is relatively gentle at the urban edge, but becomes steeper and more pronounced to the south of the site.
- 10.4.89. In the context of the Landscape Character Assessment included in Appendix 9 of the South Dublin County Development Plan 2022-2028, the subject site lies within Landscape Character Type (LCT) 4 'Foothills' and Landscape Character Area (LCA)

4 'River Dodder and Glenasmole Valley'. The Landscape Character Assessment identifies LCT Foothills as having a Medium to High sensitivity and LCA 4 as having High sensitivity, albeit it is recognised that this covers the wider area of landscape, including more remote parts within the Dublin Mountains. Given the sites location in a less elevated/more gently sloping part of this landscape adjacent to the existing urban edge and in accordance with the criteria outlined in the methodology, the landscape sensitivity of the subject site and its immediate landscape context is deemed to be Medium-Low, differing from that outlined in the context of the broader LCA. None of the "Prospects to be Preserved and protected", identified in Section 9.2.1 of the South Dublin County Development Plan 2022-2028 fall within the 'Bare earth' Zone of Theoretical Visibility pattern and are likely to be impacted in any material way by activity or land use on the application site.

10.4.90. During the construction phase, potential landscape and visual effects centre around the construction-related activities and infrastructure within and around the site. Although there will be impacts on the character of the site as a result of the intensity of movement/clutter of temporary structures associated with the construction works, these are 'short-term' in duration. During the operational phase, the proposal will result in the disturbance of areas of existing grassland, and the loss/disturbance to areas of existing vegetation within and around the boundaries of the site. The most notable impacts will result from the permanent presence of new dwelling houses/associated infrastructure and landscaping. Existing vegetation within and bounding the site being substantially retained and enhanced by new planting.

10.4.91. In terms of landscape effects during the construction phase, when considered in relation to the sites immediate landscape and its nearby landscape context, the magnitude of change is deemed to be High-Medium. When combined with the Medium-Low sensitivity of the receiving landscape, the effects on landscape character at this localised level are considered to be Moderate. The magnitude of change quickly reduces to Medium-Low with distance, where the influence of construction activity forms a small part of an expansive urban context. When considered at this scale, the magnitude of change is deemed to be Medium-low, resulting in effects that are no greater than Moderate-Slight. In terms of landscape effects during the operational phase, when considered in relation to the immediate landscape of the site and its nearby landscape context, the magnitude of change is deemed to be High-Medium. When combined with the Medium-Low sensitivity of the receiving landscape, the

effects on landscape character at this localised level are considered to be Moderate. With increasing distance, the magnitude of impact will reduce, as the proposed development becomes a proportionally smaller component of the overall landscape, and presents as part of the wider urban area. When considered at this scale, the magnitude of change is deemed to be Medium-low, resulting in effects that are Moderate-Slight. As vegetation becomes mature, the quality of the operational stage effects is considered on balance to be Positive.

10.4.92. Turning attention to visual effects. When compared to more elevated parts of the landscape, the site is not readily visible or noticeable due to the site's elevation/the successional layers of vegetation. There are no important panoramic views present, and the townscape does not appear to be valued for its scenic qualities. Visual sensitivity is generally considered to range between Medium-Low and Low. In relation to the more elevated locations to the south of the site, visual sensitivity is considered to be Medium. With regard to residential receptors along the boundaries of the site, visual sensitivity is considered on balance to be Medium. During construction, the magnitude of visual impacts is deemed to be Medium with regard to views from the immediate site environs (c. 400m), beyond which the magnitude of visual impacts reduces to Low. In combination with the Medium and Medium-Low visual sensitivity, the significance of construction stage impacts is deemed to be Moderate within the immediate surroundings of the site, reducing to Moderate-Slight within the wider study area. The quality of the construction stage effects will be Negative. Construction stage visual effects will be 'short-term', and localised to the immediate locality of the site, where the influence of construction activity and construction traffic may be noticeable. Once operational, visual effects generated will be Moderate-slight only. This relates to the immediate locality, beyond which effects would be no greater than Slight. Effects were generally identified as being of neutral quality. These tended towards negative in relation to adjoining residential receptors but tended towards positive in other locations where the development would contribute to a more rounded and less fragmented settlement edge, with a treed character that ties in more sympathetically with the remaining agricultural slopes.

10.4.93. All mitigation relating to the layout and architectural character of the proposals have been embedded within the proposals as part of an iterative and consultative design approach, ensuring that careful consideration has been given to the receiving landscape. During the construction phase, it is not considered that there are any

additional mitigation measures required to reduce the anticipated construction phase landscape / visual effects other than those that would be considered standard best practice construction management measures. Landscape and urban design measures are integral to the development proposals being assessed and will help to assimilate built form within its surrounding context in a general sense whilst contributing to the character and quality of the development. In this regard, other than those features and characteristics of the development proposals that have been embedded into the design of the scheme, there are no additional landscape and visual mitigation measures considered necessary in this instance in the context of the operational phase.

- 10.4.94. Considering the landscape/open space proposals included in the subject development proposal and the zoning of these lands, effects upon the landscape and visual amenity are deemed to be acceptable and in line with the sustainable development of the area. With regard to the above assessment, I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of the landscape and visual impact.

Interaction between the Factors

- 10.4.95. A matrix and summary overview of anticipated interactions is presented in Chapter 16 identifying/summarising the potential interactions of effects between the various aspects of the environment previously assessed in the various chapters of the EIAR.
- 10.4.96. Where the potential for impacts has been identified as a result of interactions with other environmental factors, these have been addressed within the corresponding specialist EIAR chapter, and relevant mitigation/monitoring measures have been outlined, where required. Overall, the interactions between the proposed development and the various environmental factors are generally considered to be not significant or negative.

Cumulative Impacts

- 10.4.97. Each EIAR Chapter includes a cumulative impact assessment of the proposed development with other planned projects in the immediate area, as relevant. The potential cumulative impacts primarily relate to traffic, dust, noise and other nuisances from the construction of the development, with other planned or existing projects, and each of the EIAR chapters has had regard to these in the assessment and mitigation

measures proposed. As such, with the necessary mitigation for each environmental aspect, it is anticipated that the potential cumulative impact of the proposed development in conjunction with the other planned developments will be minimal.

10.4.98. No significant negative cumulative impacts are anticipated to occur during the construction, or operational phases of the proposed development, having regard to the mitigation and monitoring measures outlined in this EIAR, including their proper implementation. I am satisfied with the conclusion reached in this regard.

Mitigation Measures

10.4.99. Chapter 17 of the EIAR outlines a collective list of all the construction and operational mitigation and monitoring measures that apply to each individual chapter. I am satisfied that this accurately and adequately represents the mitigation measures associated with the proposed development.

10.5. Reasoned Conclusion

10.5.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, as well as the submissions received in the course of the application and appeal, I am satisfied that the potential effects of the proposed development have been adequately identified, described and assessed, and I am satisfied that there will be no other likely significant environmental effects arising from the proposed development. I consider that the main significant direct and indirect effects of the proposed development on the environment, including mitigation and monitoring measures, are as follows:

- Positive socioeconomic effects on population and human health associated with increased employment and demand for services during the construction phase, the availability of additional housing and a childcare facility when complete and the provision of public open space areas.
- The potential for significant negative population and human health effects associated with nuisance/disturbance during the construction phase will be addressed through construction management mitigation measures and will not result in any unacceptable residual effects.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of greenfield site to residential use. Given the zoning of the subject site, which has been subject to SEA; the location of the site, on the

periphery of the built-up area; and the public need for housing in the region, this effect would not have a significant negative impact on the landscape character and surrounding environment.

- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the removal of potentially hazardous material from the site, and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- The potential for significant effects on biodiversity and landscape which will be satisfactorily mitigated through the retention of existing vegetation and the completion of additional landscaping and surface water features and will not result in any unacceptable residual effects.
- There is potential for significant contamination effects on groundwater and surface water as a result of construction activities and the discharge of surface water on/from the site, along with the potential for interactions with biodiversity, land/soil/geology, hydrology/hydrogeology and existing utility services. This will be satisfactorily mitigated through best practice construction management measures and the implementation of an appropriately design Sustainable Urban Drainage System and will not result in any unacceptable residual effects.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan, including a monitoring programme.
- Potential effects on waste management during construction and operation will be mitigated by a Construction and Environmental Management Plan, a Construction Demolition Waste Management Plan and an Operational Waste Management Plan.
- Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a Construction and Environmental Management Plan.

There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design.

- Archaeology and Architectural Heritage would be mitigated by landscaping/design and the conducting of pre-construction testing, given the location of the site adjacent to an urban area no significant adverse direct, indirect or cumulative effects are likely to arise.

10.5.2. This EIA has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate.

10.5.3. The assessments provided in the individual EIAR chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

11.0 Recommendation

- 11.1. Having considered the contents of the application, the provision of the Development Plan, the grounds of appeal and the observations thereon/responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the following reason and considerations outlined below.

12.0 Reasons and Considerations

The majority of the subject site is zoned 'RES-N – New Residential', the objective of which is to 'provide for new residential communities in accordance with approved area plans'. Having regard to the recent expiry of the Ballycullen - Oldcourt Local Area Plan 2014, in the context of the western LAP lands, the proposed development cannot comply with this zoning objective applying to the site. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

13.0 Recommended Order

Appeal by Mary Collins & Others, Beasleys Lane Bohernabreena Tallaght D24 YK50, against the decision made on 18th November 2024 by South Dublin County Council to grant subject to conditions a permission to Capami Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development

7-year planning permission was sought for a Large Scale Residential Development on a c. 20.4Ha site at Townlands of Bohernabreena, Oldcourt & Kilininny, Dublin 24, consisting of: - 523 no. residential units comprised of 255 no. 2, 3 & 4 bed, 2 & 3 storey, detached, semi-detached and terraced houses, 206 no. 1, 2 & 3 bed duplex units in 20 no. 2 & 3 storey blocks, and 62 no. 1, 2 & 3 bed apartments in 7 no. 2-3 & 3-4 storey blocks (i.e. Blocks A, B2 & D, and 2 no. Blocks B1 & 2 no. Blocks C), along with a 2 storey childcare facility of c. 457sq.m. Private amenity space for the residential units is provided in the form of rear gardens for houses and ground floor terraces / upper floor balconies for apartments and duplex units. The proposed development provides for a total of c. 7.3Ha of public open space, and c. 5,505sq.m of communal open space associated with proposed residential units. Vehicular access to the

development will be via 4 no. access points, as follows: (i) from the west of the site, via 2 no. accesses, located off Bohernabreena Road, (ii) from the north of the site, via 1 no. access at Dodderbrook Place, and (iii) from the east of the site, via Oldcourt Road (R113) and via adjoining residential development at Ballycullen Gate. The proposed development includes for pedestrian and cyclist connections and accesses throughout the proposed development and to adjoining lands to the north at Dodderbrook Avenue and to the north-west into St. Anne's GAA club. The proposed development includes the demolition of all existing structures on site, including 2 no. single storey dwellings and outbuildings/sheds (total demolition area: c. 4,152.06sq.m). The proposed development provides for (i) all associated site development works above and below ground, including 2 no. underground foul sewerage pumping stations, (ii) public open spaces (c. 7.3Ha), (iii) communal open spaces (c. 5,505sq.m), (iv) hard and soft landscaping and boundary treatments, (v) surface car parking (746 no. car parking spaces, including EV parking), (vi) bicycle parking (1,268 no. bicycle parking spaces), (vii) bin & bicycle storage, (viii) public lighting, and (ix), plant / PV panels (M&E), utility services & 5 no. ESB sub-station/kiosks, all on an overall application site area of c.20.4Ha. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development and accompany the application.

An Environmental Impact Assessment (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

The majority of the subject site is zoned 'RES-N – New Residential', the objective of which is to '*provide for new residential communities in accordance with approved area plans*'. Having regard to the recent expiry of the Ballycullen - Oldcourt Local Area Plan 2014, in the context of the western LAP lands, the proposed development cannot comply with this zoning objective applying to the site. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

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

Margaret Commane
Planning Inspector

26th March 2025

Appendix 1: Appropriate Assessment Screening

Screening for Appropriate Assessment Screening Determination

Description of the Project

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

An Appropriate Assessment Screening Report has been prepared by Enviroguide Consulting on behalf of the applicant and the objective information presented in that report informs this screening determination.

The subject 20.4Ha site is located in at Bohernabreena, Dublin 24, in the foothills of the Dublin Mountains on the southern fringe of the built-up area of the wider city. The site is elevated and generally slopes down from south to north. The subject site lies within the Liffey and Dublin Bay catchment (Hydrometric Area 09) and River Dodder sub-catchment (WFD name: Dodder_SC_010, Id 09_16) (EPA, 2024). Two small streams cross the subject site, the Bohernabreena Stream and the Friarstown Upper Stream, before converging and continuing in a northerly direction until meeting the Ballycullen Stream, which ultimately flows into the River Dodder main channel. The subject site is described in more detail in Section 1.0 of this report. The Natura 2000 sites located in closest proximity to the subject site are as follows:

- Glenasmole Valley SAC (Site Code 001209) - 1.2 km to the south-west.
- Wicklow Mountains SAC (Site Code 002122) - c. 4km to the south.
- Wicklow Mountains SPA (Site Code 004040) - c. 4km to the south.
- South Dublin Bay SAC (Site Code 000210) – c. 11km to the north-east.
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) - c. 11km to the north-east.
- North Dublin Bay SAC (Site Code 000206) - c. 15.4km to the north-east.
- North Bull Island SPA (Site Code 004006) - c. 15.4km to the north-east.
- North-west Irish Sea SPA (Site Code 004236) - c. 16km to the north-east.

The proposed development comprises (in summary) demolition of all existing structures on site and construction of 523 no. residential units, a 2 storey childcare facility; c. 7.3Ha of public open space, c. 5,505sqm of communal open space and all associated site development works above and below ground, including 2 no. underground foul sewerage pumping stations & 5 no. ESB sub-station/kiosks. 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 plans/documents provided by the applicant for further details regarding the proposed development.

In terms of submissions/observations, the Planning Authority referred to the application to the relevant Prescribed Bodies. A submission was received from Inland Fisheries Ireland. In summary (a full copy of the applicable correspondence can be found on the file), it noted the following: - having regard to the sites hydrological link, the potential for negative impacts on the Dodder River arising from accidental discharges of pollutants into the surface water network in the absence of proper surface water management/mitigation measures during the construction and operational phases; outlined the importance of maintenance/servicing of SuDS measures to ensure their protection of the aquatic environment and recommended that all the measures outlined in Pinnacle's Consulting Engineers "SuDS Maintenance Manual" are required by way of condition; and raised concerns regarding the Wastewater infrastructure beyond the site and its capacity to convey the waste to its destination, Ringsend Wastewater Treatment Plant without impacting on the aquatic environment. In the context of the latter item, they recommended that Uisce Eireann confirm that there is sufficient hydraulic capacity within the sewage conveyance network and that pumping stations within this same network are adequately sized to convey the waste to its destination without risk to the aquatic environment.

Potential Impact Mechanisms from the Project

The site is not within/or adjoining any Natura 2000 sites or necessary to the management of any such sites. No direct habitat loss and/or alteration is expected as a result of the proposed development.

The two streams traversing the site, the Bohernabreena Stream and the Friarstown Upper Stream, provide a potential direct hydrological pathway to the Dodder main channel, which ultimately discharges into Dublin Bay at Ringsend c. 15km downstream. In addition, there is a potential direct connection via land to the Glenasmole Valley SAC, in the context of commuting construction workers.

With regards to potential indirect connections, there is an indirect hydrological connection to the Natura 2000 sites in Dublin Bay via the proposed foul and surface water drainage networks. The foul and surface water from the development will eventually discharge to the Ringsend WWTP prior to discharge to Dublin Bay. In addition, an indirect pathway exists via impacts to ex-situ habitats of otter associated with the Wicklow Mountains SAC within Dodder River. Further to this, the site may also provide some suitable hunting habitat for Merlin (*Falco columbarius*) and Peregrine (*Falco peregrinus*) associated with the Wicklow Mountains SPA.

Potential impacts and effect mechanism arising from the proposed development can be summarized as follows for the purposes of subsequent assessment:

- The uncontrolled release of pollutants, generated by the proposal during the construction stage, to surface water (e.g. run-off, silt, fuel, oils, concrete etc.) resulting in changes to environmental conditions such as water quality.
- Potential for the release of contaminated surface water, generated by the proposal at operational stage, resulting in changes to environmental conditions such as water quality.
- Potential release of foul effluent, generated by the proposal at operational stage, resulting in changes to environmental conditions such as water quality.
- Potential ex-situ habitat loss in the context of the birds associated with the Wicklow Mountains SPA.
- Potential habitat loss or alteration from inadvertent spread of invasive species currently present at the site to areas outside of the proposed development footprint via potential construction traffic.
- Potential impact on otter associated with the Wicklow Mountains SAC in the Dodder River (i.e. ex-situ effects) near the site.

European Sites at Risk

The following table identifies European Sites that may be at risk of impact due to the proposed development:

Table 1 - European Sites at risk from impacts of the proposed project

Effect Mechanism	Impact Pathway/Zone of Influence	European Sites	Qualifying Interests
Surface water pollution	If pollutants generated on site reached the streams featuring on site, they would be carried north into the River Dodder, and then north-east through Dublin City into the Liffey Estuary, reaching Dublin Bay coastal waters c. 15km downstream.	South Dublin Bay SAC; South Dublin Bay and River Tolka Estuary SPA; North Dublin Bay SAC; North Bull Island SPA; and North-west Irish Sea SPA	<p><u>South Dublin Bay SAC</u></p> <p>Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; and Embryonic shifting dunes</p> <p><u>South Dublin Bay and River Tolka Estuary SPA</u></p> <p>Turnstone; Light-bellied Brent Goose; Sanderling; Dunlin; Knot; Ringed Plover; Oystercatcher; Common Gull; Mediterranean Gull; Black-headed Gull ; Bar-tailed Godwit; Red-breasted Merganser; Curlew; Great Cormorant; Grey Plover; Great Crested Grebe; Roseate Tern; Common Tern; Arctic Tern; and Redshank.</p> <p><u>North Dublin Bay SAC</u></p>

			<p>Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; Spartina swards; Atlantic salt meadows; Mediterranean salt meadows; Embryonic shifting dunes; Shifting dunes along the shoreline with Ammophila arenaria (white dunes); Fixed coastal dunes with herbaceous vegetation (grey dunes); Humid dune slacks; and Petalwort</p> <p><u>North Bull Island SPA</u></p> <p>Pintail; Shoveler; Teal; Wigeon; Mallard; Turnstone; Short-eared Owl; Light-bellied Brent Goose; Sanderling; Dunlin; Knot; Curlew Sandpiper; Little Stint; Ringed Plover; Oystercatcher; Common Gull; Black-headed Gull; Bar-tailed Godwit; Black-tailed Godwit; Red-breasted Merganser; Curlew; Ruff; Golden Plover; Grey Plover; Shelduck; Spotted Redshank; Greenshank; and Redshank.</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>
Foul water pollution	Foul water generated on site being discharged from Rinsend WwTP into Dublin Bay	South Dublin Bay SAC; South Dublin Bay and River Tolka Estuary SPA; North Dublin Bay SAC; North Bull Island SPA; and North-west Irish Sea SPA	As immediately above.
Habitat Loss and Alteration	The resultant removal of habitats could	Wicklow Mountains SPA	Merlin; Peregrine; Common redstart; Wood warbler;

	impact on the applicable birds of prey and range of overwintering birds		Whinchat; Blackcap; Green warbler; and Ring Ouzel.
Habitat Loss and Alteration	Inadvertent spread of invasive species currently present at the site to areas outside of the proposed development footprint via potential construction traffic.	Glenasmole Valley SAC	Semi-natural dry grasslands and scrubland facies on calcareous substrates; Molinia meadows on calcareous, peaty or clayey-silt-laden soils; and Petrifying springs with tufa formation.
Habitat Loss and Alteration	Potential impacts on habitats within the nearby Dodder River.	Wicklow Mountains SAC	Oligotrophic waters containing very few minerals of sandy plains; Natural dystrophic lakes and ponds; Northern Atlantic wet heaths with Erica tetralix; European dry heaths; Alpine and Boreal heaths; Calaminarian grasslands of the Violetalia calaminariae; Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe); Blanket bogs; Siliceous scree of the montane to snow levels; Calcareous rocky slopes with chasmophytic vegetation; Siliceous rocky slopes with chasmophytic vegetation; Old sessile oak woods with Ilex and Blechnum in the British Isles; and Otter

In the context of surface water pollution, the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA cover coastal waters c. 11km downstream; North Dublin Bay SAC and North Bull Island SPA cover coastal waters c. 15.4km downstream; and North-west Irish Sea SPA cover coastal waters c. 16km downstream. However, this is not considered to be a feasible surface water pathway because the connection due to distance and dilution. The dilution capacity of intervening watercourse, as well as the coastal waters of Dublin Bay, would reduce any pollutants to negligible concentrations before they could affect the qualifying interests of any European sites. 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 SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, North Bull Island SPA and North-west Irish Sea SPA arising from via discharges from Ringsend WWTP once operational, 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)'. It is considered that significant effects on marine biodiversity and the European sites within Dublin Bay from the current operation of Ringsend WWTP are unlikely.

The Wicklow Mountains SPA was designated to protect two birds of prey: - peregrine and merlin, which could hunt on the subject site. Given the c. 4 km distance between the site to the SPA, the intervening lands consisting of similar farmland fields, as well as forested areas and scrub, and the habitats available within the SPA itself, the extent of potential hunting grounds on site is not significant, and as such no significant loss of ex-situ habitat is likely to occur.

A land pathway between the subject site and the Glenasmole Valley SAC was identified via potential construction traffic (construction and/or private vehicles). Vehicles leaving, in the absence of precaution, may inadvertently spread invasive species present on the site to other areas. As such, the potential for likely significant habitat loss or alteration within the Glenasmole Valley SAC **cannot be ruled out**.

Deterioration of water quality in the Dodder River as a result of the subject proposal could have an indirect impact on otter associated with the Wicklow Mountains SAC that inhabit the Dodder River downstream of the site, via e.g., potential reduction in prey availability. Therefore, the potential for likely significant impacts on water quality which could have an indirect impact on this European site **cannot be ruled out**, however any potential impacts are considered to be relatively localised.

Likely Significant Effects on the European Sites 'alone' or 'in-combination with other plans and projects'

The below table considers the potential for the project to undermine the conservation objectives 'alone':

Table 2 - Could the project undermine the conservation objectives 'alone'		
	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?

European Site and qualifying feature		Habitat Loss and Alteration arising from invasive species spread	Deterioration of water quality in the Dodder River
Glenasmole Valley SAC (001209)			
6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	To restore the favourable conservation condition of this habitat.	Y	N
6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	To restore the favourable conservation condition of this habitat.	Y	N
7220 Petrifying springs with tufa formation (Cratoneurion)*	To restore the favourable conservation condition of this habitat.	Y	N
Wicklow Mountains SAC (002122)			
Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]	To maintain the favourable conservation condition of this habitat	N	N
Natural dystrophic lakes and ponds [3160]	To maintain the favourable conservation condition of this habitat	N	N
Northern Atlantic wet heaths with Erica tetralix [4010]	To restore the favourable conservation condition of this habitat.	N	N
European dry heaths [4030]	To restore the favourable conservation condition of this habitat.	N	N
Alpine and Boreal heaths [4060]	To restore the favourable conservation condition of this habitat.	N	N
Calaminarian grasslands of the Violetalia calaminariae [6130]	To maintain the favourable conservation condition of this habitat.	N	N

Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]	To restore the favourable conservation condition of this habitat.	N	N
Blanket bogs (* if active bog) [7130]	To restore the favourable conservation condition of this habitat.	N	N
Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]	To restore the favourable conservation condition of this habitat.	N	N
Calcareous rocky slopes with chasmophytic vegetation [8210]	To restore the favourable conservation condition of this habitat.	N	N
Siliceous rocky slopes with chasmophytic vegetation [8220]	To restore the favourable conservation condition of this habitat.	N	N
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	To restore the favourable conservation condition of this habitat.	N	N
Lutra lutra (Otter) [1355]	To maintain the favourable conservation condition of this species.	N	Y

Having regard to the foregoing, I consider the proposed development has the potential to undermine the conservation objectives of the Glenasmole Valley SAC and the Conservation objective pertaining to the Lutra lutra (Otter) [1355] in the context of the Wicklow Mountains SAC.

I conclude that the proposed development would have a likely significant effect 'alone' on the Glenasmole Valley SAC and the Wicklow Mountains SAC from effects associated with the spread invasive species and deterioration of water quality in the Dodder River as a result of the subject proposal, respectively. An Appropriate Assessment is required on the basis of the effects of the project 'alone'.

Section 4.3.7 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/plans and operation of Ringsend WwTP, and concluded that there is no possibility for any significant in-combination effects 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 European sites. On foot of this conclusion, there is no requirement for a Stage 2 Appropriate Assessment and for the submission of a Natura Impact Statement in the context of the other 5 no. European sites within the zone of influence.

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 the proposed development could have a significant effect on the Glenasmole Valley SAC (Site Code 001209) and Wicklow Mountains SAC (Site Code 002122) 'alone' in respect of effects associated with the spread invasive species and deterioration of water quality in the Dodder River as a result of the subject proposal, respectively.

It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 is required on the basis of the potential effects of the project.

No specific measures intended to avoid or reduce harmful effects on Natura 2000 sites were taken into account in reaching this conclusion.

Appendix 2: Appropriate Assessment

Overview

The applicant has provided a Natura Impact Statement (NIS) in accordance with the requirements of the Stage 2 Appropriate Assessment process. Supporting documentation is referenced in the NIS.

I am satisfied that the submitted NIS is in accordance with current guidance/legislation/best practice and the information included within the report, in relation to baseline conditions and potential impacts, is clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on the Glenasmole Valley SAC (Site Code 001209) and Wicklow Mountains SAC (Site Code 002122), where it has been established that there is a possibility for significant effects on the European sites, in the absence of mitigation as a result of the spread invasive species and deterioration of water quality in the Dodder River, respectively. As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

Impact Prediction

Table 5 of the NIS provides an 'Assessment of the Potential Impact of the Proposed Development on the QIs And SCIs of the Relevant European Sites.' The following are the QIs that may be affected, with details provided in summary and also a summary of the applicant's suggested mitigation measures:

Glenasmole Valley SAC			
Qualifying Feature	Pathway	Effect	Mitigation Measures
Semi-natural dry grasslands and scrubland facies on calcareous substrates [6210], Molinia meadows on calcareous, peaty or clayey silt-laden soils (Molinion [6410] and Petrifying springs with tufa formation [7220]	Land	Spread of invasive species from the site (namely Japanese knotweed (<i>Reynoutria japonica</i>) and butterfly bush (<i>Buddleia davidii</i>)) to the SAC could impact on all QI habitats within this SAC. As invasive species are typically difficult to fully eradicate once established, this could lead to likely long-term	Construction Phase: <ul style="list-style-type: none">• Preparation of an Invasive Species Management Plan (ISMP).• Best Practice Biosecurity measures.

		impacts on the SAC habitats.	<p>Operational Phase:</p> <ul style="list-style-type: none"> • None required. • Invasive species management
Wicklow Mountains SAC			
Otter [1355]	Indirect pathway via potential water quality impacts on the Dodder downstream of the Site	<p>Short-term, significant impacts on the water quality of the Dodder River, could arise from accidental discharge of silts, sediments and pollutants into the same. This could in turn clog spawning beds, suffocate benthic fauna and flora that fish rely on, and lead to the tainting of fish tissues making them toxic to consume by other fauna such as otter.</p>	<p>Construction Phase:</p> <ul style="list-style-type: none"> • Site-specific Surface Water Protection Measures. <p>Operational Phase:</p> <ul style="list-style-type: none"> • None required.
<p>Oligotrophic waters containing very few minerals of sandy plains [3110]; Natural dystrophic lakes and ponds [3160]; Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]; European dry heaths [4030]; Alpine and Boreal heaths [4060]; Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]; Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]; Blanket bogs (* if active bog) [7130]; Siliceous scree of the montane to snow levels [8110]; Calcareous rocky slopes with chasmophytic vegetation [8210]; Siliceous rocky slopes with chasmophytic vegetation [8220]; and Old sessile oak woods with <i>Ilex</i> and</p>	<p>These habitats are all located within the SAC boundaries, and due to SAC's location upstream of the Site and approx. 4km south of the Site (as-the-crow-flies), no potential pathways for impacts were identified. As such, no further assessment of these QI habitats is required within this NIS.</p>	None anticipated.	<ul style="list-style-type: none"> • None required.

Blechnum in the British Isles [91A0]			
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Section 4.3.2 of the NIS provides details on the ‘Potential for In-combination Effects’ and developments within 500m of the site were considered. The applicant reports that most applications were small scale and would not give rise to significant effects. relevant policies/plans and the operation of Ringsend WwTP were also considered in the context of potential in-combination effects. It was concluded that there is no possibility for any significant in-combination effects to European sites involving the proposed development.

Avoidance and Mitigation Measures

Section 4.4 of the NIS provides full details of proposed mitigation and enhancement measures. They can be summarised as follows:

Construction Phase:

- Mitigation 1: Preparation of an Invasive Species Management Plan prior to beginning of construction to limit the potential for spread of Japanese Knotweed and Butterfly Bush within and outside of the site.
- Mitigation 2: Implementation of biosecurity measures will be put in place to avoid the spread of the invasive flora identified at the site into the surrounding areas and to limit the potential for spread of invasive species at the site.
- Mitigation 3: Site-specific Surface Water Mitigation Measures. Further to the best practice development standards adopted in the context of the Construction and Environmental Management Plan (CEMP), further site-specific surface water mitigation measures are to be adopted to ensure the ecology of internal ditches and streams, as well as any downstream watercourses such as the Dodder River, are not adversely impacted.

Section 4.5 of the NIS provides details on monitoring during the construction phase. These comprise (in summary) the appointment of an Ecological Clerk of Works and monitor of the biosecurity measures by the Contractor.

Section 5 provides the NIS Conclusion. Potential direct and indirect adverse effects from the development on the Glenasmole Valley SAC and Wicklow Mountains SAC were considered. Where potentially significant effects were identified, a range of mitigation and avoidance measures have been suggested to avoid them. The NIS has

concluded that, *'once the avoidance and mitigation measures are implemented as proposed, the Proposed Development will not have an adverse effect on the integrity of the above European sites, individually or in combination with other plans and projects'*.

NIS Assessment

I have relied on the following guidance: - Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

The Glenasmole Valley SAC (Site Code 001209) and Wicklow Mountains SAC (Site Code 002122) are subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

Aspects of the Development that could adversely affect the designated sites

The main aspects of the development that could impact the conservation objectives of the European sites are through the spread invasive species and the deterioration of water quality in the Dodder River.

Mitigation

A range of mitigation measures are provided in the NIS, and these are noted. These refer to the construction phase of the development as provided in the applicant's report. A range of site-specific surface water mitigation measures are to be adopted to ensure the ecology of internal ditches and streams, as well as any downstream watercourses such as the Dodder River. Implementation of an Invasive Species Management Plan and biosecurity measures is proposed to negative invasive species impacts.

Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation

measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to/potential connections to the Glenasmole Valley SAC (Site Code 001209) and Wicklow Mountains SAC (Site Code 002122). Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan and appropriate monitoring through the construction phase of the development.

In Combination Effects

No issues of concern are raised subject to the full implementation of mitigation measures outlined in the NIS.

Appropriate Assessment Conclusion

The proposed residential development at Townlands of Bohernabreena, Oldcourt & Kilininny, Dublin 24, has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Glenasmole Valley SAC (Site Code 001209) and the Wicklow Mountains SAC (Site Code 002122). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Glenasmole Valley SAC (Site Code 001209) and the Wicklow Mountains SAC (Site Code 002122) subject to the implantation in full of appropriate mitigation measures.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Glenasmole Valley SAC (Site Code 001209) and the Wicklow Mountains SAC (Site Code 002122).
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Glenasmole Valley SAC (Site Code 001209) and the Wicklow Mountains SAC (Site Code 002122).

I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I have had full regard to the submitted report from the Department of Housing, Local Government and Heritage, and that of the Planning Authority. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Glenasmole Valley SAC (Site Code 001209) and the Wicklow Mountains SAC (Site Code 002122).