



An
Bord
Pleanála

Inspector's Report ABP-321458-24

Development

Development comprising 4 no. two storey, three bedroom semi-detached houses, 8 parking spaces and associated site works at site at Corbally Close off Blessington Road Dublin 24

Location

Site at Corbally Close, Off Blessington Road, Dublin 24

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD24A/0089

Applicant(s)

Ciara Mackin

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Setanta Solicitors on behalf of Tracei Goddard

Observer(s)

Donal McMahon and Mary McHugh

Date of Site Inspection

19th February 2024

Inspector

Emma Nevin

1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.135ha. is located to the immediate north of the N/81 Blessington Road, at the southern extent of the established Corbally residential estate. The site is bound to the north by Blessington Road, to the east by a detached property of 'Naomh Brid', Blessington Road, and to the north and northeast by the properties of Nos.1-7 Corbally Close and Nos.8-12 Corbally Close, respectfully.
- 1.2. The site is accessed to the east via Corbally Close, estate access road, which terminates at a cul de sac.
- 1.3. There is an existing mature hedgerow to the N81/Blessington Road site boundary. The existing site is heavily overgrown with vegetation. The ground levels of the subject site are elevated relative to the ground level of the existing properties to north of the site with the adjoining road level at a higher elevation.

2.0 Proposed Development

- 2.1. The development comprises:
- 4 no. two storey, three-bedroom, semi-detached dwellings,
 - 8 no. parking spaces at Corbally Close,
 - All associated site works.
- 2.2. Table 1 below provides a schedule of the key figures associated with the proposed development:

Table 1 - Site / Development Details	
Site Area	0.135 ha
Gross Floor Area	440 sq. m.
No. of proposed units	4
Car Parking	8 spaces*
Public Open Space	0 sq. m.

*The car parking provision was amended and reduced to 6 no. spaces at further information stage.

2.4. Table 2 below provides a breakdown of the residential unit types proposed:

Table 2 – Residential Unit Type			
House No.	House Type	Unit Size	Private Amenity Space
Dwelling 1	3 bed – semi-detached	110 sq. m.	74.5 sq. m.
Dwelling 2	3 bed – semi-detached	110 sq. m.	76 sq. m.
Dwelling 3	3 bed – semi-detached	110 sq. m.	76 sq. m.
Dwelling 4	3 bed – semi-detached	110 sq. m.	93 sq. m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission, following further information request, on 19th November 2024, subject to 22 conditions, which included the following:

- Condition 2 requires an amendment to the dwellings to increase the setback between the proposed dwellings and the shared boundary with Nos. 10 and 12 Corbally Close.
- Conditions 3, 4 and 5 are standard conditions.
- Conditions 6, 7 and 8 relate to landscaping.
- Conditions 12 relates to taking in charge.
- Condition 14 relates to Section 47 of the Planning and Development Act 2000, i.e. occupancy.
- Conditions 15, 17, 18, 19 and 20 relates to construction traffic management and construction/demolition works.
- Condition 16 relates to Mitigation Measures within the Ecological Impact Assessment and Noise Impact Assessment.
- Condition 21 related to Development Contributions

- Condition 22 relates to resource and waste management plan.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports dated 13th June 2024 and 19th November 2024 have been provided.
- 3.2.2. This planning application was assessed under the South Dublin County Development Plan, 2022 – 2028.
- 3.2.3. The first planners report considered it necessary to seek further information on the following items:
- Details relating to residential and visual amenity.
 - Surface Water Management.
 - Landscaping and Ecological Impact Assessment.
 - Access, Transport and Parking.
 - Site Boundaries and Layout; and
 - Noise Impact Assessment.
- 3.2.4. The planners report concluded that the further information sufficiently addressed all items under the further information request, and it was considered that “Having regard to the provisions of the South Dublin County Development Plan 2022 – 2028 and the overall design and scale of the proposed development, it is considered that, subject to the 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”, subject to the conditions would be in accordance with the proper planning and development of the area, subject to 22 no. conditions, noted in Section 3.1.1 above.
- 3.2.5. Other Technical Reports:
- Roads Department: Additional information requested, following receipt of further information, report received, no objections.

- Public Realm and Parks: Additional information requested, following receipt of further information, conditions recommended.
- Water Services: Additional information requested, following receipt of further information no report received at the time of writing.

3.3. **Prescribed Bodies**

- Uisce Eireann: No objection, subject to conditions.
- Environmental Health Officer: Report received; condition recommended.

3.4. **Third Party Observations**

3.4.1. Thirty-two (32 no.) third party submission was received, the issues raised can be summarised as follows:

- Concerns in regard to traffic congestion due to existing road infrastructure at capacity, in addition, knock on impacts arising particularly during the construction phase for local residents and road safety concerns.
- Potential for increased flooding on site, surface water management not adequately demonstrated.
- Removal of existing vegetation and the associated impact on wildlife and landscape.
- Reference to historic application refusals on site.
- Inaccurate claims of antisocial behaviour and illegal dumping on site within application.
- Clearance of site vegetation has removed the existing noise buffer for existing dwellings.
- Concerns relating to negative impact on existing property values and community harmony arising from proposed development and unfair burden on existing mature neighbourhood.
- Lack of surrounding community facilities including need for a garda station, and schools at capacity to support additional development.
- Loss of green spaces and impact on biodiversity within the surrounding areas.

- Health and safety concerns and loss of privacy and increased security risk to existing properties arising from removal of natural barriers on site.
- Concerns regarding access, traffic mobility and parking on site.
- Concern in regard to obstructions arising from the proposed development restricting emergency vehicles accessing existing properties.
- Concerns regarding refuse/bin collections.
- Impacts on bat activity arising from the proposed development, not adequately demonstrated in the application.
- Soil quality on site not suitable for development, in addition, poor drainage will increase flooding risk.
- Concerns regarding the operational phase maintenance of the site and boundaries.
- Unauthorised removal of trees has significantly impacted the amenity value of the existing neighbourhood.
- Raising of site without retaining walls and no structural survey undertaken on site.
- Structural and drainage concerns arising from the site works undertaken in April 2023.
- Misrepresentation of existing heights of adjoining property boundary walls indicated.
- Environmental and increased noise level concerns arising from the proposed development.
- Concerns in regard to overshadowing and an overbearing intrusive presence on existing residential properties and amenity.
- No consultation undertaken with adjoining property owners prior to commencing works on site.
- The proposal would significantly impact on the visual amenity of the area.
- Concerns with scale and height of the proposed development.

- 1 no. submission notes inaccurate information is included in some of the third party submissions received relating to the raising of ground levels on site.
- Clarification on whether permission was attained prior to commencing site clearance works. Excessive Height of extension of 3.3m when previously approved under the condition that the height would be reduced to 3m.
- Suspects it to be higher than 3.3m due to the garden level being raised as part of its construction.
- Right to privacy in the adjoining garden and house has also been impacted by the height of the extension and its proximity to the boundary wall.

4.0 Planning History

4.1. There is no recent planning history on this site however, following historic planning history is relevant to the appeal site:

- S97A/0763 – Permission refused by South Dublin County Council on the 4th March 1998 for 2 no. bungalows on infill site of approximately 0.3 acres.

Reasons for refusal states:

“1. The proposed development would seriously injure the amenities of property in the vicinity given the elevated nature of the site relative to the rear gardens of adjoining properties the design and no. of houses and the position of the access road relative to rear garden boundaries.

2. The proposed development would be prejudicial to public health as the foul sewer outfall conditioned under planning permission ref. S95A/0546 has not been constructed.

3. The proposed development would seriously infringe the standard set-back of 30m for a house facing a national secondary route. The proposed houses with a gable wall to the road would be subjected to an unreasonable level of traffic noise thereby endangering the health of persons occupying them”.

- S94A/0217 – Permission refused by South Dublin County Council on the 7th July 1994 for 3 no. 3 Bed. houses. Previous permission on lands Reg. Refs. 92A/0410 and 93A/1010.

Reasons for refusal states:

“1. The proposed development would seriously infringe the standard set back of 30 metres for a house facing a national secondary route, the Blessington Road (N81). The proposed houses, therefore, would be subjected to an unreasonable level of traffic noise thereby endangering the health of persons occupying them.

2. Because of the elevated nature of the site relative to adjacent existing housing to the north and east the proposed development would give rise to excessive over shadowing and overlooking of these properties. It would, therefore, seriously injure the amenities of property in the vicinity”.

5.0 Policy Context

5.1. South Dublin County Development Plan 2022 – 2028

5.1.1. The site is subject to zoning objective ‘RES’ which has a stated objective *“To protect and/or improve residential amenity”*.

5.1.2. Relevant Sections and Objectives

- Chapter 2 Core Strategy and Settlement Strategy
- Policy CS6: Settlement Strategy – Strategic Planning Principles
- Policy CS7: Consolidation Areas within the Dublin City and Suburbs Settlement
- Chapter 3 Natural, Cultural and Built Heritage
- Policy NCBH1: Overarching
- Policy NCBH2: Biodiversity
- Policy NCBH3: Natura 2000 Sites
- Policy NCBH4: Proposed Natural Heritage Areas
- Policy NCBH5: Protection of Habitats and Species Outside of Designated Areas
- Policy NCBH10: Invasive Species Chapter 4 Green Infrastructure

- Policy GI1: Overarching
- Policy GI2: Biodiversity
- Policy GI3: Sustainable Water Management
- Policy GI4: Sustainable Drainage Systems
- Policy GI5: Climate Resilience
- Policy GI6: Human Health and Wellbeing
- Policy GI7: Landscape, Natural, Cultural and Built Heritage
- Chapter 5 Quality Design and Healthy Placemaking
- Policy QDP1: Successful and Sustainable Neighbourhoods
- Policy QDP2: Overarching – Successful and Sustainable Neighbourhoods
- Policy QDP3: Neighbourhood Context
- Policy QDP5: Connected Neighbourhoods
- Policy QDP7: High Quality Design – Development General
- Policy QD8: High Quality Design – Building Height and Density Guide (BHDG)
- Policy QDP9: High Quality Design - Building Height and Density
- Policy QDP10: Mix of Dwelling Types
- Policy QDP11: Materials, Colours and Textures
- Chapter 6 Housing Policy H1: Housing Strategy and Interim Housing Need and Demand Assessment
- Policy H2: Supply of Housing
- Policy H7: Residential Design and Layout
- Policy H8: Public Open Space
- Policy H9: Private and Semi-Private Open Space
- Policy H10: Internal Residential Accommodation
- Policy H11: Privacy and Security Chapter 7 Sustainable Movement
- Policy SM1: Overarching – Transport and Movement

- Section 7.5.2 Cycle South Dublin
- Table 7.1 Cycle South Dublin Routes and Projects
- Policy SM2: Walking and Cycling
- Policy SM3: Public Transport
- Policy SM5: Street and Road Design
- Policy SM6: Traffic and Transport Management Policy SM7: Car Parking and EV Charging.
- Chapter 8 Community Infrastructure and Open Space
- Policy COS5: Parks and Public Open Space – Overarching
- Section 8.7.3 Quantity of Public Open Space
- Table 8.2 Public Open Space Standards
- Section 8.7.4 Contributions in Lieu Section 8.7.5 Quality of Public Open Space
- Section 8.7.6 Play Facilities
- Chapter 9 Economic Development and Employment (EDE)
- Policy EDE8: Retail – Overarching
- Chapter 10 Energy (E) Policy E4: Electric Vehicles
- Policy E11: Green Infrastructure
- Chapter 11 Infrastructure and Environmental Services
- Policy IE1: Overarching Policy
- Policy IE2: Water Supply and Wastewater
- Policy IE3: Surface Water and Groundwater
- Policy IE4: Flood Risk
- Policy IE7: Waste Management
- Policy IE8: Environmental Quality
- Section 11.7.2 Noise

- Chapter 12 Implementation and Monitoring
- Section 12.6.7 Residential Standards
- Section 12.6.8 Residential Consolidation
- Section 12.6.10 Public Open Space
- Section 12.7.4 Car parking Standards
- Section 12.7.6 Car Parking Design and Layout.

5.2. **Section 28 Ministerial Guidelines**

5.2.1. Section 28 Guidance:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, Department of the Housing, Local Government and Heritage, 2024.
- Housing for All - a New Housing Plan for Ireland, Department of Housing, Local Government and Heritage, (2021).
- Urban Development and Building Heights – Guidelines for Planning Authorities (2019).
- Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage, and Local Government, (2007).
- Urban Design Manual; A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage, and Local Government, (2008).
- Development Management Guidelines for Planning Authorities, 2007.

5.3. **Natural Heritage Designations**

5.3.1. The subject site is not located within any designated European Sites.

5.4. EIA Screening

- 5.4.1. I refer the Board to the completed Form 1 and Form 2 in Appendix 1. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A detailed third party appeal has been received by Setanta Solicitors on behalf of Ms. Tracei Goddard the applicant's agent against the decision of South Dublin County Council (SDCC) to grant permission under Reg. Ref. SD24A/0089. The main planning relevant issues raised in the appeal can be summarised as follows:
- Query regarding land ownership.
 - Site unsuitable for development and was rejected for such reasons consistently.
 - The site does not provide an appropriate setback from a national road and is unsafe and dangerous to residents and road users.
 - It appears that this decision was made by carrying out a desk review without a site visit.
 - The site abuts the Blessington Road, which is the N81. The N81 is a Dublin Radial Road.
 - The proposed development would be to the apron of the National Road, which is unprecedented in planning terms and no such configuration appears anywhere along the length of the N81.
 - Development Plans include a mandatory setback of 30 metres from a national road for good and proper planning.
 - The previous recent planning permissions have been cited.

- The proposal is contrary to objective E7 objective 7 of the Development Plan. The development was proposed in the area that was the noise barrier on setback landscaping or buffer zone between the existing development and the existing national road.
- Significant carbon monoxide risk to residents no adequate buffer zones or setbacks provided emissions from traffic related pollution.
- Key stakeholders were not consulted, and the proposal presents a danger to road infrastructure.
- The structural integrity of the road is compromised.
- The trees along the road are compromised.
- An accident could occur which would allow vehicles to break the thin barrier between residents and such a busy road. Chapter 7 of the Development Plan sets out the Council's position on roads.
- The local neighbors were not consulted in advance or during these works.
- Lack of appropriate access to the site, access to the site is proposed through an existing residential neighborhood, there is no direct access to major road, and the development sits at the end of a cul-de-sac.
- Concerns in relation to impacts of construction traffic.
- The parking configuration is a barrier to any vehicle access to the site including emergency vehicles and is dangerous.
- The adjoining residential development contains on street parking and family's young children cycle and play on the roads.
- Chapter 5 of the Development Plan is referenced in relation to the National Planning Framework and Regional Spatial and Economic Strategy.
- Interference with the land affecting informed environmental issues, flooding, and interference with the appellants constitutional property rights.
- The land has been cleared without permission almost a protected window for nesting birds and other species. It was an area of mature growth and dense vegetation and animal life clearing the land as interfered with any proper

environmental survey of the site which only took place after the land was cleared. Despite the further information in relation to surface water runoff this has not been addressed in any of the further information reports.

- Soil and dirt have been raised against the residents where walls which affects their structural integrity the effect of raising the soil means that rainwater and runoff from the national road permeates the soil and flows into the gardens of the properties abutting the site, carrying out flooding.
- Adverse and overbearing noise impact.
- GI 6 objective 9 of the Development Plan is referenced in relation to green infrastructure.
- The developer without permission cleared the noise mitigation barrier exposing current residents to relatively high noise levels. It is submitted that rather than granting permission for the development on notice of clearing this area in an authorised manner the local authority ought to have considered commencing enforcement proceedings and potential prosecution.
- It is requested that the application permission be refused by An Bord Pleanála on consideration of the appeal.

6.2. Applicant Response

6.2.1. A first party response to the appeal was received dated 31st January 2025. The submission responds to the issues raised within the third party appeals as follows: -

- The response includes details in respect of landownership and states that the registration of the transfer of the subject site is delayed and will be resolved in due course.
- The site is zoned residential, therefore under the Development Plan a residential development on site is permitted in principle. The Development Plan is supportive of appropriate infill developments and this proposal fits into this category.
- The maximum daily counts of vehicles as stated in the appeal is somewhat misleading.

- The current Development Plan does not include a specific set back distance from the N81 as mentioned in the appeal.
- The main ground for refusal was the requirement for a 30-metre set back from the N81 which was required under previous Development Plans, but this is no longer the case.
- A noise impact assessment was provided as part of the application. Appropriate mitigation measures were included.
- The proposed development will have minimal impact on the noise barrier or landscaping/ buffer zone between the existing development and Blessington Road. The landscape proposals will have a positive impact by enhancing the existing buffer zone.
- The existing hedge row will be renovated, and additional landscape features are proposed within the subject site adjacent to the existing hedgerow.
- In relation to the significant carbon monoxide risk to residents the literature referred to in the appeal is a technical review of several scientific reports carried out over a long period of time. While the document is interesting it must be noted that it does not make any specific recommendations about setback distances between accommodation and roads and therefore is largely irrelevant to the issues at hand.
- Increase in transition to EV's air pollution due to monitor vehicles will become less of a problem in the future.
- The effects of traffic and possible effects of traffic pollution is overstated in the appeal.
- Nothing has happened on site to date that compromises the structural integrity of the road, compromises the trees along the verge, would allow vehicles to break the barrier between the residents and the N 81.
- The proposed crib wall along Blessington Road forming part of the planning application would have to be positive effect of protecting the structural stability of the road securing the hedgerow along the road and giving further protection against accidents that might occur.

- The proposed development meets the objectives of Chapter 7 of the Development Plan.
- The N81 falls within the remit of Dublin County Council not Transport Infrastructure Ireland, no works or alterations are proposed to the N 81 as part of the proposed development. Nothing in this application would have an impact on the capacity of the N81.
- A full arborist report was submitted as part of the planning application the condition of the existing trees and shrubs was assessed and recommendations made. In addition, new planting was recommended, and all recommendations of the arborist are accepted and will be carried out as part of the development of.
- The proposed development increased the number of houses accessed from Corbally Close from 14 to 18. Corbally Close is a 6-metre road with verges and footpaths on both sides. The Design Manual for Urban Roads and Streets designate a carriageway width of 5.5 metres to 6.5 metres “for Arterial and Link Streets. Range for low to moderate design speeds”.
- The proposed development increases the number of houses accessed from Corbally Avenue from 129 to 133. Corbally Avenue is a 7-metre road width with verges and footpaths on both sides. The Design Manual for Urban Roads and Streets designate a carriage road width of 6.5 to 7 metres “for arterial and link streets frequently used by larger vehicles”.
- An appropriate traffic management plan will be put in place in accordance with condition 15 of the planning permission.
- Car parking for the proposed development is located separately from the houses adequate provision for car parking for the houses is provided. Such an arrangement is permitted under the Development Plan.
- The appeal references of a Road Safety report from ‘TrafficWise’ in Appendix 10, but this does not seem to be included in the document provided.
- An appropriate traffic management plan will be put in place in accordance with condition 15 of the permission. The proposed development complies with the objectives of Chapter 5 of the development plan.

- The property owner had concerns around the safety of the existing trees located along the boundary to adjacent properties. Full Arborist Report was submitted as part of the planning application.
- A comprehensive surface water drainage scheme was submitted with the planning application the scheme addresses all aspects of surface water for the entire site and divert surface water away from the adjoining properties and therefore prevent any additional ingress of surface water from the property to adjoining properties.
- There will be no surface water attenuation or soap pits that would increase the saturation of soils and divert gardens of any proposed new houses.
- It is incorrect to say that tons of silt and dirt have been raised against residents' rear walls. It is acknowledged that the ground to the northeast corner was raised slightly, it should also be noted that the ground levels of the proposed development are set lower than they are currently, and this will reduce any strain on the retaining walls on the east and north of the sites.
- The appellant suggestion that there is rainwater and runoff from the N 81 is without foundation. There is surface water drainage system on the N81 specifically to prevent water from accumulating and causing runoff onto the adjoining properties. It is ridiculous to suggest that water and runoff is occurring from the N 81 onto the subject site and from there on to adjoining properties, this suggestion is unfounded and must be discounted.
- Non-native lalandi trees which were in close proximity to adjacent properties were removed due to safety concerns, there was no removal of any hedgehogs in the course of clearing the site. The only hedgerow on the subject site makes up the boundary along the Blessington Road has been retained and unimpacted.
- It is not acceptable to suggest that a noise mitigation barrier was removed thereby exposing current residents to relatively high noise levels.
- The acoustic report related to the proposed new development and not to the existing residential development.

- The landscape design element of the proposed development will form a key part of the overall residential design. The landscape design has been carefully developed taking account of the site setting and development and surrounding properties best practice guidance on all relevant development plan objectives.
- From a landscape and visual perspective, the proposed development integrated into the area as demonstrated in the landscape plans for the proposed development.
- The noise survey conducted adheres to relevant standards and was carried out during stable weather conditions, there was no explicit requirements from the council to assess rush hour traffic noise and the server approach aligned with the brief provided.
- The role of vegetation and attenuating noise was minimal, while vegetation such as trees can provide some noise reduction their effect is generally limited to high frequency noise and is dependent on density and depth of the foliage. For significant noise attenuation of vegetation buffer would need to be between 20 and 30 metres wide and densely packed which is often impractical in urban or constrained development settings.
- The concerns regarding unauthorised vegetation clearance are noted however these are separate from the scope of the noise assessment.
- The noise impact assessment reflects the conditions observed during the survey.

6.3. Planning Authority Response

- 6.3.1. Report received 22nd January 2025 stating that *“The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the Chief Executive Order”*.

6.4. Observations

- 6.4.1. A detailed observation was received from Donal McMahon and Mary McHugh on 20th January 2025, the main planning considerations are summarised below:

- Residential and Visual Amenity.
- Overlooking, overshadowing, and overbearing has been to the fore of all previous planning applications.
- The development of four two-storey dwellings
- The planning application report accompanying the application was welcome given the absence of any prior consultation with location residents.
- Discrepancies in relation to the overall height of the dwellings relative to site levels.
- The planning authority request for further information is noted.
- Associated areas should be taken into consideration in relation to overlooking.
- 3D images were not submitted as part of the further information submission and the visual impact of the proposed development on adjacent properties has not been fully and satisfactorily dealt with.
- Inadequacy of information accompanying the further information submission.
- The contextual elevations and contextual sections do not provide a full demonstration of the proposed development relative to existing site context.
- Overlooking and overshadowing have been conflated.
- The focus is wholly on the subject site with little attention being paid to adjacent properties.
- 3D drawings were used to ascertain possible overshadowing not to explore overlooking with possible breach of privacy.
- There is a lack of explicit standards of decision making in the planning officer's assessment in relation to overlooking and overbearing.
- No consultation took place and as such Development Plan policy is not satisfied in respect to Section 6.8.1 of the Plan.
- Development will result in overlooking given difference in ridge height and elevated position.
- Removal of wooded hillside.

- The development would seriously injure the amenities of properties in the vicinity would result in excessive overlooking and overbearing and disagree with the conclusion of the planning officer.

6.5. Further Responses

6.5.1. Two further detailed responses were received on foot of Section 131 Notice issued, from the third party appellant Setanta Solicitors on behalf of Tracei Goddard and the observers Donal McMahon and Mary McHugh in response to the applicants' response to the first party appeal.

6.5.2. I note that a number of concerns, noted above have been reiterated in the further responses in addition to the following:

- The aim of the Development Plan is to protect and/or improve residential amenity and the proposal would endanger existing residential amenity by increased risk of flooding and reduce noise and pollution protection to the existing residents.
- The suggestion that 33,000 vehicles traversing the N81 on a daily basis is according to the CSO Report at Appendix 6 and fails to acknowledge the N81 is one of the busiest routes in Ireland. No evidence from applicant in support of their assertion that the figures have been overstated.
- Reference is made to the TrafficWise Limited submission.
- The refused permissions cite that the proposed houses would be subjected to an unreasonable level of traffic noise, thereby endangering health of the persons occupying them.
- The noise assessment was not carried out during rush hour traffic times, where noise levels would be significantly increased.
- The "review of evidence on health aspects of air pollution – REVIHAPP Project" paper is greatly relevant given that the proposal poses health risks.
- No evidence to support applicants claim that the transition to EVs will reduce air pollution.

- The clearing of the site has caused the structural integrity the road and the trees along the road verge to be compromised.
- Site clearing was done without permission and authorisation. A significant amount of vegetation has been cleared.
- It is misleading to suggest that the N81 does not fall within the remit of Transport Infrastructure Ireland.
- The proximity of the development to the road must be taken into consideration.
- No engineering reports or consultation with road authorities has taken place to account for heavy machinery accessing the site, no traffic management plan has been provided.
- The clearing of the trees took place during the protected window for nesting birds, which is an offence under Section 40 of the Wildlife Act, 1976.
- The surface water drainage scheme relates to the proposed development and does not address the adjoining properties.
- With no vegetation in place and since the site has been cleared water is pouring into the neighbouring properties.
- The proposed development exposes existing residents to an adverse and overbearing noise impact.
- The development will not mitigate noise and air pollution, and the clearing of the site had adverse effects on both visual amenity and biodiversity.
- The acoustic report should have taken into account the existing residential development given its proximity to the proposed development.
- The location of the site alongside the N81 is one of the most prominent and question-begging features of the proposed development as the N81 is a dangerous road.
- The set back from the road should be seen as depending on variables that professionals may be trusted to define according to the particular dimensions and orientation of the site in question.

- The WHO document referred to arose out of a request by the European Commission in relation to possible ill effects of living near a busy road. There is evidence of increased health effects linked to proximity to roads. What evidence is available that specific pollutants or mixtures are responsible for such increases, taking into account co-exposure such as noise.
- It is the responsibility of the national and local authority to formulate policy on the basis of the information supplied by WHO.
- The applicant's assertion in respect to setback distances from the N81 lacks all credibility and is seriously deficient in its disregard for WHO recommendations.
- How the southern boundary of the site has been dealt with. Was a thorough site analysis and context review carried out in line with the Development Plan requirements.
- The subject site is located in LCT 'Low Foothills' of "Medium to High Sensitivity", has this been assessed.
- Traffic congestion and car parking.
- The applicant should consider the well-reasoned agreement contained in the TrafficWise report.
- All reports accompanying the planning application were commissioned after the site was cleared.
- Residents care for their human natural and built environment.
- Negative effect on human health.
- Noise impacts and accuracy of the Noise Impact Assessment submitted.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including the first party appellant's submission (the subject matter of this appeal), the observation, site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised

in the grounds of appeal and observation, and I am satisfied that no other substantive issues arise. The main issues in determining this appeal relate to the three reasons for refusal as follows:

- I. Compliance with Development Plan
- II. Previous applications on site
- III. Layout and Site Context
- IV. Access, Relationship with adjoining N81 and Construction Impacts
- V. Impact on Residential and Visual amenity
- VI. Lack of consultation with stakeholders and adjoining landowners
- VII. Appropriate Assessment, and
- VIII. Other Matters.

7.2. Compliance with Development Plan

7.2.1. Concerns have been raised in both the third party appeal and observation in relation to the proposed development and the Development Plan policy in relation to infill development, in particular. The appeal site is located within an established residential development on lands zoned as 'RES', with the stated land use zoning objective to "Protect and or improve residential amenity". I note that residential is a use permitted in principle under this land use zoning objective, subject to projection of adjoining residential amenity.

7.2.2. At the outset I note National guidance in respect to this type of development which is referenced in the Development Plan "The NPF's number one strategic objective, Compact Growth, sets a clear development outcome to grow our existing urban areas creating a priority to build on brownfield / infill development first, before considering greenfield lands". Accordingly, Objectives CS6 Objective 2 and CS6 echo the strategic planning principle as follows:

"CS6 Objective 2: To promote compact growth and to support high quality infill development in existing urban built-up areas by achieving a target of at least 50% of all new homes to be located within or contiguous to the built-up area of Dublin City and Suburbs (consistent with NSO 1, RSO 2, NPO 3b and RPO 3.2).

CS6 Objective 3: To promote compact growth and to support high quality infill development in existing urban built-up areas, outside Dublin City and Suburbs, by achieving a target of at least 30% of all new homes to be located within or contiguous to the CSO defined settlement boundaries (consistent with NPO 3b and RPO 3.2)”.

- 7.2.3. Section 6.8.1 ‘Infill, Backland, Subdivision and Corner Sites’ of the Development Plan, provides guidance in relation to infill development. I also reference Section 12.6.8 of the South Dublin County Development Plan, which provides guidance in respect to development on infill sites.
- 7.2.4. The site comprises an infill site of 0.135ha in area, and as such would be classed as a smaller infill site. The Development Plan states, “On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes”. I note that the development comprises two pairs of semi-detached dwellings of similar built form to that of the existing dwellings within Corbally.
- 7.2.5. Reference is made to IE8 Objective 7: *“To ensure that noise sensitive development in proximity to national and other roads provides a noise impact assessment and includes appropriate mitigation measures, such as noise barriers, set back landscaping and / or buffer zones between areas of land where development is proposed and existing and proposed national and other roads”.*
- 7.2.6. I note that the proposed development included a noise assessment with mitigation measures proposed which include improvements to the existing planting and hedgerow along the Blessington Road. Appropriate design features have been incorporated into the design of the proposed dwellings in relation to noise.
- 7.2.7. In respect to landscape character and sensitivity assessment, I note that the Development Plan references the type of development not generally permissible in these locations, i.e. large-scale development. However, given the scale and location of the proposed development, I am satisfied that the proposal will not impact on the character of the area. I also note that planting along the boundary with the N81 is proposed as part of the development which will improve screening at this location.

Conclusion:

- 7.2.8. As such, both National and Development Plan guidance promote the efficient use of lands within established residential areas by facilitating infill development, which is acceptable in principle under this zoning objective, moreover the proposal complies with the specific plan objectives references above, subject to the protection of existing residential amenity, which will be discussed further below.

7.3. Previous applications on site

- 7.3.1. Reference is made in the appeal and the observation to the previous reasons for refusal in relation to the previous applications on site, namely S93A/0217 and S97A/0763, and the reasons for refusal specifically that the proposed development would infringe the set back of 30 metres for a house facing a national secondary route. In addition to the elevated nature of the site and that the development would injure the amenities of property in the vicinity by reason of overlooking and overshadowing. I note that the planning history pertaining to this site is historic in nature and was assessed under a previous County Development Plan, with numerous Development Plan update since both 1993 and 1997. The reference to the requirement in relation to a 30m setback as quoted in the aforementioned reasons for refusal has been removed from the current Development Plan. I reiterate CS6 Objective 2, CS6 Objective 3 and H13 Objective 2 of the South Dulin County Development Plan 2022-2028, which as noted in the foregoing assessment in relation to encouraging and promoting backland and infill development of sites.
- 7.3.2. In relation to the other concerns raised in the reasons for refusal of the historic permissions on site, I consider that the layout and design of the proposed development have been adequately assessed by the Planning Authority during the course of the planning application and as included in the foregoing assessment.

Conclusion:

- 7.3.3. Therefore, I do not consider that the previous reasons for refusal, pertaining to planning applications from 1993 and 1997 for a different residential proposal on this site are relevant to the instant assessment for the provision of 4 dwellings.

7.4. Layout and Site Context

- 7.4.1. The appeal site is 0.135 ha in size and comprises 4 no. two storey dwellings. I note the layout of Corbally estate in particular the four dwellings located directly to the

north of the appeal site Nos. 1 – 3 and 5 – 7 Corbally Avenue, and their layout relative to Nos. 2-4 Corbally Close. The proposed layout mirrors that of the existing arrangement at Corbally Close and Corbally Avenue, and as such would reflect the layout of the surrounding properties. Furthermore, the overall profile of the dwellings, as proposed, are considered generally consistent with the existing adjacent built form in Corbally.

- 7.4.2. In respect to the parking, each dwelling will be served by two dedicated parking spaces positioned to the east of the site adjacent to the Corbally Close access road, with a dedicated pedestrian access to serve the dwellings. Given the context of the site and the position of the adjoining bank and change in site levels to the south, which adjoins the N81, I am satisfied with the proposed parking arrangement to serve the proposed 4 no. dwellings.
- 7.4.3. In respect to site context, concerns have been raised in relation to the N81 Blessington Road and that this layout is unprecedented and that the Development Plan include a mandatory set back of 30 metres. There is no mandatory setback for development from a national road within the South Dublin County Development Plan, 2022-2028, as such I am satisfied that the layout of the proposed dwellings is consistent with the layout of the existing estate as noted above.
- 7.4.4. While I acknowledge that the proposed dwellings front the N81, I am satisfied that adequate mitigation measures have been incorporated into the design of the proposal to ensure the residential amenity of the intended occupiers. Additionally, the development includes planting and hedgerows to the existing bank which adjoins the Blessington Road (N81), which will improve the existing situation. The proposed development will have minimal impact on the noise barrier or buffer zone between the existing development and the N81 and will in my opinion improve the existing situation with new landscaping proposed at this location.

Conclusion:

- 7.4.5. Therefore, I am satisfied with the proposed layout of the development relative to the existing site context and is an appropriate infill development for this location.

7.5. Access, Relationship with adjoining N81 and Construction Impacts

- 7.5.1. The appeal highlights concerns with respect of the proposed entrance to the site and the use of the cul-de-sac by existing residents and has submitted a report from TrafficWise Limited.
- 7.5.2. Whilst I acknowledge that the construction of an additional four dwellings, as proposed, would result in an increase in traffic movements on the cul-de-sac and throughout the wider Corbally development, I am satisfied, having inspected the site and surrounding area, that the internal road network serving Corbally Close is adequate, in terms of width, alignment and pedestrian facilities (footpaths, etc.), to cater for the likely additional traffic movements generated as a result of the proposed development. The proposal includes 6 parking spaces to serve the proposed dwellings, which I consider to be sufficient to cater for the proposed development (i.e. 4 three-bed semi-detached dwellings).
- 7.5.3. The proposed development would result additional parking within the existing cul-de-sac roadway and the provision of shared parking/hard standing area to the eastern boundary of the site. I consider that the proposed provision would cater for any additional parking demand generated by the proposed development. This area would also provide and additional space for the turning of vehicles etc. when the parking spaces are not in use. Therefore, I do not consider that the proposed development would result in additional traffic congestion, the demand for additional parking or the unsafe movement of vehicles within the existing cul-de-sac and would be acceptable.
- 7.5.4. Concerns have been raised in relation to the impact of the proposed development on the adjoining N81 roadway. I note that the proposed development does not access the adjoining N81, with all access to the site provided via the existing Corbally access roadway. The proposed dwellings are set back some 11 metres from the N81 Blessington Road.
- 7.5.5. In relation to the stability of the adjoining roadway, the proposed works include a 'crib wall' along the Blessington Road and the appeal site, which will further protect the structural stability of the road. In addition, the hedgerow along the road will be further enhanced as part of the works. I am satisfied that the proposed development will not have any impact on the adjoining N81.

Construction Impacts

- 7.5.6. Potential impacts on residential amenities during construction, relating to dust, noise, and construction traffic during the construction period, as well as potential damage/disruption to neighbouring properties and the communal use of the cul-de-sac during construction are raised. Given the nature, scale, and location of the proposed development, I am satisfied that matters pertaining to construction management can be appropriately dealt with prior to construction by way of condition should the Board be inclined to grant planning permission in this instance and requesting the Applicant to prepare/submit a Construction Management Plan.
- 7.5.7. In this regard, Condition Nos. 15, 18, 19 and 20 of the Planning Authority grant of permission are noted and pertain to construction activity at the site and I recommend the inclusion of similar conditions in this regard.

7.6. Impact on Residential and Visual Amenity

- 7.6.1. The appellant and observer express several concerns regarding overlooking, loss of privacy, overshadowing, overbearing, the height of the proposal, and noise impact in particular.
- 7.6.2. In terms of overshadowing, a Daylight and Sunlight Assessment was submitted by way of further information and has been referenced as part of the applicant's response to the appeal. The assessment concluded that that the proposed development would not cause noticeable effects on the current levels of daylight and sunlight of neighbouring properties and their associated amenity areas and would remain compliant with the BRE guidelines.
- 7.6.3. I note as part of the decision to grant permission the planning authority have recommended that the development be amended to include an increased set back of 1 metre from the proposed dwellings and eastern subject site boundary, shared with Nos.10 and 12 Corbally Close, to further reduce the shadow impact of the development on adjacent properties to the east of the site, Condition No. 2 relates.
- 7.6.4. Having carried out a site visit, reviewed the planning application drawings and documentation and noting the scale, height, and location of the proposed development relative to the adjoining dwellings and the separation distances, I also consider that an increased separation distance to the directly adjoining dwellings to the east, i.e. Nos. 10 and 12 Corbally Close as required by Condition No. 2, would assist in reducing any potential shadowing or overbearing impact on the directly

adjoining dwellings, and I recommend the inclusion of a similar condition. Given the proposed layout and separation distance, I do not consider that the proposed development would contribute to significant overshadowing of the adjoining properties to the north of the site, Nos. 1, 3, 5, 7 Corbally Avenue or to the northeast of the site, Nos. 6 and 8 Corbally Close.

- 7.6.5. In terms of overlooking, I note the design of the proposed development in particular the proposed eastern and western side elevations, which comprise of opaque glazing at first floor levels, this design prevents overlooking to the adjacent properties to the east and west. To the northern elevations i.e. the rear elevations of the proposed dwellings, any fenestration at first floor level is considered to be at a sufficient separation distance and orientation with adjoining residential dwellings, in particular to the to the northeast, Nos. 6 and 8 Corbally Close of the site. One window to the rear elevation serves a bathroom and contains obscure glazing. I also note that the layout of the dwellings mirrors the existing arrangement between Nos. 1-3 and 5-7 Corbally Avenue relative to Nos. 2-4, and 6-8 Corbally Close. As such, I consider that overlooking issues to the north or east do not arise.
- 7.6.6. With respect to visual impact, concerns have been raised in relation to the height of the development and noted discrepancies in respect to the height of the development. The proposed development will be located to the rear of the existing dwellings at Corbally Close and Corbally Avenue and will create a new building line at this location. In terms of height the proposed dwellings will have an increased ridge height relative to the highest adjoining dwelling (i.e. no. 12 Corbally Avenue) of some 1.36 – 1.71 metres, however, in the site context and nothing the design of the proposed dwellings, I am satisfied that the development will assimilate successfully into the streetscape at this location and will not detract from the visual amenities of the area. As noted in the above assessment, the increased height of the proposed dwellings will not exacerbate any overlooking issues.
- 7.6.7. I am satisfied that plans and particulars accompanying the planning application accurately depict the proposed development relative to the site levels and directly adjoining dwellings, in terms of height and contextual elevations, in particular.
- 7.6.8. In respect to noise impact, and the reference to the World Health Organisation (WHO) document in the further responses, in respect to the impact of living near a

busy road, I note that a Noise Impact Assessment have been prepared and submitted as part of the planning application and includes proposed mitigation measures for the proposed development. The proximity of the proposed development to the N81/Blessington Road is noted however, I am satisfied that the proposed appropriate mitigation measures will ensure compliance with the relevant guidelines and standards in respect to noise impact for future residents.

- 7.6.9. Concerns are also raised in relation to the impact on noise of existing residents from the N81/Blessington Road as a result of the proposed development. However, I am not convinced that the proposal would further worsen any existing noise experienced at this location, and the proposed landscaping measures will improve the existing present situation.

Conclusion:

- 7.6.10. Therefore, I am satisfied that the proposed development will not negatively impact on adjoining residential amenity and will improve the public realm by allowing the creation of an attractive high-quality residential scheme built upon an underutilised infill/backland site, thus improving the amenity of the adjoining area.

7.7. Lack of consultation with stakeholders and adjoining landowners

- 7.7.1. The appellant references the lack of consultation with the National Transport Agency or Transport Infrastructure Ireland. I note that no works are proposed to the existing National Road with no proposed access to the National Road. As such, the proposed development does not compromise the integrity of the existing road and therefore consultation would not be required in this regard. I also note that the Roads Department of the Planning Authority, following the further information request, has no objection to the proposed development.
- 7.7.2. Concern is also expressed in the appeal and observation as to the lack of liaison with those impacted by the proposed development. The observer also refers to Section 6.8.1 of the Development Plan in relation to the lack of consultation and the objective pertaining to Residential Consolidation which states it is an objective to “*To promote and support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders*”.

- 7.7.3. The aforementioned policy makes reference to encouraging consultation with existing communities and stakeholders. The appeal site pertains to a site area of 0.135ha for a proposal of 4 no. dwellings. Moreover, as part of the planning application the local authority liaised with internal consultees and prescribed bodies in respect to the proposed development, the comments from which have been considered in the assessment.
- 7.7.4. Notwithstanding, I note that there is no legal imperative for the applicant to engage in discussions prior to lodgement of an application. It is clear that local residents were aware of the application and engaged in the process by making their views known through written submissions to the Planning Authority in the first instance and to An Bord Pleanála at this appeal stage.

7.8. **Appropriate Assessment**

- 7.8.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.9. **Other Matters**

7.9.1. Conditions:

As noted in Section 3.1.1 of the foregoing, the local authority recommended a grant of permission subject to 22 no. conditions.

The above assessment recommends the inclusion of several conditions, in line with the local authority assessment.

The remaining conditions are considered to be standard and given the nature and scale of the proposed development, I concur with the local authority and recommend the inclusion of standard conditions in this instance.

7.9.2. Legal and Procedural Issues:

In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application

and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal.

In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the Planning and Development Act, 2000, as amended.

7.9.3. Carbon Monoxide Risk to Residents:

The appeal references literature in relation to health aspects of air pollution and the number of cars passing the site. While the proximity of the N81 to the site is noted, the layout and design of the proposed development has been adequately assessed in terms of potential impact on the proposed development and the proposed mitigation measures proposed. I note that air quality is primarily covered under separate legislation and thus need not concern the Board for the purposes of this appeal.

7.9.4. Unauthorised Works:

The appeal and observation cite issues in relation to site clearance works carried out by the applicant and silt and dirt raised against resident's walls. However, I note that the matter of enforcement falls under the jurisdiction of the planning authority and as such I do not consider that the Board is in a position to draw any conclusions in relation to the matters raised.

7.9.5. Environmental Effects, Trees and Flooding:

Concerns have been raised in respect to the potential negative environmental effects, safety of trees and flooding as a result of the proposed development. Following site inspection and having reviewed planning application plans and documentation I am satisfied that the proposed landscaping plan, environmental assessment and proposed water drainage scheme for the proposed development is acceptable and will not impact negatively on adjoining properties.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below, for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the residential zoning which applies to the site under the South Dublin County Development Plan 2022-2028, under which residential development is stated to be generally acceptable in principle, subject to the conditions set out below the proposed development would be an appropriate form of infill development in terms of scale, form and layout, would not seriously injure the residential and visual amenities of the adjoining residential estate and would be acceptable in terms of parking provision, traffic movements and pedestrian safety. The proposed development complies with the Development Plan and accords with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by additional information submitted on 24th October 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development the applicant shall submit revised plans and particulars for the written agreement of the Planning Authority indicating the following:</p> <p>(a) An increased setback of at least 1m provided between the proposed dwellings and eastern subject site boundary shared with Nos.10 and 12 Corbally Close. The applicant is advised that a single shared access passageway may be provided between the two pairs of proposed semi-detached dwellings at the subject site to provide for an increased setback</p>

	<p>between the gable wall of the easternmost permitted dwelling and the site boundary shared with No.s10 and 12 Corbally Close.</p> <p>(b) Final detail design of the proposed bin store/collection area to serve the development. This bin store shall be purpose built, of high quality and appropriate treated/screened in the interest of visual amenity. Revised plans shall include elevation drawings clearly demonstrating the bin store in the context of the subject development and Corbally Close elevation.</p> <p>Reason: In the interest of the visual and residential amenities of the area.</p>
3.	<p>Each dwelling hereby permitted shall be occupied as a single residential unit and shall not be used for any other purpose, including short-term letting, unless authorised by a prior grant of planning permission. The extension shall not be let, sold, or otherwise transferred or conveyed save as part of the dwelling. The principal use of the application site shall remain in private residential use.</p> <p>Reason: In the interests of the proper planning and development of the area.</p>
4.	<p>No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
5.	<p>The parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interest of sustainable transportation.</p>

6.	<p>All windows to the side gable elevations of the proposed dwellings shall be fitted and permanently maintained with obscure glass.</p> <p>Reason: In the interest of residential amenity.</p>
7.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone, and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the planning authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing [landscape plan drawing no. xxx]. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
11.	<p>Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or</p>

	<p>topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
12.	<p>All mitigation measures recommended within the Ecological Impact Assessment and Noise Impact Assessment shall be implemented in full.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area and to ensure all appropriate measures are taken to ensure the protection of the environment.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of this development.</p> <p>Reason: In the interest of public health and orderly development.</p>
15.	<p>Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of proper site drainage.</p>
16.	<p>Prior to commencement of development, the applicant/owner/development shall engage/submit the following for written agreement of the Planning Authority, to include:</p>

	<p>(a) A revised Landscape Plan detailing</p> <p>(i) Revised SuDS details and details on the green roofs, SUDs planters or the swale design (inlets/outlets/check dams) elements. SDCC do not accept underground attenuation so natural Suds shall be provided.</p> <p>(ii) Revised planting proposals, with maintenance details for same. The landscape plan has proposed non-native plants in the hedgerow which is not acceptable. The area along the top of the retaining wall should be planted with a native hedgerow mix.</p> <p>(b) The agreed landscape plan shall be implemented in full on site in the first planting season following commencement of development. Trees, shrubs, or hedges planted that are removed, die, suffer damage, or become seriously diseased within three years of planting must be replaced in the following planting season with similar size and species as initially required.</p> <p>(c) All existing site boundaries to be retained shall be protected as required during construction works on site.</p> <p>(d) Engage a suitably qualified arborist to implement the recommendations of the Arboricultural Method Statement and Tree/hedgerow Protection Plan, and the arborist shall inform the Planning Authority when tree protection measures are in place and schedule a meeting to demonstrate compliance with the plans. Post-construction, the arborist will conduct a survey and assessment of retained trees and shall submit a completion certificate, confirming adherence to the tree report's recommendations, be signed by the arborist upon finishing permitted development works.</p> <p>(e) Appoint a suitably qualified Landscape Architect as a Landscape Consultant for the duration of the construction and advise the Planning Authority of same prior to commencement. A Practical Completion Certificate, signed by the Landscape Architect, shall be provided to the Planning Authority upon the satisfactory completion of all landscape works.</p> <p>Reason: In order to screen the development, in the interest of visual amenity.</p>
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17.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including construction traffic (Construction Traffic Management Plan), hours of working, noise management measures and off-site disposal of construction/demolition waste and shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
18.	<p>During the construction phase the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
20.	<p>Prior to the commencement of development, the applicant/owner shall submit the following for the written agreement of the Planning Authority (Roads): A plan indicating any part of the development, as approved, intended to be offered for Taking-in-Charge to the Planning Authority</p>

	<p>(Roads), such areas shall be fully consistent with the Planning Authority's (Roads) Taking-in-Charge policy and requirements. The plan shall make provision for all of the following:</p> <p>(a) All drainage and service ducts including accessories are fully located in, and accessible from, areas to be offered for Taking-in-Charge.</p> <p>(b) Where applicable any wayleaves in favour of SDCC shall be fully executed prior to being offered for Taking-in-Charge.</p> <p>(c) Site features to be retained and protected within any part of the approved development intended to be offered for Taking-in-Charge.</p> <p>(d) Any external common areas of the development as approved that it is intended to be retained in private ownership. All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area and to provide clarity on the nature and extent of areas intended to be offered for Taking-in-Charge.</p>
21.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended unless an exemption certificate shall have been applied for and been granted under section 97 of the Act.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
22.	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all</p>

	<p>residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
23.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the</p>

	<p>planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

Emma Nevin
Planning Inspector

27th March 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321458-24			
Proposed Development Summary	Construction of 4 houses and associated site works.			
Development Address	Site at Corbally Close, Off Blessington Road, Dublin 24			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes	X	Urban Development	EIA Mandatory EIAR required	
No				
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Urban Development		

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

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	321458-24	
Proposed Development Summary	Construction of 4 houses and associated site works	
Development Address	Site at Corbally Close, Off Blessington Road, Dublin 24	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Proposal for 4 no residential units on residential zoned land located in an urban area. However, the proposal is not considered exceptional in the context of the existing urban environment.</p> <p>No, the proposal will be connected to the existing water supply and will be connected to the existing public sewer. Surface water will also be connected to the public sewer.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>Site measuring 0.135ha. with a proposed floor area of 440 sq. m. (total for 4 no. dwelling units). However, this is not considered exceptional in the context of the existing urban environment.</p> <p>There are no other developments under construction in the proximity of the site.</p>	No
Location of the Development		No

<p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>5.3.1. The subject site is not located within any designated European Sites and therefore the development would not have a significant impact on the ecological sites.</p> <p>No, there are no natural heritage designations in the immediate vicinity of the site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
<p style="text-align: center;">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____