



An
Bord
Pleanála

Inspector's Report

ABP-321796-25

Development

Demolition of existing dwelling and tennis court for the construction of 2 apartment buildings comprising of 52 apartments. The application is submitted to Dún Laoghaire-Rathdown County Council and South Dublin County Council. The site is located within the curtilage of a protected structure (lime kiln, ref. 315).

Location

39 Woodside Drive, Rathfarnham, Dublin 14, D14 C8Y0

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D24A/0250/WEB

Applicant(s)

Anthony Byrne

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Castlepark Residents Association

Michael & Jeanne Flanagan
Castle Golf Club
Jeremiah & Ann McAuliffe
Philip & Ann Marie McDonagh

Observer(s)

Patrick J Lyons

Date of Site Inspection

31st March 2025 & 6th May 2025

Inspector

Mary Crowley

Contents

1.0 Introduction	5
2.0 Site Location and Description	6
3.0 Proposed Development	7
4.0 Planning Authority Decision	12
4.1. Decision	12
4.2. Planning Authority Reports	14
4.3. Other Technical Reports	16
4.4. Prescribed Bodies	19
4.5. Third Party Observations	20
5.0 Planning History.....	22
6.0 Policy Context.....	22
6.1. National Planning Policy	22
6.2. National Guidance	24
6.3. Section 28 Ministerial Guidelines	24
6.4. Regional Guidelines.....	25
6.5. Development Plan.....	27
6.6. Natural Heritage Designations	34
7.0 EIA Screening.....	34
8.0 The Appeal	34
8.1. Grounds of Appeal	34
8.32. Applicant Response	41
8.42. Planning Authority Response	45
8.43. Observations	45

8.44.	Further Responses	45
9.0	Assessment	45
9.5.	Principle	47
9.41.	Loss of Trees.....	62
9.49.	Drainage & Flood Risk	63
9.55.	Traffic Impact.....	64
9.59.	Residential Amenity.....	65
9.63.	Impact to Golf Club.....	66
9.64.	Revised Layout.....	66
9.65.	Conditions	70
9.66.	Bats - New Issue	75
9.67.	Other Issues	78
10.0	AA Screening.....	79
11.0	Recommendation	80
12.0	Reasons and Considerations.....	80
13.0	Appendix 1 - EIA Pre-Screening – Form 1	82
14.0	Appendix 2 - EIA Preliminary Examination – Form 2.....	84
15.0	Appendix 3 - AA Screening Determination	88

1.0 Introduction

- 1.1. There are two separate appeals against the decision of two separate Planning Authorities running concurrently on this site for the same development as follows:
 - ABP 321796-25 (D24A/0250/WEB) - Dun Laoghaire-Rathdown County Council
 - ABP 320111-24 (SD24A-0094W) - South Dublin County Council
- 1.2. The site is in the north-western part of the Dun Laoghaire-Rathdown County Council functional area and is directly on the boundary of the Dun Laoghaire-Rathdown and South Dublin County Council functional areas with the western boundary western and part of the northern boundary of the site also forming the county administrative boundary.
- 1.3. The main site (0.5730 ha) and where the main works are proposed (demolition of dwelling house and construction of apartments) is in the ownership of the applicant and is within the DLRCC administrative area. A portion of the site (0.0293 ha) is located at the entrance to the scheme and where upgrade works are proposed to facilitate access to the site. This area is in the ownership of DLRCC (consent letters attached). A further portion of the site (0.282 ha) comprising a narrow strip of land is located in public open space associated with Woodside Estate to the north of the main section of the site. This is the route for the surface water drainage and is in the SDCC administrative area. Both local authorities issued notification of decision to grant permission subject to conditions. The decision of this case is set out in Section 4.1 (Decision) of this report below. A summary of the second application is set out in Section 5.0 (Planning History) of this report below.
- 1.4. This appeal case considers the mains elements of the scheme (demolition of dwelling house, construction of apartments and access) and the substantive issues raised in the third-party appeals having regard to the Dun Laoghaire Rathdown Development Plan 2022-2028. Reference only is made to the narrow strip of land is located in public open space associated with Woodside Estate. Works proposed in this area are considered separately under ABP 320111-24 (SD24A-0094W) having regard to the South Dublin County Council Development Plan 2022-2028
- 1.5. **It is recommended that this report is read in conjunction with Appeal APB 320111-24.**

2.0 Site Location and Description

- 2.1. The appeal site with a stated area of 0.642 ha is located in the long established suburb of Rathfarnham, c. 5km south of Dublin City Centre and c.600m east of Rathfarnham village. The site is a corner site located to the southwest of the curved interface of Woodside Drive with Hillside Drive roadway. These roads are 2 lane carriageways with footpaths on either side.
- 2.2. The site is bounded to the south and east by the access road and car park of the Castle Golf Club. Beyond the golf club access to the east are dwellings on Hillside Drive. To the west, the site is bounded by the rear gardens of dwellings houses No.53 to No. 62 Woodside housing estate (located in South Dublin County Council). To the north is the garden of No. 37 Woodside Drive and an area of public amenity space serving the Woodside development. To the north and east of the site the character of the area is defined by large, detached dwellings on generous plots and a low density of development. To the west the area is characterised by higher density two storey terraced development on smaller plots.
- 2.3. The site accommodates a large 2-storey plus pitched roof detached dwelling house and associated outbuildings centrally positioned in mature gardens with a tennis court at the western boundary. The site is accessed from an existing vehicular/ pedestrian entrance/ egress gateway onto Woodside Drive at the north-east corner with a short avenue leading from the site entrance to the dwelling house. The dwelling is set within gardens to all sides. There is a steeply sloped section of the site to the west with a planted slope to the south-west and a step down in level to an existing tarmac tennis court area to the north-west adjoining the rear gardens of the neighbouring terrace house dwellings of Woodside housing estate. There are mature trees to the southern boundary of the site and mature screening hedges to the northern and eastern site boundaries.
- 2.4. The existing house has a finished ground floor level of 45.09m above sea level. The main part of the site – the area of land to the eastern 2/3rd s of the site is generally flat/ gently undulating and is c.44.5 to 45.5 m above sea level. There is with a lower level dipped bowled area of land close to the northern boundary falling from c.44.5m to 42.5m above sea level before steeply sloping up again to c. 44.5m at the northern boundary line with No.37 Woodside Drive.

- 2.5. The site also includes a Protected Structure (ref. 315) described as a Lime Kiln located close to the northern site boundary.
- 2.6. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of both site inspections serve to describe the site and location in further detail.

3.0 Proposed Development

- 3.1. Permission was sought from DLRCC on 18th April 2024 for 52 no apartments at 39 Woodside Drive, Rathfarnham, Dublin 14 as follows

- Construction of 2 no. apartment buildings set around landscaped open space.
- The northern building (Block A) has a height of 4-storey over basement.
- The southern building (Blocks B & C) has a height of 4 to 5-storey over basement.
- The proposed buildings will accommodate 52 no. apartments comprising 38 no. 2-bedroom and 14 no. 3 bedroom units, all with associated balconies/terraces.
- The basement will accommodate 58 no. car parking spaces, refuse store, plant room and apartment storage area. The development will include:

- 3.2. The development will also consist of the following:

- Demolition of existing dwelling (506 sqm) and tennis court;
- Vehicular and pedestrian access from Woodside Drive via a revised entrance arrangement;
- Ramped vehicular access to the basement;
- Cycle parking, landscaped open spaces and boundary treatments;
- Construction of a foul drain to connect to the existing sewer at Woodside Drive/Hillside Drive;
- Construction of a surface water drain to connect to the existing sewer at Woodside Estate (located within the boundary of South Dublin County Council);
- Associated site works and services.

- 3.3. Access to the development will be from an upgraded entrance at the north-east corner of the site. A short access road will lead to the basement ramp at the northern boundary, such that the site will be largely free of vehicular movements. The two apartment buildings will create an L-shaped building layout, wrapping around a landscaped public amenity space in front of the buildings. Semi-private communal amenity spaces will be located to the rear of each block, as illustrated on the Proposed Site Layout Plan.
- 3.4. The site is located within the curtilage of a Protected Structure (lime kiln, ref. 315). The open space incorporates the protected lime kiln.
- 3.5. There is an existing vehicular/ pedestrian access/ egress gateway located at the north-west of the site at the site's frontage with Woodside Drive that adjoins the access road serving the golf club to the rear (south) of the site. The site is directly connected via the existing entry / exit to Woodside Drive and the wider footpath and road network in the area. It is proposed to upgrade / amend the entry / egress arrangements to this site as part of the development.
- 3.6. Summary of key development:

Overall Site Area (gross)	0.642 ha
Net site Area	0.58 ha
Gross Floor Area of any existing house	506 sqm
Gross floor space of any demolition	506 sqm
Number of units	52
Gross Floor Area of proposed works (incl. basement)	8,008 sqm
Gross Floor Area of proposed works (excl. basement)	5,997 sqm
Zoning	Zone A - To provide residential development and improve residential amenity while protecting the existing residential amenities'.
Site Coverage	29%
Site Density Proposed	90 units / ha
Unit Mix	38 x 2 bed – 73% 14 x 3 bed – 27%
Public Open Space	1,300m ² (0.13ha) (22.8%)

Communal Open Space	2,190m2 (0.219 ha) (37.7%)
Part V	10 No Units (20%)
Car Parking Spaces	58
Cycle Parking Spaces	146
Water	Public Mains
Wastewater	Public Mains
Surface Water	Public Sewer/Drain

3.7. The application was accompanied by the following:

- Planning Context Report
- Architectural & Urban Design Statement
- Housing Quality Assessment
- Materials Strategy
- Building Lifecycle Report
- Energy Statement
- Daylight & Sunlight Assessment
- Verified Photomontages
- Engineering Drainage Report & Drawings
- Flood Risk Assessment
- Transportation Assessment Report
- Landscape Design Rationale Report & Landscape Plans
- Report to Inform Screening for Appropriate Assessment
- Bat Survey Report
- Archaeological Assessment
- Arboricultural Assessment & Impact Report
- Public Lighting Proposal
- Tree Survey
- Shadow Study
- Letter of Consent from DLRCC for the inclusion of lands in the application
- Letter of Consent from SDCC for the inclusion of lands in the application

3.8. **Further Information** - DLRCC requested further information (FI) on the 11th June 2024. DLRCC granted an extension of 3 months to 20th March 2025. FI was submitted on 28th November 2024 and revised public notices were submitted on the 6th December 2024. The FI may be summarised as follows:

3.9. **Planning & (Potential) Architectural Heritage Matters**

- **The number of units is reduced from 52 to 44.** This equates to a net residential density of 76 units per hectare. It is considered appropriate to provide a density at the higher end of the 40 to 80 dph range for suburban locations.
- The overall scale of Block B/C has been reduced in length from c.56.1m to 46.9m with the number of units reduced by 8 (from 36 to 28 units). The reduction in length of Block B/C creating a more open southerly aspect to Block A.
- The separation distance from Block B to the western site boundary is increased by c.9m to a minimum of 26.6m. Where Blocks A and B interface there are 3 apartments at each level and a stair core in Block B. Taking the first floor as an example it is noted:
 - Unit A.1.2 benefits from a westerly and southerly aspect.
 - Unit A.1.1 benefits from an easterly and southerly aspect. The south facing windows provide a secondary source of light to the living/kitchen/dining area, which also has generous glazing to the east.
 - Unit B.1.3 benefits from a westerly and southerly aspect. To mitigate overlooking between the block there are no windows in the northern elevation of Block B towards Block A.
- The updated Daylight & Sunlight Assessment confirms that all units meet and exceed all applicable standards.

Refer to Architectural Heritage Appraisal & Justification for Proposed Demolition Works. The appraisal concludes that the proposed demolition of the existing dwelling house is deemed to be justified in the context of this planning application.

3.10. **Transport Matters**

- Refer to the Supplementary Traffic & Transport Report that concluded that there is no traffic capacity, traffic safety or operational issues associated with the proposed development that would prevent planning permission being granted by Dún

Laoghaire Rathdown County Council (DLRCC). The revised site access is shown on Drawing No. NRB-RFI-001.

- Refer to the revised Site Layout Plan and the Cycle Parking Layout (Drawing No. NRB-RFI-002) where details of cycle parking provision are outlined. It is proposed to provide a total of 128 no. cycle spaces comprising 102 no. resident spaces (1 per bedroom) and 26 no. visitor spaces (exceeding 1 per 2 units). 4 no. cargo spaces are provided. The spaces are provided in the form of 62 no. Sheffield stands and 66 no. double stacked Bristol stands. A Cycle Audit is included in Appendix G of the Supplementary Traffic & Transport Report.
- Preliminary Construction Method Statement & Construction & Demolition Waste Management Plan submitted.
- Drawing NRB-RFI-003 illustrates the proposed arrangements for set down of delivery / larger maintenance vehicles.
- The feasibility of a potential pedestrian link to Woodside estate open space at the north end of the subject site has been re-examined. The revised Site Layout Plan shows a stepped pathway to the site boundary, a time-controlled access gate and indicative pedestrian link through the adjoining open space.

3.11. Parks and Landscaping Matters

- Refer to the Landscape Response Letter. It is submitted that, given the limited interface between the site and the public realm, the public open space is appropriately located at the most accessible location close to the main vehicular & pedestrian entrance. The response also includes a revised arboricultural package including Arboricultural Assessment & Impact Report and associated drawings including Tree Protection Plan.

3.12. Drainage Matters

- Refer to the Drainage Response Letter

3.13. Environmental Enforcement/EHO Matters

- Refer to the Preliminary Construction Method Statement & Construction & Demolition Waste Management Plan together with the Noise Impact Assessment.

3.14. The FI was accompanied by the following (updated) documents:

- Further Information Response Letter

- Architectural & Urban Design Statement
- Architectural Heritage Appraisal & Justification for Demolition
- Housing Quality Assessment
- Verified Photomontages & CGIs
- Daylight & Sunlight Assessment
- Supplementary Traffic & Transport Report and RFI Response,
- Engineering Drainage Report
- Preliminary Construction Method Statement & Construction & Demolition Waste Management Plan
- Drainage Response Letter to Item 12
- Flood Risk Assessment
- Landscape Response Letter to Items 9, 10 & 11
- Arboricultural Assessment & Impact Report
- Tree Protection Strategy & Method Statement
- Noise Impact Assessment

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. DLRCC issued a notification of decision to grant permission subject to 20 no conditions as follows:

1.	Compliance the plans, particulars and specifications lodged with the application, as amended by FI received on 6 th December 2024
2.	Amendments (Transportation Planning) <ul style="list-style-type: none"> ▪ Revised site layout plan showing the provision of a pedestrian/cycle path with a minimum of 3.0m width extending along the site's northern boundary from the entrance at Hillside Drive / Woodside Drive to the site's northwestern boundary at the adjacent public open space and constructed to Taking in Charge standards.

	<ul style="list-style-type: none"> ▪ In order to facilitate this amendment to the scheme, Block A and the Basement Car Park Access Ramp may be repositioned within the scheme by up to 5 metres.
3.	If a paved connection is provided adjacent to the pedestrian/cycle path required under Condition 2 above, the boundary shall be removed at this location, and the pedestrian/cycle route through the site made available for public use at all times.
4.	The development shall comply with the requirements of the Drainage Division of the Planning Authority.
5.	The development shall comply with the requirements of the Transportation Planning Section of the Planning Authority
6.	<p>Amendments (Parks and Landscape Services Department)</p> <ul style="list-style-type: none"> ▪ Revised site layout plan, tree protection plan, and updated arboricultural assessment and impact statement, indicating the retention of Tree No. 659 (as outlined in CMK Drawing No. 101).
7.	Qualified professional(s) to be retained to oversee and implement the submitted arboricultural assessment and impact report, landscape masterplan, and tree protection strategy.
8.	Site-specific Construction Management Plan (CMP) to include details outlined in this condition.
9.	Site-specific Resource & Waste Management Plan to include details outlined in this condition and not already detailed in the plan:
10.	Implementation of the submitted Noise Impact Assessment together with additional requirements outlined in this condition.
11.	Public Liaison Plan to be implemented and to include the appointment of a Liaison Officer.
12.	Site-specific Operational Waste Management Plan to be submitted and agreed.
13.	Public lighting scheme to be submitted and agreed.

14.	Part V
15.	Hours of site development and building works
16.	Bond
17.	Development Contribution – Surface Water Infrastructure
18.	Development Contribution – Transport Infrastructure
19.	Development Contribution - Community & Parks Facilities & Recreational Amenities
20.	This development shall not be carried out without prior agreement, in writing, between the Applicant and the Planning Authority relating to the payment of development contributions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

4.2.2. The Case Planner in their first report recommended that 14 items of FI be sought in relation the following as summarised. This request was generally based on the internal reports of DLRCC. FI was sought on the 11th June 2024.

Planning & (Potential) Architectural Heritage Matters

- Demonstrate how the proposed scheme adheres with the density requirements in accordance with Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024).
- Revised plan and elevation drawings which confirm how the subject scheme mitigates potential overlooking, and overbearing concerns, and provides adequate separation distances, and spaces, between Block's A and Block B fenestration.
- Architectural Heritage Appraisal of the existing building proposed for demolition

Transport Matters

- Revised drawings and details which demonstrate changes outlined to the vehicular entrance, in order to prioritise pedestrian movements and reduce potential conflicts at this location

- Submit revised drawings and details which demonstrate the provision of a minimum of 118 No. cycle parking spaces to serve the proposed development with a minimum of 62 No. spaces being the preferred 'Sheffield' type stand.
- Submit an - Outline Construction Management Plan (outline CMP) containing measures to mitigate against the effects of the construction in accordance with Section 12.9.4 of the current DLRCC County Development Plan 2022-2028.
- Submit a revised Transportation Assessment Report with an up-to-date traffic survey. The report shall clearly demonstrate existing traffic conditions, and also any potential impacts to same as a result of the proposed development.
- Revised drawings and details which clarify/demonstrate proposed arrangements for set-down of delivery/larger maintenance vehicles.
- Re-examine the feasibility of any potential pedestrian, or pedestrian/ cycle link to Woodside estate open space to the north end of the subject site

Parks and Landscaping Matters

- Public open space to be 'designed and located to be publicly accessible and useable by all in the County; generally free from attenuation measures; and capable of being taken in charge' (Table 12.7 and Section 12.8.3.1).
- Confirm how/ the feasibility of the subject scheme retaining a greater quantum of the existing tree stock on site.
- Response to include a revised Arboricultural Assessment and Impact Report, in addition to a Tree Protection Plan

Drainage Matters

- Calculation demonstrating the percentage coverage of green roof area noting that the minimum coverage requirement in accordance with of Appendix 7.2: Green Roof Policy of the County Development Plan 2022-2028.
- Confirm if there is an overflow to the attenuation system on the ground.
- Updated surface water design with the appropriate runoff factor clearly identified.
- The applicant has applied a 20% increase in storage volume to allow for climate change. The 20% factor should be applied to the rainfall date.
- Submit a standard detail of the build-up for the blue green roof, in addition to outlining the extent of area covered by the blue/green roof make up.

- Detail of the proposed rain garden.
- Reconsider the size/depth of the attenuation tank to ensure the required trees can be included in the scheme, while maintaining a safe distance from the attenuation tank.

Environmental Enforcement/EHO Matters

- Submit an Outline Construction Environmental Management Plan outlining the mitigation measures proposed to include a detailed noise action plan
- Submit an Outline Resource & Waste Management Plan (outline R&WMP)

4.2.3. The Case Planner in their second report and having considered the FI submitted recommended that permission be granted subject to 20 no conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

4.3. Other Technical Reports

4.3.1. **Parks And Landscape Services** – In their first report of 6th June 2024 stated that based on the proposed removal of strategically important trees a refusal of this proposal in its current configuration is recommended and that any proposed development of this site would have to make more effort to sensitively incorporate more of the existing tree stock.

4.3.2. In their second report of 23rd December 2024 and having considered the FI stated that the revised proposals were still not acceptable and therefore the application should be refused permission as it is, despite the minor site layout revisions. However, the report concludes that failing a refusal, Clarification of Further Information should be sought requiring site layout revisions as follows:

- a) The current proposed tree removals on site are unacceptable. With clever design and implementation of the Arboriculturists written recommendations in his various reports, the proposed tree removals could be further reduced. The applicant is invited to refine the site layout to retain even more existing trees including category A tree no. 659 (Horse Chestnut) and many category B trees as outlined above in this report's preamble.
- b) The proposed paths surrounding the main public open space are too wide and should be narrowed down and the public open space increased accordingly.

- 4.3.3. It is noted that this request has been partly dealt with in Condition No 6 (the retention of Tree No. 659) of the notification of decision to grant permission issued by DLRCC.
- 4.3.4. **Environmental Enforcement Report** – In their first report of 28th May 2024 requested, by way of FI the submission of a Construction Environmental Management Plan, detailed Resource & Waste Management Plan, a Public Liaison Plan, an Operational Waste Management Plan, the position and potential noise impact from any such sources and a Pest Control Plan.
- 4.3.5. In their second report of 18th December 2024 and having considered the FI were satisfied that the proposal can be undertaken subject to the inclusion of a number of conditions relating to the implementation of the measures detailed within the submitted Preliminary Construction Method Statement & Construction & Demolition Waste Management Plan, a detailed site-specific Construction Management Plan (CMP), a Resource & Waste Management Plan for written agreement, implementation of the submitted Noise Impact Assessment, Public Liaison Plan to be implemented and to include the appointment of a Liaison Officer, a Site-specific Operational Waste Management Plan to be submitted and agreed and the implementation of a Rodent/Pest Control Plan for the duration of the works on site.
- 4.3.6. It is noted that this request has been dealt with in Condition No 8, 9, 10, 11, and 12 of the notification of decision to grant permission issued by DLRCC.
- 4.3.7. **Water Services Drainage Planning** – In their first report of 30th May 2024 requested FI in relation to the detailing of the green roof coverage for the building and a calculation demonstrating the percentage coverage of green roof area, confirmation there is an overflow to the attenuation system on the ground, updated surface water design with the appropriate runoff factor clearly identified, revised calculations to ensure adequate storage is provided i.e. 20% factor to be applied to rainfall date, detail of the build-up for the “blue green roof area”, detail of the proposed rain garden and the reconsideration of the size/depth of the attenuation tank to ensure the required trees can be included in the scheme.
- 4.3.8. In their second report of 17th December 2024 and having considered the FI submitted had no stated objection subject to conditions as set out in the report relating to surface water outfall discharge rate for the site, provision of a sufficient attenuation volume for the 1 in 100 year rainfall return period (plus minimum 20% allowance for climate

change) on site, as detailed in the application, proposed green roof shall to comply with the requirements of Appendix 7.2 of the County Development Plan 2022-2028, applicant to ensure that a penstock is provided in the flow control device chamber, compliance with the requirements of the SUDS Manual (CIRIA C753), a channel drain to be installed at the top of the basement access ramp, trees shall not be planted in the area over the attenuation tank, construction management plan to be implemented, drainage works to be carried out in accordance with the agreed details and that all incidental run-off from the basement carpark is discharged to the proposed foul water drainage network. The conclusions of the Site Specific Flood Risk Assessment are accepted.

- 4.3.9. It is noted that this recommendation has been dealt with in Condition No 4 of the notification of decision to grant permission issued by DLRCC.
- 4.3.10. **Public Lighting, Transportation Department** – in their report of 30th May 2024 noted that no lighting design has been provided. It was recommended that the developer provide a lighting scheme and also include a lux contour diagram showing the light spread down to the 2 lux line with no masking to the public lighting section.
- 4.3.11. It is noted that this recommendation has been dealt with in Condition No 13 of the notification of decision to grant permission issued by DLRCC.
- 4.3.12. **Housing Department** – In their report of 21st May 2024 recommended that a condition be attached requiring the applicant/developer to enter into an agreement in accordance with Part V of the Planning and Development Act, 2000, as amended.
- 4.3.13. It is noted that this recommendation has been dealt with in Condition No 14 of the notification of decision to grant permission issued by DLRCC
- 4.3.14. **Transportation Planning** – In their first report of 6th June 2024 requested FI in relation to changes to the vehicular entrance in order to prioritise pedestrian movements and reduce potential conflicts at this location, provision of a minimum of 118 no. cycle parking spaces with a minimum of 62 no. spaces being the preferred 'Sheffield' type stand, submission of an Outline Construction Management Plan in accordance with Section 12.9.4 of the current DLRCC County Development Plan 2022-2028, revised Transportation Assessment Report with an up-to-date traffic survey and revised drawings and details which clarify/demonstrate proposed arrangements for set-down of delivery/larger maintenance vehicles.

- 4.3.15. In their second report and having considered the FI submitted have no objection to the proposed development subject to the conditions set out in the report relating to submission of a revised site layout plan showing the provision of a pedestrian/cycle path with a minimum of 3.0m width constructed to Taking in Charge standards, a Stage 2 and Stage 3 Road Safety/Quality Audit to be carried out, compliance with DMURS and the DLRCC 'Taking in-Charge' requirements, development shall comply with the 20% minimum requirement for the provision of fully functional EV Charging Points, cycle parking spaces shall be provided as secure, covered parking spaces and provide for the insitu charging of electric bikes, Preliminary Construction Method Statement & Construction & Demolition Waste Management Plan (Rev. 1) (11 Nov 2024) to be implemented, applicant to obtain a Road Opening Licence from DLRCC and all necessary measures shall be taken to prevent any material being carried onto or placed on the public road or adjoining properties.
- 4.3.16. It is noted that this recommendation has been dealt with in Condition No 2 and 5 of the notification of decision to grant permission issued by DLRCC.
- 4.3.17. **Conservation Planning Report** – In their report of 5th June 2024 requested the submission of an Architectural Heritage Appraisal of the existing building proposed for demolition in order to allow for a proper assessment of the architectural merit of the building with regard to Policies HER20 and HER21 of the DLRDP 2022-2028.

4.4. **Prescribed Bodies**

- 4.4.1. **Irish Water** – In their report of 31st May 2024 had no stated objection in principle subject to conditions relating to the applicant entering into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement.
- 4.4.2. **Environmental Health Officer Planning Report** – In their first report of 24th May 2024 requested FI in relation to the submission of a Construction Environmental Management Plan and a Resource & Waste Management Plan
- 4.4.3. In their second report of 30th December 2024 it was stated that the proposal is acceptable subject to conditions outlined relating to a final construction environmental management plan being agreed, that during the construction phase all reasonable

measures shall be taken to reduce potential impacts relating to noise nuisance and disturbance and vibrational impacts to an acceptable level, a programme of noise and vibration monitoring shall be in place prior to the commencement of any construction activity, a Public Liaison Plan shall be developed and implemented for the duration of the works and a programme of dust monitoring shall be carried and made available to the local authority and that due consideration shall be given to the location and orientation of any plant equipment to ensure there are no significant impacts on the background noise levels at any nearby noise sensitive locations.

- 4.4.4. It is noted that this recommendation has been dealt with under Condition No 8, 9, 10 and 11 of the notification of decision to grant permission issued by DLRCC.

4.5. Third Party Observations

- 4.5.1. Application - There are 86 no third party submission / observations recorded on the planning file from Kent & Elizabeth Clarke, Micheal Kinsella, Patrick & Pauline Nugent, Micheal O'Duffy, Adrian Carroll, Ken Sharkey & Paula Gormely, Mary Freeman, Fergus Glendon, Gordon & Sharon Elliott, David Eastment, Patricia Buchalter, Jane Wilson, Brian Guiry, Colm & Mary O'Kelly, Kevin & Denise Rafter, Gary Lyons, Robert & Maria Stanley, Peter Boyle, Seamus McGill, Harriet Grant & Albert Redmond, John A Nolan, Carina Staunton, Elisabetta Favilli Coonan, Jeremy & Wendy Smith, Mary Kilgallen & Gabriel McGloin, John Sheahan, Stephen McLoughlin, Nora Lieggi, Wilson Forsyth, Brendan Byrne, Edna Abrahamson, Michael Enoch, Angelique O'Duffy, Dominic Rowan, Amy King, Margarita Kaplun & Karl Hussey, Patrick Lyons, Nicola & Senan Murphy, Marcel Rujan, Amy Greene, Siobhan Foster on behalf of De La Salle College, Andrew & Claire Wylde, Pat Lehane, Martin Hanrahan, Noel & Eithne Tobin, Oonagh Doyle, Martin Ryan, Ailbhe Keegan, Brendan & Paula Kearns, Marliza O'Dwyer & Lorraine Delauney, Paul & Bernie Joyce, Brian & Ann Clarke, David Armstrong on behalf of Woodside Residents, Conor & Sandra Crowley, Ciaran McKenna, Philip McDonagh, Tony Manahan on behalf of the Castle Golf Club, Joan Redmond, Pauline Cronin, Brian O'Reilly, Richard Kelley, Sean & Fiona O'Toole, Ronnie McBrien, Aidan Sweeney, Shane O'Connell, Marie Hughes, Michael Whyte, Raymond Gray, Tom Joyce, Niamh Ward on behalf of Henry & Nora Ward, Andrew Kennedy, Francis Ennis, Adrian Wrafter, JJ McAuliffe, Jackie Perris, Kim Bloom & Donald Teskey, Gabrielle Macklin, James Ryan, Michael & Jeanne Flanagan,

Gabrielle Murphy, Celeste Kenny, Alison Leddin, Joyce Trimble, Doug Leddin, Londa Maher and Cormac O'Kelly.

- 4.5.2. The issues raised relate to inadequate traffic report, inadequate car parking provision may lead to car parking in surrounding streets, traffic congestion, junction with Castle Golf Park not reflected in transport report, loss of mature trees, incomplete existing tree assessment, inadequate capacity in sewage system, poor water pressure in the area, flooding, visual impact, impact to local wildlife and habitats, density is too high, excessive height, loss of privacy to surrounding residents, overshadowing, loss of property values, inaccurate daylight and sunlight assessment, noise pollution from construction, not compliant with strategic zoning policy of the development plan, insufficient justification for demolition of habitable house on site, lack of adequate social and civil infrastructure to facilitate the proposal, impact on the Lime Kiln (protected structure) and concern with renters / transient inhabitants vs a residential vibrant community.
- 4.5.3. **Further Information** - Following the submission of FI there are 43 no observations recorded on the planning file from R & S Gray, JJ McAuliffe, Peter Boyle, Pauline Cronin, Noel & Eithne Tobin, Ailbhe Keegan, Oonagh Doyle, Jane Wilson, Wilson Forsyth, Dominic Rowan, Marliza O'Dwyer & Lorraine Delaunay, John Sheahan, Brian Guiry, Alison Leddin, Kim Bloom, Doug Leddin, Marcel Rujan, Robert & Maria Stanley, Nora Lieggi, Michael Flanagan, Michael Kinsella, Thelma Jones, Paul & Bernie Joyce, Philip McDonagh, Aidan Sweeney, Castle Golf Club, Michael Enoch, James Ryan, Ciaran McKenna, Francis Ennis, Cormac O'Kelly, Jeremy & Wendy Smith, Joyce Trimble, Gabrielle Macklin, Amy Greene, Lynn Jackson, Brian & Ann Clarke, Ronnie McBrien, Senan & Nicola Murphy, Mary Kilgallen & Gabriel McGloin, Micheal O'Duffy, Paul & Bernadette Kiernan and Henry & Nora Ward
- 4.5.4. The issues raised relate to parking, access and traffic, proposed linkage to adjacent park, building bulk and mass, capacity of existing infrastructure, construction phase, demolition of existing house, loss of trees, lack of engagement with local residents, concern with tenure of the proposed development, precedent and lack of consultation with Planning Department.

5.0 Planning History

5.1. As documented in Section 1.0 Introduction of this report above there are two separate appeals against the decision of two separate Planning Authorities running concurrently on this site for the same development as follows:

- ABP 321796-25 (D24A/0250/WEB) - Dun Laoghaire-Rathdown County Council
- ABP 320111-24 (SD24A-0094W) - South Dublin County Council

5.2. The concurrent appeal relating to ABP 320111-24 (SD24A-0094W) may be summarised as follows:

ABP 320111-24 (SD24A-0094W) – Planning permission for the demolition of dwelling and tennis court and the construction of 2 no. apartment buildings to accommodate 52 no. apartments and associated site works and services was granted permission by South Dublin County Council subject to 8 no conditions. The decision was appealed by Philip McDonagh on behalf of the Woodside Residents Association. No decision has issued to date by the Board. Philip McDonagh is also an appellant in this appeal case (ABP 321796-25 (D24A/0250/WEB))

5.3. It is recommended that this report is read in conjunction with Appeal APB 320111-24.

6.0 Policy Context

6.1. National Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

6.1.2. The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. Part of the vision of the NPF is managing growth and targeting at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. The NPF also sets out a number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities. These include:

- NSO 1 - Compact Growth
- NSO 7 - Enhanced Amenity and Heritage
- NPO 3a - Securing Compact & Sustainable Growth
- NPO 3c - Securing Compact & Sustainable Growth
- NPO 4 - Why Urban Places Matter (Community)
- NPO 5 - Why Urban Places Matter (Economy/Prosperity)
- NPO 6 - Why Urban Places Matter (The Environment)
- NPO 9 - Planning for Ireland's Urban Growth (Ireland's Towns)
- NPO 11 - Achieving Urban Infill/Brownfield Development
- NPO 13 - Performance-Based Design Standards
- NPO 32 - Housing
- NPO 33 - Housing (Location of Homes)
- NPO 34 - Housing (Building Resilience in Housing - Lifetime Needs)
- NPO 35 - Housing (Building Resilience in Housing - Density)

6.1.3. **Climate Action Plan 2024**

6.1.4. The Climate Action Plan 2024 sets out the measures and actions that will support the delivery of Ireland's climate action ambition. Climate Action Plan 2024 sets out the roadmap to deliver on Ireland's climate ambition. It aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022. Ireland is committed to achieving climate neutrality no later than 2050, with a 51% reduction in GHG emissions by 2030. These legally binding objectives are set out in the Climate Action and Low Carbon Development (Amendment) Act 2021.

6.1.5. **Climate Action Plan 2025** builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

6.1.6. **National Biodiversity Action Plan (NBPA) 2023-2030**

6.1.7. The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen,

community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”. This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

6.2. National Guidance

- Design Manual for Urban Roads and Streets (2013)

6.3. Section 28 Ministerial Guidelines

6.3.1. The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Housing for All: A New Housing Plan for Ireland (2021)
- Rebuilding Ireland: Action Plan for Housing & Homelessness (2016)
- Appropriate Assessment Guidelines (2009)
- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2020)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)

- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Urban Development and Building Heights Guidelines (2018)
- Best Practice Urban Design Manual (2009)
- Quality Housing for Sustainable Communities (2007)
- Circular Letter: NRUP 02/2021 (Residential Densities in Towns and Villages)
- Housing Circular 28/2021 (Affordable Housing Act 2021 - Amendments to Part V)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)¹
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Childcare Facilities Guidelines for Planning Authorities (2020)
- Guidelines for Planning Authorities on the Planning System and Flood Risk Management (2009)
- Part V of the Planning and Development Act 2000 Guidelines (2017)
- Local Area Plans Guidelines for Planning Authorities (2013)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

6.4. Regional Guidelines

6.4.1. Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy 2019-2031 (EMRA-RSES)

6.4.2. The Strategy supports the implementation of Project Ireland 2040 and the National Planning Framework (NPF). The RSES provides a development framework for the region through the provision of a Spatial Strategy, Economic Strategy, Metropolitan Area Strategic Plan (MASP), Investment Framework and Climate Action Strategy. The

¹ The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) have been revoked.

Dublin MASP is an integrated land use and transportation strategy for the Dublin Metropolitan Area, which seeks to manage the sustainable and compact growth of the Dublin Metropolitan Area.

6.4.3. **RPO 3.2** Promote compact urban growth, targets 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.

6.4.4. **RPO 3.3** notes that Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites and provide for increased densities as set out in the national policy.

6.4.5. **Regional Policy Objective 4.3** supports the *consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport.*

6.4.6. The site lies within the Dublin Metropolitan Area (DMA). The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas to ensure a steady supply of serviced development lands to support sustainable growth.

6.4.7. Section 5.3 identifies guiding principles for development of the MASP area including:

Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

6.4.8. **RPO 5.3** - *Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.*

6.4.9. **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'.

- 6.4.10. **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.*

6.5. Development Plan

- 6.5.1. The operative plan for the area is the **Dun Laoghaire Rathdown Development Plan 2022-2028**. The site is zoned **Objective A** with the objective to "to protect and or improve residential amenity".
- 6.5.2. The relevant Chapters of the Written Statement to this development include Chapter 2 – Core Strategy, Chapter 4 – Neighbourhood-People, Homes and Place, Chapter 8 – Green Infrastructure and Biodiversity, Chapter 10 – Environmental and Flood Risk, Chapter 11 – Heritage and Conservation, Chapter 12 – Development Management, Chapter 13 – Land Use Zoning and Chapter 14 – Specific Local Objectives.
- 6.5.3. **Policy Objective PHP18: Residential Density** - It is a Policy Objective to: Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. It is policy to encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development
- 6.5.4. **Policy Objective PHP19: Existing Housing Stock - Adaptation** - It is a Policy Objective to: Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Density

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

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

- On all developments with a units per hectare net density greater than 50, the applicant must provide an assessment of how the density, scale, size and proposed building form does not represent over development of the site. The assessment must address how the transition from low density to a higher density scheme is achieved without it being overbearing, intrusive and without negatively impacting on the amenity value of existing dwellings particularly with regard to the proximity of the structures proposed. The assessment should demonstrate how the proposal respects the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring uses.
- On all developments with height proposals greater than 4 storeys the applicant should provide a height compliance report indicating how the proposal conforms to the relevant Building Height Performance Based Criteria "At District / Neighbourhood / Street level" as set out in Table 5.1 in Appendix 5.
- On sites abutting low density residential development (less than 35 units per hectare) and where the proposed development is four storeys or more, an obvious buffer must exist from the rear garden boundary lines of existing private dwellings.
- Where a proposal involves building heights of four storeys or more, a step back design should be considered so as to respect the existing built heights

6.5.6. Policy Objective PHP27: Housing Mix - It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.

6.5.7. Policy Objective PHP42: Building Design & Height - It is a Policy Objective to: Encourage high quality design of all new development. Ensure new development

complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).

6.5.8. **Appendix 5**

6.5.9. **Building Heights Strategy** - The Council policy in relation to building height throughout the County is detailed in three policy objectives as set out in the Building Height Strategy (BHS) (Appendix 5):

- Policy Objective BHS 1 – Increased Height.
- Policy Objective BHS2 – Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan).
- Policy Objective BHS 3 – Building Height in Residual Suburban Areas.

6.5.10. Within the built-up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.

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

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

6.5.13. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height of the area.

6.5.14. Table 15.1 Criteria for assessing proposals for increased height.

- At County Level
- At District/Neighbourhood/Street Level
- At site/building scale

- County Specific Criteria

6.5.15. **Section 12.3.3.1 Residential Size and Mix**

6.5.16. The finding of the Housing Strategy and HNDA have informed policy PHP27 in relation to mix (refer to Appendix 2 Housing Strategy and HNDA 2022 – 2028).

6.5.17. **Car Parking**

6.5.18. Car parking Table 12.5 Parking Zone 2

- Apartments
- One bed 1 space
- Two bed 1 space

6.5.19. **Section 12.4.5.2 Application of Standards** - In certain instances, in Zones 1 and 2 the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5 or may consider that no parking spaces are required.

6.5.20. **Bicycle Parking Table 12.8**

- Apartments: 1 per bedroom (long) and 1 per 2 units (short)
- Houses: 1 per unit (long) and 1 per 5 units (short)
- Retail: 1 per 5 staff (long) and 1 per 100sqm (short)
- Childcare: 1 per 5 staff (long) and 1 per 10 children (short)

6.5.21. **Public Open Space Requirements for Residential Developments**

- Table 12.8 - Residential Development in the existing built up area 15% of the site area.

6.5.22. Where the required percentage of public open space is not provided the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended. The contribution in lieu to be paid for any shortfall in the quantum of public open space to be provided will be used for the provision of improved community and civic infrastructure and/or parks and open spaces, in the vicinity of the proposed development for use of the intended occupiers of same. On overall sites of less than 0.25 ha, the Council may also consider levying a contribution in lieu of public open space.

6.5.23. **Private Amenity Space – Quality Standards**

6.5.24. **Section 12.8.7.1 Separation Distances:**

Separation Distances A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments.

6.5.25. **Apartment Development**

6.5.26. **Section 12.3.5.2 Separation Between Blocks**

6.5.27. All proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. A minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height.

6.5.28. **Chapter 8 Green Infrastructure and Biodiversity**

6.5.29. **Section 8.7.1.1 Policy Objective GIB18: Protection of Natural Heritage and the Environment** - It is a Policy Objective to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas (SPAs), Special Areas of Conservations (SACs), proposed Natural Heritage Areas (pNHAs) and Ramsar sites (wetlands) - as well as non-designated areas of high nature conservation value known as locally important areas which also serve as 'Stepping Stones' for the purposes of Article 10 of the Habitats Directive.

6.5.30. **Section 8.7.1.2 Policy Objective GIB19: Habitats Directive** - It is a Policy Objective to ensure the protection of natural heritage and biodiversity, including European Sites that form part of the Natura 2000 network, in accordance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines.

6.5.31. **Section 8.7.1.5 Policy Objective GIB22: Non-Designated Areas of Biodiversity Importance** - It is a Policy Objective to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including

species protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979, the Habitats Directive 1992, Birds and Habitats Regulations 2011, Flora (Protection) Order, 2015, Annex I habitats, local important areas, wildlife corridors and rare species - are adequately protected. Ecological assessments will be carried out for all developments in areas that support, or have potential to support, features of biodiversity importance or rare and protected species and appropriate mitigation/avoidance measures will be implemented. In implementing this policy, regard shall be had to the Ecological Network, including the forthcoming DLR Wildlife Corridor Plan, and the recommendations and objectives of the Green City Guidelines (2008) and 'Ecological Guidance Notes for Local Authorities and Developers' (Dún Laoghaire-Rathdown Version 2014).

6.5.32. **Section 8.7.1.6 Policy Objective GIB23: County-Wide Ecological Network** - It is a Policy Objective to protect the Ecological Network which will be integrated into the updated Green Infrastructure Strategy and will align with the DLR County Biodiversity Action Plan. Creating this network throughout the County will also improve the ecological coherence of the Natura 2000 network in accordance with Article 10 of the Habitats Directive. The network will also include non-designated sites.

6.5.33. **Chapter 12 Development Management**

6.5.34. **Section 12.3.9 Demolition and Replacement Dwellings** - The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. (See Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock - Adaptation).

6.5.35. Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.

6.5.36. The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable.

6.5.37. Applications for replacement dwellings shall also have regard to Policy Objectives HER20 and HER21 in Chapter 11. In this regard, the retention and reuse of an existing structure will be preferable to replacing a dwelling, and the planning authority will encourage the retention of exemplar nineteenth and twentieth century dwellings on sites in excess of 0.4 hectares. Applications for replacement dwelling within the rural area will be assessed under the provision of Section 12.3.10.4.

6.5.38. **Section 12.8.3.1 Public Open Space - Table 12.8 Public Open Space Requirements for residential developments**

Location	Public Open Space Standards (minimum):
Residential Development in new residential communities as shown in the Core strategy – figure 2.9.	15% (of site area)
Residential Development in the existing built up area.	15% (of site area)
Institutional and Redevelopment of SNI use	25% (of site area)

6.5.39. **Section 12.8.3.2 Communal Open Space - Table 12.9 Communal Open Space Standards**

Unit Type	Minimum Area per Unit
Studio	4 sq. m
One Bed 5 sq. m	5 sq. m
Two bedrooms (3 bed) 6 sq. m	6 sq. m
Two bedrooms (4 bed) 7 sq. m	7 sq. m
Three bedrooms 9 sq. m	9 sq. m
Four +	12 sq. m

6.5.40. **Section 12.8.8 Financial Contributions** in Lieu of Open Space states that where the required open space standards cannot be achieved, the applicant shall provide a contribution in lieu of providing the full quantum of public open space.

6.5.41. **Chapter 5 Transport and Mobility**

6.5.42. **Section 5.6.2 Policy Objective T12: Footways and Pedestrian Routes** - It is a Policy Objective to maintain and expand the footway and pedestrian route network to provide for accessible, safe pedestrian routes within the County in accordance with best accessibility practice. (Consistent with NPO 27 and 64 of the NPF and RPO 5.3 of the RSES)

6.5.43. **Section 5.8.1 Policy Objective T23: Roads and Streets** - It is a Policy Objective, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network – including improved pedestrian and cycle facilities, subject to the outcome of environmental assessment (SEA, EIA and AA), flood risk assessment and the planning process (RPO 8.10, RPO 8.16)

6.6. **Natural Heritage Designations**

6.6.1. The proposed development site is not within a designated conservation area.

7.0 **EIA Screening**

7.1.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

8.0 **The Appeal**

8.1. **Grounds of Appeal**

8.2. There are 5 no appeals from:

- 1) Castlepark Residents Association
- 2) Michael & Jeanne Flanagan

- 3) Castle Golf Club
- 4) Jeremiah & Ann McAuliffe
- 5) Philip & Ann Marie McDonagh

- 8.3. The issues raised may be summarised under the following general headings:
- 8.4. **General Comments** - Concern is raised in the appeal with regard to the clarity of the decision making processes and matters of jurisdiction as it has been difficult from the outset to deal with the simultaneous involvement of two planning authorities and that the processes for appealing are confusing. The Plannign Authority assessment has been deficient in the consideration of certain aspects of the scheme. There are procedural deficiencies in relation to too many issues left to subsequent conditions and inadequate information. This application has been in progress for over two years based on dates in the reports and at no point were any of the neighbouring communities consulted or informed.
- 8.5. **Demolition of the Existing Dwelling** – The applicant has failed to justify the proposed demolition of the existing dwelling which is an excellent example of the Arts and Crafts style and is thus worthy of retention. The house at No 39 is not derelict not in need of immediate repair. It has been a family home for c80 years in a well stabilised residential area made up of predominantly fine detached houses with gardens front and back. Reference is made to Policy Objective HER20 and HER21 as mentioned in the DLRCC request for FI together with Policy Objective PHP19. It is submitted that the proposal materially contravenes these policy objectives.
- 8.6. **Density** – The reduced density proposed is excessive and it fails to comply with the standards set out in the Sustainable Residential Development and Compact Settlement Guidelines. Section 3.4 Refining Density in the Guidelines hasn't been applied to this proposal nor has the applicant provided a full net density calculation. The applicant has only omitted that land within the ownership of DLRCC and SDCC from the calculation when other lands within the red line boundary should also be omitted. With reference to Appendix B of the Guidelines it is submitted that when calculating net density the following areas should be omitted:
- 1) Southwest corner of the site
 - 2) Protected structure
 - 3) Tress and woodlands

- 8.7. Having regard to the foregoing, it is submitted that the net site area is 4,815 sqm and that the net density of the proposed development of 44 no apartments would be 91 dph, which exceeds the guidelines range of 40 to 80 dph.
- 8.8. **Height / Transitional Zoning** – The appeal site is at a transitional zoning location with the site identified Objective A where the objective *is to provide residential development and improve residential amenity while protecting the existing residential amenities* and Castle Golf Club immediately to the south Objective F where the objective *is to preserve and provide for open space with ancillary active recreational amenities*. Reference is made to Section 13.1.2 Transitional Zonal Areas in the development plan states, “it is importance to avoid abrupt transitional in scale and use in the boundary areas of adjoining land use zones.” The prevailing height of the area is two storeys, so per Policy Objective BHS3, the proposal would be a Taller Building being more than 2 storeys taller than the prevailing height of the area. The proposal must address the performance-based criteria in Section 5 of the Councils Building Height Strategy. The 5-storey height does not comply with the Councils Building Height Strategy and the proposal does not avoid an abrupt transition in scale at this transitional zonal location.
- 8.9. **Visual Impact** – The proposed development would present an incongruous and visually dominant development in a low-density area distant from mass transport and would fail to be in harmony with the established character of the area and would seriously injure the visual amenities of the area. The proposed development would conflict with specific objectives in the Development Plan 2022 – 2028 which seeks to protect the character of existing residential areas that are subject to infill development.
- 8.10. **Housing Mix** - The scheme is overbearing in height and size of the apartment blocks, and the mix of apartment sizes excludes any one-bedroom apartments.
- 8.11. **Overspill Car Parking** – Overflow parking is a major concern as the parking spaces proposed are entirely inadequate for the potential 200 plus residents and will result in overflow spilling onto the adjacent roads of Hillside Drive and Woodside Drive. If cars are parked on one side of Woodside Drive, there is no space for safe passage of two cars at the same time. Cars parked on both sides of these would completely disable the road.
- 8.12. **Open Space** – Neither the public open space nor the communal open space is of sufficient quality. The proposed public open space will not be public open space in

the truest sense. The indicated communal open space and other open space around the perimeter of the development won't provide for any meaningful recreational utility for the future residents of the proposal.

- 8.13. **Impact of a development on this size on the community** – Overdevelopment such as this development will add pressure to existing services and infrastructure in the area such as childcare, schools and medical services.
- 8.14. **Industrial Heritage** – There is a lime kiln, which is part of the County's industrial site, and which is protected on the appeal site. It should be fully investigated with a licensed archaeological dig and appropriately protected prior to any development of this site.
- 8.15. **Loss of Trees and Sylvan Character** – There is an objective in the Development Plan to protect and preserve trees and woodlands at the appeal site. The applicant's response does not align with this objective. Removing 60% of trees on site is considered excessive and would destroy the sylvan character of the site. The FI sets out that 38 out of 79 trees to be felled to facilitate the scheme including a Category A tree on the eastern boundary. The Planning Authorities response to attach a condition requiring the retention of a single Category A tree fails to comply Section 12.8.11 of the Development Plan to incorporate and retain existing trees. Specific concerns are as follows:
- Tree cover and separation from No 39 has always been a key element of the privacy enjoyed at No 37. The proposal to remove most of the trees on site erodes the appellants privacy and contributes to a less secure environment.
 - The submitted maps do not show the full extent of trees, hedgerow and vegetation between the boundary walls at the rear of 62-60 Woodside Drive and the proposed development. No matter what assessments have been done or what landscaping is proposed, it is impossible to argue that the removal of this number of established trees will not have a negative environmental impact.
- 8.16. **Pedestrian access into Woodside estate** – The appellant opposes the construction of such a pedestrian access pathway through Woodside Estate. SDCC made no specific reference to the applicant's proposal to construct a walkway / cycle path on land in Woodside Estate. Reference is made to Condition No 2 and 3 of the notification of decision issued by DRLCC that highlights concerns in relation to jurisdiction and that permission has not been explicitly granted by either SDCC and DLRCC to

construct a pathway through Woodside Estate. The consequences for Woodside Estate Residents would be considerable with the only common green space compromised and would diminish the value of this public open space that is zoned “objective OS – to reserve and provide for open space and recreational amenities” in the SDCC Development Plan 2022 – 2028. Allowing access through this open space may facilitate unacceptable car parking on Woodside Estate and access for construction purposes.

8.17. Flood Risk& Surface Water Drainage – Reference is made to the decision of SDCC.

The flood risk report fails to fully assess the impact on the lower relief that is the Woodside Estate and only refers to it as “low section of land that runs along the sites western boundary” which is greatly reductive. If even a single extreme rainfall event occurs causing the culverted stream referred to in the report to rise, the impacts on the potential for flooding will be increased. This has a significant impact on house insurance for homeowners in Woodside Estate. Adjoining properties have experienced flooding in their back garden due to significant rain and snow. The drainage system in the area has not been upgraded to allow for additional run off. Chances of flooding will increase significantly if this development is permitted. Flood maps demonstrate flooding events downstream of the development and it is therefore essential that discharge from the proposed development would be limited to Greenfield discharge rates. There is no analysis provided to demonstrate performance of the surface water system in the event of a 50% blockage and if this would result in surcharging. A Site Investigation report including results from infiltration tests has not been provided.

8.18. Traffic Hazard – Intensification of traffic at the access to the site onto a complex

junction which is a heavily trafficked suburban road would result in increased traffic hazard, and an obstruction to other road users, particularly pedestrians and cyclists. A convoluted access arrangement is now proposed to the site with consequent alterations to the public road. No direct change is proposed to Castle Golf Club access. The proposed access arrangement creates an unacceptable traffic hazard by forcing complex vehicle movements at a shared junction that serves 1600 golf members. The design proposed for the pedestrian crossing leads directly onto the appellants footpath / driveway creating a further hazard. No proper assessment has been made of peak traffic during major golf club events. A traffic analysis should have

been carried out over the summer as well as winter. The Transportation Report accompanying the appeal identified multiple deficiencies with the junction proposed to serve the application site and the appellants lands in relation to the application ignoring Castle Golf Club traffic, absence of intervisibility between vehicles exiting the proposed site and vehicles exiting the golf club simultaneously, non-compliance with DMURS and that construction traffic will increase risk of traffic conflict and that no potential areas for construction staff parking have been identified.

- 8.19. **Overbearing impact & loss of private amenity space to Woodside Estate** – The planned development will tower over the adjacent houses in Woodside Estate. This will have a severe impact on light, privacy and general quality of life for those residents and have a profound and permanent negative effect on the residential amenities of these existing properties and their residents. The proposed newly planted “woodland mix” will not provide a visual barrier for many years to come. Furthermore, the proposed outdoor amenities area for the development will be at the first floor height of properties in Woodside directly adjoining and overlooking their private amenity space. It is difficult to understand why a 4 and 5 storey development has been approved in the same area on a site with such a significant elevation over its neighbouring properties.
- 8.20. **Overshadowing** - The shading and light from the proposed blocks on a higher relief will potentially impact on the ability of Woodside residents to engage in green energy solutions. This is not in keeping with Policy Objective CA13 of the DLRCC Development Plan. The shadow assessments provided by the applicant show significant shade cast on the houses within the lower lying Woodside Estate which currently have solar panels installed facing towards the proposed development.
- 8.21. **Privacy** – The removal of mature woodlands and height of the new apartment block will exceed the height of surrounding buildings which will impact privacy and light of adjoining properties.
- 8.22. **Impact on Golf Club Car Park** - The applicants state that the section of the apartment scheme facing toward Woodside Housing to the west would be 4 storey in height but would be 5 storey in height facing the Golf Club car park. A recreational facility in existence from 1913 is just as entitled to privacy of operation, and freedom from

excessive overlooking as any residential development. The 8.5m separation distance to the club boundary is wholly inadequate.

- 8.23. **Revised Layout** - The imposition of Condition No 2 (revised site layout – showing the provision of a 3m wide pedestrian / cycle path extending along the sites northern boundary) is totally disproportionate and contrary to any of the Guidelines issued by the OPR. The Planning Authority should have asked for revised plans as part of the FI to allow public scrutiny. In its present form there is call for a judicial review of the administration of the planning application before the High Court.
- 8.24. **Property Devaluation** - Gross overall development of the site that will have a negative impact to private open space and development potential of the overall site and will irrevocably devalue properties.
- 8.25. **Future Development** - The proposed development would by virtue of the height and scale of development on the boundary of the appellants residential property would seriously affect the residential amenity of the proposed and undermine the development potential of the property in the future.
- 8.26. **Precedent** - The proposed development would set an undesirable precedent for other similar developments, which it itself and cumulatively would contribute to an erosion of the distinctive and attractive character of the area, be harmful to the visual and residential amenities of the area and be contrary to the proper planning and sustainable development of the area.
- 8.27. **Material Contravention** - Having regard to the Urban Development and Building Heights Guidelines and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities and the requirements of same, the subject development is a clear material contravention of the statutory development plan for the area and as such should be refused.
- 8.28. **Badger** - There are at least two species (badger and bats) attributed protection under the Wildlife Act, 1976 are active on the site of the proposed development and environs. There has been no acknowledgement of these badger setts in the FI submitted.
- 8.29. **Bats** - A grant of planning permission does not constitute a license or permit to disturb bats or interfere with their breeding or resting places.

8.30. **Construction Impact** – There is a lack of clarity as to how the employees of builders and construction workers will locate while the site is being constructed. An outline Construction Demolition and Waste Management Plan and a Construction Environmental Management Plan would normally be submitted to demonstrate how the works could be effectively managed during the construction.

8.31. The appeal(s) was accompanied by the Technical Report prepared by EGIS entitled “Review of Transportation Reports and Junction Design Associated with Proposed Residential Development at 39 Woodside Drive, Dublin 14 (Reg Ref D24A/0250)”.

8.32. **Applicant Response**

8.33. The first party response to the appeals (x 5) has been prepared and submitted by SCA Planning & Development Consultants on behalf of the applicant and may be summarised as follows:

8.34. **Replacement Density / Compact Settlement Guidelines** - The appeal characterisation of this location as “suburban” is incorrect. Reference is made to the precise description in the Compact Settlement Guidelines where it states that *suburban / urban extension are the lower-density car-orientated residential suburbs at the edge of cities in the latter half of the 20th and early 21st century*. The location is better described as an “Urban Neighbourhood” with the appeal site set between and is serviced by surrounding historic urban neighbourhood centres, including Rathgar, Rathfarnham and Terenure. These are described in the Compact Settlement Guidelines as *compact, medium density residential neighbourhoods around the city that have evolved overtime to include a greater range of land uses*. The provision of the Compact Settlement Guidelines relating to “Refining Density” indicate that density should be refined upwards where there is accessibility to public transport and services, which there is to be observed in the subject location. This is supported in the appeal submission. Every part of the site contributes to the net development area and it is clear that every square centimetre of site development area contributes to the construction area, to amenity space and to tree retention / boundary screening of the development. The net area excludes the area in SDCC contained within the route to the SW sewer connection.

- 8.34.1. **Demolition of Dwelling / Architectural Response to Character** - There is no character or quality features in this building. The DLRCC Conservation section concurred with the findings of the Architectural Appraisal Report submitted by FI. Policy HER20 relates to buildings of “vernacular and heritage interest”. The subject building has no vernacular or heritage value. Policy HER21 relates to “estates, buildings and features recognised for their distinctive planned layout and collective interest as *determined by the planning authority*. The planning authority has made no such determination in respect of this area.
- 8.35. **Trees / Open Space** - The Arboricultural Report submitted at FR stage provides a summary of the make up of trees on site at the current time. In the FI response, of 88 trees on site, 38 are removed due to development and 7 due to existing poor condition. The high percentage of conifers / evergreens at 73% present an overbearing and dark atmosphere in a residential setting where daylight / sunlight is to be considered as amenity factors for residents in new developments. The Arborists report recommends that there would be a significant management intervention of the nature described above (thinning, pruning, cutting back), which is required in any event, regardless of the proposed development and these include interventions on the southern boundary to open up spacing between trees, to reduce competition and to allow the better trees to thrive and to improve the quality and usability of open space for future residents. These interventions are required regardless of the form and density of residential accommodation (high density or low density) on this land in the future. In the proposed development the trees to be retained will be subject to arboricultural management and improvement. To compensate for trees lost, many of which are non-native and ecologically poor, the landscape plan prepared shows 31 additional, native-species trees, spaced to allow a woodland mix that includes 418 plants and 13 species that are more compatible with the Irish biome.
- 8.36. **Gateway** - It should also be clearly understood that there is no proposal for the construction of an external pathway in another planning jurisdiction included in this planning application. The indicated gateway simply addresses the ambitions for the future connectively within and between neighbourhoods, promoted in the DLRDP is facilitated and not hindered.
- 8.37. **Impact on Castle Golf Club** - The categorisation of the Castle Golf Club car park and surrounds as meriting the sensitive status equivalent to that of residential

development, potentially affected by adjacent development, is not based on any standard or guidelines contained in the planning code. These suggested sensitivities should not be considered as a reasonable impediment upon redevelopment and densification in the MASP in the context of Government policy and guidelines and development management assessment criteria.

- 8.38. **Traffic / Access / Hazard** - Reference is made to the attached robust, professional from the Traffic Consultants to the EGIS report submitted with the grounds of appeal lodged on behalf of CGC.
- 8.39. **Construction Management Plan** - It is submitted that it is entirely reasonable, where the principle of the development is challenged in observations submitted to the planning authority and in the grounds of appeal, that the issue of constructing the development will be addressed in detail only when the principle of the acceptability of the development has been confirmed in a decision to grant permission by ABP. An appropriate conditions can be attached to a grant of permission.
- 8.40. **Engineering / Drainage / Flood Risk** – Refer to the Engineering report attached to these issues relating to attenuation and discharge of surface water and potential for contribution to flooding. Note that the proposed engineering scheme indicates a discharge of surface water at a controlled rate into an existing source system after attenuation and storage on the appeal site to ensure against unregulated discharges to the surface water sewer system. The Site Specific Flood Risk notes mitigation for pluvial / surface water risk and that mitigation will be achieved with green / blue roofs, attenuation tank below ground level and a choke on discharge rates to the surface water sewer system in South Dublin. It notes that flooding from groundwater is not considered a risk for this site.
- 8.40.1. **Jurisdiction** - It is normal practise where the planning application affects lands in the administration of two local authorities that an application is made to each authority. This is set out in law and regulations. There is no proposal for the construction of an external pathway on land located within the planning jurisdiction of SDCC.
- 8.41. **Archaeology (Limekiln)** - The symbol on the DLRDP is simply indicative and an archaeological investigation on site has located the remains of the limekiln elsewhere than indicated on the DLRDP map. The subsurface remains are located on the northern site boundary at the border with the SDCC POS lands to the north. The

consultant's archaeologist report indicated that the proposed development will not have any significant impact on these located archaeological remains.

8.41.1. **Criticism of the Board** - Inherent criticism of other decisions by the Board where examples of other large scale and inappropriate apartment intervention surrounded by two storey dwellings are noted. Submitted that these appeals were fully and properly considered taking into account the relevant DLRDP, government guidelines, AA, service capacity, traffic concerns and flood risk assessment.

8.41.2. **Conclusion**

- The site is in the early 20th century city suburban core area where a vast range of services, employment and education facilities ranging to 3rd level are available and readily accessible.
- The appellants have avoided dealing with the central message of the NPF, RSES and the Core Strategy targets and how to achieve them as set out in the DRLDP.
- The house on the appeal site has no vernacular or heritage value and it was poorly built after the second world war.
- The locality has no notable character as determined by DLRCC. Therefore HER 20 and HER 21 do not apply.
- Quality tree cover, landscaping and ecology will be improved with the proposed development, better than it would with a low-density scatter of houses as advocated in the appeal.
- The allocation of "residential amenity" standards to persons in a golf car park is based on no known standards whatsoever and cannot be taken seriously.
- The site has been archeologically resolved by the archaeologist finding the limekiln remains in a location other than that suggested by an indicative icon on the DLRDP interactive map. A standard monitoring condition is adequate to deal with archaeology.
- The photomontages and CGIs submitted with the application and that the RFI show the redevelopment is attractive in context and is not significant in any long-distance views to the site. The architectural style and detailing is high quality.

8.41.3. The appeal response was accompanied by the following:

- Transportation Report

- Engineering Drainage Report
- Flood Risk Assessment

8.42. Planning Authority Response

- 8.42.1. DLRCC refer to the Case Planners report and consider that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

8.43. Observations

- 8.43.1. There is 1 no observations recorded on the appeal file from (1) Patrick J Lyons. The issues raised relate to overdevelopment of the site in both scale and character, excessive occupation of units, inadequate car parking, traffic access arrangements, traffic impact and potential flooding.

8.44. Further Responses

- 8.44.1. **Manahan Planners Town Planning Consultants on behalf of Castle Golf Club** – affirms concerns raised in relation to unacceptable demolition of existing house, excessive density proposed, removal of trees, traffic access arrangements, impact on recreational facility of Castle Golf Club, construction impact, drainage difficulties, flood risk and inadequate information to demonstrate compliance with DMURS.
- 8.44.2. **O'Neill Town Planning Consultants on behalf of Jeremiah & Ann McAuliffe** – supports the concerns put forward by the appellants and reiterates a specific concern in relation to the proposed cycleway through the appeal site that is coterminous with their garden boundary. The conclusion of their original appeal is repeated.

9.0 Assessment

- 9.1. Permission was sought from DLRCC on 18th April 2024 for demolition of existing dwelling and tennis court and the construction of 2 apartment buildings comprising of 52 apartments at 39 Woodside Drive, Rathfarnham, Dublin 14. The site is located within the curtilage of a protected structure (lime kiln, ref. 315). Further information was submitted on the 28th November 2024 together with public notices on the 6th

December 2024 reducing the number of units proposed from 52 to 44. The application was also submitted to both Dún Laoghaire-Rathdown County Council and South Dublin County Council. The main site is within the DLRCC administrative area, and the surface water drainage route is in the SDCC administrative area. This assessment is based on the plans and particulars submitted to DLRCC on the 18th April 2024 as amended by way of FI on 28th November 2024 and 6th December 2024 together with the submission received in relation to the appeals(s).

- 9.2. Concerns have been raised in the appeal(s) in relation to the clarity of the decision making processes and matters of jurisdiction and that the processes for appealing are confusing, the analysis of the scheme by the Planning Authority, procedural deficiencies whereby too many issues were dealt with by conditions and that at no point were any of the neighbouring communities consulted in relation to the scheme.
- 9.3. While I appreciate the documented difficulties and confusion encountered by the appellant(s) in relation to the duplication of applications to two separate Planning Authorities' it remains that this does not appear to have prevented the concerned parties from making representations. With regard to the assessment of the scheme by DLRCC, Section 37(1b) of the Planning and Development Act (as amended) requires that the Board determines the application the subject of the appeal as if it had been made to the Board in the first instance (de novo). The matter of conditions is discussed separately in the assessment below. Public consultation on proposed schemes such as this is not a requirement of the planning application process. Taken together with my site inspection I am satisfied that there is adequate information on the appeal file to determine the appeal now before the Board.
- 9.4. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report's of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive planning issues in this appeal to be considered under the following general headings:
- Principle
 - Loss of Trees
 - Drainage & Flood Risk
 - Traffic Impact

- Residential Amenity
- Impact to Golf Course
- Revised Layout
- Conditions
- Bats – New Issue
- Other Issues

9.5. Principle

9.6. **Zoning** - The operative plan for the area is the Dun Laoghaire Rathdown Development Plan 2022-2028. The site is zoned Objective A with the objective to "*to protect and or improve residential amenity*". The proposed residential uses comply with the zoning objectives of the DLRDP and no issues arise in this regard. This is subject to the further detailed consideration of the scheme below.

9.7. **Demolition** – Significant concern is raised in the appeal in relation to the demolition of the existing house on site and that no justification or effort to retain or repurpose the existing property has been put forward. Reference is made to Policy Objective HER20 and HER21 together with Policy Objective PHP19. It is submitted that the proposal materially contravenes these policy objectives.

9.8. The relevant policies may be summarised as follows:

- **Policy Objective PHP19: Existing Housing Stock** - Adaptation seeks to conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Density existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.
- **Policy Objective HER20: Buildings of Vernacular and Heritage Interest** seeks to retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment.
- **Policy Objective HER21: Nineteenth and Twentieth Century Buildings, Estates and Feature** seeks to encourage the appropriate development of

exemplar nineteenth and twentieth century buildings, and estates to ensure their character is not compromised.

- 9.9. In addition to the foregoing Section 12.3.9 Demolition and Replacement Dwellings of the DLRDP has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant and that the demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.
- 9.10. I refer to the Architectural Heritage Appraisal & Justification for Proposed Demolition Works report submitted by way of FI. The development site is a large plot of approx. 0.58 hectares and currently contains a 2-storey plus pitched roof detached dwelling house and associated outbuildings set centrally within the plot. The appraisal concludes that the proposed demolition of the existing dwelling house is deemed to be justified in the context of this planning application for the following reasons:
- Upon inspection of the existing dwelling on site it was determined that the reuse of this structure for the proposed development was unsuitable as the aim of the proposed development is to facilitate a significant increase in the residential density, while achieving compliance with all applicant buildings regulations and standards. It would not be reasonably possible to achieve compliance with the relevant building regulations regarding fire safety, accessibility, & thermal efficiency that apply to apartment units, while retaining the existing building as part of the proposed development.
 - The existing structure is of no architectural or conservation value. It is noted that the structure is not listed as a protected structure nor located within an Architectural Conversation Area. Therefore, the retention and/or reuse of the existing structures is not warranted.
 - The proposed development represents a significant increase in density, from 1no. dwelling house to 44no. apartment units (an increase from 1.72 dwellings per

hectare, to 75.9no. dwellings per hectare). This increase in density has been deemed not feasible through any proposal which retains the existing property.

- Site inspections have shown the building has not undergone any significant retrofitting with regard to thermal performance or energy efficiency. The proposed development will achieve levels of thermal performance, fire safety and accessibility which would not be reasonably possible even through a deep retrofit of the existing property.

9.11. The policy objectives set out above do not prohibit the demolition of buildings. However, a detailed and considered assessment of any proposed demolition works is necessitated in order to qualify such demolition works. As documented the existing dwelling house on site is not a Protected Structure and is not deemed to be of significant architectural value. The house is not deemed to be an exemplar of nineteenth or twentieth century architecture or built heritage, and does not display any significant features, related to the building or its surrounding curtilage and boundary treatments, that are worthy of retention or development.

9.12. In conclusion, the proposed demolition of the existing dwelling house is deemed to be justified in the context of this planning application and that the assessment of same complies with the policy and objection of the DLRDP in this regard and that no issues of material contravention of same arise in this case.

9.13. **Density** – Concerns has been raised with the excessive density proposed in that it fails to comply with the standards set out in the Sustainable Residential Development and Compact Settlement Guidelines and that the net area used to calculate density is inaccurate. It is submitted that the net site area is 4,815 sqm and that the net density of the proposed development of 44 no apartments would be 91 dph, which exceeds the accepted guidelines range of 40 to 80 dph.

9.14. As set out in section 12.3.3.2 of the Development Plan as a general principle, and on the grounds of sustainability, the objective is to optimise the density of urban development in response to type of site, location, and accessibility to public transport. In general, the number of dwellings (houses or apartments) to be provided on a site should be determined with reference to the current Development Plan and relevant Government Guidelines. The current Development Plan specifically refers to the 'Sustainable Residential Development in Urban Areas – Guidelines for Planning

Authorities' (2009) and the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2020). Even though the Sustainable Residential Development in Urban Areas Guidelines (2009) have been revoked at a national level, because the Development Plan still includes them I have considered same and I am satisfied that there is no conflict between the revoked guidelines and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) in the consideration of this proposed scheme (as amended).

9.15. To this end I refer to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) as the most relevant Guidelines with which to assess the density of the scheme (as amended) now before the Board. I refer to the Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs where the appeal site can be most appropriately categorised as City - Suburban/Urban Extension. This aligns with the categorisation of the site by the Case Planner. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork.

9.16. Appendix B of the Sustainable Residential Development and Compact Settlements Guidelines set out a methodology for measuring net site area and density for mixed use development. The applicant submits that every part of the site contributes to the net development area and it is clear that every square centimetre of site development area contributes to the construction area, to amenity space and to tree retention / boundary screening of the development. The net area excludes the area in SDCC contained within the route to the SW sewer connection. The density of the scheme (as amended) may be summarised as follows:

Overall Site Area (gross)	6,423 m2 (0.6423 ha)
Site Area in Applicant's ownership	5,799 m2 (0.5799 ha)
Area of Public Road within Application Site – for which a letter of consent included with application from Dun Laoghaire Rathdown County Council	293m2
Area for new below pipework Public Open Space (Woodside Estate) within Application Site – for which a letter of	331m2

consent included with application from South Dublin County Council	
Net site Area	0.58 ha
Number of units	44
Site Density Proposed	76 units / ha

- 9.17. A residential density of 76 units (as amended) per hectare is proposed. This is based on the full extent of the net developable site area of 0.58 ha and a proposal for 44 residential units (as amended). I am satisfied that this density aligns with Table 3.1 of the Sustainable Residential Development and Compact Settlements Guidelines (2024).
- 9.18. **Height** – Concern is raised that the 5-storey height does not comply with the Councils Building Height Strategy. The prevailing heights observed immediately adjacent to the site are 2 – 3 storey. Policy Objective PHP42: Building Design & Height of the Development Plan 2022 – 2028 seeks *to encourage high quality design of all new development and to ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF)*. The Building Height Strategy implements the relevant policies and objectives of the Urban Development and Building Height Guidelines (2018). The Building Height Strategy specifically outlines that the performance criteria outlined in Table 5.1 satisfactorily incorporates the criteria associated with SPPR 3 and Section 3.2 of the Guidelines.
- 9.19. The Council policy in relation to building height throughout the County is detailed in three policy objectives as set out in the Building Height Strategy (BHS) (Appendix 5):
- Policy Objective BHS 1 – Increased Height.
 - Policy Objective BHS2 – Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan).
 - Policy Objective BHS 3 – Building Height in Residual Suburban Areas.
- 9.19.1. Policy Objective BHS1 and BHS3 are of note, with Policy Objective BHS3 being of particular relevance as it relates to Building Height of Residual Suburban Areas as it seeks to promote general building height of 3 to 4 storeys, provided that proposals ensure a balance between the reasonable protection of existing amenities including

residential amenity and the established character of the area and that y increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.

9.19.2. I refer to the details of the scheme as amended by further information, the Case Planners assessment of same, the applicant's assessment of the scheme in accordance with the performance-based criteria set out in Table 5.1 as set out in the Planning Application Report together with the Architectural & Urban Design Statement in assessing the scheme as follows:

Criteria	Assessment
At District / Neighbourhood / Street Level	
Proposal must respond to its overall natural and built environment and make a positive contribution to the urban neighbourhood and streetscape.	<p>The proposal has been designed in accordance with the 12 criteria set out in the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities 2009. I refer to the Architectural & Urban Design Statement submitted with the application</p> <p>No issues arise in relation the schemes contribution to the urban neighbourhood and streetscape</p>
Proposal should not be monolithic and should avoid long, uninterrupted walls of building in the form of slab blocks.	<p>The overall layout provides for an L-shaped building form set around landscaped amenity spaces. Glazing, balconies and vertical treatment breaks up the façade. A range of materials are also proposed to provide an interesting facade.</p> <p>No issues arise in this regard.</p>
Proposal must show use of high quality, well considered materials.	<p>I refer to the Materials Strategy submitted with the application where details on the material proposed are provided.</p> <p>No issues arise in this regard.</p>
Proposal where relevant must enhance urban design context for public spaces and key thoroughfares and marine or river/stream frontage.	<p>The proposed development will define the confluence of Woodside Drive and Hillside Drive and is an appropriate location for buildings of greater scale.</p> <p>No issues arise in this regard.</p>
Proposal must make a positive contribution to the improvement of legibility through the site or wider urban area. Where the	<p>The site will provide an attractive public open space that will be visible from the public realm. Legibility through the site will be delivered by</p>

building meets the street, public realm should be improved	<p>way of a pedestrian/cycle path along the site's northern boundary from the entrance at Hillside Drive / Woodside Drive to the site's northwestern boundary at the adjacent public open space (See Section 9.24 Conditions of this report below).</p> <p>No issues arise in this regard.</p>
Proposal must positively contribute to the mix of uses and /or building/dwelling typologies available in the area.	<p>The proposal will provide a suitable mix of apartments in a suburban area where the residential typology is primarily semidetached and detached dwellings</p> <p>No issues arise in this regard.</p>
Proposal should provide an appropriate level of enclosure of streets or spaces.	<p>The site has limited frontage to the existing street and therefore the design rationale is to provide enclosure for the proposed internal areas of communal open space.</p> <p>No issues arise in this regard.</p>
Proposal should be of an urban grain that allows meaningful human contact between all levels of buildings and the street or spaces.	<p>The buildings are designed to interact with the public open spaces, with private terraces overlooking same and providing passive surveillance.</p> <p>No issues arise in this regard.</p>
Proposal must make a positive contribution to the character and identity of the neighbourhood.	<p>I refer to the Architectural & Urban Design Statement submitted with the application. The proposal represents a significant transformation of this underutilised serviced brownfield. The design and elevational treatment of the proposed scheme together with the appropriate set back from boundaries (as amended) responds well to the character of the area and would positively contribute to the character and identity of the neighbourhood.</p> <p>No issues arise in this regard</p>
Proposal must respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring properties.	<p>The relationship to existing dwellings has been carefully considered and is addressed Section 6.2 of the Architectural & Urban Design Statement and in other sections of this report. The height, scale and massing of the scheme (as amended) responds to the immediate site context without negatively detracting from the character or amenity of neighbouring properties.</p> <p>No issues arise in this regard</p>

Criteria	Response
At Site / Building Scale	
Proposed design should maximise access to natural daylight, ventilation and views and minimise overshadowing.	<p>This matter is discussed in further detail in Section 7.8 below. The units within the new scheme (as amended) are considered to comply with the BRE Guidelines. Further the Daylight Sunlight and Overshadowing Assessment submitted with the scheme confirms that there are to be an acceptable level of access to natural daylight and that overshadowing is minimised on adjacent properties with the proposed development.</p> <p>No issues arise in this regard.</p>
Proposal should demonstrate how it complies with quantitative performance standards on daylight and sunlight as set out in BRE guidance "Site Layout Planning for Daylight and Sunlight" (2nd Edition). Where a proposal does not meet all the requirements, this must be clearly identified and the rationale for any alternative, compensatory design solutions must be set out. On relatively unconstrained sites requirements should be met.	<p>The application is supported by a Daylight & Sunlight Assessment. The results indicate that habitable rooms will achieve high levels of daylight and they will be bright and pleasant. This scheme is well designed for sunlight, with 100% of units meeting the minimum recommended 1.5 direct sunlight hours.</p> <p>It is concluded that all indoor and outdoor spaces within the development as proposed conform with BRE requirements as set out in the 'Site Layout Planning for Daylight and Sunlight (2002)'.</p> <p>No issues arise in this regard</p>
Proposal should ensure no significant adverse impact on adjoining properties by way of overlooking overbearing and/or overshadowing	<p>A full assessment of the proposal having regard to the residential amenity of surrounding properties is included in the enclosed Daylight & Sunlight Assessment. The scheme (as amended) ensures properties both within the scheme and adjoining properties will have no undue impact in terms of overbearance or overlooking or over shadowing.</p> <p>No issues arise in this regard.</p>
Proposal should not negatively impact on an Architectural Conservation Area (ACA) or the setting of a protected structure	<p>This criterion is not relevant as the subject site is not located within an ACA or proximate to the setting of a protected structure.</p> <p>No issues arise in this regard</p>
Proposals must demonstrate regard to the relative energy cost of and expected embodied and operational carbon emissions over the lifetime of the	<p>A Building Lifecycle Report and Energy Statement are included in the application.</p> <p>No issues arise in this regard</p>

development. Proposals must demonstrate maximum energy efficiency to align with climate policy. Building height must have regard to the relative energy cost of and expected embodied carbon emissions over the lifetime of the development	
---	--

Criteria	Response
County Specific Criteria	
Having regard to the County's outstanding architectural heritage which is located along the coast, where increased height and/or taller buildings are proposed within the Coastal area from Booterstown to Dalkey the proposal should protect the particular character of the coastline. Any such proposals should relate to the existing coastal towns and villages as opposed to the coastal corridor	N/A – the subject site is not located along the coast.
Having regard to the high quality mountain foothill landscape that characterises parts of the County any proposals for increased heights and/or taller building in this area should ensure appropriate scale, height and massing so as to avoid being obtrusive.	N/A – the subject site is not located within the mountain foothills.
Additional specific requirements (Applications are advised that requirement for same should be teased out at pre planning's stage).	N/A
Specific assessments such as assessment of microclimatic impacts such as down draft.	Given the heights proposed, the scheme is not considered to have microclimatic impacts such as down drafts. No issues arise in this regard
Potential interaction of building, materials and lighting on flight	The bat report concludes that the existing building on site provides a bat roost and therefore a derogation license is required. The Bat report also sets out mitigation

lines in locations in proximity to sensitive bird/bat areas.	<p>measures during construction phase were proposed. Impacts to Natura 2000 sites are not predicted to occur.</p> <p>Save for the requirement for a derogation license no further issues occur in this regard. Please refer to Section on Bats in this report below.</p>
Assessment that the proposals allows for the retention of telecommunications channels, such as microwave links	<p>The subject proposal is for a development of 4-5-storeys in height. It is not considered that a building of that height would impact on telecommunication channels.</p> <p>No issues arise in this regard</p>
An assessment that the proposal maintains safe air navigation	<p>The subject proposal is for a development of 4-5-storeys in height. It is not considered that a building of that height would impact on air navigation.</p> <p>No issues arise in this regard</p>
Relevant environmental assessment requirements, including SEA, EIA (schedule 7 information if required), AA and Ecological Impact Assessment, as appropriate.	<p>Report to inform Screening for Appropriate Assessment in enclosed. A Bat Survey is also provided. These matters are dealt with separately below.</p> <p>Save for the requirement for a derogation license no further issues occur in this regard. Please refer to Section on Bats in this report below..</p>
Additional criteria for larger redevelopment sites with taller buildings	<p>The site area is not considered large in nature. The subject site is a small brownfield site and not a large redevelopment site.</p> <p>No issues arise in this regard.</p>
Proposal should make a positive contribution to place making, incorporating new streets where appropriate, using massing and height to achieve densities but with variety and scale and form to respond to scale of adjoining development	<p>The building has been designed to fit into the surrounding context, providing appropriate separation distances while avoiding overbearing of adjoining properties.</p>
For larger unconstrained redevelopment sites BRE standard for daylight and sunlight/any forthcoming EU standards on daylight sunlight should be met.	<p>As above, the scheme performs satisfactorily in this regard.</p> <p>No issues arise in this regard</p>

- 9.20. Having regard to the performance-based criteria as set out above I am satisfied that the proposed height is compliant with both the Urban Development and Building Height Guidelines for Planning Authorities and the Building Height Strategy (Appendix 5) as set out in the DLR Development Plan 2022 – 2028. It is considered that the proposal for 44 no. apartments (as amended) strikes an appropriate balance of providing a sustainable density per hectare while ensuring that the character of the area and amenities of adjoining dwellings are not undermined by reason of height and scale. Overall, I am satisfied that the proposed development (as amended) in respect of height, scale and massing would not appear overbearing or visually dominant relative to adjoining properties.
- 9.21. **Transitional Zoning** – Concern is raised that and the proposal does not avoid an abrupt transition in scale at this location. The appeal site is at a transitional zoning location with the site zoned Objective A where the objective *is to provide residential development and improve residential amenity while protecting the existing residential amenities* and Castle Golf Club immediately to the south zoned Objective F where the objective is *to preserve and provide for open space with ancillary active recreational amenities*. Section 13.1.2 Transitional Zonal Areas in the development plan states, “*it is importance to avoid abrupt transitional in scale and use in the boundary areas of adjoining land use zones.*”
- 9.22. Having regard to the nature and extent of “F” zoned lands at this location relating to the golf club together with the location of the golf club adjoining the appeal site to the south, the design, scale and set back of the proposed development (as amended) from the site boundary with the Golf Club it is considered that the principle of the development would be commensurate with the adjacent land use and that no abrupt transition in scale and uses will occur. The impact to surrounding properties is discussed in further detail in other sections of this report relating to Height and Residential Amenity.
- 9.23. **Visual Impact** – Concern is raised in the appeal that the proposed development by way of its prominent positioning, layout and mass in an area which maintains a distinct residential character is considered out of character and would present an incongruous and visually dominant development in a low-density area.

- 9.24. I refer to the Photomontages and Architectural & Urban Design Statement submitted with the application and the FI response. The site is not located within any designated historic environment, ACA, ASPC or other designation. The lands are suitable for residential redevelopment, being suitably zoned and adequately serviced to accommodate the proposed development.
- 9.25. The introduction of this residential scheme would complement the evolving pattern of land use in the wider area. A suitable setback and a suitable transition in scale from those existing properties has been provided (as assessed in Section 9.17 Height above), and assessments confirm no significant impacts arising thereby, confirming the appropriateness of the redevelopment of this site at a higher density than presently exists.
- 9.26. I consider the design and elevation treatment to be acceptable and that together with the proposed landscaping plans will provide a suitable intervention in the building fabric of the area that will not detract from the character or visual amenity of the area. The introduction of a pedestrian / cycle link along the northern boundary of the site (discussed in other sections of this report) is a very positive intervention that will add to the local character of the area. Overall, I consider this to be a suitable response for the development of lands at this location.
- 9.27. **Housing Mix** – Concern has been raised that the mix of apartment sizes which excludes one-bedroom apartments. The scheme as amended (44 units) provides the following:
- 30 x 2 bed (4 person) – 68%
 - 14 x 3 bed – 32%
- 9.28. Having regard to the findings of the Housing Strategy and HNDA the proposed provision of residential units in this scheme (as amended) provides a good mix of units that reflects existing, and emerging household formation, housing demand patterns and trends identified locally and within the County. I am satisfied that the proposed unit mix (as amended) is fully in compliance with the requirements of the Development Plan.
- 9.29. **Overspill Car Parking** – Concern is raised that overflow parking to adjoining roads is a major concern as the parking spaces proposed are entirely inadequate for the potential 200 plus residents.

- 9.30. The scheme (as amended) proposes 57 no car parking spaces (including 2 no accessible spaces) at basement level comprising 51 no residential spaces, 5 no visitor spaces and 1 no services maintenance space. The site is situated within Parking Zone 3 as defined in Table 12.5 of the Development Plan where the general provision of 1 space per 2 bed apartment and 2 spaces per 3 bed apartments is standard. In zone 3 additional parking shall be provided for visitors in residential schemes at a rate of 1 per 10. Accordingly, there is a deficiency in the provision of car parking proposed. Section 12.4.5.2 Application of Standards states that in all instances, where a deviation from the maximum or standard specified in Table 12.5 is being proposed, the level of parking permitted and the acceptability of proposals, will be decided at the discretion of the Planning Authority, having regard to criteria as set out in this section of the Development Plan.
- 9.31. I refer to the report of Transportation Planning regarding the shortfall in parking space where it states that *although the proposed level of car parking falls short of the DLRCC County Development Plan Standard required provision, the newly published Sustainable and Compact Settlements – Guidelines for Planning Authorities (CSG) states that the quantum of car parking in new developments should be minimised in order to manage travel demand and to ensure that vehicular movement does not impede active modes of travel or have undue prominence within the public realm.* No concerns were raised with regard to overflow parking to adjoining roads.
- 9.32. Having regard to the criteria set out in Section 12.4.5.2 Application of Standards (Assessment Criteria for deviation from Car Parking Standards (set out in Table 12.5)) and taking into account the location, nature and scale of the proposed development, I agree with DLRCC Transportation Planning that the level of provision of car parking is in accordance with the requirements of the Development Plan and the Compact Settlement Guidelines. Therefore the volume of car parking proposed (as amended) is satisfactory to serve the proposed scheme and that no issues arise in this regard.
- 9.33. **Open Space** – Concern is raised that neither the public open space nor the communal open space is of sufficient quality. Public open space within the scheme is discussed separately below in the Revised Layout section of this report. Semi-private communal amenity spaces (2,190m² (0.219 ha) (37.7%)) will be located to the rear of each block, as illustrated on the Proposed Site Layout Plan. Having regard to Section 12.8.3.2 Communal Open Space - Table 12.9 Communal Open Space Standards of the

Development Plan the scheme of 44 units (as amended) generates a requirement for 326sqm of communal open space. The proposal substantially exceeds this with a provision of 2,190sqm. No issues arise in this regard.

- 9.34. **Impact of a development of this size on the community** – Concern is raised that this development will add pressure to existing services and infrastructure in the area such as childcare, schools and medical services. The area is well served by social infrastructure including shops and services in Rathfarmham Village and by a network of local/neighbourhood centres within walking distance of the site. Having regard to the scale of the scheme proposed (44 units as amended) I do not foresee any significant impact to existing services and infrastructure. I am satisfied that no issues arise in this regard.
- 9.35. **Industrial Heritage** – Concern is raised that the lime kiln on site, which is part of the County's industrial site, and which is protected should be fully investigated with a licensed archaeological dig and appropriately protected prior to any development of this site.
- 9.36. The "Lime Kiln" is listed with the RPS No. 315 in Appendix 4: Records of Protected Structures/ Record of Monuments and Places/ Architectural Conservation Areas of the Development Plan Register of Protected Structures. It is identified in a yellow colour on the Development Plan map which is shown located in a position at the south-east of the site, close to the boundary with the Castle Golf Club car park. Further to investigations on site it is noted that there is no evidence of the structure at or near the location shown in the DLR County Development Plan map site. In order to ascertain its existence and extents in the absence of any above ground evidence of the structure, an Archaeological Appraisal was carried out as part of the planning application. The investigation located the subsurface remains on the northern site boundary adjoining Woodside green space and at the border with the SDCC public open space lands to the north. The lime kiln is to be retained in its current form/location. The Archaeological Impact Assessment (AIA) report accompanying the application concludes that the subsurface remains will not be directly affected by the proposed development. As the structure exists within a suburban environment no visual impacts are anticipated upon the structure.

- 9.37. The Archaeological Report concluded that the proposed development will not have any significant impact on these located archaeological remains. The kiln is not a National Monument and therefore an exclusion zone is not considered necessary. The report recommends that topsoil stripping associated with the proposed development be monitored by a suitably qualified archaeologist. If any features of archaeological potential are discovered during the course of the works further archaeological mitigation may be required, such as preservation in-situ or by record, as agreed with the Department of Housing Local Government and Heritage.
- 9.38. I agree with the findings of the Archaeological Assessment and recommend that should the Board be minded to grant permission that the Boards standard condition be attached in this regard.
- 9.39. **Conclusion** - Having regard to the requirements set out for the site in the current Development Plan, National Guidance and the relevant Section 28 Guidelines I am satisfied that:
- The scheme has been designed to have regard to DMURS and residential development Guidelines (Section 28 Ministerial Guidelines) and Development Plan standards.
 - The development has been designed to encourage active travel modes such as cycling and walking.
 - Having regard to the individual apartment floor area, floor to ceiling heights, dual aspect ratios, units per core, internal storage, communal amenity space, private amenity space, refuse storage, bicycle parking and storage and car parking I am satisfied that the scheme (as amended) complies with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2022).
- 9.40. Overall, I am satisfied that the proposal has been designed in accordance with the provisions of the DLRCC Development Plan 2022 – 2028, National Guidance and the relevant Section 28 Guidelines. In general terms the scheme represents a positive and sustainable use of zoned, serviced and highly accessible lands. Accordingly, the principle of the scheme is acceptable at this location.

9.41. **Loss of Trees**

- 9.42. Concern is raised that the removal of trees on site is excessive, would destroy the sylvan character of the site and would not align with the objectives of the Development Plan in particular Policy Objective GIB18: Protection of Natural Heritage and the Environment which seeks to protect and conserve natural heritage of the County.
- 9.43. The Arboricultural Report submitted at FI stage provides a summary of the make up of trees on site. The site is dominated by coniferous species predominantly located on the boundaries and decorative garden trees and cultivars within the garden area. The mix of trees contains a great number of exotic species and cultivars and the arboricultural commentary describes an unmanaged context with a high percentage of low value C and U grade trees. It would appear that the tall conifers were used primarily for screening purposes for the existing house and substantially line the perimeters of the site. In the FI response, of 88 trees on site, 38 are removed due to development and 7 due to existing poor condition.
- 9.44. It is stated that the early mature Ash trees on site are infected by ash-die back disease and keeping them may impact a mature Ash on the southern boundary if the diseased trees are not removed quickly. The report indicates that it is likely that the mature Ash will inevitably succumb to the disease and should be monitored due to its large size and danger of falling, causing injury or worse to persons, or damage to property.
- 9.45. In the proposed development the trees to be retained will be subject to arboricultural management and improvement. Many exotic species will be replaced by native woodland mix, which will be more compatible with the Irish ecological biome. To compensate for trees lost, many of which are non-native and ecologically poor, the landscape plan prepared shows 31 additional, native-species trees, spaced to allow a woodland mix that includes 418 plants and 13 species that are more compatible with the Irish biome.
- 9.46. While I appreciate the sylvan nature of the site and the visual amenity the site currently provides to its neighbours, I also note the recommendations of the Arborists report. It is stated that there would be a significant management intervention (thinning, pruning, cutting back), regardless of the proposed development and these include interventions on the southern boundary to open up spacing between trees, to reduce competition and to allow the better trees to thrive and to improve the quality and usability of open

space for future residents. It is submitted that these interventions are required regardless of the form and density of residential accommodation (high density or low density).

9.47. In line with the comments of the Case Planner I consider the proposal to reduce the number of quality A, B or C trees to be removed to 38 no trees in the FI to be welcomed. However, having regard to the second report of the Parks and Landscape Services where category A tree no. 659 (Horse Chestnut) is to be retained I agree with the Case Planner that this tree can be retained with marginal revision to the layout of public open space. The retention of this tree will add to the character and setting of the scheme and its opens space. I am satisfied that this matter can be dealt with by way of suitably worded condition and is discussed further below in the Condition section of this report.

9.48. I am satisfied that the removal of trees at this location has been carefully considered and that subject to compliance with the proposed landscaping plan and conditions as discussed that the proposed development (as amended) aligns with the objectives of the Development Plan. No further issues arise in this regard.

9.49. **Drainage & Flood Risk**

9.50. Detailed concern is raised that the Flood Risk Report fails to fully assess the impact on the lower relief that is the Woodside Estate and that the chances of flooding will increase significantly if this development is permitted. Concern is also raised with regard to ensuring greenfield discharge rates at the site and surcharge in the surface water system.

9.51. I refer to the Flood Risk Assessment report on the planning file together with the Engineering Drainage Report submitted with the first party appeal response. It is noted that DLRCC Water Services Drainage Planning had no stated objection subject to detailed conditions. This is considered in the Conditions section of this assessment below.

9.52. The nearest watercourse to the site is culverted near its location. A review of the available flood mapping information (ECFRAM and SFRA) showed the site to be in Flood Zone C and at low risk of fluvial flooding. The available data also showed the site not to be at risk from any other source of flooding (groundwater, coastal etc).

9.53. Surface water management of the lands is not controlled at present. The proposed development will result in an increase in hardstanding area at the site. Stormwater will be managed on site with an attenuation tank as well as green-blue roofs and a choke on discharge rates to the surface water sewer system in south Dublin. The system will mitigate risk from surface water run off at the site to avoid increase flood risk for the surrounding area. The proposed engineering scheme indicates a discharge of surface water at a controlled rate into an existing source system after attenuation and storage on the appeal site to ensure against unregulated discharges to the surface water sewer system.

9.54. Having regard to the foregoing I agree with the DLRCC Water Services Drainage Planning that based on the information contained in the Site Specific Flood Risk Assessment submitted by the applicant, the conclusions contained therein are accepted and the proposed development is considered to be in accordance with Appendix 15 (Strategic Flood Risk Assessment) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. I am satisfied that the site is not at risk of flooding and that there is no increased risk to any nearby properties or developable land.

9.55. Traffic Impact

9.56. Concerns are raised that the proposed high traffic access point at this location could worsen these existing conditions, creating a dangerous environment for all road users. DLRCC have no stated objection to the proposed scheme subject to detailed conditions as discussed in the Conditions section of this report below. I refer to the Transportation Assessment Reports on file and the applicants response to the first party appeal. An independent Road Safety/Quality Audit (including Walking & Cycling Audit) of the layout and proposed access arrangement was also submitted. The issues raised in the Safety Audit were addressed in the design of the access.

9.57. The application proposes to utilise the existing entrance but with a modified arrangement. The junction is proposed in the form of a simple priority T-junction (a “Stop” junction), without a dedicated right turn lane with a pedestrian crossing to the mouth of the junction designed in accordance with DMURS. While there will be a change in the volume of traffic at this location from a single dwelling to 44 apartments

there are very low traffic generation characteristics associated with the proposed development. . The supplementary analysis re-confirms that there is adequate capacity in the existing road network to accommodate the worst-case traffic projections without any concerns arising in terms of increased traffic congestion or indeed adverse traffic safety, during both the traditional weekday AM / PM periods during School Term and during peak summertime periods when the golf course is busy.

9.58. I am satisfied that the assessments on file confirm that the proposed development (as amended) can be accommodated on the existing adjacent road network with a negligible and unnoticeable impact on the local residential streets. The capacity analysis of the proposed access junction confirm that adequate capacity exists to accommodate the entire level of traffic associated with the site. The assessment confirms that the development will have a negligible impact on Hillside Drive, on Woodside Drive and beyond. I am satisfied that there is no traffic capacity, traffic safety or operational issues associated with the proposed development (as amended) subject to conditions as discussed below.

9.59. Residential Amenity

9.60. Concern is raised that the scheme will have a severe impact on light, privacy and general quality of life for adjoining residents and have a profound and permanent negative effect on the residential amenities of these existing properties and their residents and in particular those at Woodside Estate which are located at a lower level to the appeal site.

9.61. To the west, the layout provides generous separation distances to the boundary and dwellings beyond, which are at a lower land level due to natural contours. The tree-line on the western boundary is maintained free from building development as an integral amenity, wildlife refuge and screen to adjoining residences located at the lower level in Woodside Drive Estate. The application is supported by a Daylight and Sunlight Assessment. The report assesses sunlight and daylight to the proposed apartments and the impact of the development on surrounding dwellings. The Report demonstrates that all proposed apartment units will comply with all required guidance criteria. The report has assessed the impact on neighbouring windows and rear

gardens and the results demonstrate that they will comply with the relevant BRE Guidelines and have adequate daylight and sunlight levels. Therefore, the design of the development will ensure that adjacent residential amenity is not adversely affected

9.62. As shown on the Proposed Site Layout Plan, the separation distances to dwellings in Woodside ranges from c.30m to 35m, with 17m+ of this within the application site. The separation distance to the nearest dwelling to the east is c.49m. The proposed setbacks together with the landscaping plan will maintain existing residential amenity in Woodside Drive ensuring that adequate privacy and amenity is maintained for adjacent dwelling houses and private gardens

9.62.1. I am satisfied that the proposed development (as amended) would not adversely impact on the residential amenity of adjacent properties by reason of overshadowing or overlooking.

9.63. Impact to Golf Club

9.63.1. Concern is raised that the scale, height and separation distance of the apartment scheme facing the Golf Club car park to the south of the site is a sensitive recreational receptor and entitled to privacy of operation, and freedom from excessive overlooking similar to any residential development.

9.63.2. While I appreciate the privacy afforded to the car park currently, as observed on day of site inception, by reason of the scale and orientation of the single dwelling house on the appeal site together with the trees, hedgerow and vegetation along the boundary between both sites it remains that this is a car park associated with a recreational facility. The proposed apartment scheme (as amended) is substantially well set back from the club house, and I am satisfied that no issues arise in this regard. I agree with the applicant that the categorisation of this car park and surrounds as meriting the sensitive status equivalent to that of residential development, potentially affected by adjacent development, is not based on any standard or guidelines contained in the planning code.

9.64. Revised Layout

9.64.1. I note the concerns raised in the appeal that the imposition of Condition No 2 (revised site layout – showing the provision of a 3m wide pedestrian / cycle path extending

along the sites northern boundary) effectively amends the layout to such an extent as to make it unrealisable with the given and approved layout, that revised plans as part of the FI should have been sought to allow public scrutiny. It is further stated that in light of this there is call for a judicial review of the administration of the planning application before the High Court. As set out above Condition No 2 was a requirement of the DLRCC Transportation Planning Section.

- 9.64.2. In their request for FI DLRCC Transportation Planning Section asked the applicant to re-examine the feasibility of any potential pedestrian, or pedestrian/ cycle link to Woodside estate open space to the north end of the subject site e.g. notwithstanding gradients on-site and adjoining open space and any stepped or other type access, etc. The applicant was asked to consider addressing this matter in conjunction with a further requirement to public open space proposed as it is not compliant with the requirements of the Development Plan by reason of its location, configuration, and access arrangements. Item 9 and 10 of the FI request refers.
- 9.64.3. The applicant in their response to the FI request re-examined the feasibility of a potential pedestrian link to Woodside estate open space at the north end of the appeal site and the revised Site Layout Plan showed a route that circumnavigated around the blocks to the south and west to connect with a stepped pathway to the site boundary, a time-controlled access gate and indicative pedestrian link through the adjoining open space. In relation to the public open space proposed it is submitted that, given the limited interface between the site and the public realm, the public open space is appropriately located at the most accessible location close to the main vehicular and pedestrian entrance.
- 9.64.4. Transportation Planning having considered the FI submitted stated that the urban areas absolute minimum 3.0m width shared active travel facility, in accordance with Section 4.2.7.2 of the NTA Cycle Design Manual (Sept 2023), can be provided through the development between its entrance to/from Hillside Drive/Woodside Drive and the adjacent Woodside public open space by the repositioning of the proposed development, or Block A and the Basement Car Park Access Ramp, approx. 3m to the south. The report further states that the 3.0m wide shared active travel facility for cyclists and pedestrians extending along the site's northern boundary should be designated as public open space and include ungated access to/from the Hillside Drive/Woodside Drive public domain and to/from the adjacent Woodside public open

space. It was recommended that this matter be dealt with by way of condition. Condition No 2 refers. I note that condition No 2 refers to the repositioning of Block A within the scheme by up to **5 metres** (emphasis added). As stated above, the report of Transport Planning dated 7th January 2025 noted the repositioning of Block A by, approx. **3 metres** to the south (emphasis added).

9.64.5. As this permeability link has direct implications for both the receiving public open space and public open spaces proposed within the scheme, I agree with the Case Planner that both items must be considered together. It is noted that the public open space remained unchanged in the FI response and as stated by the Case Planner the public open space in its current configuration would contravene Section 12.8.3.1 Public Open Space of the DLRDP 2022-2028 and Policy Objective 5.1 Public Open Space of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024). This short fall would ordinarily form the basis of a refusal or be subject to a development contribution in lieu of open space as per Section 12.8.8 of the DLRDP 2022-2028. However, I agree with the prudent approach taken by the Case Planner whereby the provision of a continuous pedestrian pathway along the northern boundary of the site, providing direct access between both entrance points, as requested by Transportation Planning, that this permeable link could consolidate the public open space within the scheme and the neighbouring Woodside Estate. This consolidation and permeable link would mitigate the significant concerns outlined regarding the schemes public open space shortfall, as it would improve permeability in the wider environment and would be a significant benefit to the area. Overall I agree with the Case Planner that this link would also address what a contribution in lieu of public open space aims to achieve i.e. improving *community and civic infrastructure and / or parks and open spaces* and would remove the necessity for a financial contribution.

9.64.6. I am satisfied that any such repositioning as recommended can be accommodated within the scheme without detriment to the residential amenities of future inhabitants of the scheme or to those of adjoining properties subject to a maximum of 3 meters as recommended by Transportation Planning. Should the Board be minded to grant permission it is recommended that Condition No 2 and 3 be combined to form a single condition and that any reference to the applicants proposal to provide a time-controlled access gate be specifically omitted.

- 9.64.7. While I appreciate that the indicated gateway simply addresses the ambitions for the future connectively within and between neighbourhoods, promoted in the DLRDP, the use of a time-controlled access gate could hinder such an ambition at a later stage. Accordingly, the wording of any condition in this regard should facilitate and not hinder permeability at this location whereby the temporary use of such mechanisms may be appropriate only and should be explicitly stated.
- 9.64.8. In terms of the impact of the proposed pedestrian/ cycle link through Woodside Estate I note the concerns raised that SDCC has made no specific reference to the applicant's proposal to construct a walkway / cycle path on land in Woodside Estate to extend the link and that permission has not been explicitly granted by either SDCC or DLRCC to construct a pathway through Woodside Estate. I further note the concerns raised that to permit same would diminish the value of this public open space that is zoned "*objective OS – to reserve and provide for open space and recreational amenities*" in the SDCC Development Plan 2022 – 2028.
- 9.64.9. As documented by the Case Planner this pedestrian/ cycle link would provide valuable pedestrian movements from Woodside / Braemor Road to Hillside Drive / Churchtown Road Upper, there is potential for future connection from the Woodside cu-de-sac through to Crannagh Road, via a potential link through the existing Quaker Hall site. This would provide significant permeability enhancements to the residential pedestrian network, currently bound by R114 Rathfarnham: Road, R321: Nutgrove Avenue, and R112 Braemor Road, and provide an alternative and more direct pedestrian/cycle route from Rathfarnham to Churchtown. This pedestrian / cycle permeability is to be supported.
- 9.64.10. The indicated gateway simply addresses the ambitions for the future connectively within and between neighbourhoods, promoted in the DLRDP is facilitated and not hindered.
- 9.64.11. I further agree with the Case Planner that in the event of this connection being implemented in the future (noting that it falls under South Dublin County Council jurisdiction), it would be desirable to construct some form of a path within the open space of the Woodside estate. This is not proposed within the current application. However it is appropriate to make provision by way of condition for a through-link within the site boundary as far as the northwest site boundary i.e. the "County Boundary",

and to require, by condition that the boundary be opened and the link made open to the public in the event that a complementary path being provided between the carriageway of the Woodside Estate and the site boundary at some future juncture. As such, a modified version of the condition recommended by the Transportation Planning section on this matter is recommended.

9.64.12. The appellants concern that allowing access through this open space at the Woodside Estate may facilitate unacceptable car parking in the Estate and access for construction purposes in noted. Subject to conditions requiring the submission of a Construction and Environmental Management Plan for agreement together with the implementation of a Public Liaison Plan and appointment a Liaison Officer as a single point of contact to engage with the local community and respond to concerns I am satisfied that no issues will arise in this regard. This is discussed further in Section 9.33 Conditions below.

9.65. **Conditions**

9.65.1. I refer to Section 4.0 Planning Authority Decision of this report above where the decision of the local authority to grant permission subject to 20 no conditions are summarised together with the FI requested, internal reports and those of prescribed bodies. Many of the conditions attached reflect the particular requirements of these reports and those of the Case Planner. While some of the conditions as recommended can be dealt with by way of standard Board condition (compliance with plans and particulars submitted, surface water, taking in charge, CEMP, bond, Part V, development contributions etc) other conditions of specific note have been discussed in the foregoing assessment above. Other conditions are discussed as follows:

9.65.2. **Transportation Planning** – This section has no objection to the development, as amended, subject to detailed conditions set out in their report relating to submission of a revised site layout plan showing the provision of a pedestrian/cycle path with a minimum of 3.0m width constructed to Taking in Charge standards, a Stage 2 and Stage 3 Road Safety/Quality Audit to be carried out, compliance with DMURS and the DL RCC 'Taking in-Charge' requirements, development shall comply with the 20% minimum requirement for the provision of fully functional EV Charging Points, cycle parking spaces shall be provided as secure, covered parking spaces and provide for

the insitu charging of electric bikes, Preliminary Construction Method Statement & Construction & Demolition Waste Management Plan (Rev. 1) (11 Nov 2024) to be implemented, applicant to obtain a Road Opening Licence from DLRCC and all necessary measures shall be taken to prevent any material being carried onto or placed on the public road or adjoining properties. Condition No 2 and 5 of the notification of decision to grant permission reflects this and summarised as follows

2.	<p>Amendments (Transportation Planning)</p> <ul style="list-style-type: none"> Revised site layout plan showing the provision of a pedestrian/cycle path with a minimum of 3.0m width extending along the site's northern boundary from the entrance at Hillside Drive / Woodside Drive to the site's northwestern boundary at the adjacent public open space and constructed to Taking in Charge standards. In order to facilitate this amendment to the scheme, Block A and the Basement Car Park Access Ramp may be repositioned within the scheme by up to 5 metres.
5.	The development shall comply with the requirements of the Transportation Planning Section of the Planning Authority

Condition No 3 of the notification of decision to grant permission is also relevant here as it relates to Condition No 2 in that it requires the pedestrian/cycle route through the site to be made available for public use at all times and is summarised as follows:

3.	If a paved connection is provided adjacent to the pedestrian/cycle path required under Condition 2 above, the boundary shall be removed at this location, and the pedestrian/cycle route through the site made available for public use at all times.
----	---

Condition No 2 has been discussed in the previous sections of this assessment above. Condition No 2 and 3 are considered reasonable and necessary in order to facilitate and promote permeability locally. However, in order to facilitate same, it may be necessary to reposition Block A and the Basement Car Park Access Ramp within the scheme. I note that condition No 2 refers to the repositioning of Block A within the scheme by up to **5 metres** (emphasis added). However, the report of Transport Planning dated 7th January 2025 noted the repositioning of Block A by, approx. **3 metres** to the south (emphasis added).

I am satisfied that any such repositioning can be accommodated within the scheme without detriment to the residential amenities of future inhabitants of the scheme or to those of adjoining properties subject to a maximum of **3 meters** as recommended by Transportation Planning.

Should the Board be minded to grant permission it is recommended that Condition No 2 and 3 be combined to form a single condition and that any reference to the applicant's proposal to provide a time-controlled access gate be specifically omitted.

In order to fully realise this connection a path within the open space of the Woodside Estate will be necessary. This open space falls under the planning jurisdiction of SDCC and is not proposed within the current application. It is therefore appropriate to make provision by way of condition for a through-link within the site boundary as far as the northwest site boundary i.e. the 'County Boundary', and to require, by condition that the boundary be opened and the link made open to the public in the event that a complementary path being provided between the carriageway of the Woodside Estate and the site boundary at some future juncture. As such, a modified version of the condition recommended by the Transportation Planning section on this matter is recommended.

With regard to Condition No 5 above I have noted the detailed requirements of same. Should the Board be minded to grant permission matters pertaining to the submission of a CEMP can be addressed by way of condition. Other matters can be dealt with by way of a combination of standard Board condition and specific condition as set out in the Transportation Planning report.

9.65.3. **Water Services Drainage Planning** – This section has no objection to the development, as amended, subject to detailed surface water and drainage conditions relating to surface water outfall discharge rate for the site, provision of a sufficient attenuation volume for the 1 in 100 year rainfall return period (plus minimum 20% allowance for climate change) on site, as detailed in the application, proposed green roof shall to comply with the requirements of Appendix 7.2 of the County Development Plan 2022-2028, applicant to ensure that a penstock is provided in the flow control device chamber, compliance with the requirements of the SUDS Manual (CIRIA C753), a channel drain to be installed at the top of the basement access ramp, trees shall not be planted in the area over the attenuation tank, construction management plan to be implemented, drainage works to be carried out in accordance with the agreed details and that all incidental run-off from the basement carpark is discharged to the proposed foul water drainage network. Condition No 4 of the notification of decision to grant permission reflects this and summarised as follows:

4.	The development shall comply with the requirements of the Drainage Division of the Planning Authority.
----	--

This condition is considered reasonable and necessary. While the foregoing condition is particularly detailed it is recommended that should the Board be minded to grant permission that the standard Board condition in this regard be attached requiring the details for the disposal of surface water from the site be subject to written agreement of the Planning Authority prior to commencing work on site.

Irish Water – In their report for this scheme IW has no stated objection in principle subject to conditions relating to the applicant entering into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement. However, I note from the Irish Water report submitted in relation to the portion of the site under the jurisdiction of SDCC, ABP 320111-24 (SD24A-0094W) refers that it specifically set out the following:

The access road is proposed to be constructed over existing Uisce Eireann assets including a water main and sewer line. Uisce Éireann does not permit build over of its assets and the separation distances (minimum of 3m) as per Uisce Éireann's Standards Codes and Practices must be achieved. The applicant must engage with Uisce Éireann's Diversions team via a Diversion Enquiry to assess feasibility of building near/over UE assets.

The access road as referenced above is part of the works associated with this appeal and not ABP 320111-24. The same report went on to request further information realign to the submission of an updated Confirmation of Feasibility for connection to infrastructure and Confirmation of Feasibility for build over/near Uisce Éireann's assets. The report concluded by setting out IW standard condition requiring the applicant to enter into a Connection Agreement(s) with Uisce Éireann and that where the applicant proposes to build over or divert existing water or wastewater services the applicant shall obtain written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing. I consider the observation and requirements of IW to be reasonable and that should the Board be minded to grant permission that the Board standard conditions in this regard be attached with the caveat requiring the applicant to obtain Confirmation of Feasibility (COF) of Diversion(s) where necessary.

9.65.4. **Environmental Enforcement Report** – This section has no objection to the development, as amended, subject to detailed conditions relating to the implementation of the measures detailed within the submitted Preliminary Construction Method Statement & Construction & Demolition Waste Management Plan, a detailed site-specific Construction Management Plan (CMP), a Resource & Waste Management Plan for written agreement, implementation of the submitted Noise Impact Assessment, Public Liaison Plan to be implemented and to include the appointment of a Liaison Officer, a Site-specific Operational Waste Management Plan to be submitted and agreed and the implementation of a Rodent/Pest Control Plan for the duration of the works on site. Conditions No 8, 9, 10, 11, and 12 of the notification of decision to grant permission reflects this and summarised as follows:

8.	Site-specific Construction Management Plan (CMP) to include details outlined in this condition.
9.	Site-specific Resource & Waste Management Plan to include details outlined in this condition and not already detailed in the plan:
10.	Implementation of the submitted Noise Impact Assessment together with additional requirements outlined in this condition.
11.	Public Liaison Plan to be implemented and to include the appointment of a Liaison Officer.
12.	Site-specific Operational Waste Management Plan to be submitted and agreed.

These conditions are considered reasonable and necessary. While some of the foregoing conditions are particularly detailed it is recommended that should the Board be minded to grant permission that the standard Boards condition in this regard be attached requiring the submission of a CEMP, a Resource Waste Management Plan and Operational Waste Management Plan for agreement prior to commencement of work on site.

Having regard to the concerns raised in the appeal with regard to construction impact (discussed above) together with the location of the scheme proximate to established residential developments and the projected construction timeframe of between 24 to 30 months I consider it reasonable that the developer implements a Public Liaison Plan and appointment a Liaison Officer as a single point of contact to engage with the local community and respond to concerns and that the detailed condition pertaining to noise impact (Condition No 10 refers) be attached should the Board be minded to grant permission.

9.65.5. **Parks And Landscape Services** – This stated that the revised proposals were not acceptable that the scheme should be refused permission or that that failing a refusal, Clarification of Further Information should be sought requiring site layout revisions. This request has been partly dealt with in Condition No 6 (the retention of Tree No. 659) of the notification of decision to grant permission issued by DLRCC as follows:

1)	Amendments (Parks and Landscape Services Department) <ul style="list-style-type: none"> Revised site layout plan, tree protection plan, and updated arboricultural assessment and impact statement, indicating the retention of Tree No. 659 (as outlined in CMK Drawing No. 101).
----	---

The requirement that proposed paths surrounding the main public open space be narrowed down and the public open space increased accordingly was not addressed. Having regard to the requirements to provide a pedestrian / cycle link along the northern boundary of the site as discussed in the foregoing assessment (Revised Layout) I am satisfied that the public open space provided is acceptable. . I further note that Condition No 7 of the notification of decision to grant permission required a qualified professional to implement the landscape plan and tree protection strategy as follows:

21.	Qualified professional(s) to be retained to oversee and implement the submitted arboricultural assessment and impact report, landscape masterplan, and tree protection strategy.
-----	--

In line with the Planning Authority, and should the Board be minded to grant permission I am satisfied that this matter can be dealt with by way of a suitably worded condition together with the Boards standard landscape condition.

9.65.6. **Development Contribution** - I refer to DLRCC Development Contribution Scheme. The proposed scheme is not exempt from the contribution scheme. Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is attached.

9.66. **Bats - New Issue**

9.66.1. **Bat Survey** – Concern is raised in the appeal that a grant of planning permission does not constitute a license or permit to disturb bats or interfere with their breeding or resting places. I refer to the Bat Survey submitted with the application. This report assesses the potential for impact on bats as a result of the proposed development and is informed by field surveys and desktop assessment.

- 9.66.2. Bat roost assessment and dusk emergence surveys were carried out on the existing building in October 2022 and August 2023 in order to determine the presence of roosting bats. A total of 3no. common pipistrelle bats were observed emerging from underneath the flashing around a dormer window on the south of the dwelling during the October 2022 survey. Given the timing of the usage of the roost (early October), and the small number of bats involved, it was considered that this was a Transitional roost for common pipistrelle bats and that the loss of this roost, with the removal of the existing structures on-site (dwelling and outbuilding) would constitute a minor negative impact to local common pipistrelle population. However, the Bat Survey report also states that given the confirmed common pipistrelle bat roost within the attic space of the existing dwelling that a derogation licence is required from the National Parks and Wildlife Service (NPWS) for the demolition of this building.
- 9.66.3. The EC (Birds and Natural Habitats) Regulations 2011-2021 provide strict protection for all of the Irish species listed on Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended). All bat species found in Ireland are listed under Annex IV and as a result, works which would capture or kill them, damage or destroy their roosts or disturb them at important parts of their life cycle cannot take place without first obtaining a Derogation Licence.
- 9.66.4. Policy Objective GIB22 Non Designated Areas of Biodiversity Importance in the DLRDP 2022-2028 seeks to *protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including species protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979, the Habitats Directive 1992, Birds and Habitats Regulations 2011, Flora (Protection) Order, 2015, Annex I habitats, local important areas, wildlife corridors and rare species - are adequately protected.*
- 9.66.5. The Board will be aware that following the judgement on European Court of Justice Case C-166/22 (2023), a new approach to Bat Derogation Licenses in the planning process is now required. The case concluded that where a potential need for a bat derogation license is identified prior to granting development consent, it is now required as part of the planning application. Previously these licenses would have been managed at the condition's compliance phase. As such, projects with a likely

need for bat derogation licenses should plan to have bat surveys completed and the license received before lodging a planning application

- 9.66.6. As documented the demolition of the buildings on-site are required in order to facilitate the proposed development. The dwelling to be demolished includes the confirmed common pipistrelle bat roost within the attic space. A derogation licence is required from the National Parks and Wildlife Service (NPWS) for the demolition of this building. There is no evidence on the appeal file that a license has been submitted with this application. The matter was not raised in the Case Planners report, and it was not raised in the appeal(s). Refusal is recommended.
- 9.66.7. **NOTE: This is a new issue that was not raised in the Case Planners report or in the appeal(s). Prior to making its decision the Board may wish to seek the views of the parties to this appeal in relation to the derogation license.**
- 9.66.8. Notwithstanding the foregoing relatively low levels of incidental bat activity were recorded in the immediate area, comprising three species - common pipistrelle, soprano pipistrelle and Leisler's bat. Mitigation measures have been proposed to reduce / eliminate any potential impacts as a result of demolition works to include the presence of a qualified ecologist and / or the local NPWS conservation officer to oversee the demolition of the subject building. Further mitigations measures include the felling of trees identified with bat roost potential to be undertaken during the period of April – September, as bats are capable of flight during this time; the provision of 4no. bat boxes to be erected at appropriate locations (i.e. >5m in height and south facing) within the proposed development site in order to mitigate the loss of the known roost on site and compliance with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust UK (BCT) guidelines on artificial lighting and bats.
- 9.66.9. Notwithstanding the requirement for a derogation license I am satisfied that with the effective implementation of the mitigation measures outlined there will not be any significant negative residual effects on the conservation status of bat species from the proposed scheme within the wider site. It is recommended that should the Board be minded to grant permission that a condition be attached requiring all works to take place in accordance with the recommendations set out in the Bat Survey in order to protect bats and that the works be supervised by an on-site ecologist and/or the local NPWS conservation officer. No further issues arise in this regard.

9.67. Other Issues

- 9.67.1. **Property Devaluation** – I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 9.67.2. **Future Development** – I note the concerns raised that the proposed development would by virtue of the height and scale of development on the boundary would undermine the development potential of adjoining properties in the future. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the residential amenities of the area by reason of height and scale. Any future development on adjoining properties would be subject to the rigours of the planning process and assessment.
- 9.67.3. **Precedent** – I note the concern raised that the proposed development would set an undesirable precedent for other similar developments, which it itself and cumulatively would contribute to an erosion of the distinctive and attractive character of the area. All appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development is consistent with the requirements of planning policy at national, regional and local level and that to permit same will not detract from the character of the area.
- 9.67.4. **Material Contravention** – I note the concern raised that the development is a material contravention of the statutory development plan for the area. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development is consistent with the requirements of planning policy at national, regional and local level and that a material contravention does not arise in this case. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act
- 9.67.5. **Badger** – I note the concern raised that badgers are active on the site of the proposed development and environs, that it is highly likely that there is a sett on site and that there has been no acknowledgement of these badger setts in the FI submitted.

Badgers and their setts are protected under the provisions of the Wildlife Act, 1976, and the Wildlife Amendment Act, 2000. The removal of badgers from affected setts and subsequent destruction of these setts must be conducted under licence from the NPWS.

- 9.67.6. **Construction Impact** – I note the concern raised in relation to how the employees of builders and construction workers will locate while the site is being constructed and the necessity to provide an outline Construction Demolition and Waste Management Plan and Construction Environmental Management Plan. This matter is addressed in the section on Conditions of this report above.

10.0 AA Screening

- 10.1. An AA Screening exercise has been completed. See Appendix 3 of this report for further details.
- 10.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.
- 10.3. This conclusion is based on:
- Objective information presented in the applicant's reports;
 - The limited zone of influence of potential impacts;
 - Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
 - Distance from European Sites;
 - The limited potential for pathways to any European site; and
 - The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.
- 10.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

11.0 Recommendation

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

12.0 Reasons and Considerations

1. The Bat Survey submitted with the application recorded the presence of a common pipistrelle bat roost within the attic space of the proposed dwelling to be demolished on site. A derogation licence is required from the National Parks and Wildlife Service (NPWS) for the demolition of this building. Following the judgement on European Court of Justice Case C-166/22 (2023), where a potential need for a bat derogation license is identified prior to granting development consent, it is now required as part of the planning application. Having regard to Annex IV of the Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and Policy Objective GIB22 Non-Designated Areas of Biodiversity Importance of the Dun Laoghaire Rathdown Development Plan 2022-2028, the applicant has failed to submit adequate information in relation to the provision of a derogation licence from the National Parks and Wildlife Service (NPWS) for the demolition of the dwelling on site. The proposed development would, therefore, be contrary the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Dun Laoghaire Rathdown Development Plan 2022-2028 and 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.

Mary Crowley

Senior Planning Inspector

22nd May 2025

13.0 Appendix 1 - EIA Pre-Screening – Form 1

An Bord Pleanála		ABP-321796 - 25	
Case Reference			
Proposed Development Summary		Demolition of existing dwelling and tennis court for the construction of 2 apartment buildings comprising of 44 apartments (as amended). The application is submitted to Dún Laoghaire-Rathdown County Council and South Dublin County Council. The site is located within the curtilage of a protected structure (lime kiln, ref. 315).	
Development Address		39 Woodside Drive, Rathfarnham, Dublin 14	
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)?			
Yes	X	Class 10(b)(i) 'Construction of more than 500 dwellings units' Class 10(b)(iv) 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	44 no residential units (as amended by FI) 0.642 ha site area	Preliminary examination required (Form 2)

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

Inspector: _____ **Date:** _____

14.0 Appendix 2 - EIA Preliminary Examination – Form 2

An Bord Pleanála Case Reference	ABP-321765 - 25
Proposed Development	Demolition of existing dwelling and tennis court for the construction of 2 apartment buildings comprising of 44 apartments (as amended). The application is submitted to Dún Laoghaire-Rathdown County Council and South Dublin County Council. The site is located within the curtilage of a protected structure (lime kiln, ref. 315).
Development Address	39 Woodside Drive, Rathfarnham, Dublin 14
<p>The Board carried 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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development involves the demolition of an existing dwelling house and the construction of 44 no residential apartment units (as amended by FI) and associated works on serviced zoned lands.</p> <p>The nature and scale of the proposed development (as amended), while at a higher density and scale than the existing surrounding pattern of development is not considered to be out of character with the existing and emerging pattern of development and is considered to be consistent with the compact settlement policies advocated at National, Regional and Local level.</p> <p>Construction materials will be typical of an urban environment and any construction impacts would</p>

	<p>be local and temporary in nature and the implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan.</p> <p>The site is not at risk of flooding.</p> <p>There are no SEVESO/COMAH sites in the vicinity of this location.</p> <p>The development has a relatively modest footprint and does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located within a designated ACA.</p> <p>There is a protected structure (lime kiln, ref. 315) within the curtilage of the site. The impact of the scheme on the Lime Kiln has been considered in the foregoing assessment. Given the planning policy for the area, the proposed development is considered to be in accordance with best practice and no significant effects are predicted.</p> <p>There are no known monuments or other archaeological features on the subject site</p> <p>The site is not located within or directly adjacent to any Natura 2000 site i.e., Special Area of Conservation (SAC) or Special Protection Areas (SPA).</p>

	<p>The development will implement SUDS measures to control surface water run-off.</p> <p>The site is not at risk of flooding.</p> <p>The site is served by a local urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p> <p>Impacts on water quality will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.</p> <p>The development is situated on zoned serviced lands within the development envelop of DLR at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the DLRDP 2022-2028</p>		
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location relative to sensitive habitats/ features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>		
<p>Conclusion</p>			
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>		<p>Yes or No</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>		<p>Yes</p>

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out. EIAR required.	No
There is a real likelihood of significant effects on the environment.		No

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____
(only where Schedule 7A information or EIAR required)

15.0 Appendix 3 - AA Screening Determination

Screening for Appropriate Assessment Screening Determination

1. Description of the project

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

I refer to Section 2.0 and 3.0 of this report above where the site location and proposed development are described.

The proposed development site is situated in Woodside Drive in Rathfarnham and comprises an existing detached dwelling (39 Woodside Drive) and associated grounds. The site is bounded to the south by the Castle Golf Club car park, to the north and east by existing detached residential dwellings, and to the west by the Woodside housing estate.

The proposed development broadly comprises the demolition of the existing dwelling and tennis court on-site and the construction of three apartment blocks comprising Block A, a 4-storey over basement building and Blocks B & C, a connected 4 to 5-storey over basement building. The proposed buildings will accommodate 44 no. apartments all with associated balconies/terraces as amended by FI. The basement will accommodate car parking spaces, refuse store, plant room and apartment storage area. The development will include a vehicular and pedestrian access from Woodside Drive via a revised entrance arrangement; cycle parking, landscaped open spaces and boundary treatments and associated site works and services. Further details are provided in Section 3.0 of this report above.

Foul Water will discharge to the public mains sewer by way of the construction of a foul drain to connect to the existing sewer at Woodside Drive/Hillside Drive. Surface / Storm Water generated by the proposed development will be managed through the use of sustainable urban drainage systems (SUDS). A surface water drain will connect to the existing sewer at Woodside estate (located within the boundary of South Dublin County Council). Water supply for the development will be via an existing mains supply located at the entrance to the site on Woodside Drive.

Details of the construction phase as well as environmental pollution control measures are presented in the Preliminary Plan submitted with the FI response. The development will have an estimated site programme of build over 24 – 30 months. The Preliminary Plan describes the proposed stages of work in detail, starting with pre-commencement activities, followed by enabling works, development of site compound, phased based construction, traffic management, civil activities and landscaping. Environmental control measures are provided with regards to noise, dust, light, litter (waste) and control measures to prevent impacts upon soils, ground water and surface water.

The proposed development site comprises a large detached two-storey dwelling (BL3a) and associated grounds. There is an outbuilding/shed on the north side of the dwelling. The grounds comprise ornamental gardens and lawn (WD5) with hedging along the boundaries (WL1). There is a steep elevation in the west of the site that slopes down to a levelled area with a hard standing tennis court (BL3). There is a small area of woodland / scrub adjacent to the tennis court (WS1).

The proposed development site is wholly located outside of any European sites and there are no European sites within the immediate surrounding area. The closest European sites to the proposed development are the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA situated approximately 4.9km to the east. All other European sites are greater than 7km distant from the proposed development site. Habitats on the development site are not associated with any habitats or species which are qualifying interests for any Natura 2000 site.

There are no surface water bodies present within the proposed development site. The closest waterbody to the proposed development is the Little Dargle Stream, situated approximately 20m east of the proposed development site where it is culverted underground. The stream rises south of the M50 in the Dublin Mountains and flows through Marlay Park and suburban landscapes. North of the site the stream flows through Castle Golf Club in an open channel (upstream of the proposed development site). Upon leaving Castle Golf Club the stream is culverted underground as it passes adjacent to the proposed development site and remains largely culverted underground until it joins the River Dodder approximately 500m further downstream. The next nearest watercourse to the proposed development site is situated over 350m from the site.

The habitats within the proposed development site (comprising built ground and gardens/ornamental planting) do not conform to habitats listed in Annex II of the Habitats Directive, nor are they capable of supporting qualifying interest (QI) or special conservation interest (SCI) species from any European sites on an ex-situ basis.

The qualifying faunal species of nearby European sites cumulatively comprise otter, marine mammals, breeding seabirds and various overwintering waterbird species. The proposed development site is terrestrial in a suburban environment and does therefore not contain habitats that support marine mammals or breeding seabirds. There are no watercourses within the proposed development site and therefore no habitat for otter. A recent otter survey of Dublin City watercourse did not record any otter signs on the Little Dargle in the lowermost 1.8km of channel where it is mostly culverted underground and not suitable for otter (Macklin et al., 2019).

Some of the designated overwintering waterbird species (namely light-bellied brent goose, graylag goose, oystercatcher, golden plover, black-tailed godwit, curlew, redshank, black-headed gull and herring gull) can utilise terrestrial habitats to varying degrees for foraging at times during the winter (NPWS, 2012, 2013a, 2013b & 2014). These utilised terrestrial habitats comprise grazed agricultural grassland, arable lands and large areas of managed amenity grassland (e.g., sports pitches, parks).

The proposed development site comprises buildings / hard standing, lawn areas and ornamental planting, and does not offer suitable foraging habitat for overwintering waterbirds. There is no potential for ex-situ effects arising from the proposed development.

The submitted AA Screening information report does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documents and information. There are no submissions received from any prescribed bodies recorded on the planning file that refer to matters related to AA.

2. Potential impact mechanisms from the project

The potential for significant effects that may arise from the Proposed Development was considered through the use of key indicators:

- Habitat loss or alteration.
- Habitat/species fragmentation.
- Disturbance and/or displacement of species.
- Changes in population density.
- Changes in water quality and resource.

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality/disturbance.

There is potential for significant effects from the proposed development at construction and operational stage in respect of the following:

Construction Phase

- Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks.
- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.

- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Waste generation during the Construction Phase comprising soils, construction and demolition wastes.
- Increased noise, dust and/or vibrations as a result of construction activity.
- Increased dust and air emissions from construction traffic.
- Increased lighting in the vicinity as a result of construction activity.

Operational Phase

- Surface water drainage from the Site of the Proposed Development.
- Foul water from the Proposed Development leading to increased loading on wastewater treatment plant
- Increased lighting in the vicinity emitted from the Proposed Development; and
- Increased human presence in the vicinity as a result of the Proposed Development

Having regard to the nature of the site and its distance and lack of connectivity with Natura 2000 sites, I do not consider that there would be any other potential impact mechanisms.

3. European Sites at risk

In assessing the zone of influence of this project upon Natura 2000 sites the following factors must be considered:

- Potential impacts arising from the project
- The location and nature of Natura 2000 sites
- Pathways between the development and the Natura 2000 network

The site is not located within or adjacent to any European site and will not result in any direct loss of, or impact on, habitats in such sites. For projects of this nature an initial 15km radius is normally examined. This is an arbitrary distance however and

impacts can occur at distances greater than this. There are a number of Natura 2000 sites within this radius as follows:

- 1) Baldoyle Bay SAC (000199) c14.5km
- 2) Baldoyle Bay SPA (004016) c14.5km
- 3) North Bull Island SPA (004006) c7.1km
- 4) North Dublin Bay SAC (000206) c9.0km
- 5) South Dublin Bay and River Tolka Estuary SPA (004024) c4.9km
- 6) South Dublin Bay SAC (000210) c4.9km
- 7) Howth Head Coast SAC (000202) c14km
- 8) Rockabill to Dalkey Island SAC (003000) c12.2km
- 9) Dalkey Islands SPA (004172) c12.1km
- 10)Knocksink Wood SAC (000725) c10.6km
- 11)Ballyman Glen SAC (00713) c12.5km
- 12)Wicklow Mountains SAC (002122) c6.8km
- 13)Wicklow Mountains SPA (004040) c7.1km
- 14)North-West Irish Sea SPA (004236) c9.6km
- 15)Glensamole Valley SAC (001209) c7.8km

4. Likely significant effects on the European site(s) 'alone'

Taking account of baseline conditions and the effects of ongoing operational plans and projects, the following considers whether there is a likely significant effect 'alone' from the proposed development at construction and operational. The European site(s) and qualifying features potentially at risk (i.e. within 15km) are outlined in the following table:

European Site (code) / Distance from proposed development (km)	Qualifying interests (Link to conservation objectives NPWS)	Source-Pathway-Receptor Assessment	Potential for Significant Effects
Baldoyle Bay SAC (000199) c14.5km	Baldoyle Bay SAC National	The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats	There is no potential pathway for

	Parks & Wildlife Service	<p>within the SAC and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>The SAC is situated within a different surface water catchment area to the proposed development and there is no functional hydrological connectivity to the SAC.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SAC.</p>	<p>effects and therefore no potential for significant effects on the SAC as a result of the proposed development</p>
Baldoyle Bay SPA (004016) c14.5km	Baldoyle Bay SPA National Parks & Wildlife Service	<p>The SPA is beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>The SPA is situated within a different surface water catchment area to the proposed development and there is no functional hydrological connectivity to the SPA.</p> <p>The SPA is designated for 6 overwintering waterbird species. Some of these overwintering species are capable of utilising terrestrial habitats outside the SPA for foraging during the winter. The proposed development site is not suitable foraging habitat for these species and is not a recorded ex-situ terrestrial foraging site. As such, there is no connectivity between the proposed development and any SCI species of the SPA.</p> <p>There is no source-pathway-receptor connectivity</p>	<p>There is no potential pathway for effects and therefore no potential for significant effects on the SPA as a result of the proposed development</p>

		between the proposed development and the SPA	
North Bull Island SPA (004006) c7.1km	North Bull Island SPA National Parks & Wildlife Service	<p>The SPA is beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SPA. During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SPA.</p> <p>The SPA is designated for 17 overwintering waterbird species. Some of these overwintering species are capable of utilising terrestrial habitats outside the SPA for foraging during the winter. The proposed development site is not suitable foraging habitat for these species and is not a recorded ex-situ terrestrial foraging site. As such, there is no connectivity between the proposed development and any SCI species of the SPA.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SPA.</p>	There is no potential pathway for effects and therefore no potential for significant effects on the SPA as a result of the proposed development
North Dublin Bay SAC (000206) c9.0km	North Dublin Bay SAC National Parks & Wildlife Service	<p>The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats within the SAC and there is</p>	There is no potential pathway for effects and

		<p>no potential for such effects as a result of the proposed development during either construction or operation. There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SAC.</p> <p>During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SAC.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SAC</p>	therefore no potential for significant effects on the SAC as a result of the proposed development
South Dublin Bay and River Tolka Estuary SPA (004024) c4.9km	South Dublin Bay and River Tolka Estuary SPA National Parks & Wildlife Service	<p>The SPA is beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SPA.</p> <p>During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SPA.</p> <p>The SPA is designated for 10 overwintering waterbird species and three breeding</p>	There is no potential pathway for effects and therefore no potential for significant effects on the SPA as a result of the proposed development

		<p>tern species. Some of these overwintering species are capable of utilising terrestrial habitats outside the SPA for foraging during the winter. The proposed development site is not suitable foraging habitat for these species and is not a recorded ex-situ terrestrial foraging site. As such, there is no connectivity between the proposed development and any SCI species of the SPA.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SPA.</p>	
<p>South Dublin Bay SAC (000210) c4.9km</p>	<p>South Dublin Bay SAC National Parks & Wildlife Service</p>	<p>The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats within the SAC and there is no potential for such effects as a result of the proposed development during either construction or operation. There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SAC. During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SAC. There is no source-pathway-receptor connectivity between the proposed development and the SA</p>	<p>There is no potential pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development.</p>
<p>Howth Head Coast SAC (000202) c14km</p>	<p>Howth Head SAC National Parks & Wildlife Service</p>	<p>The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats or species within the SAC and there is no potential for such</p>	<p>There is no potential pathway for effects and therefore no</p>

		<p>effects as a result of the proposed development during either construction or operation.</p> <p>The SAC is situated within a different surface water catchment area to the proposed development and there is no functional hydrological connectivity to the SAC.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SAC.</p>	<p>potential for significant effects on the SAC as a result of the proposed development</p>
<p>Rockabill to Dalkey Island SAC (003000) c12.2km</p>	<p>Rockabill to Dalkey Island SAC National Parks & Wildlife Service</p>	<p>The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats or species within the SAC and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SAC. During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SAC.</p> <p>The proposed development site is terrestrial and therefore does not comprise suitable habitat for harbour porpoise. There is not potential for ex-situ effects as a result of the proposed development.</p> <p>There is no source-pathway-receptor connectivity</p>	<p>There is no potential pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development</p>

		between the proposed development and the SAC	
Dalkey Islands SPA (004172) c12.1km	Dalkey Islands SPA National Parks & Wildlife Service	<p>The SPA is beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>The SPA is located within a different surface water catchment area to the proposed development. There is no hydrological connectivity between the proposed development and the SPA.</p> <p>The SPA is designated for breeding seabirds. The proposed development site comprises buildings / hard standing and gardens. These habitats are not capable of supporting SCI species of this SPA. As such, there is no connectivity between the proposed development and any SCI species of the SPA.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SPA.</p>	There is no potential pathway for effects and therefore no potential for significant effects on the SPAC as a result of the proposed development
Knocksink Wood SAC (000725) c10.6km	Knocksink Wood SAC National Parks & Wildlife Service	<p>The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats or species within the SAC, and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>The SAC is situated upstream, and within a different surface water catchment area to the proposed development and</p>	There is no potential pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development

		there is no hydrological connectivity to the SAC. There is no source-pathway-receptor connectivity between the proposed development and the SAC	
Ballyman Glen SAC (00713) c12.5km	Ballyman Glen SAC National Parks & Wildlife Service	The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats or species within the SAC, and there is no potential for such effects as a result of the proposed development during either construction or operation. The SAC is situated within a different surface water catchment area to the proposed development and there is no functional hydrological connectivity to the SAC. There is no source-pathway-receptor connectivity between the proposed development and the SAC.	There is no potential pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development
Wicklow Mountains SAC (002122) c6.8km	Wicklow Mountains SAC National Parks & Wildlife Service	The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats or species within the SAC and 150m for otter, and there is no potential for such effects as a result of the proposed development during either construction or operation. There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SAC. During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SAC.	There is no potential pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development

		<p>There are no watercourses within the proposed development site or immediate surrounding area . and no suitable foraging habitat for otter. A recent otter survey of Dublin City watercourses did not record any otter signs on the Little Dargle in the lowermost 1.8km of channel where it is mostly culverted underground and not suitable for otter.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SAC.</p>	
Wicklow Mountains SPA (004040) c7.1km	Wicklow Mountains SPA National Parks & Wildlife Service	<p>The SPA is beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>The SPA is situated upstream, and within a different surface water catchment area to the proposed development and there is no hydrological connectivity to the SPA.</p> <p>The SPA is designated for breeding merlin and peregrine falcon. These species nest in on ground in bog/moorland and on rock faces/ledges respectively. The proposed development comprises a dwelling and gardens. There is no suitable breeding habitat for these species within the proposed development site. As such, there is no connectivity between the proposed development and the SCI species of the SPA.</p>	There is no potential pathway for effects and therefore no potential for significant effects on the SPA as a result of the proposed development

		There is no source-pathway-receptor connectivity between the proposed development and the SPA.	
North-West Irish Sea SPA (004236) c9.6km	North-west Irish Sea SPA National Parks & Wildlife Service	<p>The SPA is beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SPA. During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SPA.</p> <p>The SPA is designated for breeding seabirds. The proposed development site comprises buildings / hard standing and gardens. These habitats are not capable of supporting SCI species of this SPA. As such, there is no connectivity between the proposed development and any SCI species of the SPA.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SPA.</p>	There is no potential pathway for effects and therefore no potential for significant effects on the SPA as a result of the proposed development
Glensamole Valley SAC (001209) c7.8km	Glensamole Valley SAC National Parks & Wildlife Service	The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats within the SAC and there is no potential for such effects as a result of the proposed	There is no potential pathway for effects and therefore no potential for significant effects

		<p>development during either construction or operation. The SAC is situated within a different surface water catchment area to the proposed development and there is no functional hydrological connectivity to the SAC.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SAC.</p>	<p>on the SAC as a result of the proposed development</p>
--	--	--	---

In relation to the foregoing European Sites, the following can be concluded:

- There is no hydrological connection. There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore any European site. During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and any European site
- The proposed development will be served by separate foul water and surface water sewers during its Operational Phase. There is a weak indirect hydrological pathway between the site and European sites in Dublin Bay via this sewerage network, which will eventually be processed and treated at Ringsend WWTP prior to discharge to Dublin Bay. The potential for foul waters generated at the proposed development to reach these European sites and cause significant effects, during the Construction and Operational Phases, is deemed to be negligible due to the following reasons:
 - Ongoing upgrade works to Ringsend WWTP which will increase the capacity of the facility from 1.6 million Population Equivalent (PE) to 2.4 million PE.
 - Effects on marine biodiversity and the European sites within Dublin Bay from the current operation of Ringsend WWTP are unlikely
 - The main area of dispersal of the treated effluent from Ringsend WwTP is in the Tolka Basin and around North Bull Island. South Dublin Bay is unaffected by the effluent from the plant.

- The increase of the PE load at the facility as a result of the proposed development, is considered to be an insignificant increase in terms of the overall scale of the facility.
- The construction phase will be temporary. The development proposes a range of measures as outlined in the Preliminary Construction Management Plan. As outlined above these mainly relate to the management of soils, excavations, hydrology & hydrogeology, traffic, accidents/spills/leaks, water utilities, and dust. Consistent with my assessment above I would accept that the potential for significant surface water effects during the construction phase would be satisfactorily addressed by these measures.
- For the operational stage, the surface water drainage network has been designed in accordance with SuDS principles. Consistent with my assessment above I would accept that the potential for significant surface water effects to downstream sensitivities during the operational phase is negligible considering the inclusion of suitable SuDS measures and a petrol interceptor.
- The intervening distances between the site and the SAC are sufficient to exclude the possibility of significant effects on the SAC arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the site during the Construction Phase; increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the site during Construction and Operational Phase; and increased human presence at the site during Construction and Operational Phase.
- The intervening distance between the site and the SPA is sufficient to exclude the possibility of significant effects on the SPA arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the site during the Construction Phase: increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the site during Construction and Operational Phase: and increased human presence at the site during Construction and Operational Phase The site does not provide significant ex-situ habitat for QI/SCI species within the site of the proposed development.

It is my view that the measures outlined are best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant's Preliminary Construction Management Plan and other elements of the documentation and drawings submitted, and I do not consider that they include any specific measures that would be uncommon for a project of this nature. Therefore, I am satisfied that these measures can be considered in the AA Screening process.

I therefore conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of the following sites:

- 1) Baldoyle Bay SAC (000199)
- 2) Baldoyle Bay SPA (004016)
- 3) North Bull Island SPA (004006)
- 4) North Dublin Bay SAC (000206)
- 5) South Dublin Bay and River Tolka Estuary SPA (004024)
- 6) South Dublin Bay SAC (000210)
- 7) Howth Head Coast SAC (000202)
- 8) Rockabill to Dalkey Island SAC (003000)
- 9) Dalkey Islands SPA (004172)
- 10) Knocksink Wood SAC (000725)
- 11) Ballyman Glen SAC (00713)
- 12) Wicklow Mountains SAC (002122)
- 13) Wicklow Mountains SPA (004040)
- 14) North-West Irish Sea SPA (004236)
- 15) Glensamole Valley SAC (001209)

5. Likely significant effects on the European site(s) 'in-combination with other plans and projects'

Having regard to the foregoing, I consider that the potential for in-combination effects is limited to the cumulative impact of Surface / Storm Water Drainage and WWTP capacity associated with other developments in the area.

As there are no pathways connecting the project site to surrounding Natura 2000 sites and as the project will not result in significant negative impacts it will not have the potential to combine with other projects in the surrounding area to result in cumulative significant effects to the local environment or Natura 2000 sites occurring in the wider surrounding area.

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 **is not required**. No further assessment is required for the project.

6. 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 would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the applicant's reports;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

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