



An
Bord
Pleanála

Inspector's Report

ABP-322195-25

Development

Demolition of outbuildings, and construction of 157 residential units, a childcare facility, and all associated site and infrastructural works.

www.carrickminesgreatlrd.com

Location

Site at Carrickmines Great,
Glenamuck Road South, Dublin 18

Planning Authority

Dún Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

LRD24A/0870/WEB

Applicant(s)

Grafton Issuer DAC

Type of Application

Largescale Residential Development

Planning Authority Decision

Grant Permission with Conditions

Type of Appeal

Third Party against Decision

Appellant(s)

Carrickmines Preservation Association
CLG (Eddie Googins)
Sheena Gunning
Paul O'Leary
Karl and Philomena Smith

Cairnbrook OMC CLG
Barry and Suzanne Kelly
Sean and Ann Murphy

Observer(s)

None

Date of Site Inspection

13th June 2025

Inspector

Phillippa Joyce

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1.0 Site Location and Description

- 1.1. The appeal site is located on lands at Carrickmines Great, Glenamuck Road South, in Dublin 18. The site is c.0.7km to the southeast of The Park Retail Centre and c.0.8km south of the M50 motorway. The site is located in a semi-rural/ outer suburban area, which has been subject to notable developmental changes in recent years. The site is triangular in configuration (with linear extensions at the northeast and west corners for proposed paths/ services) and indicated as measuring c.3.04ha.
- 1.2. The site is primarily greenfield in nature, comprising agricultural fields and disused outbuildings. The site features wet grassland, wet woodland, and a drainage ditch to the west, dense scrub around the northwestern, southwestern and eastern perimeters, and well-defined boundaries of treelines, hedgerows and ditches. The topography of the site is relatively uniform, with ground levels increasing steadily from c.92m OD in the northwest corner of the site to c.102m OD in the south.
- 1.3. The site is bound to the north by three residential properties (single storey detached dwellings on relatively large plots) and Springfield Lane (the outbuildings address the road in the northeast corner). Springfield Lane (a cul de sac) forms the eastern boundary of the site, off which are several agricultural fields, other residential properties, and an equestrian centre.
- 1.4. To the west of the site is Cairnbrook, a residential estate accessed from Glenamuck Road South. The estate is comprised primarily of two storey detached dwellings on a cul de sac. Directly adjacent to the west of the site are 10 and 11 Cairnbrook, a turning head, and area of open space. A wooden fence forms the boundary between the turning head and the site. To the southwest of the site, is Rockville Green (a local authority residential estate of two storey dwellings presently under construction) which accesses onto the established residential areas formed by Rockville Drive and Glenamuck Cottages.
- 1.5. The site is accessed via an agricultural entrance located in the northwestern corner of the site (adjacent to the entrance of one of the detached dwellings), which in turn is accessed from Springfield Lane. The access route and road in this location are narrow and without dedicated foot/ cycle paths. An ESB 110kv line extends across the northeastern portion of the site, on an east-west alignment.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of existing outbuildings, and the construction of 157 residential units, a childcare facility, internal roads, pedestrian and cycle paths, open spaces, and all associated site and infrastructural works.
- 2.2. The residential units comprise of 45 houses, 66 apartments, and 46 duplexes¹. The houses (seven design types (A-A1, B1-B3, C, D), 2-3 storeys in height) are/ arranged as detached, semi-detached pairings and terraced rows along the site's northern, northwestern, and western boundaries. The apartments are accommodated in two blocks (B.01 and B.02, 5 storeys), which are centrally located within the scheme (separated by undercroft parking, and communal open space). The triplexes/ duplexes are in three blocks (D.01 and D.02, 4 storeys, and D.03, 3 storeys), all sited in the southeastern portion of the scheme. The childcare facility is a single storey unit with an outdoor play area, located at the ground floor level of apartment block B.01, the eastern-most apartment building.
- 2.3. In terms of access, the main vehicular entrance to the scheme is via Cairnbrook residential estate to the west of the site. A separate vehicular entrance is proposed to serve the detached house from Springfield Lane to the northeast of the site.

¹In the interests of clarity for the Board, I highlight the following in respect of the proposed residential typology. In the description of development, application plans and particulars, the applicant refers to the residential units in blocks D.01-D.03 as duplex/ apartment units and as duplexes (as does the planning authority in its assessment). On review of the case details, I identify blocks D.01 and D.02 as being triplexes (i.e., the blocks contain several buildings (eight in D.01, six in D.02) with three residential units accommodated over four storeys: a single storey apartment at ground floor, a single storey apartment at first floor, and a two storey apartment at second and third floors), while block D.03 has a conventional duplex typology (i.e., the block contains two buildings with two residential units, a single storey apartment at ground floor, and a two storey apartment at first and second floors). In differentiating between the proposed residential typologies, I have had regard to the definition of duplexes in the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024 (see section 6.0 Policy Context of this report). Importantly, in terms of typology, all apartment units in the triplex and duplex blocks are own-door units (not accessed from grouped/ communal areas). While I do not consider the description of development to have been misleading, for the avoidance of doubt, in my assessment I propose to refer to the apartments in blocks D.01-D.03 as triplexes and duplexes (or triplex/ duplex units).

Pedestrian and cycle links are also proposed from the scheme to Springfield Lane, which will serve as a secondary emergency vehicular access, and to Rockville Drive/ Glenamuck Cottages, to the southwest. The proposal includes road/ pathway infrastructure up to the site's boundaries to facilitate future connections to adjoining lands to the north, east and south.

- 2.4. Also included in the proposal are bicycle, bin, and general-use stores, plant rooms, an ESB substation, public and communal open space, including children's play areas and an ancillary play area for the childcare facility, PV panels at roof level of the apartment buildings and the houses, public lighting, and utilities infrastructure. The proposal includes all associated site and infrastructural works, including connections to existing infrastructure in the Cairnbrook residential estate, foul and surface water drainage, the culverting of the on-site drainage ditch/ watercourse, attenuation tanks, hard and soft landscaping, boundary treatments, internal roads, cycle paths and footpaths.
- 2.5. The following tables present a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme, which are extrapolated from the application forms, and plans and particulars (LRD Design Statement, Schedule of Accommodation, Housing Quality Assessment).

Table 1: Key Statistics

Site Area	Total Area: 3.04ha Net Developable Area: 3.01ha
Floor Areas (gross floor spaces)	Total Floor Area: 18,112sqm Residential: c.17,925sqm Childcare facility: c.187sqm, play area c.130sqm Outbuildings (demolition): c. 250sqm
Residential component	Total: 157 residential units Houses: 45 (29%) Triplexes/ Duplexes: 46 (29%) Apartments: 66 (42%)

Net Density	c.52dph
Building Height	Houses: 2-3 storeys Triplexes/ Duplexes: 3-4 storeys Apartments: 5 storeys
Dual Aspect	Triplexes/ Duplexes: 46 (100%) Apartments: 34 (52%)
Open Space	Public: 4,759sqm Communal: 976sqm (Triplexes/ Duplexes: 425sqm, Apartments: 551sqm) Private: gardens, terraces, balconies (various sqm)
Part V provision	Total: 30 units (c.20%) Block 02: 7 1-bed, 11 2-bed, 12 3-bed apartments
Car Parking	Total: 218 spaces Residential: 202 spaces (houses: 90 spaces, triplexes/ duplexes/ apartments: 112 spaces) Other: 16 spaces (childcare and visitor)
Motorcycle Parking	5 spaces (apartments)
Bicycle Parking	Total: 282 spaces Residential: 216 spaces for triplexes/ duplexes/ apartments, mid terrace houses Other: 66 spaces (childcare, visitor, cargo)

Table 2(a): Summary of Residential Unit Mix

Houses (45 units, 29% of the scheme)					
Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Total	-	-	10	35	45
% of Total	-	-	22%	78%	100%
Triplexes/ Duplexes (46 units, 29% of the scheme)					
Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Total	-	30	16	-	46
% of Total	-	65%	35%	-	100%
Apartments (66 units, 42% of the scheme)					
Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Total	17	19	30	-	66
% of Total	26%	29%	45%	-	100%
Overall Unit Mix as % of Total					
	1 bed	2 bed	3 bed	4 bed	Total
	17	49	56	35	157
	11%	31%	36%	22%	100%

Table 2(b): Summary of Unit Types and Bedspaces

Unit Type Bed/P	1 bed/ 2P	2 bed/ 4P	3 bed/ 5P	4 bed/ 8P	Total
Houses			10	35	45
Triplexes/ Duplexes		30	16		46
Apartments	17	19	30		66
Unit Type Total	17	49	56	35	157
Total Bedspaces	34	196	280	280	790

- 2.6. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by a range of reports and supporting documentation (see full list in the applicant's Cover Letter, pgs. 6-8).
- 2.7. An Archaeological Impact Assessment also accompanies the application, having been submitted by the applicant in the response to a Further Information request (RFI) from the planning authority (see section 4.0 below for details).

3.0 Planning Authority Opinion

- 3.1. Pre-application meetings under section 247 of the Planning and Development Act 2000, as amended (2000 Act) are indicated to have taken place between the applicant and the planning authority on 30th May 2023 and 12th March 2024.
- 3.2. A pre-application LRD meeting in accordance with section 32C of the 2000 Act took place on 4th July 2024. The planning authority issued its LRD Opinion on 26th July 2024.
- 3.3. The Opinion indicates that the documentation, submitted under section 32B of the 2000 Act as part of the pre-application consultations, did not constitute a reasonable basis for an application for permission for the proposed LRD.
- 3.4. The applicant was notified that the following issues would need to be addressed and/or information on the following items would be required to be submitted as part of an LRD application. These are grouped under the following headings (in summary):
- Density And Design
 - Daylight/ Sunlight Access
 - External Storage
 - Floor Plans
 - Housing Quality Assessment
 - Open Space
 - Surface Water Drainage
 - Site Specific Flood Risk Assessment
 - Appropriate Assessment Screening Report

- Ecological Impact Assessment
- Inconsistencies
- Demolition of Buildings on Site
- Arboricultural Report Assessment
- Typographical Errors and Omissions
- References
- Commitments made in the EclA
- Other
- General
- Car Parking
- Overall Layout
- Cycle Parking Provision
- Taking in Charge Proposals
- Noise & Vibration Impact Assessment
- Part V
- Parks and Landscaping
- Part 8

3.5. The application, lodged with the planning authority on 30th October 2024, includes a Statement of Response from the applicant on the LRD Opinion which includes specific responses to the points of information requested by the planning authority.

3.6. For the Board's clarity, copies of the minutes of the pre-planning meetings and the planning authority's LRD Opinion are available on the case file.

4.0 Planning Authority Decision

4.1. Summary of Decision

- 4.1.1. The planning authority granted permission for the proposed development on 6th March 2025, subject to 32 conditions. This is a third-party appeal (seven appellants) against the planning authority's decision to grant permission.
- 4.1.2. The majority of conditions attached to the grant of permission are standard in nature (construction, operational, technical, procedural, and financial).
- 4.1.3. Conditions of note or specific to the appeal include: Conditions 1(b) (7-year duration of permission), 2(a) (revised roof profile for the duplex buildings), 3 and 22 (phasing, childcare facility), 6(b) (boundary treatments), 7 (pedestrian access to the wetland habitats area), 12 (flood risk), 13 and 14 (transportation matters including revised pedestrian pathway route in the southwest of scheme, unrestricted public access to open spaces and connectivity links to north and south), 15 (construction phase works), 16 (environmental management matters), 17 and 18 (arboricultural and tree protection measures), 19 (hard and soft landscaping, specification of planting), 20 (ecological, invasive and habitat species management), 21 (archaeology), 24 (management company), 25-31 (several development contributions, manner of payment, security bond), and 32 (connection to Uisce Eireann networks).

4.2. Planning Authority Reports

4.2.1. Planner's Report

Initial Assessment

The planner's report includes an assessment of the proposed development under the following headed items:

- Principle of Development
- Transitional Zone
- Demolition Works
- Density
- Building Height and Visual Impact
- Unit Mix
- Residential Standards
- Public and Communal Open Space

- Trees and Landscaping
- Boundaries
- Residential Amenity
- Archaeology and Cultural Heritage
- Childcare and Community facilities
- Access, Car and Bicycle Parking
- Surface Water Drainage and Flood Risk
- Part V and Housing
- Construction, Environmental and Health Management
- Building Life Cycle Report
- Energy, Utilities, and Telecommunications
- Duration of Permission
- Third Party Submissions
- Ecological Impacts
- EIA/ AA
- Development Contributions

The planning authority concluded that the proposed development was acceptable in respect of the majority of items listed above.

However, dissatisfaction with issues relating to Visual Impact (roof profile and external finishes of the duplex buildings), Public Open Space (restricted access via a right of way/ easement to the wetlands area, pedestrian path not aligned with the access road), Boundaries (siting, materials), and Duration of Permission (7-years permissible once the childcare facility is phased) were identified and recommended to be addressed by way of conditions.

Of the issue of Archaeology, the planning authority noted the recommendation of the Department of Housing, Local Government and Heritage that an Archaeological Impact Assessment (AIA) be undertaken at the site.

The initial assessment concludes with a recommendation that Further Information FI) be requested from the applicant.

Further Information Assessment

On 20th December 2024, a FI request issued to the applicant for an AIA (including test trenching) to be undertaken of the site.

The FI response (RFI) was submitted to the planning authority on 13th February 2025. A report was received from the Department of Housing, Local Government and Heritage finding the AIA to be acceptable (see section 4.3.1 of this report below).

Recommendation

In conclusion, the planning authority found the proposal to be acceptable under all of the headed items, concluding that subject to conditions, the proposed development complies with the national and local development plan context, would not have an adverse visual impact, or detract from the character of the surrounding area, and would be in accordance with the proper planning and sustainable development of the area.

4.2.2. Other Technical Reports

Transportation Planning: No objection subject to condition.

Drainage Planning: No objection subject to condition.

Parks: No objection subject to condition.

Environmental Enforcement/ Waste Management: No objection subject to condition.

Public Lighting: No objection.

Housing: No objection subject to condition.

4.3. **Prescribed Bodies**

4.3.1. Submissions received from prescribed bodies include as follows:

Department of Housing, Local Government, and Heritage (Development Application Unit): Initial report notes the Cultural Heritage Report submitted in the application (geophysical survey results, recommendation for monitoring of groundworks).

Recommends that FI be requested for an AIA be undertaken (with test trenching of anomaly identified in geophysical survey).

Subsequent report, AIA reviewed. Notes the confirmation of a large spread of burnt mound material in Trench 8, the recommendation for a full excavation of the feature (fulacht fiadh) prior to construction, and that all ground disturbances associated with the development be suitably monitored. No objection subject to condition.

Uisce Eireann: Confirmation of Feasibility for water and wastewater connections. No objection subject to condition.

Transportation Infrastructure Ireland: Site is within an area subject of the Section 49 Supplementary Development Contribution Scheme -'Extension of LUAS Line B1 - Sandyford to Cherrywood'. If applicable, include a condition to apply the Section 49 Luas Line Levy.

Environmental Health Office: No objection subject to condition.

4.4. Third Party Observations

- 4.4.1. The planning authority indicates submissions were received from 26 third-parties during the assessment of the application, and summarises the key issues raised.
- 4.4.2. I have reviewed the submissions on the case file and confirm several of the issues raised therein continue to form the basis of the third-party appeals, which are outlined in detail in section 7.0 below.

5.0 Planning History

Appeal Site

ABP 314281-22 (SHD Application)

On 31st August 2023, the applicant was refused permission for the demolition of existing buildings on site, construction of 167 no. residential units (69 no. houses, 98 no. apartments), creche and associated site works.

Permission was refused for three reasons, as follows:

1. *The proposed unit mix fails to comply with Table 12.1 of the Dun Laoghaire- Rathdown County Development Plan 2022-2028 and would*

be contrary to Policy Objective PHP27 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2. It is considered that the design and layout of the proposed development is contrary to Policy Objective PHP35: Healthy Placemaking of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 having regard to the following:*
 - a) The necessity to increase connectivity falls short in terms of the qualitative provision within the scheme and the lack of appropriate pedestrian or bicycle connectivity to the wider area over Springfield Lane to the north and lands to the south fails to adhere to the requirements of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended. Whilst not actively engaging with the adjoining Cairnbrook residential lands results in development that conflicts with the established road hierarchy resulting in potential hazardous access arrangements and would fail to create a sense of place. In the absence of the incorporation of the recommendation of the Safety Audit into the scheme as a result it is considered that the development would endanger public safety and traffic safety. Furthermore, the proposed development is overly car dependant and is considered premature because of the lack of adequate, safe pedestrian facilities on Glenamuck Road.*
 - b) The alignment of the apartment blocks significantly impacts the quality layout of the scheme resulting in undue overshadowing and perceived sense of overlooking by virtue of proximity to house Numbers 35 to 37. Furthermore, the separation distance between Blocks 01 and 02*

provides limited outlook for the bedroom windows between the blocks, as a result, it is considered that the development is not in accordance with section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018 as they relate to minimising overshadowing and loss of light and the resulting impact quality placemaking standards.

- c) *The layout does not appropriately reflect the adjoining permitted development by the local authority under the provisions of Part 8 of the Planning and Development Regulations 2001, as amended, in particular, the boundary treatment along the shared eastern site boundary and the juxtaposition of 198 and 188 as they relate to the permitted Part 8 housing development. On the basis of the evidence submitted the Board cannot be satisfied that the development will not impact negatively on the ability to complete the Part 8 consent or the proposed development.*

It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. *It is considered that the proposed development is contrary to Policy Objective GIB18: Protection of Natural Heritage and the Environment of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 where it is a stated 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, Special Areas of Conservations, proposed Natural Heritage Areas 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". The development plan states that the implementation of this policy objective involves inter alia identification and protection of non-designated sites of local and high nature conservation value, and the management of features of the landscape which are of major importance for wild fauna and flora in accordance with Article 10 of the Habitats Directive.

On the basis of the evidence submitted, the Board cannot be satisfied that the proposed development will not result in adverse impacts on important habitats with affinity to Annex 1 habitats and wetland and grassland habitats with affinity to Annex 1 habitat and as such is contrary to Policy Objective GIB18: Protection of Natural Heritage and the Environment of the Dun Laoghaire- Rathdown County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

Adjacent Lands to the North/ Northeast

PA Ref. D24A/0672

On 16th December 2024, the planning authority granted permission to G. and R. Doolin for two semi-detached dwellings, separate entrances and site works at Springfield Lane.

At the time of site inspection, this consent has not commenced.

Adjacent Lands to the West (Cairnbrook Estate)

ABP 320476-24, PA Ref. REF6324

Referral by Cairnbrook OMC CLG of the planning authority decision (of 11th July 2024) on the declaration question: Whether the line marking of on-street parking spaces within a privately managed housing estate road where car parking is otherwise permitted by law (there are no single or double yellow lines) is or is not

development and is or is not exempted development. The planning authority determined this was development and it was not exempted development.

At the time of assessment, no decision has been made on the referral.

Adjacent Lands to the Southwest (Rockville Green)

PA Ref. PC/H/01/19 (Part 8 Development)

Permission granted on 11th March 2019 for 13 two storey dwellings accessing onto Rockville Drive.

At the time of site inspection, the scheme is at an advanced stage of construction.

6.0 Policy Context

6.1. National Policy Context

- 6.1.1. The national policy context guiding future growth in the Carrickmines area (part of Dublin City and suburbs) is determined by frameworks, plans and guidelines including the National Planning Framework (First Revision, April 2025), Housing for All, Climate Action Plans, National Biodiversity Plan, and several section 28 Ministerial Guidelines.

National Planning Framework, First Revision, Project Ireland 2040 (NPF)

- 6.1.2. Several national policy objectives (NPOs) are applicable to the proposed development, a new residential scheme within an outer suburban area of Dublin City and suburbs. These include NPO 4, NPO 7, NPO 8, NPO 16, NPO 42, NPO 43 which support the provision of new homes and targeted population growth in Dublin City and suburbs, and NPO 12, NPO 22, NPO 37, NPO 45, NPO 78, NPO 79, NPO 85 and NPO 87 which seek the delivery of well-designed urban schemes that incorporate sustainable modes of transport and water management systems, whilst protecting local biodiversity and the environment.

Housing for All 2021

- 6.1.3. Specifies four pillars by which universal access to quality housing options is to be achieved. Of relevance to the proposed development is the achievement of Pillar 1, increasing new housing supply.

Climate Action Plans 2024 and 2025

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

National Biodiversity Plan 2023-2030

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

Section 28 Ministerial Planning Guidelines

- 6.1.6. Several national planning guidelines are applicable to the proposed development (consolidated compact growth, increased residential densities with a greater mix of building heights and typologies in suburban locations, achievement of necessary standards for residential developments).
- 6.1.7. Several of the guidelines include Specific Planning Policy Requirements (SPPRs), the application of which is mandatory in the design and assessment of residential schemes.
- 6.1.8. The relevant guidelines include the following (my abbreviation in brackets):
- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Compact Settlement Guidelines). Applicable policy for the proposed development includes:
 - Section 3.3: requires that densities in the range of 40dph-80dph should be applied for sites in 'City – Suburban/ Urban Extension' locations of Dublin City and suburbs.

- Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility to public transport options and secondly on five site-specific criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).
- Policy and Objective 3.1 requires that the recommended density ranges are applied and that, where appropriate, these density ranges are refined further using the site-specific criteria.
- Policy and Objective 4.1 requires the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: requires the achievement of residential standards:
 - SPPR 1 – Separation Distances requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of houses and duplexes above ground floor level.
 - SPPR 2 – Minimum Private Open Space specifies new standards for houses (3 bed 40sqm, 4 bed+ 50sqm), and private open space for duplexes and apartments remains as per the Apartment Guidelines (see below).
 - Policy and Objective 5.1 recommends a public open space provision of between 10%-15% of net site area.
 - SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of locations (e.g., 2 no. spaces per dwelling for intermediate/ peripheral locations).
 - SPPR 4 – Cycle Parking and Storage requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
 - Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to

standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines). Applicable policy for the proposed development (i.e., apartments and duplexes) includes:
 - Section 3.0: Apartment Design Standards includes several SPPRs and design criteria for apartment and duplex units as follows:
 - SPPR 3 (minimum floor areas and, by reference to Appendix 1, minimum storage, private open space areas for 1 to 3 bedroom units), SPPR 4 (50% to be dual aspect units in intermediate/suburban areas), SPPR 5 (minimum 2.7m requirement for ground level floor to ceiling height), and SPPR 6 (maximum of 12 apartments per floor level per core).
 - Private amenity space for ground floor units shall incorporate appropriate boundary treatment to ensure privacy and security.
 - Private amenity space should be located to optimise solar orientation and designed to minimise overshadowing and overlooking.
 - Ground floor apartments located adjoining the back of a public footpath or other public area, should be provided with a 'privacy strip' (c.1.5m in depth).
 - Section 4.0: Communal Facilities in Apartments includes applicable guidance on refuse storage, communal amenity space, children's play areas, car parking, and bicycle parking with storage (the two latter items are superseded by SPPR 3 and SPPR 4 of the Compact Settlement Guidelines).
 - Refuse storage areas should be of sufficient size to satisfy the three-bin system, not present any safety risks to users, be well-lit, not on the public street, visible to or accessible by the general public. Appropriate visual screening should be provided.

- Communal amenity space, which is well-designed and maintained, will contribute to meeting the amenity needs of residents.
 - Accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people.
 - Appendix 1 indicates the minimum required areas for communal amenity space (1 bed as 5sqm, 2 bed as 7sqm, 3 bed as 9sqm).
 - In general, a clear distinction with an appropriate boundary treatment and/ or a 'privacy strip' should be between private and communal amenity space.
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines). Applicable policy for the proposed development includes:
 - SPPR 4 requires new residential development on greenfield sites in suburban locations to achieve the minimum density in the applicable section 28 Ministerial Guidelines, a greater mix of building heights and residential typologies, and the avoidance of mono-type building typologies (e.g. two storey or own-door houses only), particularly in developments of 100 units or more.
 - Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines). Applicable policy for the proposed development includes:
 - Appendix 2 recommends the provision of a childcare facility with a capacity of 20 childcare spaces per 75 dwellings units.
 - Section 2.4 outlines the scale and/ or requirement for childcare facilities may depend on the nature of the proposed development (reiterated in Section 4.7 of the Apartment Guidelines which allows 1 and 2 bedroom units to be discounted from childcare demand calculations).
 - The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines). Applicable policy for the proposed development includes:

- Table 3.1 which provides a classification of vulnerability of different types of development (e.g., residential as highly vulnerable, local transport infrastructure as less vulnerable, amenity open spaces as water compatible).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023 (Commercial Institutional Investment Guidelines).
 - Section 3 requires restrictions on the first occupation of houses and duplexes (own-door residential units) to individual purchasers or persons eligible for social and/ or affordable housing, excludes corporate entities.
- Development Management, Guidelines for Planning Authorities, 2007 (Development Management Guidelines).
 - Section 5.13 outlines issues relating to title to land.
 - Section 7.3 outlines the criteria for planning conditions.

6.2. Regional Policy Context

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

- 6.2.1. The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering Dublin City and suburbs (which the appeal site is located within).
- 6.2.2. Accordingly, certain regional policy objectives are applicable to the proposed development, including RPOs 5.3, 5.4, and 5.5 which require future residential development in the MASP to plan led, facilitate sustainable travel patterns provide for higher densities and qualitative standards, focus on the consolidation of Dublin and suburbs.

6.3. Local Policy Context

Dún Laoghaire Rathdown County Development Plan 2022-2028

- 6.3.1. The applicable development plan for the appeal case is the Dún Laoghaire Rathdown County Development Plan 2022-2028 (CDP).
- 6.3.2. The CDP contains map-based designations and policy in several chapters which establish the context for the proposed development (a residential scheme comprised of different residential typologies, with a childcare facility, on a greenfield site with a varied biodiversity, at an outer suburban location, in an area of archaeological potential).
- 6.3.3. The relevant CDP map-based/ mapped designations include:
- Site is zoned as 'A' with the stated objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities' (as per Map 9).
 - Two 'To protect and preserve Trees and Woodlands' designations located within the west and south of the site.
 - Recorded archaeological monument DU026-018 Cross is located adjacent to the northeast of the site.
 - Site is within the 'Boundary of Local Area Plan' designation, Kiltiernan-Glenamuck LAP applies.
 - Site is located to the southeast of the Glenamuck District Distributor Road (GDDR).
 - Site is located within the catchment areas of two section 49 Supplementary Development Contribution Schemes, firstly for the 'Glenamuck Road' and secondly the 'Luas Line B1 extension between Sandyford and Cherrywood' (as per Map T1).
 - Site is located within Parking Zone 3 (as per Map T2).
 - Site is not subject to any other architectural heritage designations, landscape protections, linear views, or other environmental designations.
 - South of site is Dingle Glen proposed natural heritage area (pNHA).

6.3.4. The most relevant CDP policy and objectives² include:

- Chapter 2: Core Strategy
 - Policy Objective CS 2: Core Strategy

It is a Policy Objective to support the delivery of the Core Strategy in accordance with the Core Strategy Map illustrated in Figure 2.9 and the Core Strategy Table detailed at Table 2.11.

- Chapter 4: Neighbourhood: People, Homes and Place
 - Section 4.3.1: Delivering and Improving Homes
 - Policy Objective PHP18: Residential Density
 - Policy Objective PHP27: Housing Mix

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

- Policy Objective PHP35³: Healthy Placemaking

It is a Policy Objective to:

- *Ensure that all development is of high quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES.*
- *Promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013).*

² The objectives I have cited in full are relevant to a consideration of the refusal of permission for SHD application, ABP 314281-22. The list is to be read in conjunction with the applicant's Planning Report and Statement of Consistency, the planning authority's Planning Report, and the applicant's Response to the Seven Third-Party Appeals, within which these and other applicable policies and objectives are cited in full.

³ The 2009 Urban Design Manual referred to in this objective has been superseded by the Compact Settlement Guidelines, the guidance principles of which are considered in this assessment.

- *Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.*
- Chapter 8: Green Infrastructure and Biodiversity
 - 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.
- Chapter 12: Development Management
 - Section 12.3.1.1: Design Criteria
 - Section 12.3.3.1: Residential Size and Mix and Table 12.1: Apartment Mix Requirements

Table 12.1 (extract): Apartment Mix Requirements

Area (see Figure 2.9 Core Strategy Map)	Threshold	Mix 1/ 2 bed Requirement	3+ bed Requirement
New Residential Community	Schemes of 50+ units	Up to 60% 1 and 2 bedroom units	Minimum 40% 3+ bedroom units

Kiltiernan-Glenamuck Local Area Plan 2025

- 6.3.5. The applicable local area plan for the appeal case is the Kiltiernan-Glenamuck Local Area Plan 2025 (LAP). The plan making process has been ongoing during the processing of the planning application (application was lodged on the 30th October 2024 and permission granted on the 6th March 2025).

6.3.6. The Draft LAP was published on 6th February 2025, the CE Report on the Draft Plan Consultation was published in May 2025, and elected members adopted the LAP by resolution on 5th June 2025. From information available on the planning authority's website, the LAP is stated as coming into effect 6 weeks after the adoption date, which I calculate to be 16th July 2025.

6.3.7. As such, at the time of assessment of this appeal, the LAP is in an interim period. The interim period allows the LAP to be finalised and published. Accordingly, I confirm to the Board that I have reviewed the available information, which has included the Draft LAP, CE Report, and recording of the Council meeting.

6.3.8. The relevant LAP map-based/ mapped designations include:

- Site is zoned as 'A' with the stated objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities' (as per Map 9 of the CDP).
- Two 'To protect and preserve Trees and Woodlands' designations located within the west and south of the site (as per Map 9 of the CDP).
- Site is located in Glenamuck East Character Area (as per Figure 2.2).
- Site is identified as 'Site Development Framework 8' (SDF8) (as per Figure 2.4).
- A restriction corridor (110kv) route traverses the northeast corner of site (as per ESB Restriction Corridors Plan).
- A retain hedgerow designation applies along southeastern boundary of the site (as per Figure 7.1).

6.3.9. The most relevant LAP policy and objectives include:

- Chapter 2 Urban Framework and Site Development Frameworks:
 - Section 2.7.8, Lands to the east of Cairnbrook – Site Development Framework 8 (SDF8).
 - Movement Objectives SDF8-1
 - Vehicular access to the land parcel shall be from Cairnbrook.

- Provide opportunities to provide active travel linkages to the east towards Springfield Lane.
 - Provide a pedestrian/ cycle link into Rockville Drive.
- Placemaking Objectives SDF8-2
 - Have regard to the rural character and transition to the lands rising to the east which are subject to the land use zoning objective 'B' – 'To protect and improve rural amenity and to provide for the development of agriculture'.
- Built Form Objectives SDF8-3
 - Ensure development responds to the form of existing properties within Cairnbrook and the adjoining rural character to the east.
- Heights Objectives SDF8-4
 - Maximum 4 storeys, however heights of buildings located in the eastern portion of the site to be restricted because of the elevated nature of the site.
- Density Objectives SDF8-5
 - Generally, 40 dph.
- Environment Objectives SDF8-6
 - Retain hedgerow to the east as shown on Fig 7.1, chapter 7, and avoid private gardens bounding onto hedges to be retained.
 - Sensitive lighting along transitional boundaries.
- Chapter 5 Transport and Movement
 - Section 5.6.4.3, Permeability Links between Residential Developments.
 - The following permeability links are recommended to establish links between ... a network of neighbouring residential developments:
 - PY14 - Cairnbrook to Rockville Drive and Springfield Lane.

...The key objective is the linkage between the various residential areas.
 - Section 5.6.4.5, Permeability Objectives (PRM).

- Objective PRM1 - Permeability Improvements
 - It is an objective to secure permeability improvements across Kiltiernan-Glenamuck. Through confirmation of identified informal links, as well as the establishment of new links, dlr will facilitate safer, easier and more enjoyable trips via active travel modes.
- Objective PRM2 - Phasing of Permeability Improvements
 - It is an objective that delivery of permeability links through existing or future residential developments shall where feasible be carried out as part of the development management process and/or by other appropriate means.

6.4. Natural Heritage Designations

- 6.4.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA).
- 6.4.2. The pNHA designations in proximity to the appeal site include (measured at closest proximity):
 - Dingle Glen pNHA (001207) is c.167m to the south.
 - Ballybetagh Bog pNHA (001202) is c.2.60km to the southwest.
 - Loughlinstown Woods pNHA (001211) is c.2.88km to the east.
- 6.4.3. The European site designations in proximity to the appeal site include (measured at closest proximity):
 - Knocksink Wood SAC (000725) is c.2.56km to the south.
 - Ballyman Glen SAC (000713) is c.4.08km to the southeast.
 - Rockabill to Dalkey Island SAC (003000) is c.5.84km to the east.
 - Dalkey Islands SPA (004172) is c.6.66km to the northeast.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. Seven third party appeals have been received by the Board against the planning authority's decision to grant permission for the proposed development. The appeals are made by named parties with addresses given at Cairnbrook, Springfield Lane, and Sandyford, Dublin 18.

7.1.2. The key issues raised in the grounds of appeal can be summarised as follows:

Material Contravention of CDP Objectives

- Proposal is a material contravention of the 'A' Zoning Objective at the appeal site as the residential amenity of Cairnbrook is not protected or improved.
- Material contraventions are cited in respect of building height, car parking, public open space, external storage, trees and woodlands, and unit mix.

Contrary to LAP Objectives

- Proposal is inconsistent with objectives of the lapsed Kiltiernan LAP 2013-2023.
- Proposal is inconsistent with objectives in the Draft Kiltiernan-Glenamuck LAP 2025, including those relating to density, building height, adjacent zoning, open space, tree and biodiversity protections.
- Appellants do not support provisions in the Draft LAP which specify and encourage access to and permeability through the site via Cairnbrook.

Planning History

- History of refusals exist at the site on several grounds, particularly related to traffic impacts including those associated with Cairnbrook.
- ABP's SHD refusal on traffic hazard grounds remains valid and has not been overcome.

Right of Way/ Easements

- Acknowledges that the applicant has an easement over the internal roadway in Cairnbrook.
- Opposes the potential damage to Cairnbrook roadway infrastructure by the proposal, vehicular access by other future developments adjoining the proposal, and by pedestrian/ cycle traffic via Rockville Drive.

- Springfield Lane is a private lane, not publicly maintained or taken in charge, and access rights or permission to use the lane have not been demonstrated.

Design, Height and Layout

- Density and buildings heights too high, resulting in overdevelopment of the site, density should be at 40dph and building heights should be a maximum of 3/ 4 storeys.
- Prevailing building height is two storeys, 5 storey apartment blocks are out of character, and negatively impacting on the visual amenity of the area.
- Lack of transition in scale at the site's boundaries, particularly to the east with the 'B' rural zoned lands.
- Raises issues about the development interface with Cairnbrook.
- Opposes any proposed alterations to the Cairnbrook turning circle and open space area.
- States no agreement for/ consent to allow connections within Cairnbrook to the roadway and footpath (which terminates at 10 Cairnbrook), or erection of any signage.
- Requires clarity on the extent of the site boundaries and nature of boundary treatments (landscaping, impacts on trees) with adjacent properties, 10 and 11 Cairnbrook.
- Requests 3 storey dwellings adjacent to 11 Cairnbrook be revised to 2 storey in height.
- Requests separation distances are increased between 10 Cairnbrook and the proposed dwellings to east.
- Requests the proposed dwellings to east of 10 Cairnbrook be removed from scheme as this is the location of the wetlands area and fulacht fiadh.
- Additional recommendations for revising the design of the scheme include creating a clear demarcation between Cairnbrook and the proposal (distinct entrance/ open spaces), removing any openings into other lands adjoining the proposal, and apartment blocks should be a maximum of 3 storeys in height.

Access, Traffic and Transportation

- DL RCC decision falls to address ABP's SHD refusal relating to Cairnbrook and traffic hazard grounds.
- Application documentation lacks a new and complete Road Safety Audit.
- Road Safety Audit is flawed and fails to adequately consider the wider road and traffic environment.
- Cairnbrook is a private housing estate with substantial on-road parking in use at all times, which reduces the width of the internal road that the applicant seeks to utilise.
- Opposition to any construction phase traffic access via Cairnbrook as it cannot safely take traffic.
- Opposition to all operational phase traffic passing through Cairnbrook due to safety concerns, negative impact on residents, their properties, and their vehicles.
- Opposition to the use of Cairnbrook by pedestrians from other locations outside of the scheme as these will create unsafe pedestrian movements within Cairnbrook.
- Refers to the Section 5 declaration submitted by the applicant (i.e., question on whether road markings (completed by the management company in 2017) for car parking along the internal road of Cairnbrook estate is or is not development).
- States that even if the markings are determined to not be exempted development, parking in Cairnbrook could/ would revert back to being unregulated and informal, and would not result in the proposal being adequately and safely accessed.
- Alternative main vehicular access to the scheme needs to be considered, primarily via Springfield Lane, or Glenamuck Cottages, or Golf Lane.
- Proposal is premature pending the completion of the Glenamuck District Distributor Road (GDDR).

- Insufficient on-site parking provided within the scheme resulting in overflow parking into Cairnbrook.
- Proposal is car dependant as it is without adequate access to public transport.
- Substandard and/ or insufficient pedestrian and cyclist infrastructure in Cairnbrook and along Glenamuck Road.
- Disputes distances/ access to and capacity of public transportation options (bus services, LUAS) which support the density of the proposal.
- Ambiguity for proposals for construction traffic access, both Springfield Lane and Cairnbrook estate. Should be through Cairnbrook estate.
- Springfield Lane not suitable for pedestrian and cyclist access (design, capacity, safety).
- Negative impacts on businesses and residents of Springfield Lane.

Residential Amenity

- Proposal endangers safety of Cairnbrook residents due to increased traffic generation and creation of hazardous access arrangements.
- Negative impacts due to nuisance from noise, dust, traffic movements, particularly to residents in Cairnbrook adjacent to the proposed entrance.
- Loss of security due to change of cul-de-sac layout of Cairnbrook.
- Adverse impacts on adjacent dwellings in Cairnbrook, including overbearance/ visual impact on 10, 11 and 12 Cairnbrook due to siting, design and height.
- Poor quality public and communal open space for future resident (orientations, podium designs, perimeter locations), and substandard (minimum) quantum provided.

Biodiversity

- Criticises the eastern biodiversity corridor in the Habitat and Species Management Plan, as instead enclosed communal open space.
- Criticises proposed removal of significant areas of hedgerow, planting and trees in southwest and west of scheme.

- Welcomes ecological area to the east of 11 Cairnbrook.
- Requests an up-to-date bat roost survey.
- Questions the adequacy of the environmental assessments/ information in the application documentation, including the screenings for appropriate assessment and environmental impact assessment.

Other Matters

- Raises concerns regarding technical servicing of the proposal (surface water and wastewater drainage) via the Cairnbrook infrastructure and potential flood risk.
- Requests childcare facility be removed (due to concerns relating to commercial viability, increased traffic trips through Cairnbrook) and a central open space installed.
- Raises concerns regarding impact on archaeological heritage, and electricity supply lines crossing the site.
- Disputes the requirement for a 7-year permission, if permitted, the maximum length should be 5 years.
- Requests a security bond be provided by the applicant to Cairnbrook.
- Sets several poor planning precedents (e.g., access through an existing residential area, prematurity pending wider road infrastructure, access to third-party lands from wider areas without a right of way, forcing connections).
- Substantially depreciate the value of Cairnbrook due to an increase in traffic generation and the creation of traffic hazard.

7.2. Planning Authority Response

- 7.2.1. A response has been received from the planning authority on the appeal. Response states the grounds of appeal do not raise any new matters which would justify a change in attitude to the proposed development.

7.3. Applicant's Response

- 7.3.1. The applicant has submitted a first party response to the appeals, in respect of the following issues:

- Local Area Plan.
- County Development Plan.
- Traffic and Transport Matters.
- Legal Issues.
- Environment and Ecology.
- Other Matters.
- Appendices enclosed (including several technical consultant responses and legal documentation).

7.3.2. Key points in the applicant's response to the appeal, as relevant to the issues raised in the appeal grounds, are considered in section 8.0 Planning Assessment of this report.

7.4. **Observations**

7.4.1. No observations have been received by the Board.

7.5. **Further Responses**

7.5.1. No further responses have been received by the Board on the appeal.

8.0 **Planning Assessment**

8.1. **Introduction**

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

- Local Policy Context
- Legal Interest
- Residential Density
- Design, Height and Layout
- Residential Amenity
- Access, Traffic and Transportation

- Biodiversity
- Other Matters

I propose to address each of these items in turn below.

- 8.1.2. By way of an overview for the Board's clarity, the pertinent issues for the assessment of this appeal case include that the proposed development is the second notable application for residential development at the site, the previous SHD application (ABP 314281-22) was refused permission for three reasons relating to housing unit mix, placemaking, and natural heritage, and in that in the intervening period since the planning authority decision was made and third party appeals lodged, the Kiltiernan-Glenamuck LAP 2025 has been adopted by the Council.
- 8.1.3. In respect of planning history, I consider the basis for the refusal reasons cited in SHD application, and the manner by which these have been addressed, in the relevant subsections relating to Design, Height and Layout (subsection 8.5), Residential Amenity (subsection 8.6), and Biodiversity (subsection 8.8).
- 8.1.4. In respect of the proposed development, I have carried out a screening determination for appropriate assessment (AA), a pre-screening and a screening determination for environmental impact assessment (EIA), and a screening determination for water status impact assessment (WSIA). These are presented in sections 9.0, 10.0, and 11.0 below and are to be read in conjunction with Appendices 1-4 of this report.

8.2. Local Policy Context

- 8.2.1. The policy context under which the Board is to determine this appeal case is of relevance. The appeal grounds include references to the Kiltiernan LAP 2013-2023, the Draft Kiltiernan-Glenamuck LAP 2025, and the CDP, and the extent of the proposal's compliance with the policies and objectives of same.
- 8.2.2. Briefly, the Kiltiernan LAP 2013-2023 (LAP 2013) has expired, and provisions therein are no longer applicable to the appeal site. Any appeal grounds relating to same are not of relevance to the assessment of this appeal case.

Interim Period

- 8.2.3. As I outlined in subsection 6.3 of this report above, the local area plan making process was being undertaken by the planning authority during its assessment of the proposed development.
- 8.2.4. The application was lodged with the planning authority on the 30th October 2024, FI requested on the 20th December 2024, and permission granted on the 6th March 2025. The Draft LAP was published on the 6th February 2025, and the Kiltiernan-Glenamuck LAP 2025 was adopted by the elected members on the 5th June 2025. At the time of this assessment, the LAP is within the 6-week interim period between adoption and coming into effect (the date of which I calculate as being the 16th July 2025).
- 8.2.5. Within this interim period, the CDP is the statutory plan pertaining to the proposed development. Of relevance to the assessment of the appeal, I note that the site is zoned as objective 'A' in both the CDP and the adopted LAP, and that the Draft LAP states that it is consistent with the CDP (pg. 12).
- 8.2.6. Further, I note that section 18(3)(a) of the Planning and Development Act 2000, as amended (2000 Act) requires the Board, when considering an application for permission on appeal, to have regard to the provisions of a LAP prepared for the area to which an application relates.
- 8.2.7. As such, notwithstanding that the adopted LAP is due to come into effect imminently, I am satisfied that, in addition to considering the policy objectives of the CDP, the Board can, and should, have regard to the provisions of the adopted LAP in its assessment of the proposed development.

County Development Plan

- 8.2.8. Appeal grounds include the proposal being in material contravention of the CDP. The material contraventions relate to the 'A' Zoning Objective at the site, and to the objectives cited in the previous decision to refuse ABP 314281-22 (i.e., Policy Objective PHP27, Policy Objective PHP35, and Policy Objective GIB18). More generally, contraventions are claimed in respect to building height, car parking, public open space, external storage, trees and woodlands, and unit mix.
- 8.2.9. Zoning Objective 'A' seeks *'To provide residential development and improve residential amenity while protecting the existing residential amenities'*. Appeal

grounds stating that the proposal materially contravenes the zoning objective, relate to the adverse impact the proposal has on the residents of adjacent Cairnbrook.

- 8.2.10. As discussed in greater detail below (in respect of design (subsection 8.5), residential amenity (subsection 8.6) and traffic (subsection 8.7)), while the proposed development will inevitably and unavoidably result in changes to current living conditions in Cairnbrook, it is not anticipated that the nature and extent of the changes are so excessive or injurious as to warrant a refusal of permission on the basis of materially contravening the zoning objective.
- 8.2.11. On balance, I find the proposed development to be consistent with Zoning Objective 'A' in terms of use classes (new residential, childcare facility, open spaces), and in terms of providing a notable number of new dwellings for households, thereby improving their residential amenity.
- 8.2.12. Of the policy objectives cited in the previous refusal decision on the SHD application, and stated as still being contravened, I consider these in the relevant subsections of this report. These include Policy Objective PHP27 (housing mix) in respect of residential amenity (subsection 8.6), Policy Objective PHP35 (placemaking) in design (subsection 8.5), and Policy Objective GIB18 (natural heritage) in biodiversity (subsection 8.8).

Adopted Local Area Plan

- 8.2.13. Following a review of the available information (Draft LAP, CE Report, and recording of the Council meeting), I have identified the relevant map-based designations, and key policy and objectives in the adopted LAP for the proposed development (see subsection 6.3 above). As stated previously, in the adopted LAP, the site continues to be zoned as Zoning Objective 'A' and the key objectives are those 'Site Development Framework 8' (SDF8).
- 8.2.14. I have reviewed the planning authority reports (initial and RFI), and while references are made to the expired LAP 2013, there is no consideration/ assessment of the proposal in terms of the requirements of the-then Draft LAP (published and on display at the time of the RFI and decision to grant permission). Nor did the planning authority provide any comment on same in its response to the Board on the third-party appeals.

- 8.2.15. The appeal grounds include the proposal being contrary to the SDF8 objectives relating to density, building height, adjacent zoning, open space, tree and biodiversity protections. However, appellants dispute, oppose, and do not support the SDF8 objectives relating to access and permeability.
- 8.2.16. From a review of the proposed development and in having regard to the provisions of the adopted LAP, I consider that the scheme complies with Movement Objectives SDF8-1 (provides the main vehicular access via Cairnbrook, pathways through and access points onto Springfield Lane, and a pedestrian/ cycle link into Rockville Drive), and Environment Objectives SDF8-6 (retains required hedgerow along southeastern boundary, open spaces and not private gardens bound onto hedgerows, public lighting plan devised with bat consultant).
- 8.2.17. However, I concur with certain appeal grounds and find that the proposal is inconsistent with Placemaking Objectives SDF8-2 and Built Form Objectives SDF8-3 (the tallest buildings within the scheme (i.e., Blocks B.01 (5 storeys), D.01 and D.02 (4 storeys) are sited in close proximity to the eastern boundary with Springfield Lane (separation distances of c.14m, c.18.5m, and 10m respectively) failing to appropriately respond to the inherent rural character of the lands further east).
- 8.2.18. More markedly, I find the proposal to be contrary to Heights Objectives SDF8-4 (the centrally/ easterly located apartment buildings B.01 and B.02 (5 storeys) exceed the maximum 4 storeys building height, and the triplex blocks D.01 and D.02 (4 storeys) are at the maximum height, thereby failing to respond to the elevated nature of the site), and Density Objectives SDF8-5 (proposed density of c.52dph exceeds that of 'generally 40dph').
- 8.2.19. In having regard to the provisions of the adopted LAP, I positively note and concur with the planning authority's development framework for the site and its connection with/ relationship to the adjacent lands. I consider the site-specific requirements, particularly those relating to built form, building height, and the transitional approach required for eastern lands, to be appropriate design responses to the development of the site.
- 8.2.20. In this regard, I recommend to the Board that amendments are made to the proposal (by condition in the event of a grant of permission) to ensure full consistency with the provisions of the LAP. These are outlined in greater detail below in respect of

density (subsection 8.4), design (subsection 8.5) and residential amenity (subsection 8.6).

- 8.2.21. In short, I recommend the omission of one storey from both apartment buildings, B.01 and B.02 (Level 2 and Level 3 respectively), thereby reducing the buildings' heights to the maximum 4 storeys, and the omission of one storey from both triplex buildings, D.01 and D.02, thereby reducing the buildings' heights to 3 storeys (a more 'restricted' design response to the site conditions), and changing the residential typology to a conventional duplex building.
- 8.2.22. The proposed omission of floor levels outlined above, results in a reduction in the total number of residential units by 29 from 157 to 128 units, which corresponds to a reduction in density of the scheme from c.52dph to c.42.5dph.

Conclusion

- 8.2.23. In conclusion, at the time of assessment, the CDP is the statutory plan pertaining to the proposed development. The proposal is in accordance with the policies and objectives of the CDP, in particular the 'A' Zoning Objective applicable to the site. The Board is also required to have regard to the provisions of the LAP prepared for the area, and in so doing, I conclude that amendments to the design, scale and density of the scheme are required so as to ensure greater compliance with the LAP. These amendments are also necessary in the interests of the proper planning and sustainable development (site context, character of the area, and visual amenity).

8.3. Legal Interest

Appeal Grounds

- 8.3.1. Appeal grounds include dissatisfaction with and disputes over the nature and extent of the applicant's legal interest in lands by which it is proposed to access/ service the proposed development. These relate to access/ servicing through Cairnbrook to the west of the site, and access onto Springfield Lane to the east of the site.
- 8.3.2. Cairnbrook is stated as being a private estate under the management of Cairnbrook Management CLG. Springfield Lane is stated as not being taken in charge and maintained by local road users.
- 8.3.3. While appellants with addresses in/ representing Cairnbrook acknowledge the applicant has a Deed of Easement over the estate's internal roadway, concerns are

raised in respect of potential damage to the road infrastructure with a request for a security bond from the applicant. Appellants submit that the Deed does not provide for, and no consent has been given in respect of proposed works within Cairnbrook, such as the erection of road signage and the extension of a footpath on the southern side of the internal access road (adjacent to 10 Cairnbrook).

- 8.3.4. The grounds also include strong opposition to potential pedestrian/ vehicular access to Cairnbrook by existing and future developments adjoining the proposal, which appellants state is not permitted or provided for under the terms of the Deed.

Applicant's Case

- 8.3.5. I have reviewed the information provided by the applicant in the case documentation (e.g., application form, correspondence from solicitor firms referring to rights of way/ rights to carry out works, a Land Registry map (right of way via Cairnbrook access road indicated in yellow), folio details, letter of consent from the Property section of the Council).
- 8.3.6. I have also reviewed the additional information in the first party appeal response (e.g., Appendix 8: Solicitor correspondence regarding the Deed, Appendix 9: Copy of the Deed as agreed to by Cairnbrook Management CLG, 4th November 2019).
- 8.3.7. In short, the applicant is the owner of the majority of the appeal site, except for two parcels of land (indicated on Site Location Map: Dwg No. DR-A-1000). These are an area hatched green (adjacent to site's western boundary with Cairnbrook), which is owned by Cairnbrook Management CLG, and an area hatched blue (adjacent to site's southwestern boundary with Rockville Green) which is owned by Dun Laoghaire Rathdown County Council.
- 8.3.8. In respect of the latter, a letter of consent from the Council to include the area hatched blue in the proposed development (as a shared area of open space with a pedestrian/ cycle link) accompanies the application, and no appeal grounds are raised over the applicant's legal interest in same.
- 8.3.9. The area hatched green is referred to in the case documentation as the 'Cairnbrook Common Areas'. The applicant describes this area as corresponding with the location where works are required to connect to existing services to serve the

proposed development. Cairnbrook Management CLG, granted a Deed of Easement in respect of this area in 2019.

- 8.3.10. Under the Deed, the applicant (as current owner of the appeal site) states it is entitled to connect into the services running in over, under and through the Cairnbrook Common Areas, to construct and/ or connect any roadways or footpaths on the appeal site to the road laid on the Cairnbrook Common Areas (i.e., Cairnbrook access road), and to maintain, repair and renew the roads and conduits in the Cairnbrook Common Areas that serve the appeal site.
- 8.3.11. The applicant states the Deed also gives it the benefit of a right of way over the Cairnbrook Common Areas, the internal access road, and up to the public road, Glenamuck Road South (extent of the right of way is shaded yellow on the Site Location Map: Dwg No. DR-A-1000).
- 8.3.12. The applicant submits that the documentation provided in the case file confirms that it holds the necessary legal interests in the Cairnbrook Common Areas and Cairnbrook access road to enable it to make the application and to implement any planning permission that may be granted.

Development Management Guidelines

- 8.3.13. In considering issues of legal interest and rights of way, I have had regard to the guidance in Section 5.13 of the Development Management Guidelines. The guidelines are clear that *'[t]he planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts'* and refers to section 34(13) of the 2000 Act which states that a person is not entitled solely by reason of a permission to carry out any development.
- 8.3.14. The guidelines indicate that only in instances where it is clear that an applicant does not have sufficient legal interest in the subject lands, should permission be refused on that basis. In instances where there is doubt as to the sufficiency of the legal interest the planning authority may decide to grant permission as such a grant is subject to the provisions of section 34(13) of the Act. That being, the developer must be certain under civil law that they have all rights in the subject land to execute the grant of permission.

8.3.15. Following my review of the case file, I consider that the applicant has provided documentary evidence demonstrating it has sufficient legal interest in the lands. I am satisfied that, for planning purposes, the applicant has sufficient legal interest (regarding Cairnbrook) and/ or confident of the right to (regarding Springfield Lane, no objection from the planning authority) propose the access arrangements as indicated in the plans and particulars.

Conclusion

8.3.16. In conclusion, I am satisfied that for the purposes planning, the applicant has demonstrated sufficient legal interest to propose the access arrangements to Cairnbrook, Springfield Lane, and Rockville Green/ Drive as indicated in the lodged plans and particulars, subject to the restrictions explicit in section 34(13) of the 2000 Act. The claim of potential damage to existing roadway infrastructure and a request that a security bond be provided to Cairnbrook Management CLG are civil matters between the parties and outside the scope of the planning system.

8.4. Residential Density

Density Range

8.4.1. Arising from the Compact Settlement Guidelines, I consider the site is within a 'City – Suburban/ Urban Extension' location, due to its comprising greenfield lands at the edge of the existing built up footprint that are zoned for residential development. The recommended density for such areas is in the range of 40dph-80dph, with potential for densities of up to 150dph for accessible sites served by high-capacity public transport.

8.4.2. The proposed development has a density of 52dph. In its assessment, the planning authority notes the distances to public transport options (in excess of 1km to Ballyogan LUAS stop (c.1.6km), within 500m of a bus stop on Glenamuck Road South). These distances result in the site being categorised at an intermediate location. The planning authority determines the proposed density of 52dph is within the required density range and is acceptable (the planning authority had also considered the density of the SHD application, 55dph, to have been acceptable).

Excessive Density

- 8.4.3. Appeal grounds include opposition to the density of the proposal, which is described as excessive and resulting in overdevelopment of the site. Appellants link the density of the scheme with adverse impacts on the receiving area (i.e., traffic, amenities).
- 8.4.4. In the appeal response, the applicant contends the proposed density is appropriate, complying with the CDP and the planning guidelines. While it is noted that the density is in excess of Objective SDF8-5 ('generally, 40dph') in the then Draft LAP, the applicant recommends that the permissible range in the guidelines should be applied and highlights that the planning authority had accepted the proposed density.
- 8.4.5. Due to the change in local policy context (i.e., adoption of the LAP as outlined in subsection 8.2 above, and the Board will be aware that, unlike a development plan, there is no restriction on material contravention in a local area plan) and the nature of the appeal grounds, I consider that an examination of whether the proposed residential density complies with the applicable policy context and an assessment of the impacts associated with the population increase on the receiving area are required.

Policy Context

- 8.4.6. The guidelines require a density refining process based on firstly, accessibility to public transport options and secondly, site-specific criteria. The site displays accessibility features of an intermediate location due to walking distances to existing/ planned reasonable/ high frequency bus routes on Glenamuck Road South. As such, the recommended range of 40-80 dph remains appropriate.
- 8.4.7. Of the five site-specific criteria (impact on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity), I consider that the density of development at the site is restricted by impact on character. While other criteria are relevant to the site (e.g., Annex I affinity habitats, archaeological remains), there are mitigation measures proposed which manage impacts on these criteria arising from the development of the site.
- 8.4.8. I do not consider this to be the case in respect of impact on character. The adjoining lands along the eastern boundary of the site are inherently rural in character, comprising fields with any buildings therein being low rise detached dwellings and agricultural structures (equestrian, farming activities). Further, the topography of the

site is a relevant consideration, with ground levels being higher in the south/ east such that the design of the built-form interface along the eastern boundary requires careful consideration.

- 8.4.9. As outlined in respect of design (subsection 8.5 below), I recommend that amendments are made to the proposed development to reduce the building heights of the apartment and triplex blocks. This is to be achieved through the omission of one storey from both apartment buildings, B.01 and B.02 (Level 2 and Level 3 respectively), thereby reducing the buildings' heights to the maximum 4 storeys, and the omission of one storey from both triplex buildings, D.01 and D.02, thereby reducing the buildings' heights to 3 storeys, and changing the residential typology to a conventional duplex building.
- 8.4.10. The basis for the recommendation is linked to this site-specific criterion of impact on character. As such, of the national policy context, in accordance with Policy and Objective 3.1 of the guidelines, I recommend the density of the proposal is refined to be at the lower end of the permissible density range for the site's location, i.e., c.40dph.
- 8.4.11. Of the local policy context, I am satisfied that the density of the scheme, as recommended to be amended by condition, complies with CDP policy on residential density in Sections 4.3.1, 12.3.1.1, and specifically Policy Objective PHP18. Further, the amended density is consistent with and better achieves the provisions of the adopted LAP (Objective SDF8-5 which requires a density of 'generally, 40dph'). The recommended amendments revise the proposed density from 52dph to c.42.5dph, which I consider to be an optimum density, providing a sustainable quantum of dwellings units at this zoned and serviced site, whilst protecting the amenities of the area.

Population Increase

- 8.4.12. In considering the impact of the proposal on the receiving area, I have reviewed spatial and population data in the 2022 Census. The site is located within the Electoral Division of Cabinteely-Loughlinstown, the population of which is 5,362 persons (Census website, information is correct as of the date of this report).
- 8.4.13. For the amended proposal of 128 residential units, I estimate there to be a population increase of between c.347-673 persons (c.6.5%-12.6% increase in the

Electoral Division's population). This range is based on the 2022 Census average household size for the Electoral Division (c.2.71 persons) and the total number of bedspaces in the scheme (if all bedspaces were to be occupied, see Table 4(b) subsection 8.5 of this report below).

- 8.4.14. Having regard to the proposed unit mix and the relatively high proportion of 3+ bedroom units (66%) in the amended scheme (arising from compliance with CDP 12.3.3.1: Residential Size and Mix, and Table 12.1: Apartment Mix Requirements), based on a household average of 3.5 persons, I consider a population increase of c.448 persons to be a reasonable estimate (c.8.4% increase to the Electoral Division).
- 8.4.15. While I acknowledge concerns expressed by appellants, on review of several reports on the case file, including the Planning Report and Statement of Consistency, Social and Community Infrastructure Audit Assessment, Traffic and Transport Assessment, Engineering Assessment Report, and the EIA Screening Report (which consider in-combination effects with adjacent developments), I do not anticipate any excessive or injurious impacts on the receiving environment of this area of the city, which offers a wide range of facilities and services. On balance, I consider the potential proportion of population growth to be plan-led and well within acceptable parameters for the Electoral Division and this developing suburb of Dublin City.

Conclusion

- 8.4.16. In conclusion, I am satisfied that, in principle, the proposed development with an amended density of c.42.5dph and yielding a population increase in the region of c.448 persons, complies with the policy context set at national, regional, and local levels for future growth in this developing suburb of Dublin City, and would not result in any undue or significant negative impact on the receiving environment.

8.5. Design, Height and Layout

Appeal Grounds

- 8.5.1. Appeal grounds include opposition to the design, height and layout of the proposed development. Particular concerns relate to the proposed building heights, with the apartment blocks at 5 storeys described as being out of character and negatively impacting the visual amenities of the area. Concerns are also raised against the

scale and massing of the proposed buildings (apartment and triplex blocks) along the eastern boundary (lack of transition, inappropriate interface).

- 8.5.2. Specific to the site's western boundary with Cairnbrook, are objections against any alteration of the turning head and open space area at the proposed entrance point, request for clarity on boundary lines and treatments with 10 and 11 Cairnbrook, opposition to the inclusion and/ or proximity of the proposed dwellings to the southeast of 10 Cairnbrook, and request that the 3 storey dwellings adjacent to 11 Cairnbrook be reduced to 2 storeys.

Planning Authority Assessment

- 8.5.3. Due to the overall building height of the scheme being 5 storeys and the prevailing height in the area being 2 storeys, the planning authority undertook a performance-based criteria assessment (as per Table 5.1 of the CDP Building Height Strategy, in accordance with CDP Policy Objectives PHP42 and BHS3).
- 8.5.4. In respect of building height, the planning authority concluded that the site was capable of accommodating the increased height (i.e., in excess of the standard of 4 storeys required by the Building Height Guidelines for new residential development in such locations) due to its size, separation distances to existing dwellings, and use of topography to enhance the character of the area.
- 8.5.5. In respect of visual impact, while the proposed development is found to be generally acceptable, on review of View 4 of the CGIs concerns are raised regarding the roof profiles of the (triplex) duplex buildings (bulky, not align with the overall architectural design). A recommendation is made to amend the design of the flat roof to a pitched dormer roof, which forms the basis for Condition 2(a).
- 8.5.6. I note that the planning authority raised no concerns regarding the proposed dwellings adjacent to 10 Cairnbrook in the southwest corner of the scheme, nor to the design of the 3 storey dwellings to the east of 11 Cairnbrook.

Recommended Amendments to the Proposed Development

- 8.5.7. While I note the planning authority's conclusion in respect of building height and visual impact, and the applicant's position that the proposal is acceptable with regard to both (outlined in the application documentation and appeal response), I concur with specific grounds cited by appellants. These are that 5 storeys is inappropriate

for a maximum building height, and that the site's topography and notable change in ground levels require a more responsive design approach along the eastern boundary.

- 8.5.8. As referred to in previous subsections of this report, I recommend that amendments are made to the proposed development. For the apartment buildings, these include the omission of one storey from both B.01 and B.02 (Level 2 and Level 3 respectively, as the floor levels are stepped due to the changing gradient across the site), thereby reducing the buildings' heights to the maximum 4 storeys, and the omission of one storey from both triplex buildings, D.01 and D.02, thereby reducing the buildings' heights to 3 storeys and changing the residential typology to a conventional duplex building.
- 8.5.9. The basis for the recommended amendments is to avoid any adverse impact on the character of the receiving area (particularly to the east of the site, inherently rural), prevent injury to the visual amenities of the area (vulnerable to change), achieve an appropriate built form responding to the site's topography, and ensure a subtle and unintrusive interface along the site's eastern boundary. In making this recommendation to the Board, I have also had regard to the provisions of the adopted LAP, in particular the objectives of SDF8.
- 8.5.10. For the Board's clarity, Table 3 presents the recommended amendments to the proposed development (e.g., block revised, floor level omitted, number and type of residential unit omitted). The proposed omission of floor levels results in a reduction in the total number of residential units by 29 from 157 to 128 units.

Table 3: Recommended Amendments to the Proposed Development

Block	Floor Level	1 bed	2 bed	3 bed	Total
B.01	2	2 (1A)	2 (2A, 2B)	3 (3A)	7
B.02	3	1 (1A)	3 (2B)	4 (3A)	8
D.01	1	-	8 (7xS2, S2A)	-	8
D.02	1	-	6 (5xS2, S2A)	-	6
Total		3	19	7	29

8.5.11. Again, for the Board's clarity, Tables 4(a) and 4(b) below are updated versions of Tables 2(a) and 2(b) included in section 2.0 of this report above. These updated tables reflect the recommended amendments and allow the Board to undertake a comparison of the proposed and amended developments.

Table 4(a): Summary of Residential Unit Mix of Amended Development

Houses (45 units, 35% of the scheme)					
Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Total	-	-	10	35	45
% of Total	-	-	22%	78%	100%
Duplexes (32 units, 25% of the scheme)					
Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Total	-	16	16	-	32
% of Total	-	50%	50%	-	100%
Apartments (51 units, 40% of the scheme)					
Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Total	14	14	23	-	51
% of Total	27.5%	27.5%	45%	-	100%
Overall Unit Mix as % of Total					
	1 bed	2 bed	3 bed	4 bed	Total
	14	30	49	35	128
	11%	23%	38.5%	27.5%	100%

Table 4(b): Summary of Unit Types and Bedspaces of Amended Development

Unit Type Bed/P	1 bed/ 2P	2 bed/ 4P	3 bed/ 5P	4 bed/ 8P	Total
Houses			10	35	45

Duplexes		16	16		32
Apartments	14	14	23		51
Unit Type Total	14	30	49	35	128
Total Bedspaces	28	120	245	280	673

Other Considerations

- 8.5.12. Other considerations relating to design and layout, include the appeal ground that the proposal remains contrary to CDP Policy Objective PHP35 (healthy placemaking) as referred to in the refusal of the SHD application, ABP 314281-22. I have reviewed the SHD application including the site layout plan (see Proposed Site Layout Plan: Dwg No 21044-OMP-00-SP-DR-A-1001) and the previous inspector's report.
- 8.5.13. I consider a key reason the SHD scheme was found to be contrary to Policy Objective PHP35 related to the restricted, relatively impermeable site layout, with opportunities for access and connections to the wider area limited to two points of entry (Cairnbrook, Springfield Lane in the northeastern site corner). I consider the layout of the proposed development has been notably improved in this regard, with additional links to and/ or internal road layouts designed up to boundaries at Rockville Green and Springfield Lane (eastern boundary).
- 8.5.14. There is a strong policy context (CDP, adopted LAP) requiring that permeability be designed into the County's built environments (as per CDP Policy Objective PHP35) and ensuring that the development management process secures connectivity between and through residential areas (LAP permeability link 'PY14 – Cairnbrook to Rockville Drive and Springfield Lane', Objectives PRM1 and PRM2). In this regard, I am satisfied that the proposed development has addressed previous shortcomings in the design and layout of the SHD application, complies with permeability policy context, and is not contrary to Policy Objective PHP35.
- 8.5.15. Of the other appeal grounds, I am satisfied that the applicant has outlined and justified the extent of the works in the vicinity of the turning head in Cairnbrook (across 'Cairnbrook Common Areas' to construct the entrance to the scheme), and

clarified the boundary with 10 and 11 Cairnbrook in its response to the appeal (Appendix 6, boundary lines as per land registry mapping, no encroaching).

- 8.5.16. In relation to appellants' requests to omit, or increase separation distances to, the proposed dwellings to the southeast of 10 Cairnbrook, I do not concur. I consider the siting and layout of the proposed dwellings in this location to be well considered, responding appropriately to the context (House Types B1-B3 of modest height, unintrusive alignments with existing dwellings, including 10 Cairnbrook), and providing a well-designed interface with Rockville Green (shared open space, pedestrian link).
- 8.5.17. Of the appeal ground that the design of the 3 storey dwellings to the east of 11 Cairnbrook be revised to 2 storeys due adverse visual impact, I do not concur. I consider the design of these proposed dwellings (House Types A, A1) to be, in and of themselves, conventional and acceptable. Further, given the separation distances, the intervening siting of the wetlands area, and the extent of existing and proposed tree/ hedgerow screening, I find there to be no potential for overbearance or adverse visual impact on 11 Cairnbrook due to the proposed dwellings.
- 8.5.18. Of the planning authority's recommendation to revise the roof profile of the (triplex) duplex blocks by Condition 2(a), I have reviewed the relevant elevation and section drawings, Architectural Design Statement, and the CGIs (whilst having regard to the recommended amendments to triplex blocks D.01 and D.02). Conversely, I do not find the roof profile to be overly bulky or to not align with the design of the remainder of the scheme. I consider the proposed elevational treatment of these blocks to be acceptable, with these buildings being distinctive to, yet consistent with the proposed apartment blocks and house types. I do not recommend the attachment of such a condition.
- 8.5.19. Of the planning authority's Conditions 6 and 7 relating to boundary treatment (final agreement on same) and permeability (all routes to be ungated and accessible to the general public), I concur and recommend the continued attachment of conditions similar in their effect.

Conclusion

- 8.5.20. In conclusion, I find the proposed development to be acceptable in terms of its overall design, height and layout, subject to recommended amendments reducing

the building heights of certain blocks. I consider the proposed layout to be cohesive, connected and permeable thereby complying with several design related policy requirements, in particular CDP Policy Objective PHP35, and overcoming the previous refusal reason for SHD application, ABP 314281-22.

8.6. Residential Amenity

- 8.6.1. Appeal grounds include negative impacts on the existing amenity of Cairnbrook residents due to increased traffic generation, creation of hazardous access arrangements, loss of security due to change of cul-de-sac layout, overbearance and adverse visual impact, and for all residents surrounding the site, is nuisance from construction phase activities.
- 8.6.2. Of the amenity of future residents, concerns are cited in relation to poor and substandard public and communal open spaces. I identify the childcare facility and residential unit mix as relevant planning considerations for future residential amenity.

Existing Residential Amenity

- 8.6.3. In respect of existing residential amenity, I have considered potential overlooking, overshadowing and overbearance for surrounding residents. I consider that the design approach taken for the scheme has incorporated sufficient setbacks of proposed buildings from site boundaries and architectural design solutions for certain proposed dwellings.
- 8.6.4. Separation distances of proposed buildings to the adjacent dwellings around the perimeter of the site in Cairnbrook, Springfield Lane, Rockville Green, and Rockville Drive are generally c.49m, c.24m, c.17m, and c.21m respectively. In instances where distances are less (e.g., proposed dwellings adjacent to Rockville Green, 10 Cairnbrook, Springfield Lane (the adjacent property on northern boundary)), the design of the proposed dwellings have incorporated measures to prevent potential for overlooking (angled alignment, restricted use of first floor fenestration, informed selection of habitable rooms in internal layouts). In the applicable instances, the separation distances achieve the minimum 16m separation distance required by SPPR 1 of the Compact Settlement Guidelines between opposing above-ground floor windows on the sides/ rear elevations of residences. At these distances, the proposed development will not realistically result in undue overlooking, and by extension, overshadowing, or overbearance impacts on the adjacent properties.

- 8.6.5. In respect of construction and operation phase impacts, while I acknowledge a level of disruption will arise to adjacent residents, I consider that anticipated impacts are within acceptable parameters for a mid-scale, mid-density development such as the proposal at a location in a suburban serviced area such as the appeal site. The likely impacts will be mitigated by measures included in the final Construction Environmental Management Plan (CEMP), Noise and Vibration Impact Assessment (NVIA), and Travel Plan.
- 8.6.6. Further, the recommended amendments to the proposed development will reduce the total number of units and future residents thereby also reducing the intensity of the residential use at the site resulting in improvements to and protection of the amenities of residents in Cairnbrook and other residential properties adjacent to the site.

Future Residential Amenity

- 8.6.7. Key considerations in determining the level of amenity for future residents of the scheme include the residential unit mix, accommodation design and standards, and open space provision and function. The proposed development is subject to the requirements of national policy in the Compact Settlements Guidelines and the Apartment Guidelines, both of which include several mandatory SPPRs.
- 8.6.8. With regard to amenity levels of future residents of the scheme, I confirm to the Board that I have reviewed the range of plans and relevant particulars, including the Architectural Design Statement, Housing Quality Assessment, Site Wide Schedule, Daylight and Sunlight Analysis Report, Landscape Design Rationale and associated landscaping plans, Social and Community Infrastructure Audit (SCIA), TTA, and Travel Plan.
- 8.6.9. In short, I find that the proposed development complies with standards for residential development included in the national planning guidelines and local policy context (cited in section 6.0 of this report above). I am satisfied that the proposed development will afford future residents with acceptable levels of amenity, in a well-designed, serviced, and managed development. Of the criticisms relating to proposed public and communal open space, I do not concur, finding both instead to be acceptable in terms of quantity (minimum standards as per the planning

guidelines are achieved) and quality (well-considered design, hierarchy of spaces, different functions, distinctive areas with high quality finishes).

8.6.10. I note the proposal includes a childcare facility (c.187sqm) with an outdoor play area (c.130sqm), located at the ground floor level of apartment block B.01. The childcare facility is a single storey unit within the eastern-most apartment building. The SCIA outlines the proposal generates a requirement for 37 spaces (calculated on the proposed 157 units with 1-bedroom units discounted, as allowed for in the applicable planning guidelines). The facility has an indicated capacity of c.43 childcare spaces, based on an accepted industry average of c.4-5sqm per child, however, depending on the type of sessional care offered and age group of children catered for, the childcare facility has capacity for c.9 to 37 places. I note the flexibility proposed by the applicant for the facility and am satisfied that as the recommended amendments reduce the total number of residential units in the scheme by 29 units, that the facility remains an appropriate design solution.

8.6.11. An appeal ground includes a request for the omission of the childcare facility from the scheme. I do not concur, finding the facility to be a necessary and positive component of the proposal, which will serve both residents and the wider community. Final agreement on finishes, signage and operation can be addressed by condition. I concur with the planning authority's inclusion of a condition requiring the phased delivery of the childcare facility, and recommend a similar condition be attached in the event of permission being granted.

Residential Unit Mix

8.6.12. A relevant consideration for the appeal case is the residential unit mix proposed in the scheme. Applicable CDP policy (cited in subsection 6.3 above) includes Policy Objective CS 2: Core Strategy (which refers to Figure 2.9, in which the appeal site is designated as a 'new residential community'), Policy Objective PHP27: Housing Mix, Section 12.3.3.1: Residential Size and Mix, and Table 12.1: Apartment Mix Requirements (which specifies that for developments of 50+ units in new residential communities, developments are required to provide a minimum 40% 3+ bedroom units).

8.6.13. In ABP 314281-22, the Board previously found the SHD application was contrary to Policy Objective PHP27: Housing Mix and permission was refused on that basis.

The overall residential unit mix comprised 54% 3+ bedroom units, but the provision of 21% 3+ bedroom apartments did not meet the minimum requirement of 40% 3+ bedroom units for the apartment element. Similarly, the overall unit mix comprised 18% 1-bedroom units, but the provision of 31% 1- bedroom apartments exceeded the maximum limit of 30%.

- 8.6.14. For the Board's clarity, in Tables 5(a) and 5(b) below, I have extrapolated the residential unit mix of the proposed development and the amended development with an emphasis on the proportion of apartments (inclusive of triplex and/ or duplex units).

Table 5(a): Proportion of Apartments in the Proposed Development

Triplices/ Duplexes/ Apartments (112 units, 71% of the scheme)					
	1 bed	2 bed	3 bed	4 bed	Total
	17	49	46	-	112
% of Total	15%	44%	41%	-	100%

Table 5(b): Proportion of Apartments in the Amended Development

Duplexes/ Apartments (83 units, 65% of the scheme)					
	1 bed	2 bed	3 bed	4 bed	Total
	14	30	39	-	83
% of Total	17%	36%	47%	-	100%

- 8.6.15. I confirm that both the proposed development and amended development provide a minimum of 40% 3+ bedroom apartments (the amended scheme has a greater provision at 47%), thereby ensuring that a wide variety of housing and apartment types, sizes and tenures are provided throughout the County and complying with CDP Policy Objective PHP27.

Conclusion

- 8.6.16. In conclusion, I have considered the residential amenity for existing and future residents. For existing residents, I consider that the proposed development will not

adversely injure the residential amenity of adjacent properties or amenities in the wider area. I find that future residents will be provided with residential accommodation of an acceptable standard (which complies with CDP Policy Objective PHP27), enjoy a high level of residential amenity, in a well-designed high quality managed scheme. Overall, I conclude the amended proposal complies with Zoning Objective 'A', by providing for , improving and protecting residential amenity.

8.7. Access, Transportation, and Traffic

- 8.7.1. Appeal grounds include opposition to the proposed access arrangements through Cairnbrook, concerns regarding increased traffic generation, creation of traffic hazards and risk to public safety, and inadequate access to and capacity of public transport to serve the proposed development. I propose to address each item in turn.

Access

- 8.7.2. The main vehicular access to the proposed development is through Cairnbrook estate, via a new entrance in the site's western boundary. All operational phase vehicular traffic will travel through Cairnbrook, except for that associated with the detached dwelling in the northeast of the site, which directly accesses onto Springfield Lane.
- 8.7.3. Appellants strongly oppose access to the proposal being through Cairnbrook, stating the internal access road is substandard, referring to the existing on-street parking arrangements which reduce the width of the road for passing vehicles, predicting traffic congestion and capacity constraints, inconveniencing residents and injuring their residential amenity.
- 8.7.4. In this assessment, I have previously considered the access arrangements to the proposal (both Cairnbrook and Springfield Lane, vehicular and pedestrian/ cycle). This includes with regard to the adopted LAP (subsection 8.2, Movement Objective SDF8-1 which expressly states that the vehicular access to the appeal site shall be though Cairnbrook), the legal interest of the applicant to make the application (subsection 8.3, whereby the applicant has provided sufficient documentary evidence for same), and in relation to incorporating permeability into the design and connectivity through the layout of the proposal (subsection 8.5).

- 8.7.5. While I acknowledge the concerns of appellants, I consider that access to the scheme being via Cairnbrook is established in principle at the policy level, demonstrated as feasible at the legal level, and considered as preferable at a planning design level (as discussed below in respect to traffic).

Traffic

- 8.7.6. Under this subheading I propose to address appeal grounds relating to traffic generation arising from the proposal, and resultant claims of traffic hazard. In so doing, I highlight that one of the reasons that permission was refused for the SHD application, ABP 314281-22, included references to potential hazardous access arrangements and failure to incorporate a recommendation from the Safety Audit (to undertake analysis of on-street car parking within Cairnbrook) thereby endangering traffic and public safety. A decision on the planning status of the on-street car parking arrangements created in Cairnbrook by Cairnbrook Management CLG is presently undecided (see section 5.0 Planning History, ABP 320476-24, subject of a referral to the Board).
- 8.7.7. I have reviewed the traffic related documentation included in the application and the appeal response for the proposed development, which I consider to be extensive, detailed, and robust. These include a TTA, Road Safety and Quality Audit (RSQA), Travel Plan, DMURS Statement of Consistency, Public Transport Capacity Assessment, Cycle Audit and Technical Note. Of particular note, I direct the Board to a Review of Traffic Reports and Studies undertaken by an independent consultant included in the appeal response (Appendix 4).
- 8.7.8. The independent review includes an analysis of the TTA, RSQA, DMURS Statement of Consistency, and Technical Note. The review finds assumptions, methodologies, analysis, and assessments therein are in accordance with applicable guidelines and industry standards. Of traffic generated by the proposal, which is estimated as 75 two-way trips during the AM peak, and 77 two-way trips during the PM peak, this is described as being very low, the equivalent to just over one trip to/ from the proposed development through Cairnbrook every minute during the peak hours.
- 8.7.9. Of the road conditions in Cairnbrook, the review considers the Technical Note (which analyses in detail the on-street parking arrangements in Cairnbrook, thereby addressing the absence of information previously highlighted in ABP 314281-22).

The Technical Note finds the on-street car parking arrangements serve to slow traffic down, which the review observes is increasingly the best indicator of successful design. The review concludes that the proposed development will not constitute an unacceptable safety risk or create an unacceptable traffic hazard.

8.7.10. In comparison, I note that no technical evidence or counter analysis has been provided by the appellants demonstrating that the Cairnbrook access route is in fact hazardous and unsafe. The appeal grounds rely almost exclusively on the assessment and findings in the Inspector's report for ABP 314281-22. However, I highlight that the decision therein was made due to the absence of information demonstrating the access arrangements to be safe, which I consider has been addressed by the Technical Note.

8.7.11. At the time of my site inspection, I found Cairnbrook to be a low speed, low trafficked environment and noted the conditions as outlined in the Technical Note (ability for vehicles to pass, sightlines, forward sight visibility). On balance, I consider that the range of information provided by the applicant for the proposed development demonstrates that the traffic generated by the scheme is within acceptable parameters and will not result in a traffic hazard or endanger public safety. Further, I highlight that the recommended amendments to the proposal will result in a reduction of 29 residential units, with a corresponding reduction in traffic generation.

8.7.12. Transportation

8.7.13. In respect of appeal grounds claiming inadequate access to and capacity of public transport to serve the proposed development, I have reviewed the applicant's Public Transport Capacity Assessment and appeal response on related matters, including claims of inadequate car parking provision/ overly car dependant scheme (Appendix 3).

8.7.14. While I accept the site is at a notable walking distance to LUAS stops (minimum of 1.6km), I do not concur with the criticisms of the appellants, and find the proposed development is at a reasonable distance of c.500m to existing/ planned bus services and cycle infrastructure on Glenamuck Road South. Such proximity to services/ infrastructure will ensure that future residents will be well served by varying modes of transport, thereby offering alternatives to travel by private vehicles.

Other Considerations

- 8.7.15. The appeal grounds include conflicting positions from appellants relating to construction phase traffic. It is claimed there is ambiguity in the preliminary CEMP regarding the route of construction traffic, requests for all construction traffic to be routed along Springfield Lane, and counter requests for such traffic to be routed through Cairnbrook. I have reviewed the preliminary CEMP, the planning authority's assessment, and the applicant's appeal response (in particular Appendix 3). I consider the CEMP is sufficiently clear, the route will be via Springfield Lane in the first instance unless routing through Cairnbrook is necessary. While I acknowledge the appellants' concerns with opposition raised to both arrangements, such opposition is not reasonable. The proposed construction phase arrangements incorporate the necessary flexibility to allow the scheme to be constructed. The construction phase is short-term in duration and the impacts will be temporary. I recommend a condition be attached requiring a finalised CEMP (inclusive of a construction traffic management plan) be agreed with the planning authority.
- 8.7.16. Other relevant considerations include the appeal ground that the proposal is premature pending the completion of the Glenamuck District Distributor Road (GDDR), which the adopted LAP clarifies is no longer a phasing requirement; the implementation of standards from the CDP as planning conditions (e.g., Section 12.4.1.1 requiring a minimum of one car parking space per five car parking spaces equipped with one fully functional EV charging point); the continued applicability of bespoke planning authority conditions such as Condition 13, requiring a reconfigured route for a pedestrian path in the southwest of the scheme; and the requirement for a Parking Management Plan (car, cycle, motorcycle) to be agreed with the planning authority as the recommended amendments revise the total number of residential units (a reduction in 29 units) and also as the planning authority required final cycle parking agreement in its Condition 14.

Conclusion

- 8.7.17. In conclusion, I consider the proposal to be acceptable in terms of pedestrian, cyclist and vehicular access, to be of a scale and intensity of use that is not likely to create a traffic hazard, cause undue congestion or have an adverse impact on the traffic conditions of neighbouring Cairnbrook or the wider surrounding area. In the event of a grant of permission, I recommend that standard and project specific conditions be attached, the latter requiring final agreement with the planning authority.

8.8. Biodiversity

Appeal Grounds

- 8.8.1. Appeal grounds include criticisms of the proposed extent of tree, vegetation and hedgerow removal and elements of the Habitat and Species Management Plan, requests an up-to-date bat roost survey, and questions regarding the adequacy of information in the environmental screening documents. Appeal grounds also include the proposed development being contrary to CDP Policy Objective GIB18, which I identify as a key consideration as it formed the basis of the third refusal reason of SHD application, ABP 314281-22.

Compliance with CDP Policy Objective GIB18

- 8.8.2. I have reviewed the biodiversity related documentation included in the application and the appeal response for the proposed development, which I consider to be extensive, thorough, and robust. These include an Ecological Impact Assessment (with a bat survey), Habitat and Species Management Plan, Arboricultural Assessment (with a tree protection plan), Landscape Design Report (with accompanying landscaping plan), Hydrological and Hydrogeological Risk Assessment, Flood Risk Assessment, and a preliminary CEMP (with targeted biodiversity measures, including re-routing of the drainage ditch).
- 8.8.3. Of the habitats and species on site, surveys undertaken for the EclA identify these as including a large, centrally located agricultural grassland and dry grassland (GA1, GS1), with dense scrub vegetation around the perimeters (WS1), and distinctive hedgerow (WL1) and treeline (WL2) boundaries. Wetland habitats include wet grassland, wet woodland (GS4, WN6) and a drainage ditch (FW4) in the west of the site. Three of the habitats, dry grassland (GA1), wet grassland (GS4), and wet woodland (WN6), are identified as being habitats with 'Annex I affinity'. On detailed survey, analysis and assessment, each is found to insufficiently display the necessary Annex I qualifying characteristics and are instead classified as Key Ecological Receptors (KER) (Table 28 of the EclA, pgs. 93-95, outlines and evaluates all KERs at the site).
- 8.8.4. As outlined by the applicant (e.g., Chapter 7 of the EclA, Appendix 7 of the appeal response), and evident from a review of the landscape design rationale and associated landscaping plan, the landscaping approach taken for the proposal

involves retaining the high-value habitats of wet woodland, mature hedgerows, drainage ditch and Annex I affinity grassland (in-situ and/ or by translocation of turves) and incorporating these into the scheme's open space strategy.

- 8.8.5. Important elements of the landscaping approach for the proposed development differ from that of the previous SHD application, most notably are the maintenance of the wetland area and the translocation of dry grassland turves. In this respect, I am satisfied that the proposed development is in compliance with CDP Policy Objective GIB18 as, through the retention and incorporation of these valuable habitats into the scheme's open space strategy, the proposed development serves as the required 'stepping stone' in the County's green infrastructure and biodiversity network.

Other Considerations

- 8.8.6. Of the proposed tree and hedgerow removal, I note the findings of the Arboricultural Assessment. The report outlines that 15 of 39 individual trees, one hedge, two sections of another hedge, and scrub vegetation will be removed (15 trees are lower value U and C category). That being, the majority of the existing woodland and hedgerows are being retained (including along the eastern boundary through the creation of the biodiversity corridor), and 198 new trees are proposed as part of the landscaping plan. On balance, I consider the extent of tree, vegetation and hedgerow removal to be acceptable with mitigation measures incorporated.
- 8.8.7. Of the request for an up-to-date bat survey, I note the EclA contains a range of bat surveys which were undertaken during 2022 and 2024. The surveys recorded bat foraging and commuting activity at the site, but no bat roosts were identified. The surveys included potential bat roost assessments of trees and buildings, which determined the site provide negligible-low bat roost suitability. In the appeal response (Appendix 7), the applicant submits the bat surveys were thorough and does not consider additional survey work to be necessary, a position with which I concur.
- 8.8.8. In relation to the questions regarding the adequacy of/ information in the environmental screening documents, I confirm to the Board that I have found the range of biodiversity information included in the case file (application and appeal response) to be extensive, thorough, and robust. I have not encountered any issue (e.g., conflicting or lack of information) which prevented me from undertaking the

biodiversity related aspects of the environmental screenings included in Appendices 1-4 of this report.

- 8.8.9. Also, for the Board's clarity, in respect of the most proximate ecological designation to the appeal site, Dingle Glen pNHA, the EcIA confirms there is no hydrological connection between the project and the pNHA, but identifies an air pathway (emissions, dust, noise). Construction phase impacts from the project on the pNHA are assessed and, subject to mitigation measures, found to be not significant in effect.

Conclusion

- 8.8.10. In conclusion, biodiversity at the site is predominantly categorised as being of local importance, with a small number of high-value Annex I affinity habitats, which will be retained as part of the landscaping and open space strategy for the proposal. Otherwise, there are no protected habitats, plants, or mammals (except bat populations) at the site, and no meaningful direct ecological or hydrological pathways connecting the proposed development to any protected ecological designation (e.g., pNHA, European site). I am satisfied that the proposal will not have an adverse impact on biodiversity at the site or in the wider area, thereby complying with CDP Policy Objective GIB18. In the event of a grant of permission, I recommend that the implementation of the mitigation measures in the several biodiversity related reports be subject of a condition.

8.9. Other Matters

- 8.9.1. Finally, in the interests of clarity for the Board, in this subsection I respond to relevant 'other matters' as raised in the appeal grounds, which have not been specifically addressed in above subsections.
- 8.9.2. The applicant has applied for an appropriate period of 7 years to implement the consent if permission is granted. The justifications given for same are the scale and nature of the proposed development and the associated complexities of construction. While I consider the proposal to be a mid-scale, mid-density scheme, I agree that there are complexities to the site preparation and construction works (tree and hedgerow protection measures, habitats and species protection/ translocation process, drainage ditch modification) that would reasonably justify the extended

duration of permission. I recommend an appropriate period of 7 years be specified by condition.

- 8.9.3. Appeal grounds include the proposal causing a deprecation in the value of properties in adjacent Cairnbrook. While I acknowledge appellants' concerns, I note and concur with the applicant's case outlined in the appeal response. A Housing Market Assessment has been undertaken (Appendix 5) which, conversely, finds the proposal to add value to the area (developing a vacant site, high quality designed scheme, build-to-sell tenure, creating a community).
- 8.9.4. In relation to other planning conditions, I have reviewed the internal reports of the different sections of the planning authority and the prescribed bodies, note the conditions recommended to be attached in the event of a grant of permission. I am satisfied that equivalent An Bord Pleanála conditions are sufficient in covering/ addressing several matters (construction, operational, procedural, and financial). Some of the recommended conditions are necessarily specific in nature, being bespoke to the proposal (e.g., mitigation and monitoring from several project-specific reports, archaeology, boundary treatments, pathways, connection points, section 49 development contribution schemes).
- 8.9.5. Finally, I direct the Board to sections 9.0, 10.0 and 11.0 of this report below, and in particular to corresponding Appendices 1-4. These screening determinations provide detailed assessments of the impact of the proposed development on several components of the environment.

9.0 Appropriate Assessment

9.1. Stage 1 – Screening Determination for Appropriate Assessment

- 9.1.1. In accordance with section 177U(4) of the Planning and Development Act 2000, as amended (2000 Act), and on the basis of objective information, I conclude that the proposed development (project) 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 2000 Act is not required (see Appendix 1 of this report below).
- 9.1.2. This conclusion is based on:

- Objective information presented in the case documentation (e.g., AASR, EcIA).
- Qualifying interests and conservation objectives of the European sites.
- Absence of any meaningful pathways to any European site.
- Distances from European sites.
- Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

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

10.0 Environmental Impact Assessment

10.1. Pre Screening for Environmental Impact Assessment

10.1.1. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations), and section 172(1)(a) of the Planning and Development Act 2000, as amended (2000 Act), identify classes of development with specified thresholds for which EIA is required.

10.1.2. I identify the following classes of development in the 2001 Regulations as being of relevance to the proposal:

- Class 10(b) relates to infrastructure projects that involve:
 - (i) Construction of more than 500 dwelling units,
 - (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.

10.1.3. The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/ or (iv) of the 2001 Regulations. As such, the criteria in Schedule 7 of the 2001 Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA (see Appendix 2 of this report below).

10.2. Screening Determination for Environmental Impact Assessment

10.2.1. The applicant has submitted an Environmental Impact Assessment screening report (EIASR) with the application addressing issues which are included for in Schedule 7A of the 2001 Regulations.

10.2.2. Based on the criteria in Schedule 7 of the 2001 Regulations, I have carried out an EIA screening determination of the project (included in Appendix 3 below of this report). In so doing, I have had regard to the following:

1. The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, in particular:
 - (a) the nature and scale of the proposed residential development (which is below the mandatory thresholds for Class 10(b)(i) and Class 10(b)(iv) of the 2001 Regulations) and the greenfield nature of the site and its location in an outer suburban area which is served by public services and infrastructure.
 - (b) the absence of any significant environmental sensitivity in the vicinity.
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the 2001 Regulations.
2. The results of other relevant assessments of the effects on the environment submitted by the applicant, and the results of the strategic environmental assessments of Dún Laoghaire Rathdown County Development Plan 2022-2028 and Kiltiernan-Glenamuck Local Area Plan 2025 undertaken in accordance with the SEA Directive (2001/42/EC).
3. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

10.2.3. In conclusion, I am satisfied that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report is not, therefore, required.

11.0 Water Status Impact Assessment

11.1. Stage 1 – Screening Determination for Water Status Impact Assessment

- 11.1.1. I have assessed the proposed development (project) with regard to, and have considered the objectives as set out in, Article 4 of the Water Framework Directive (WFD). Article 4 seeks to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 11.1.2. I conclude that the proposed development will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its WFD objectives. Consequently, I conclude that the proposed development can be excluded from further assessment (see Appendix 4 of this report below).
- 11.1.3. This conclusion is based on:
- Nature of the project, site and receiving environment.
 - Objective information presented in the case documentation (e.g., HHRA, FRA, Engineering Assessment Report).
 - Hydrological and hydrogeological characteristics of proximate waterbodies.
 - Absence of any meaningful pathways to any waterbody.
 - Standard pollution controls and project design features.

12.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

13.0 Recommended Draft Board Order

Planning and Development Act 2000, as amended

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Register Reference: LRD 24A/0870/WEB

Appeal by Carrickmines Preservation Association CLG and others, against the decision made on the 6th day of March 2025, by Dun Laoghaire Rathdown County Council to grant permission subject to conditions to Grafton Issuer DAC c/o of John Spain, 39 Fitzwilliam Place, Dublin 2, in accordance with plans and particulars lodged with the said Council.

Proposed Development

Largescale residential development on lands at Carrickmines Great, Glenamuck Road South, Dublin 18. Particulars of the development are as follows:

The demolition of existing outbuildings on site and the construction of 157 no. residential units, a childcare facility with a GFA of 187.3 sq.m., associated internal roads, pedestrian and cycle paths, open space, and all associated site and infrastructural works.

The residential component of the development consists of 66 no. apartments, 46 no. duplex / apartment units and 45 no. houses, to be provided as follows:

- 17 no. 1-bed apartments;
- 19 no. 2-bed apartments;
- 30 no. 3-bed apartments;
- 30 no. 2 bed duplex / apartment units;
- 16 no. 3 bed duplex / apartment units;
- 10 no. 3-bed (Type B1, B2, B3, C and D) houses;
- 35 no. 4-bed (Type A and A1) houses.

The 66 no. apartments are provided within 2 no. apartment buildings (B.01 and B.02) of 5 no. storeys in height, with undercroft and surface car parking. The childcare facility is located at the ground floor of Building B.01. The 46 no. duplex / apartment units are provided in 2 no. 4 storey duplex / apartment buildings (D.01 and D.02) comprising 2 storey duplex units over ground and first floor apartment units, and 1 no. 3 storey duplex / apartment building (D.03) comprising 2 storey duplex units over

ground floor apartment units. The houses consist of 2 and 3 storey terraced, semi-detached, and detached houses.

The proposal contains a total of 218 no. car parking spaces, including 90 no. in-curtilage and surface level spaces for the houses, and 128 no. undercroft and surface level spaces for the duplex / apartment units, the apartments and the childcare facility, and 5 no. motorbike parking spaces for the apartments. The proposal contains 282 no. bicycle parking spaces for the duplex / apartment units, apartments and childcare facility, and 4 no. bicycle parking spaces for 2 no. mid-terraced houses. Cycle parking for all the other houses is provided in-curtilage.

The vehicular access to the development is to be provided from Cairnbrook residential estate to the west, including associated works to facilitate same. A vehicular entrance is also proposed from Springfield Lane to access the house proposed on the northern part of the site. Pedestrian and cycle links are proposed to Springfield Lane to the north (also providing a secondary emergency vehicular access) and to the permitted development (Reg. Ref.: PC/H/01/19) at Rockville Drive / Glenamuck Cottages to the south-west, and the proposal includes for the provision of infrastructure up to the application site boundary to facilitate future connections to adjoining lands to the north, east and south.

Bike stores, apartment stores, childcare facility store, bin stores, plant rooms, ESB Substation and block cores are located at the undercroft and ground floor levels of the apartment buildings. The proposal includes free-standing bike and bin stores adjacent to the duplex / apartment units and mid-terraced houses.

The proposed development includes private amenity space, consisting of balconies / terraces for all apartments and duplex / apartments and private gardens for the houses, public and communal open space, including children's play areas and an ancillary play area for the childcare facility, PV panels at roof level of the apartment buildings and the houses, public lighting, and utilities infrastructure. The proposal includes all associated site and infrastructural works, including tie-ins to existing infrastructure in the Cairnbrook residential estate, foul and surface water drainage, the culverting of the on-site watercourse, attenuation tanks, hard and soft landscaping, boundary treatments, internal roads, cycle paths and footpaths.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the following reasons and considerations, and subject to the conditions set out below.

Reasons and Considerations

The Board has made its decision in consistency with:

- a) Relevant provisions of the Climate Action and Low Carbon Development Act 2015, as amended.
- b) Climate Action Plans 2024 and 2025.

In coming to its decision, the Board had regard to the following:

- a) Policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) Policies and objectives set out in the Dún Laoghaire Rathdown County Development Plan 2022-2028 including the location of the site on lands subject to Zoning Objective 'A' and the permitted uses therein.
- c) Provisions of the Kiltiernan-Glenamuck Local Area Plan 2025, including the designation of the site within 'Site Development Framework 8' and the objectives pertaining to the development of the lands therein.
- d) Housing for All, A New Housing Plan for Ireland, 2021.
- e) National Biodiversity Plan 2023-2030.
- f) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- g) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.

- i) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- j) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- k) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- l) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- m) Development Management, Guidelines for Planning Authorities, 2007.
- n) The nature, scale, and design of the proposed development.
- o) The availability in the area of a range of social, community, and transport infrastructure.
- p) The pattern of existing and permitted development in the area.
- q) The planning history at the site and within the area.
- r) The reports of the planning authority.
- s) The submissions received by the planning authority from observers and prescribed bodies.
- t) The grounds of appeal.
- u) The response to the grounds of appeal by the planning authority and the applicant.
- v) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment, and water status impact assessment.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites and the absence of any direct hydrological

connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report.

In completing the screening exercise, the Board adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

Environmental Impact Assessment Screening

The Board completed an Environmental Impact Assessment screening determination of the proposed development, with regard being had to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, in particular to the nature and scale of the proposed residential development (which is below the mandatory thresholds for Class 10(b)(i) and Class 10(b)(iv) of the 2001 Regulations), the greenfield nature of the site and its location in an outer suburban area which is served by public services and infrastructure, the absence of any significant environmental sensitivity in the vicinity, the location of the development outside of any sensitive location specified in article 109(4)(a) of the 2001 Regulations, the results of other relevant assessments of the effects on the environment submitted by the applicant, the results of the strategic environmental assessment of Dún Laoghaire Rathdown County Development Plan 2022-2028 and Kiltiernan-Glenamuck Local Area Plan 2025 undertaken in accordance with the SEA Directive (2001/42/EC), and the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

In completing the screening determination, the Board adopted the report of the Planning Inspector and concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Water Status Impact Assessment Screening

The Board completed a Water Status Impact Assessment screening exercise with regard being had to the objectives of Article 4 of the Water Framework Directive, taking into account the nature of the proposed development, site and receiving environment, the hydrological and hydrogeological characteristics of proximate waterbodies, the absence of any meaningful pathways to any waterbody, the standard pollution controls and project design features, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report.

In completing the screening exercise, the Board adopted the report of the Planning Inspector, and concluded that proposed development will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its Water Framework Directive objectives, and that a Water Status Impact Assessment would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

The Board considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable policies and objectives of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and the Kiltiernan-Glenamuck Local Area Plan 2025, including those pertain to Zoning Objective A and Site Development Framework 8, would result in an appropriate density of residential development, would constitute an acceptable mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or result in serious pollution to biodiversity, lands, water, or air, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority, as amended by the further information plans and particulars submitted to the planning authority on the 13th day of February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 7 years from the date of this order.

Reason: Having regard to the nature of the development and the complexities of construction, the Board considers it appropriate to specify a period of validity of this permission in excess of 5 years.

3. Permission is hereby granted for a total number of 128 residential units comprising 45 no. 3/ 4-bedroom houses, 32 no. 2/ 3-bedroom duplexes, and 51 no. 1/ 2/ 3-bedroom apartments.

Reason: In the interest of clarity.

4. The proposed development shall be amended as follows:
 - a) Level 02 omitted from Block B.01.
 - b) Level 03 omitted from Block B.02.
 - c) Level 01 omitted from both Block D.01 and Block D.02.

- d) Block D.01 and Block D.02 redesigned in conventional duplex typology.
- e) Route of pedestrian path (on southern side of the access road, in the west of the development), reconfigured to align with the curvature of the access road and extend through an adjacent green space.

Revised drawings (plans, elevations, sections) showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: Having regard to the provisions of the Kiltiernan-Glenamuck LAP 2025, and in the interests of improving the public realm layout and the proper planning and sustainable development.

- 5. a) Mitigation and monitoring measures outlined in the plans and particulars, including the preliminary Construction and Environmental Management Plan, Noise and Vibration Impact Assessment Report, Ecological Impact Assessment, Habitat and Species Management Plan, Arboricultural Assessment, Hydrological and Hydrogeological Risk Assessment, and Flood Risk Assessment, submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.
- b) Prior to the commencement of development, the developer shall submit a comprehensive list of mitigation and monitoring measures from the named reports and a corresponding timeline/ schedule for implementation of same to the planning authority for its written agreement.

Reason: In the interest of clarity and to protect the environment and public health.

- 6. a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, and/ or dredging associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

b) The method statement for the archaeological monitoring shall include a methodology for the preservation by record of the burnt mound material that was identified during archaeological testing under Licence 25E0094.

c) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the Department of Housing, Local Government and Heritage, regarding appropriate mitigation [preservation in-situ/ excavation].

d) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department of Housing, Local Government and Heritage, shall be complied with by the developer.

e) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/ excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

7. Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

8. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including, but not limited to:
- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - b) Location of areas for construction site offices and staff facilities.
 - c) Details of site security fencing and hoardings.
 - d) Details of on-site car parking facilities for site workers during the course of construction.
 - e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - f) Measures to obviate queuing of construction traffic on the adjoining road network.
 - g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
 - i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
 - j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
 - k) Off-site disposal of construction/ demolition waste and details of how it is proposed to manage excavated soil.

l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

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

9. Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to and agreed in writing with the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use for new residential areas.

10. a) Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.
- b) Details of security shuttering, external lighting, and signage for the childcare facility shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- c) Details of a maintenance strategy for all external finishes to the proposed buildings shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- d) Details of the location, types, textures and finishes of all proposed boundary treatments within the scheme shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

In default of agreement of any (a)-(d) above, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity and orderly development.

11. a) Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees to be protected in the Tree Protection Plan Dwg No. CBG003 and proposed tree planting in Landscape Plan Dwg No. 2001 as lodged with the application.

b) The design of the lighting scheme shall be approved of by a suitably qualified bat specialist. The details of the lighting scheme, including written evidence indicating approval by the bat specialist, shall be submitted to and agreed in writing with the planning authority prior to commencement of development/ installation of lighting.

c) The agreed lighting system shall be fully implemented and operational prior to the making available for occupation of any residential unit .

Reason: In the interests of amenity and public safety.

12. a) The developer shall enter into a Connection Agreement(s) with Uisce Éireann, prior to commencement of development, 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.

b) All development shall be carried out in compliance with Uisce Eireann codes and practices.

Reason: To provide adequate water and wastewater facilities in the interest of public health.

13. Prior to the commencement of development, a phasing programme for construction and making available for use of the childcare facility shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of orderly development and to ensure the timely provision of amenities and infrastructure for future residents.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

15. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

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

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

Reason: In the interests of visual and residential amenity.

17. Prior to commencement of development and/ or occupation of the residential units, as applicable, final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance, internal road, pedestrian/ cycle path layouts, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of traffic, pedestrian and cyclist safety, and sustainable transport.

18. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic and pedestrian safety.

19. a) Prior to the commencement of development, the applicant shall submit to the planning authority for its written agreement, appropriately scaled drawing(s) with all car, motorcycle, and bicycle parking spaces intended for use by each residential unit, visitor use, and childcare facility use (customers and staff). The spaces shall be clearly identified, numbered, and of a design, construction and finish that is to the satisfaction of the planning authority.
- b) The car parking spaces for visitor use shall be assigned permanently for the residential development and shall be reserved solely for that purpose.
- c) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall indicate how car parking spaces within the development shall be assigned, segregated, and continually managed.

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

20. A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.

21. a) All links and connections (vehicular, pedestrian) to adjoining lands shall be provided up to the site boundaries to facilitate future connections subject to the appropriate consents.

b) All pedestrian pathways (within the development) and connectivity links (to and/ or from the development) shall be ungated, free of any physical or operational impediment, and fully accessible to the general public (7 days of the week and 24 hours of the day).

c) Prior to the commencement of development, a phasing programme for construction and making available for use of the connectivity links to Springfield Lane and Rockville Green shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of permeability and safety.

22. a) The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being so taken in charge.

b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/ bin storage, and all areas not intended to

be taken in charge by the local authority, shall be maintained by the legally constituted management company.

c) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: In the interests of orderly development and to provide for the satisfactory future maintenance of this development.

23. a) The areas of communal and public open space in the development shall be reserved for such use, levelled, contoured, soiled, seeded, and landscaped (hard and soft) in accordance with the landscaping plans and particulars as submitted with the application unless otherwise agreed with the planning authority.

b) Final design, finishes, methods of construction and/ or installation of footpaths, cycle paths, seating, crossing points over ditches/ drains/ SuDS features, and equipment in play areas shall be submitted to the planning authority for its written agreement.

d) The landscaping and planting schedule shall be managed and maintained in accordance with the Landscape Design Rationale and landscaping plan(s) submitted with the application, unless otherwise agreed in writing with the planning authority. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

d) The areas of communal and public open space shall be reserved and maintained as such by the developer until taken in charge by the management company or by the local authority.

Reason: In the interest of nature conservation, residential amenity, and to ensure the satisfactory development of the open space areas and their continued use for this purpose.

24. a) No additional development shall take place above roof parapet level of the apartment and/ or duplex blocks including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

b) Roof areas of the apartment blocks shall be accessed for maintenance purposes only and shall not be used for any amenity or recreational purpose.

Reason: To protect the visual amenities of the area and residential amenities of property in the vicinity.

25. a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to and agreed in writing with the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.

b) The OWMP shall provide for screened bin stores for the apartment and duplex blocks, and the childcare facility, the locations, and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.

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

26. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and sections 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an

agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority and/ or management company of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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

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

30. The developer shall pay to the planning authority a financial contribution in respect of the Glenamuck District Distributor Road Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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.

Phillippa Joyce

Senior Planning Inspector

2nd July 2025

Appendix 1: Appropriate Assessment – Screening Determination

Step 1: Description of the Project

I have considered the proposed development* in light of the requirements of section 177U of the Planning and Development Act 2000, as amended.

**Note: In the planning assessment, amendments are recommended to the proposed development involving a reduction in building heights and corresponding reduction in total number of residential units. References to the 'project' in the remainder of this AA screening determination are to be understood as referring to the amended proposed development.*

Subject Site

The subject site is located on lands at Carrickmines Great, Glenamuck Road South, Dublin 18, in a semi-rural/ outer suburban area. The site measures c.3.04ha, is primarily greenfield in nature, comprising agricultural fields and disused outbuildings. The site features a waterlogged area (wet woodlands and wet grasslands) and a drainage ditch to the west, dense scrub around the field perimeters, and well-defined boundaries of treelines, hedgerows and ditches.

The topography across the site is relatively uniform, with ground levels decreasing steadily from c.102m OD in the southern corner to c.92m OD in the northwest. The lands drain in a northwesterly direction across the site, towards the drainage ditch. The ditch traverses the western portion of the site, exits via an existing culvert in the northwest, and flows northwards connecting with a drainage ditch along Glenamuck Road that in turn discharges to the Glenamuck North Stream.

The Glenamuck North Stream (also referred to as Golf Stream) is the closest watercourse to the site and is located c.470m to the northwest. The Glenamuck North Stream flows in a northeasterly direction, converging with the Carrickmines Stream (also referred to as Carrickmines River) at c.970m due north of the site. The Carrickmines Stream flows in an easterly/ southeasterly direction, converging with Shanganagh River and discharging at Killiney Bay.

I have identified the European sites in proximity to the subject site (see section 6.4 of this report above) as including two inland SACs (c.2.5km-c.4km to the south) and a SPA and a SAC associated with Dublin Bay (c.6km to the east).

Project

The project comprises the construction of 157 residential units (128 residential units as amended), a childcare facility, and all associated development works including demolition of outbuildings and site clearance.

Also included are new vehicular, pedestrian, and cyclist access points, internal access roads and footpaths, car and cycle parking spaces, refuse storage facilities, public lighting, electrical services, public and communal open spaces, hard and soft landscaping, boundary treatments, and all infrastructural works associated with water supply, wastewater drainage, and surface water drainage (including

connections to the public networks, SuDS features, and on-site attenuation storage).

Of note in the project, are the proposed works to the drainage ditch, including its partial retention, removal, re-routing and re-grading (for more details see the Water Status Impact Assessment (WSIA) screening in Appendix 4 below). The partial removal and re-routing of the ditch requires works in-stream and near-stream that will be managed through measures in the CEMP.

The southern portion of the ditch will be retained and incorporated into an area of open space. The northern portion and waterlogged area will be retained as a wet grassland area. Surface water from the drainage ditch and wetlands area will be culverted, before being discharged off-site via the existing outfall point at the site's northwestern boundary (where the ditch is already culverted).

With regard to water services, the project seeks connections to the public systems for wastewater drainage and surface water drainage. Existing drainage water services networks are located in Cairnbrook estate (west of the site). Wastewater arising from the project will be collected, drain to the existing foul sewer, discharge by gravity to the public wastewater system, and be treated at Shanganagh WWTP.

The surface water drainage system comprises a single catchment area for the project. The overall system has been sized to store the runoff from a 1:100-year storm event of critical duration plus a 20% climate change allowance and has been designed in accordance with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS).

Surface water run-off in the project will be collected, attenuated on-site, and discharged by gravity to the surface water sewer in Cairnbrook estate (west of site), that connects to the surface water network in Glenamuck Road, which in turn discharges to the Glenamuck North Stream. The project incorporates several SuDS features, including permeable paving, green roofs, swales and filter drains, tree pits, water butts, petrol interceptors, and an attenuation area. The surface water run-off will be discharged at greenfield rates.

Submissions and Observations

Uisce Eireann indicates the project can be serviced (Confirmations of Feasibility are provided in the applicant's Engineering Assessment Report for connections to water supply and wastewater), and that there are no capacity constraints in these public systems.

The Drainage section of the planning authority does not cite any objection to the project, confirming there is capacity in the public network to cater for surface water discharging from the project.

The planning authority completed an appropriate assessment screening of the project (at RFI stage), concluding that there will be no likely significant effects on a Natura 2000 site as there are no known direct pathways including hydrological/hydrogeological links from the subject site to any of the Natura 2000 sites.

Step 2: Potential Impact Mechanisms from the Project

Site Surveys

Field surveys were undertaken in different months in 2021, 2022 and 2024 to identify habitat types, flora species, bat, mammal and bird species, and aquatic species at the site.

The range of habitats on site are indicated in the EclA (Fig. 13, pg. 46). Three habitats, dry grassland (GA1), wet grassland (GS4), and wet woodland (WN6) are identified as being habitats with 'Annex I affinity' (Chapter 5, EclA). On detailed survey, analysis and assessment, however, each is found to insufficiently display the necessary Annex I qualifying characteristics and are instead classified as Key Ecological Receptors (KER).

In the bird surveys (2024 breeding and wintering surveys), no Annex I bird species are recorded at/ using the site. The site does not support a wintering bird population, with little to no use by waterbirds recorded during the surveys.

Overall, while the site is found to feature several KERs (habitats and species), these are predominantly evaluated as being of local importance (low to high value) (see Table 28, EclA, pgs. 93-95).

For the purposes of appropriate assessment, the site is confirmed as not being under any protected wildlife or conservation designation, and there are no habitats or species recorded at the site, which are listed as qualifying interests (QIs) of European sites.

European Sites

The AASR identifies two European sites in the project's Zone of Influence, with approximate (crow flies) separation distances (pgs. 27-28) as follows:

- Rockabill to Dalkey Island SAC, c.5.8km.
- Dalkey Islands SPA, c.6.5km.

The QIs of the SAC include reefs habitat and harbour porpoise with Conservation Objectives seeking to maintain their favourable conservation condition. The QIs of the SPA include three species of tern waterbirds with Conservation Objectives seeking to restore their favourable conservation condition.

The AASR identifies hydrological pathways from the project to the two European sites at construction phase (via surface water discharges) and operation phase (via surface water and treated wastewater discharges). The pathways are described as indirect and weak.

The AASR considers the nature of the project, the surface watercourses separation distances between the project and Shanganagh River outfall point (channel-length of at least c.6.5km), the additional sea-length separation distances from coastline outfall point (c.1.5km to the SAC, c.3km to the SPA), the quality of treated wastewater discharges from Shanganagh WWTP, the overall hydrological context

(several watercourses interconnecting, the magnitude of dilution present, the scale of marine buffer), and in-combination effects.

The AASR concludes 'that the possibility of any likely significant effects on the above listed European sites, whether arising from the project itself or in combination with other plans and projects, can be excluded in light of the above listed European sites' conservation objectives'.

Effect/ Impact Mechanisms

In determining the potential impact mechanisms arising from the project on the relevant European sites, I have had regard to the AASR and all other relevant information on the case file. I make the following comments and observations:

Overview

- I note the identification of pathways to other European sites (e.g., South Dublin Bay SAC (000210), South Dublin Bay and River Tolka Estuary SPA (004024), Bray Head SAC (000714), Knocksink Wood SAC (000725), Ballyman Glen SAC (000713), and Wicklow Mountains SPA (004040)).
- I find the basis by which these were screened out from further consideration in the AA to be logical and reasonable (e.g., type of surface water run-off or discharge events (low volume, low risk), nature of the QIs (groundwater dependant), hydrological and hydrogeological contexts (no connections as different sub-basin waterbodies), notable separation distances (for air and land pathways (dust, noise and light)), habitats and species at the site (no ex-situ habitats for QI bird species in any SPA)).
- I concur with the identification by the applicant of two European sites, Rockabill to Dalkey Island SAC and Dalkey Islands SPA, as being in the project's Zone of Influence.
- I am satisfied that the hydrological connection identified between the project and the European sites, associated with wastewater discharge (operational phase of the project), can be reasonably excluded at the outset due to its nature and overall context (a weak indirect pathway, the WWTP operating within the parameters of its licence, limited effect on water quality, magnitude of dilution present, the scale of marine buffer).
- As there are no protected habitats or species identified at the site, I am satisfied that the likelihood of any significant effect of the project on any European site due to loss of habitat and/ or disturbance of species can be reasonably excluded.
- I identify indirect hydrological connections between the project and the European sites through a surface water pathway via the drainage ditch/ drainage system, Glenamuck North Stream, Carrickmines Stream, Shanganagh River and Irish Sea at both the construction and operation phases.
- The separation distances between the project and the European sites via these hydrological connections (channel-length, sea-length) of at least c.8km, are notable.
- The high levels of dilution, mixing and/ or dissipation of any contaminant in the receiving surface drainage network, river, and/ or sea waters.

- The low probability of (a) surface water contamination event(s) which would have the potential to negatively affect the QIs of the European sites (e.g., pollute the reefs habitat of the SAC or contaminate food sources for seabird species in the SPA).

Construction Phase

- The high probability that a construction phase pollution event at and/ or pollution from the construction site would be minimal in significance and/ or quantity.
- The likelihood that any pollutants, silt laden runoff or dust would be dispersed or diluted to negligible levels prior to reaching the European sites.
- The development works will be managed and implemented in line with the preliminary CEMP, HHRA, and EclA, which include standardised pollution prevention and surface water control measures.
- The potential risk to the European sites via contamination of the surface water pathway is considered to be extremely low and the effect of same to likely be imperceptible.
- As such, the potential for likely significant effects during the project's construction phase from surface water impacts through the hydrological connection via Glenamuck North Stream, Carrickmines Stream, Shanganagh River and Irish Sea can be reasonably excluded.

Operation Phase

- The project incorporates several surface level SuDS features including permeable paving, green roofs, swales and filter drains, tree pits, water butts, and petrol interceptors, which will intercept, convey, and dispose of stormwater.
- The SuDS features will have an attenuating effect, reducing the volume of surface water runoff discharged to the surface water network and in turn to Glenamuck North Stream, and flow control devices will reduce the speed of the surface water runoff to greenfield rates.
- The incorporation of SuDS features into the design of the project is required by several policy frameworks (GDSDS, Regional Code of Practice, Flood Risk Guidelines, CDP) and are a standardised embedded mitigation.
- The effects of SuDS have therefore been considered in the undertaking of this AA screening as the primary reason for the use of SuDS has not been to protect a European site.
- As such, the potential for likely significant effects during the project's operation phase from surface water impacts through the hydrological connection via Glenamuck North Stream, Carrickmines Stream, Shanganagh River and Irish Sea can be reasonably excluded.

Overall Finding

Having regard to the characteristics of the project in terms of the site's features and location, and the project's nature and scale of works, I do not consider there to be any potential impact mechanism which would result in a likely significant effect on any European sites.

Step 3: European Site(s) at Risk

The European sites in proximity to the subject site and in the Zone of Influence of the project have been identified and discussed previously.

For the reasons I have outlined above, I do not identify any impact mechanisms arising from the project which would have a likely significant effect on either of the identified European sites, or indeed, any European site. As such, there are no European sites at risk of likely significant effect from the project.

Step 4: Likely Significant Effects on the European Site(s) 'Alone'

I conclude that the project would have no likely significant effect 'alone' on the QIs of any European site. In the interests of completeness, further AA screening in-combination with other plans and projects is required.

Step 5: Where Relevant, Likely Significant Effects on the European Site(s) 'In-Combination with other Plans and Projects'

I have had regard to the information included in the AASR on plans and projects. The AASR does not identify any significant in-combination (cumulative) effect.

I have reviewed the planning authority's website for applicable appropriate assessment information on relevant plans (CDP, and the AA screening determination and NIR completed for the draft LAP), and the planning authority and An Bord Pleanála's planning registers for relevant planning cases (correct as of the date of this assessment).

I consider that the key plan for the appeal is the CDP, which seeks environmental protection and pollution prevention, and the projects identified are to be constructed to/ operate within industry standards.

Following my own review, I concur with the finding in the AASR. I conclude that the project would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site.

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 project 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, as amended, is not required.

This conclusion is based on:

- Objective information presented in the case documentation (e.g., AASR, EclA).
- Standard pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same.
- Qualifying interests, special conservation interests, and conservation objectives of the European sites.

- Distances from European sites.
- Absence of any meaningful pathways to any European site.

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

Inspector: _____

Date: _____

Appendix 2: Environmental Impact Assessment – Pre Screening Form

1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?	
(“Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.	
<input type="checkbox"/> No, no further action required.	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3.	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/ exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/ exceeds the threshold.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Proceed to Q4.	Class 10(b)(i) and/ or Class 10(b)(iv) Relevant thresholds arising from Class 10(b): - Class 10(b)(i): more than 500 dwelling units. - Class 10(b)(iv): urban development in an area greater than 10ha.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
<input checked="" type="checkbox"/> Yes	Screening Determination required.

Appendix 3: Environmental Impact Assessment – Screening Determination Form

A. CASE DETAILS		
	Yes/ No/ N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the planning authority?	Yes	The planning authority screened out the need for an Environmental Impact Assessment.
2. Has Schedule 7A information been submitted?	Yes	An Environmental Impact Assessment Screening Report (EIASR) has been submitted with the application (as supplemented by the Archaeological Impact Assessment (AIA) submitted in the FI response) and considers the content of the EIA Directive (2011/92/EU, as amended by 2014/52/EU).
3. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report (AASR) has been submitted with the application and considers the content of Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
4. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA?	No	N/A
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried	Yes	<ul style="list-style-type: none"> - An Ecological Impact Assessment (EcIA) considers the Habitats Directive (92/43/EEC), Birds Directive (2009/147/EC), and Water Framework Directive (2000/60/EC). - A Flood Risk Assessment (FRA) considers the EU Floods Directive (2007/60/EC). - A Hydrological and Hydrogeological Risk Assessment (HHRA) considers the Water Framework Directive (2000/60/EC).

out pursuant to other relevant Directives – for example SEA.		<ul style="list-style-type: none">- A Noise and Vibration Impact Analysis report (NIA) considers the Environmental Noise Directive (2002/49/EC).- A Resource & Waste Management Plan (RWMP) considers the Waste Framework Directive (2008/98/EC).- SEA was undertaken by the planning authority in respect of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and the Kiltiernan-Glenamuck Local Area Plan 2025.		
B. EXAMINATION		Yes/ No/ Uncertain	Briefly describe the characteristics of impacts (nature and extent) and any mitigation measures (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) (where relevant, specify features or measures proposed by the applicant to avoid or prevent a significant effect)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector’s report attached herewith				
1. Characteristics of proposed development* (including demolition, construction, operation, or decommissioning)				
1.1 Is the project significantly different in character or scale to the existing surrounding or environment? <i>*<u>Note</u>: In the planning assessment, amendments are recommended to the proposed development involving a reduction in building heights and corresponding reduction in total number of residential units. References to the ‘project’ in the remainder of this EIA screening determination are to be understood as referring to the amended proposed development.</i>	No	The project comprises the construction of a mid-scaled, medium-density residential scheme on zoned lands. The project does not differ significantly from the surrounding area in terms of character (residential and childcare uses exist in the area, area is in transition from low-rise, low-density), or of scale (use of conventional houses with duplex and apartment buildings).		No

<p>1.2 Will construction, operation, decommissioning, or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The project will cause physical changes to the site through demolition and clearance works and construction activities.</p> <p>Proposed excavation works will cause a change in site topography/ ground levels, which will be managed through implementation of the preliminary Construction Environmental Management Plan (CEMP) and Resource Waste Management Plan (RWMP) (note: final agreed versions to be required by condition).</p> <p>Top and subsoils will be stripped, reused on site where possible, or removed off-site. The project involves ground alteration and reprofiling to facilitate buildings, roads/ paths, open spaces, and site services.</p> <p>The site is greenfield in nature and most recently agricultural in use. The proposed residential land use will result in physical changes to the built environment at the site, however, subject to the recommended amendments, these are not considered to be significant.</p> <p>The project will cause physical changes to the site through the removal of some trees, vegetation and hedgerows. However, the majority of trees and hedgerows are being retained on site, as are high-value habitats (retained in-situ/ translocated).</p> <p>I direct the Board to the response to Q: 2.1 below in respect of protected water bodies/ ecological designations, and to that of Q: 2.5 in respect of water resources including watercourses, waterbodies and flood risk.</p>	<p>No</p>
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		Accordingly, I do not consider that the physical changes arising from the project are likely to result in significant effects on the environment in terms of topography, land use, and hydrology/ hydrogeology.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/ minerals, or energy, especially resources which are non-renewable or in short supply?	Yes	<p>The project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP.</p> <p>Waste arising from the construction phase will be managed through the implementation of the RWMP. There is no significant use of natural resources anticipated.</p> <p>While the project uses land (a finite resource), the lands are zoned for development and serviced. In this regard, the project will use land more efficiently and sustainably than at present (agricultural use, intensified through provision of mid-scaled, medium-density residential scheme). Otherwise, the operational phase of the project will not use natural resources in short supply.</p> <p>The project connects to the public water and wastewater services systems which have sufficient capacity to cater for demands arising from the project (no issues raised by Uisce Eireann). The project incorporates several SuDS features, which will attenuate surface water run-off on-site prior to discharge at greenfield rates to the public surface water system/ and a local drainage ditch. There are no issues raised by the planning authority in respect of capacity in the network.</p>	No

		The project includes an energy efficient design and is located in reasonably close proximity to several amenities and services in the Carrickmines area.	
1.4 Will the project involve the use, storage, transport, handling, or production of substance which would be harmful to human health or the environment?	Yes	<p>Construction phase activities require the use of potentially harmful materials, such as fuels and create waste for disposal. The use of such substances is typical of construction sites.</p> <p>Dust emissions during the demolition and construction phase of the project will be likely. These works will be managed through implementation of the CEMP.</p> <p>The operational phase of the project will not involve the use, storage, or production of any harmful substance. Conventional waste produced from residential and childcare activity will be managed through the implementation of the OWMP.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of human health or biodiversity.</p>	No
1.5 Will the project produce solid waste, release pollutants or any hazardous/ toxic/ noxious substances?	No	<p>Conventional waste will be produced from site clearance, demolition, and construction activities, which will be managed through the implementation of the CEMP and/ or RWMP, as outlined above.</p> <p>Operational phase of the project (i.e., the occupation of the residential units and the childcare facility) will not produce or release any pollutant or hazardous material.</p>	No

		Conventional operational waste will be managed through the implementation of the OWMP to obviate potential environmental impacts.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	<p>The project involves grounds works due to the site's topography with excavation and reprofiling to facilitate buildings, roads/ paths, open spaces, and site services.</p> <p>Standard construction methods, materials and equipment are to be used, and the process will be managed through the implementation of the CEMP and the RWMP.</p> <p>I direct the Board to the response to Q: 2.1 below in respect of protected water bodies/ ecological designations, and to that of Q: 2.5 in respect of water resources including watercourses, waterbodies and flood risk.</p> <p>Accordingly, as risks of contamination to water bodies are mitigated and managed, I do not consider this aspect of the project is likely to result in a significant effect on the environment.</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?	Yes	<p>Noise and vibration impacts during the site development works are likely. These works are short term in duration, and impacts arising will be temporary, localised, and be managed through implementation of the CEMP.</p> <p>The operational phase of the project will likely result in noise and light impacts associated with the residential use and childcare service (increased traffic generation, use of open spaces, operation of the childcare facility) which are</p>	No

		<p>considered to be typical of such mid-scaled, medium-density schemes as proposed.</p> <p>Traffic impacts will be mitigated by the implementation of the Travel Plan, and lighting impacts will be mitigated by the provision of a public lighting plan (designed to comply with industry guidance and provided to the satisfaction of the planning authority).</p> <p>I direct the Board to the response to Q: 2.8 below in respect of the project's effect on sensitive land uses.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	Yes	<p>The potential for water contamination, noise and dust emissions during the construction phase is likely.</p> <p>Construction phase works will be managed through implementation of the CEMP. Site development works are short term in duration, and impacts arising will be temporary, localised, addressed by the mitigation measures.</p> <p>Operational phase of the project will not likely cause risks to human health through water contamination due to the nature (residential, childcare uses) and design (SuDS features) of the scheme, connection to public water services systems, and mid-scale of residential use/ activities arising.</p>	No

		<p>Operational phase risks to human health through noise and air quality are subject of the NVIA. These reports include several mitigation measures to ameliorate potential impacts.</p> <p>Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	There is no risk of major accidents given the nature of the project, and surrounding land uses.	No
1.10 Will the project affect the social environment (population, employment)	Yes	<p>The project will increase localised temporary employment activity at the site during site development works (i.e. site enabling and construction phases). The site development works are short term in duration and impacts arising will be temporary, localised, addressed by the mitigation measures in the CEMP.</p> <p>The operational phase of the project (i.e. the occupation of the residential units) will result in a potential increase of c.448 persons, or a c.8.4% increase in the population of the Electoral Division of Cabinteely-Loughlinstown. Such an increase is considered to constitute a not significant impact in scale of effect. Depending on the type of sessional care offered and age group of children catered for, the childcare facility has capacity for c.9 to 37 places.</p> <p>The receiving area is a developing suburban location, in relatively close proximity to wider education, amenities, services, public transport, and has the capacity to</p>	No

		<p>accommodate the impacts associated with the population increase.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the social environment of the area.</p>	
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	Yes	<p>The site is zoned for residential development in the CDP and the LAP. The zonings at the site and in the vicinity manage the development of the Kiltiernan-Glenamuck area. The development of the site therefore is plan-led.</p> <p>As such, the site is part of a wider large-scale change in the area as envisaged by the planning authority. Notwithstanding, the site is serviced, the project is standalone, and not reliant on infrastructure/ services that are yet to be commenced/ provided.</p> <p>I direct the Board to the response to Q: 3.1 below in respect of considerations of cumulative effects of the project.</p> <p>Within this planned context, I do not consider that cumulative significant adverse effects on the area can be reasonably anticipated.</p>	No
2. Location of proposed development			

<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/ conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	Yes	<p>The project is not located in, on, or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection.</p> <p>The most proximate ecological designation to the project is Dingle Glen pNHA, located c.167m to the south of the site. The EclA confirms there is no hydrological connection between the project and the pNHA, but identifies an air pathway (emissions, dust, noise). Construction phase impacts from the project on the pNHA are assessed and, subject to mitigation measures, found to be not significant in effect.</p> <p>Other ecological designations in the Zone of Influence of the project include the European sites of Rockabill to Dalkey Island SAC and Dalkey Islands SPA. The QIs of the SAC include reefs habitat and harbour porpoise, and those of the SPA include three species of tern waterbirds.</p> <p>I identify indirect hydrological connections between the project and the European sites through a surface water pathway via the drainage ditch/ surface water drainage system, Glenamuck North Stream, Carrickmines Stream, Shanganagh River and Irish Sea at both the construction and operation phases.</p> <p>The AASR, supplemented by information in the EclA, HHRA, FRA, and CEMP, presents information on potential impacts of the project on the European sites. I have undertaken an Appropriate Assessment screening determination (see section 9.0 and Appendix 1 of this report) and concluded that the project will not have a likely</p>	No
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		<p>significant effect on either of the European sites, alone or in combination with other plans or projects.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of ecological designations or biodiversity.</p>	
<p>2.2 Could any protected, important, or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	Yes	<p>Field surveys were undertaken in different months in 2021, 2022 and 2024 to identify habitat types, flora species, bat, mammal and bird species, and aquatic species at the site.</p> <p>The habitats identified on site (see Fig. 13, EclA, pg. 46) include the larger, centrally located agricultural grassland and dry grassland (GA1, GS1), with dense scrub vegetation around the perimeters (WS1), and distinctive hedgerow (WL1) and treeline (WL2) boundaries. Wetland habitats include wet grassland, wet woodland (GS4, WN6) and the drainage ditch (FW4) in the west of the site.</p> <p>Three habitats on-site, dry grassland (GA1), wet grassland (GS4), and wet woodland (WN6) are identified as being habitats with 'Annex I affinity' (Chapter 5, EclA). On detailed survey, analysis and assessment, each is found to insufficiently display the necessary Annex I qualifying characteristics and are instead classified as Key Ecological Receptors (KER).</p> <p>In the bird surveys (2024 breeding and wintering surveys), no Annex I bird species are recorded at/ using the site (small numbers of red (1-2 species) and amber listed species (5-6 species) are recorded). The site does not</p>	No

		<p>support a wintering bird population, with little to no use by waterbirds recorded during the surveys.</p> <p>The bat survey work recorded the presence of six bat species (Leisler's bat, soprano pipistrelle, common pipistrelle, Nathusius' pipistrelle, Natterer's bat, brown long-eared bat and Myotis species) foraging and commuting in the treelines/ hedgerows, particularly along the east boundary of the site (no evidence of roosting).</p> <p>Overall, while the site is found to feature several KERs (habitats and species), these are predominantly evaluated as being of local importance (low to high value) (see Table 28, EclA, pgs. 93-95). The site is confirmed as not being under any protected wildlife or conservation designation. There are no habitats or species recorded at the site, which are listed as qualifying interests (QIs) of European sites. There are no protected habitats, plant species or terrestrial mammals of conservation importance.</p> <p>The EclA and CEMP include several mitigation measures to ameliorate potential impacts.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of protected flora and/ or fauna species.</p>	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	There are no landscape designations or protected scenic views at the site. There are no protected structures or architectural conservation area designations at the site.	No

		<p>A Cultural Heritage Report and an Archaeological Impact Assessment (AIA) have been prepared for the project. Geophysical surveys and test trenching have been undertaken at the site. The AIA confirmed the presence of a large spread of burnt mound material (fulacht fiadh) in Trench 8 (west of site). To mitigate the impact of the project on archaeological heritage, the AIA recommends the full excavation of the feature prior to construction (by way of condition).</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of archaeology and cultural heritage.</p>	
2.4 Are there any areas on/ around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/ coastal, fisheries, minerals?	Yes	<p>There are no such resources on or close to the site.</p> <p>The site does comprise a large field presently in agricultural use. However, the development of the site is not considered to have a significant effect on agriculture in the area.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of impact on natural resources.</p>	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	<p>Based on information in the HHRA, FRA, EcIA, AASR, and Assessment Report, I have undertaken a detailed Water Status Impact Assessment screening determination (I direct the Board to section 11.0 and Appendix 4 of this report).</p>	No

		<p>I have concluded that the project will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) or otherwise jeopardise any waterbody in reaching its WFD objectives.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of watercourses and waterbodies.</p>	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks.	No
2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?	No	<p>The project will be accessed via Cairnbrook and Springfield Lane (local road network) from Glenamuck Road South, which in turn connects with the M50.</p> <p>During the site development works, the project will result in an increase in traffic activity (HGVs, workers) as construction equipment, materials, and waste are delivered to/ removed from the site. Site development works will be short term in duration and impacts arising would be temporary, localised, and managed under in the CEMP.</p> <p>The TTA considers operation phase impacts for the project, predicting total vehicle trips (combined arrivals and departures) of 75 trips during the AM peak hour, and 77 trips in the PM peak hour. These levels of traffic generation are considered to be very low and imperceptible in effect.</p>	No

		Accordingly, I consider the applicant has demonstrated that the key transport routes in the vicinity of the site will not be congested due to or otherwise affected by the project.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No	<p>There are no sensitive community facilities, such as hospitals or schools, in proximity to the site and/ or that will be significantly affected by the project.</p> <p>There are existing residential dwellings located to the north, east, south, and west of the site. However, the separation distances are such that there is no realistic prospect of undue overlooking, overshadowing, or overbearance being caused.</p> <p>Site development works will be implemented in accordance with the CEMP which includes mitigation measures to protect the amenity of adjacent properties and residents.</p> <p>The operational phase of the project will cause an increase in activity at the site (traffic generation, use of public and communal open spaces, operation of the childcare facility) which will likely be typical of such mid-scaled, medium density schemes as proposed, in outer suburban locations such as the receiving area, and are anticipated as being well within acceptable parameters for same.</p> <p>If permission is under consideration, it is recommended that the project be conditioned to be under the control of an established management company and/ or elements taken in charge by the local authority, and accordingly no undue impacts would be anticipated.</p>	No

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/ or approved development result in cumulative effects during the construction/ operation phase?	No	Existing and/ or approved planning consents in the vicinity of the site and the wider Carrickmines area have been noted in the application documentation and associated assessments, e.g. in respect of the EIASR, AASR, FRA, and TTA. However, these developments are of a nature and scale that have been determined to not have likely significant effects on the environment. Accordingly, there are no cumulative significant effects on the area that are reasonably anticipated.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	There are no transboundary effects are arising.	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			

Having regard to: -

1. The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, in particular:
 - (a) the nature and scale of the proposed residential development (which is below the mandatory thresholds for Class 10(b)(i) and Class 10(b)(iv) of the 2001 Regulations) and the greenfield nature of the site and its location in an outer suburban area which is served by public services and infrastructure.
 - (b) the absence of any significant environmental sensitivity in the vicinity.
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the 2001 Regulations.
2. The results of other relevant assessments of the effects on the environment submitted by the applicant and the results of the strategic environmental assessment of Dún Laoghaire Rathdown County Development Plan 2022-2028 and Kiltiernan-Glenamuck Local Area Plan 2025 undertaken in accordance with the SEA Directive (2001/42/EC).
3. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The Board concluded that the proposed development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Inspector: _____ **Date:** _____

Assistant Director Planning: _____ **Date:** _____

Appendix 4: Water Status Impact Assessment – Screening Form

Step 1: Nature of the Project, the Site and Locality	
Brief site description, relevant to WFD Screening	<p>The site is greenfield in nature (with disused outbuildings in northeast corner) and presently in agricultural use. The topography across the site is relatively uniform, with ground levels decreasing steadily from c.102m OD in the southern corner to c.92m OD in the northwest. The lands drain in a northwesterly direction across the site.</p> <p>The most notable hydrogeological and hydrological features are in northwest/ west of the site. These include a surface water drainage ditch and waterlogged area (wet woodlands and grasslands) resulting from groundwater seepages due to the change in gradient, low-permeability granite bedrock with clay overlay, and shallow flowing groundwater (Section 5, HHRA). Site investigations indicate that the waterlogged area, shallow groundwater and underlying soil/ ground conditions, are localised.</p> <p>The drainage ditch rises in the southwest corner of the site, traverses the waterlogged area in the west, and exits via an existing culvert in the northwest (Fig. 4.1, HHRA). Site investigations and mapping sources indicate the ditch flows northwards, connects with the existing drainage ditch along Glenamuck Road that in turn discharges to the Glenamuck North Stream. The Glenamuck North Stream (also referred to as Golf Stream) is the closest watercourse to the site and is located c.470m to the northwest. The Glenamuck North Stream flows in a northeasterly direction, converging with the Carrickmines Stream at c.970m due north of the site. The Glenamuck North Stream is part of the wider Carrickmines Stream waterbody (Carrickmines Stream_010, EPA website).</p> <p>The soils beneath the site are mapped as deep well drained mineral soils, and the majority of the subsoils are till derived from granites. There are no bedrock outcrops or karst features at the site. The groundwater body under the site is the Wicklow GWB (IE_EA_G_076). There is an assigned groundwater vulnerability rating of 'High' (H) for the majority of the site and 'Extreme' (E) for the southern portion.</p>

Proposed surface water details	<p>Works are proposed to the existing surface water drainage ditch (see Existing Site Plan: Dwg No. 1001 for location and route, outlined in blue). The works include its partial retention (c.18m in length for southern portion, c.32m for northern portion), removal (c.22m), re-routing and re-grading (c.35m, staggered) (see Drainage Layout Sheet 1 of 3: Dwg No. P021, and Drainage Layout Sheet 2 of 3: Dwg No. P022). The partial removal (requiring construction of new headwalls) and the re-routing of the ditch requires works in-stream and near-stream that will be managed through measures in the CEMP.</p> <p>The southern portion of the ditch will be retained and incorporated into an area of open space (see Landscape Plan: Dwg No. 2001). The northern portion and waterlogged area will be retained as a wetlands area (i.e., wet woodlands and grasslands). Surface water from the drainage ditch and wetlands area will be culverted, before being discharged off-site via the existing outfall point at the site's northwestern boundary (where the ditch is already culverted).</p> <p>Surface water run-off in the project will be collected, attenuated on-site, and discharged by gravity to the existing public network. Project seeks a connection to the surface water sewer in Cairnbrook estate (west of site), that connects to the surface water network in Glenamuck Road, which in turn discharges to the Glenamuck North Stream. The project incorporates several SuDS features, including permeable paving, green roofs, swales and filter drains, tree pits, water butts, petrol interceptors, and an attenuation area. The surface water run-off will be discharged to the wider public network (and in turn to Glenamuck North Stream) at greenfield rates. No capacity issues are identified by the Drainage Section of the planning authority.</p>
Proposed water supply source & available capacity	<p>Project seeks a connection to existing public water mains in Cairnbrook estate (west of site).</p> <p>Uisce Eireann has provided Confirmation of Feasibility and Statement of Design Acceptance (Appendices B and C, Engineering Assessment Report). No capacity issues identified.</p>
Proposed wastewater treatment system & available capacity	<p>Wastewater in the project will be collected and discharged by gravity to the public network for treatment. Project seeks a connection to the existing foul sewer in Cairnbrook estate (west of site), which connects to the wider wastewater network (Glenamuck Road, Carrickmines Sewer at the junction of Glenamuck Road/ M50) for treatment at Shanganagh WWTP.</p>

	Uisce Eireann has provided Confirmation of Feasibility and Statement of Design Acceptance (Appendices B and C, Engineering Assessment Report). No capacity issues identified.					
Other	<p>Of groundwater, proposed land drains and grass swales will be installed in the centre and south of the scheme to intercept and convey shallow groundwater across the site and to minimise any groundwater flood risk at surface level associated with the emergence of shallow groundwater. It is proposed that the land drains will discharge to the ditch and wet grassland area to ensure that the shallow groundwater flow regime in this localised part of the site is maintained. As such, no change is indicated to the off-site hydrological flow regime, nor are adverse effects on off-site subsurface or groundwater flows anticipated.</p> <p>The site's aquifer vulnerability rating of high to extreme is noted. However, based on the absence of historical groundwater flood events at the site, groundwater source protection areas within 2km radius of the site, and groundwater supply sources downgradient of the site, the risk to groundwater is reasonably dismissed (Sections 4 and 5, HHRA).</p> <p>Of flood risk, there is no history of flood events at the site (Section 3, FRA). The residual risks at the site/ to the project (post mitigation) from five flood types are rated as extremely low and low (Section 4, FRA). The project is located within Flood Zone C, will not increase surface water run-off rates nor increase flood risk elsewhere, and is an appropriate form of development (Section 5, FRA).</p>					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified Waterbody	Distance to (m)	Waterbody name(s) (code)	WFD Status	Risk of not achieving WFD Objective	Identified pressures on the waterbody	Pathway linkage to water feature
Surface Water Waterbody	c.470m	Carrickmines Stream_010/IE_EA_10C040350	Good	Not at risk	None identified (EPA)	Yes – drainage ditch traversing site drains northwestwards to

							Glenamuck North Stream.
Groundwater Waterbody	Underlying site	Wicklow/ IE_EA_G_076	Good	At risk	Nutrients, Agriculture		Yes – majority of site has well-draining sandy, till soil conditions.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure	Residual Risk (yes/ no) Detail	Determination to proceed to Stage 2. Is there a risk to the water environment?
1.	Site clearance/ construction	Carrickmines Stream_010	Drainage ditch, surface water discharge	Works to drainage ditch, siltation, pollution events	Implement CEMP	No	Screened out
2.	Site clearance/ construction	Wicklow GWB	Drainage through soils/ subsoils	Pollution events, spillages	Implement CEMP	No	Screened out
OPERATIONAL PHASE							
1.	Surface water run-off	Carrickmines Stream_010	Surface water discharge	Pollution events, spillages	SuDS, greenfield discharge rates	No	Screened out
2.	Groundwater discharges	Wicklow	Drainage through soils/ subsoils	Pollution events, spillages	SuDS features	No	Screened out

DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A