



An
Coimisiún
Pleanála

Inspector's Report

ABP-322539-25

Development

The development will consist of a residential scheme of 73 no. units comprising a mix of 6 no. houses, 59 no. own-door duplexes and 8 no. apartments arranged in 4 blocks set around a central amenity space. The mix of units will consist of 5 no. 1-bedroom duplexes/apartments, 46 no. 2-bedroom duplexes/apartments, 16 no. 3-bedroom duplexes and 6 no. 4-bedroom houses. The 4 no. blocks are labelled A to D on plans and consist of: Block A - a 3 to 4-storey terrace accommodating 18 no. duplex units with associated balconies & terraces; Block B - a 2-storey terrace accommodating 6 no. houses and 2 no. duplex units with associated gardens & terraces; Block C - a 3 to 4-storey terrace accommodating 27 no. duplex units with associated balconies & terraces; Block D - a 4-storey terrace accommodating 8 no.

apartments and 12 no. duplex units with associated balconies & terraces. The development will include: New internal roads accessed from Drury Mills and Drury Park; 84 no. car parking spaces; Bicycle and bin stores and substation; Landscaped public and communal open spaces and boundary treatments; All associated site works and services.

Location

On lands located adjacent to Drury Mills and Drury Park, Swiftbrook, Saggart, Co. Dublin. The site is located within the curtilage of protected structures associated with the former Swiftbrook Mills (RPS refs. 314, 330 & 332) comprising chimney, storage building, millpond, tail-race, entrance gates and wall.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD24A/0092W

Applicant(s)

Anthony Neville Homes Limited

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

First Party v. Conditions

Third Party v. Decision

Appellant(s)

Alan and Fiona Breathnach

Observer(s)

Nicola and Jonathan Dowling (& others)

Louise and Fergal Connolly

Date of Site Inspection

12th August, 2025

Inspector

Robert Speer

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1.0 Site Location and Description

- 1.1. The proposed development site is located on the south-western edge of the built-up area of Saggart Village, Co. Dublin, approximately 350m southwest of the village centre and c. 1.0km southwest of the Luas terminus, and comprises the last remaining undeveloped plot of land within the wider landholding that formerly accommodated the Swiftbrook Paper Mills. The surrounding area has been redeveloped over the past 20 No. years as a substantial residential neighbourhood extending between Mill Road & Castle Road with the prevailing pattern of development broadly characterised by duplex units within 3-4 storey buildings to the north of the site (Mill Race), 2-storey dwellings to the northeast along Castle Road (Crossforge), 2 & 2.5-storey houses and maisonettes to the east (Drury Mills), and 2.5-storey maisonettes to the northeast (Drury Park). The lands to the south and west are open (with parkland and agricultural fields beyond same) while pedestrian and cycle linkages provide access to Rathcoole Park further west. There are a number of protected structures in the immediate vicinity, including the entrance gates, mill wall, chimney, storage building, mill ponds, and mill race associated with the former Swiftbrook Mill.
- 1.2. The site itself has a stated site area of 1.33 hectares, is irregularly shaped, and comprises a plot of disturbed ground characterised by overgrown areas and an expanse of concrete / hardstanding (seemingly associated with the previous use of the site as part of Swiftbrook Mills). It is accessed from the surrounding road network via Drury Park to the north / northeast and Drury Mills to the east with pedestrian access also available via a network of existing footpaths from Castle Road to the east and Rathcoole Park to the west. The site topography is such that while the easternmost extent of the site area is generally flat and at a comparable level to the neighbouring housing developments of Drury Park and Drury Mills, the remainder of the lands fall in a west / north-westerly direction towards the nearby mill ponds although the western edge of the site remains elevated over those lands further west. The site is bounded by existing housing and associated service roads to the north and east while a pylon corridor (northeast-southwest) runs outside the site to the northwest. A mill pond adjoins the western site perimeter while the southern extent of the site area includes an existing pathway leading from Castle Road and

onwards to Rathcoole. It is currently bounded by mesh / paladin fencing adjacent to the residential areas and by low ditches along its remaining boundaries.

2.0 Proposed Development

2.1. The proposed development, as initially submitted to the Planning Authority, consists of the construction of a residential scheme of 73 No. dwelling units comprising a mix of 6 No. houses, 59 No. own-door duplexes and 8 No. apartments arranged in 4 No. perimeter blocks set around a central amenity space / landscaped courtyard. The mix of units will consist of 5 No. 1-bedroom duplexes / apartments, 46 No. 2-bedroom duplexes / apartments, 16 No. 3-bedroom duplexes, and 6 No. 4-bedroom houses.

2.2. The 4 No. blocks are identified as 'A' to 'D' in the submitted plans & particulars as follows:

- Block 'A': A 3-4 storey terrace accommodating 18 No. duplex units with associated balconies & terraces;
- Block 'B': A 2-storey terrace accommodating 6 No. houses and 2 No. duplex units with associated gardens & terraces;
- Block 'C': A 3-4 storey terrace accommodating 27 No. duplex units with associated balconies & terraces; and
- Block 'D': A 4-storey terrace accommodating 8 No. apartments and 12 No. duplex units with associated balconies & terraces.

2.3. The unit typologies are summarised in the table below:

No. Units	Bedrooms	Bedspaces	Format	GFA (m²)
3	1	2	Duplex – own door	63-70
2	1	2	Apartment – shared core	68-74
7	2	3	Duplex – own door	64-66
33	2	4	Duplex – own door	75-95
6	2	4	Apartment - shared core	77-100

16	3	5	Duplex – own door	123-133
6	4	7	House	139-157
73				

2.4. The proposed development also includes for:

- New internal roads accessed from Drury Mills and Drury Park;
- 84 No. car parking spaces;
- Bicycle & bin stores and a substation;
- Landscaped public and communal open spaces and boundary treatments;
and
- Associated site development works and services.

2.5. In response to a request for further information, amended proposals were received by the Planning Authority on 14th March, 2025 with the revised design providing for a residential scheme of 72 No. units comprising a mix of 5 No. houses, 59 No. own-door duplexes and 8 No. apartments arranged in 4 blocks set around a central amenity space. The amended mix of units will consist of 7 No. 1-bedroom duplexes / apartments, 46 No. 2-bedroom duplexes / apartments, 14 No. 3-bedroom duplexes and 5 No. 4-bedroom houses, in 4 No. blocks as follows:

- Block 'A': A 3-4 storey terrace accommodating 18 No. duplex units with associated balconies & terraces;
- Block 'B': A 2-storey terrace accommodating 5 No. houses and 2 No. duplex units with associated gardens & terraces;
- Block 'C': A 3-4 storey terrace accommodating 27 No. duplex units with associated balconies & terraces; and
- Block 'D': A 4-storey terrace accommodating 8 No. apartments and 12 No. duplex units with associated balconies & terraces.

2.6. The principal changes to the design of the proposed development include the omission of the westernmost dwelling house (Unit No. HT A1 13) from Block 'B' and a partial reduction from four to three storeys in height within Block 'A' through the

removal of the third-floor element serving Unit Nos. DU4AM 4 and DUAM5. These revisions involve the loss of 1 No. 4-bedroom dwelling house and the change of 2 No. 3-bedroom duplexes to 1-bedroom units. The revised mix of unit typologies is summarised in the following table:

No. Units	Bedrooms	Bedspaces	Format
5	1	2	Duplex – own door
2	1	2	Apartment – shared core
7	2	3	Duplex – own door
33	2	4	Duplex – own door
6	2	4	Apartment - shared core
14	3	5	Duplex – own door
5	4	7	House
72			

- 2.7. Other amendments include the reconfiguration of the internal layout of certain units to address daylight & sunlight concerns, minor elevational changes, revisions to the roofscape design of Block ‘B’ (such as the inclusion of dormer rooflights), and alterations to the wider site layout (e.g. the omission of car parking and a set-down area from within that part of the site zoned as ‘Open Space’).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following the receipt of a response to a request for further information, on 22nd April, 2025 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 34 No. conditions. These conditions are generally of a standardised format and relate to issues including infrastructural services, landscaping, construction management, waste management, Part V, and development contributions, however, the following conditions are of note:

Condition No. 2: Requires the amendment of the proposed development as follows:

- The omission of Block 'C' and the associated access street (including the carriageway, parking and other public realm features); and
- Block 'A' to be limited to 3 No. storeys in height.

It is further clarified that the permitted development will comprise 45 No. units and 56 No. car parking spaces.

Condition No. 3: Refers to surface water drainage and requires the submission of a revised surface water and SUDS network design with adequate capacity and such features as are required to avoid detrimental impacts to the neighbouring site to the west and the habitats therein.

Condition No. 6: Prohibits the commencement of development until such time as the applicant has obtained the written agreement of the Planning (Roads) Authority to a revised Traffic & Transport Assessment and any measures required to facilitate development on site. Furthermore, the development is not to be occupied until all agreed measures have been put in place (including any measures which may require a separate grant of planning permission).

Condition No. 16: Requires the applicant to obtain the written agreement of the Planning Authority, prior to commencement of development, to plans which demonstrate the provision of a visibility splay from the junction noted in the Road Safety Audit in order to determine if the provision of a one-way road is safer than a minor visibility issue at the junction.

3.2. Planning Authority Reports

3.2.1. Planning Reports

An initial report details the site context, planning history and the relevant policy considerations, including those set out in the South Dublin County Development Plan, 2022-2028. It states that while the majority of the site is zoned as *'RES: To protect and / or improve residential amenity'* where residential development is permitted in principle, part of the southernmost section of the site is zoned as *'OS: To preserve and provide for open space and recreational amenities'* where car parking associated with residential development of the nature proposed would not be permitted. In this regard, the report recommends that the proposal be amended to remove any element of the proposed residential development from the 'Open Space' zoning.

With respect to the overall design and scale of the proposed development, the proposal is reviewed against the key design principles set out in Section 5.2.1: *'The Delivery of Sustainable Neighbourhoods: The Plan Approach'* of the Development Plan with regard also being had to the 'Design Statement' submitted in accordance with Policy QDP7 Objective 1 of the Plan. In broad terms, the proposed development is considered to respond positively to the character and setting of the immediate area. Although the density of the proposal at 55 No. dwellings per hectare is acknowledged to exceed the applicable band of 35-50 dph (net) for suburban / urban extensions to metropolitan towns (>1500 population) as set out in the *'Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities'*, given that Saggart is better served by public transport than other similarly classified settlements, and noting that the non-specific planning policy requirements of the Guidelines with respect to density do not supersede the provisions of the Development Plan which are more context-driven / performance-based, this exceedance is not considered necessarily problematic, subject to the consideration of other factors, including building height and the impact on existing residential amenities. The broader design, layout, architectural form, and housing mix is considered acceptable, subject to certain revisions, however, particular concerns are identified in relation to the potentially overbearing impact of the northern half of Block 'A' on the existing dwellings opposite at Nos. 71 & 72 Drury Mills with the recommendation being made that this element of the construction be reduced from four to three-storeys in height.

Cognisance is given to the impact of the proposal on nearby protected structures (RPS Nos. 330: 'Former Paper Mill' & 332: 'Mill Pond & Mill Tail Race') and the assessment by the Architectural Conservation Officer that the proposed development will not have a negative impact on the character of the protected structures by virtue of location and distance. However, the case planner does not share the view of the ACO that the proposed four-storey construction would be out of keeping within the context of the existing village setting.

In relation to childcare provision, the report refers to the mix of dwelling units proposed, the number of existing / permitted childcare facilities in the surrounding area, and the fact that the proposal is under the 75-unit threshold, before concluding that there is no additional requirement for childcare on the application site.

With regard to residential amenity, the report assesses the potential impacts attributable to the proposed development by reason of overlooking, overshadowing and overbearing appearance. This includes an analysis of the daylight and sunlight reports submitted with the application (as regards 'within [the] development' and 'neighbouring properties') which subsequently recommends that further information should be sought with a view to addressing certain deficiencies / inadequacies and other issues (including amended reports to account for the reduced height of Block 'A').

The remainder of the assessment considers the need for clarity on matters such as internal storage and reiterates the recommendations of the internal reports received from the Roads and Water Services Sections of the Local Authority as well as the recommendations of the Heritage Officer with respect to ecological considerations (including the need for additional survey work).

The report thus concludes by recommending that additional information be sought in relation to a number of issues, including the differentiation of the applicable land use zoning, amendments to the overall design and layout of the proposal, residential amenity considerations, biodiversity and ecological impacts, and the surface water drainage & attenuation arrangements.

Following the approval of a request for an extension of time made in accordance with Article 33(3) of the Planning and Development Regulations, 2001, as amended, and consideration of the applicant's response to a request for further information, which

includes an amended development design (with the principal changes providing for a partial reduction in the height of Block 'A', a decrease in the overall number of units to 72 No. dwellings, and a revised net density of 63.5 No. units per hectare), a final report was prepared. Notable aspects of this assessment include its reiteration of the permissible density and a recommendation to omit Block 'C' (for reasons related to surface water drainage and potential ecological impacts) which would have the effect of further reducing the scheme by 27 No. units thereby partially deferring the issue of density with the resulting permitted development conforming to the '*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities*'. It was also considered necessary to reduce the entirety of Block 'A' to three-storeys in height given its visually domineering and overbearing impact on nearby dwellings so as to provide for an appropriate transition of scale with adjoining established residential development. The report then states that additional modifications are required to the proposed scheme in order to avoid or reduce visual and ecological impacts and that these can be achieved by way of condition in the event of a grant of permission. It subsequently concludes that the proposed development would constitute a suitable and efficient use of appropriately zoned land, would not be seriously injurious to the area, and would accord with the relevant policies and provisions of the South Dublin County Development Plan, 2022-2028, before recommending a grant of permission, subject to conditions.

3.2.2. **Other Technical Reports**

Roads Dept.: An initial report recommended that further information be sought in relation to a number of issues as follows:

- A revised site layout plan showing the location and a reduction in the number of parking spaces to be provided (in reference to the car parking and loading bay located off the southernmost 'homezone').
- Details of pedestrian routes within the development, particularly at crossing points along pedestrian desire lines.
- Accurate plans demonstrating the visibility splay at the junction noted in the Road Safety Audit so as to determine if the provision of a one-way road is safer than a minor visibility issue at this junction (in reference to the sightlines potentially available onto Drury Mills from the eastern end of the proposed

(one-way) link road (identified at Para No. 3.4 of the Road Safety Audit) should this route be used to accommodate two-way traffic).

- A Traffic and Transport Assessment in accordance with TII Publication: 'Traffic and Transport Assessment Guidelines'.
- A revised 'Taking in Charge' layout which ensures that only areas that will become public are included.

Following consideration of the applicant's response to a request for additional information, a further report was prepared which noted that the sightlines shown as being available at the junction of the proposed link road onto Drury Mills did not accord with the DMURS recommendation given the design speed of the road. Concerns were also raised as regards the veracity of the trip generation rates utilised in the Traffic & Transport Assessment and the estimated traffic impact. Therefore, it was recommended that additional information be sought in relation to the aforementioned items.

Water Services: An initial report raises concerns as regards the undersizing of the attenuation proposals by 40% and asserts that the use of underground attenuation systems, tanks and soakpits will not be permitted. It subsequently recommends that the applicant be required by way of a request for further information to submit amended surface water management proposals which include for the provision of a combination of suitably designed overground Sustainable Drainage Systems (SUDs).

Following consideration of the applicant's response to a request for additional information, a further report was prepared which recommends a refusal of permission on the basis that the proposed development would be prejudicial to public health and proper planning given a lack of clarity as regards the proposed surface water attenuation arrangements.

Environmental Health Officer: Recommends that additional information be sought as regards noise impact assessment and the hours of operation during the construction phase of the development.

Housing Dept.: Advises that a Part V condition should be attached to any grant of permission.

Architectural Conservation Officer: States that while the proposed development is located within the associated grounds of several protected structures (RPS Nos. 314, 330 & 332), it is outside the immediate grounds / curtilage and setting of the original Mill buildings. With respect to the overall design of the proposed development, including its integration with neighbouring parkland, the proposal is deemed acceptable and consistent with the surrounding pattern of development, although the proposed 4-storey block is not considered to be in keeping with the context of the existing village setting. The report proceeds to state that the proposed development will not negatively impact on the character or setting of the nearby protected structures (i.e. the former Swiftbrook Mill buildings etc), although it would be desirable if the proposal included for the re-use of the former single-storey store building along with the maintenance and repair of the Former Rag Store (which is showing signs of requiring attention and maintenance). It is subsequently recommended that the applicant be requested to submit details as regards the re-use, maintenance and repair of the protected structures as well as for land management of the area from the rear of the Former Rag Store to the Chimney and former store building. The report concludes by suggesting that the foregoing issues be addressed by way of condition in the event of a grant of permission and that the height of the proposed development be assessed in line with the existing village setting and other residential development in the immediate area.

3.3. **Prescribed Bodies**

- 3.3.1. *Department of Defence:* Given the proximity of Casement Aerodrome, the operation of any cranes should be coordinated with Air Corps Air Traffic Services no later than 30 days before use.
- 3.3.2. *Inland Fisheries Ireland:* Notes that the proposed development is within the Camac River catchment which will be the receiving water body for surface water runoff generated during the construction and operational phases of the development. It proceeds to state that although considerable sections of the main channel have been culverted, those sections that remain on the surface invariably support self-sustaining populations of Brown trout (*Salmo trutta*) while the lower reaches of the river also support populations of migratory Sea trout. Other species known to occur include the protected European eel, Freshwater Crayfish (*Austropotamobius*

pallipes) and Lamprey (*Lampetra* sp.) species, listed under Annex II of the EU Habitats Directive. It is further noted that the Camac River is a recognised salmonid system, which is under significant ecological pressure resulting from development within the catchment, with a catastrophic fish kill having occurred in the same area of the proposed development in 2023 which killed all aquatic life within the river for over 4km downstream of Saggart Village (which will take years to recover from).

Consideration should be given to the following observations and recommendations:

- In light of the potential connectivity to the Camac via the proposed site drainage network, the surface water drainage infrastructure should not become operational until all the permitted infrastructure is in place and the development completed.
- Appropriate mitigation measures to protect surface and groundwater sources during the construction phase of the development should be conditioned in the event of a grant of permission.
- Considering the proximity of the development to the Camac main channel, and to the small unnamed stream that runs along the southern boundary of the site which connects to the Camac River and a pond habitat adjacent to the western boundary, it is recommended that a comprehensive “Construction Surface Water Management Plan” should be submitted for the approval of the Planning Authority prior to the commencement of development.
- All the recommended mitigation measures to protect both surface and groundwater sources set out in the supporting documentation accompanying the planning application should be conditioned as part of any planning permission.
- There are increasing concerns as regards the lack of appropriate maintenance of approved drainage infrastructure (e.g. interceptors, attenuation tanks, attenuation basins etc.) following the completion of development / post construction. All drainage infrastructure, either hard engineered solutions or more sympathetic nature-based designs, require regular inspection and maintenance to function effectively, otherwise they can increase the risk of flooding and a deterioration in water quality. Therefore, it is recommended that a SuDS / Drainage Maintenance checklist, which

includes typical operation and maintenance requirements for the proposed drainage infrastructure, be designed and submitted for approval by the Local Authority. The agreed maintenance program should be conditioned as part of any planning permission which should be then implemented by an appointed management company or the local authority if the development is to be taken in charge.

- All discharges from the site must comply with the European Communities (Surface Water) Regulations, 2009 and the European Communities (Groundwater) Regulations, 2010.

3.3.3. *Department of Housing, Local Government and Heritage (Development Applications Unit)*: States that considering the relatively large scale of the proposed development site, it is possible that unknown archaeological features / deposits may be disturbed during the course of groundworks for the proposed development. In this regard, while it is acknowledged that much of the proposed development site has been previously developed, it is noted that no physical archaeological investigations to establish the presence and / or absence of potential subsurface archaeological features have been carried out at the site. Therefore, in keeping with national policy (please refer to Section 3.7.2 of *'Frameworks and Principles for the Protection of the Archaeological Heritage, 1999'*), it is recommended that an Archaeological Impact Assessment, to include pre-development archaeological testing, be carried out in advance of construction and as a condition of any grant of permission (with a report containing the results of this assessment to be submitted to the Department and the Planning Authority in advance of any planning decision so as to facilitate the formulation of an appropriate and informed archaeological recommendation).

It is recommended that the following condition be attached to any decision to grant permission:

1. The developer shall engage a suitably qualified archaeologist (licenced under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an AIA report for the written agreement of the Planning Authority, following consultation with this Department, in advance of any site preparation works or groundworks,

other than those which may be necessary to fulfil this condition. The report shall include an archaeological impact statement and mitigation strategy.

2. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required.
3. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with this Department, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to this Department and the Local Authority and approval to proceed is agreed in writing with the Planning Authority.
4. The Planning Authority and this Department shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. 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

3.4. Third Party Observations

3.4.1. Multiple submissions were received from interested third parties and the principal grounds of objection / areas of concern raised therein can be summarised under the following headings:

- Contravention of Planning Policy:
 - The *'Urban Development and Building Height, Guidelines for Planning Authorities'* (2018), *'Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities'* (2020), and the Specific Planning Policy Requirements contained therein are *ultra vires* and are not authorised by the South Dublin County Development Plan by way of Section 28(1C) of the Planning and Development Act, 2000, as amended.

- Insofar as Section 28(1C) of the Act purports to authorise the foregoing guidelines, that provision is unconstitutional / repugnant to the Constitution.
- The Guidelines are contrary to the SEA Directive insofar as they purport to authorise contraventions of the development plan / local area plan in the absence of SEA or screening for SEA.
- The proposed development materially contravenes the Development Plan / Local Area Plan in terms of density, housing mix, phasing, public open space / green infrastructure, building height, visual impact, car parking, childcare provision, and the consideration of Architectural Conservation Areas.
- The proposed development cannot be granted permission under the South Dublin County Development Plan as it is not of strategic or national importance.
- The proposed attenuation tanks do not comply with the Development Plan objective to use nature-based solutions in the management of water and flood attenuation.
- Inappropriateness of the Proposed Design and Layout:
 - The overall design, density, height, finish and construction of the proposed development is not in keeping with the established character of the wider estate and will be seriously injurious to the visual amenity of the surrounding area.
 - There is no precedent for the construction of four-storey development in the manner proposed in the surrounding area.
 - The proposed development cannot be justified by reference to the *'Urban Development and Building Height, Guidelines for Planning Authorities'* or the Specific Planning Policy Requirements contained therein.
 - The proposed development does not comply with the requirements of the *'Urban Development and Building Height, Guidelines for Planning Authorities'*.
 - Inadequate storage provision within the proposed units.
- Detrimental Impact on Residential Amenity:

- The overall design, form, height, and proximity of the proposed development to nearby housing will have a detrimental impact on the residential amenity of those properties by reason of overlooking, loss of privacy, overshadowing, loss of sunlight / daylight, increased noise, general disturbance, overbearing appearance, and visual impact.
- Impacts on Ecological Considerations:
 - Concerns as regards the adequacy of the submitted information in terms of assessing the potential impact of the proposed development on biodiversity / ecological considerations, including the collision risk posed along bird / bat flightpaths.
 - The submitted information contains lacunae and is not based on appropriate scientific expertise. Therefore, the Board cannot comply with the requirements of the Habitats Directive or the relevant provisions of the Planning and Development Act, 2000, as amended.
 - The overall robustness of the ecological surveys undertaken.
 - The ecological report makes no mention of the Tail Race as a historical spawning ground for frogs and its wider ecological function.
 - The potential risk posed to local waterbodies and riparian corridors. There should be no discharge of surface water runoff to the Mill Pond or the existing sewerage system which drains to same.
- Loss of Open Space / Play Area:
 - The loss of an area of green space presently used for play activities / ball games by local residents / children.
 - The proposed 'semi-private' playground facility and public open space will not be easily accessible to existing residents of Drury Mills or Drury Park.
 - There are concerns as regards the future maintenance of any new play facilities.
 - Inadequate provision of communal play areas / amenities throughout Drury Hills, Drury Park, and neighbouring estates.
 - Failure to achieve the minimum Green Space Factor required.

- Road Safety Concerns & Traffic Implications:
 - The significant increase in traffic volumes consequent on the proposed development will exacerbate the existing levels of traffic congestion locally.
 - The inadequacy of the car parking provision and the potential to give rise to further undesirable / unsafe parking practices.
 - The development of Saggart Village in the absence of a proper plan for accessibility.
 - Due to the limited carriageway width fronting Block 'A', there are concerns that the construction of additional houses will exacerbate the existing traffic difficulties along this section of roadway.

- Procedural Matters:
 - The planning application is invalid due to the failure to erect site notices in accordance with the requirements of Article 19(3) the Planning and Development Regulations, 2001, as amended.
 - The absence of an Environmental Impact Assessment Report and non-compliance with the Planning and Development Regulations, 2001, as amended, in relation to screening for the purposes of Environmental Impact Assessment.
 - The planning application does not comply with the requirements of the Planning and Development Act, 2000, as amended, the Planning and Development Regulations, 2001, as amended, or the EIA Directive.

- Other Issues:
 - Concerns as regards the possible exposure / disturbance of any hazardous materials (including asbestos) or contaminants present on site.
 - The lack of capacity / deficiencies in local services, including schools, childcare, healthcare, and public transport.
 - Previous instances of inadequate management protocols in multi-unit developments.
 - Inadequate infrastructure capacity to support the proposed development, including public transport and water services etc.

- The waste management plans do not allow for a complete assessment of potential pollution and nuisances arising from the proposed development.
- The inadequacy of the information provided to allow for an assessment of the impact on human health considerations (e.g. noise, dust etc.).
- The omission of any reference to 'The Rag Store' (a protected structure) in the planning application undermines its legitimacy.
- A lack of clarity as regards ownership of 'The Rag Store' and other nearby protected structures and surrounding lands.
- Consideration of the maintenance needs of nearby protected structures and surrounding grounds as part of the development proposal.
- A need for the disclosure and consideration of previous flood events on the application site and adjacent lands.
- The pattern of neglect (including the abandonment of protected structures and lands) and a failure to deliver on previous development commitments in the area.
- The need for surrounding developments (Drury Mills and Crossforge) to be taken-in-charge by the Local Authority.
- The preparation of a Local Area Plan for Saggart pursuant to QDP14 Objective 5 of the County Development Plan should be prioritised.

4.0 Planning History

4.1. On Site:

4.1.1. PA Ref. No. SD14A/0028. On 13th October, 2014 the Planning Authority issued a split decision to Briargate Developments as follows:

- To **GRANT** permission for a total of 72 No. units, namely, Unit Nos. 1-72 inclusive, subject to 20 No. conditions.
- To **REFUSE** permission for Unit Nos. 73-109 inclusive for the following reasons:

- Having regard to the objective for reservation of a site for a primary school contained in the South Dublin County Development Plan 2010-2016 and the Saggart Action Area Plan (2000), it is considered that the development as proposed would not be in accordance with the proper planning and sustainable development of the area as the reserved site shown on the submitted revised drawing PP01H is inadequate for a 16 classroom school as required by the Department of Education and Skills. The proposal would therefore contravene an objective of the South Dublin County Development Plan 2010-2016.
- The proposed layout does not facilitate removal of a lesser number of units to achieve the required 1.2ha school site without resulting in a disjointed urban block with exposed gable ends and rear gardens and which would not achieve acceptable standards of urban design as required under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009. Removal of the stated units allows for the submission of a future planning application for residential development which provides a suitable interface with the school site.

4.1.2. PA Ref. No. SD07A/0113 / ABP Ref. No. PL06S.223348. Was granted on appeal on 25th October, 2007 permitting William Neville & Sons Construction Ltd. permission for the demolition of the existing derelict Swiftbrook Mills buildings and the construction of Phase 3 of a residential development comprising 198 No. residential units (42 No. two-bedroom apartments in three number three-storey buildings; 70 No. two- bedroom duplex dwellings; 70 No. three-bedroom duplex dwellings and 16 No. four-bedroom three-storey houses); one and two-storey crèche with associated access, parking and outdoor play area; the provision of 266 No. parking spaces at grade; site development works and landscape works; vehicular and pedestrian access to the development via the previously approved spine road (planning register reference number S01A/0706, appeal reference number PL 06S.223348), on lands relating to the curtilage of protected structures (the existing rag store, entrance gates, chimney, tail race, mill ponds of Swiftbrook Mill), all at Swiftbrook, Saggart, Co. Dublin.

4.1.3. PA Ref. No. SD06A/0631. Was refused on 14th September, 2006 refusing William Neville & Sons Construction Ltd. permission for the demolition of the existing derelict

Swiftbrook Mills buildings and the construction of phase 3 of a residential development comprising 196 no. residential units (36 no. two bed apartments, 72 no. two bed duplex dwellings, 72 no. three bed duplex dwellings and 16 no. four bed three-storey houses); car parking spaces; site development and landscaping works; vehicular and pedestrian access via the previously approved spine road (Register Reference S01A/0706); on lands relating to the curtilage of protected structures (the existing rag store, entrance gates, chimney, tail race, mill ponds of Swiftbrook Mill), all at Swiftbrook, Saggart, Co. Dublin.

4.2. On Adjacent Sites:

4.2.1. *(to the immediate north & east):*

PA Ref. No. SD17A/0090 / ABP Ref. No. PL06S.249104. Was granted on appeal on 7th February, 2018 permitting Briargate Developments Ltd. permission for 13 No. maisonettes (26 No. two-bedroom units), associated car parking and ancillary site works, within the curtilage of the protected structure of rag store, chimney, tail-race, mill ponds and mill gates of Swiftbrook Mill, all at Drury Mills (Crosforge), Swiftbrook, Saggart, Co. Dublin.

PA Ref. No. SD16A/0333 / ABP Ref. No. PL06S.248078. Was granted on 19th April, 2017 permitting Briargate Developments permission for amendment to planning permission ref: SD14A/0028 for change of house numbers 55-66 inclusive, to 12 maisonettes (i.e. 24 units), associated car-parking and ancillary site works. The development is located within the curtilage of the protected structures of rag store, chimney, tail-race, mill ponds and mill gates of Swiftbrook Mill. All at Drury Mills, Crossforge, Swiftbrook, Saggart, Co. Dublin (A third-party appeal was subsequently withdrawn).

4.2.2. *(to the immediate west / northwest):*

PA Ref. No. SD10A/0200. Was granted on 22nd December, 2010 permitting Briargate Developments permission for amendments to previously approved planning application, PA Ref. No. SD06A/0494 (ABP Ref. No. PL.06S.224883), for the construction of 69 houses replacing 116 as approved (residential units comprising 6 No. houses and 10 No. duplexes) as follows: 12 No. 2-bedroom 2-storey terraced houses (House Type A); 33 No. 3-bedroom 2-storey terraced houses; 14 No. 3-bedroom 2-storey semi-detached houses; 10 No. 4-bedroom 2-

storey semi-detached houses; 10 No. 4-bedroom 2-storey semi-detached houses; a total of 110 No. at-grade car parking spaces; all associated drainage and site development works, landscaping and ancillary works. Amendments to as-approved roads infrastructure including 4 No. junctions/access points from the as-approved spine road permitted under Planning Application Reg. Ref. SD06A/0494 (PL96S.224883). The proposal relates to the curtilage of Protected Structures being the existing rag store, entrance gates, chimney, tail race, mill ponds of Swiftbrook Mill. All at Swiftbrook, Saggart, Co. Dublin.

PA Ref. No. SD06A/0494 / ABP Ref. No. PL06S.224883. Was granted on appeal on 18th February, 2008 permitting William Neville and Sons Construction Ltd. permission for the construction of phase 2 of a residential development consisting of 144 No. residential units (18 No. two-bedroom apartments, 60 No. two-bedroom duplex dwellings, 60 No. three-bedroom duplex dwellings and 6 No. four-bedroom three-storey houses), the provision of 203 No. parking spaces at grade; site development works and landscaping works; vehicular and pedestrian access to the development via the previously approved spine road (PA Ref. No. S01A/0706); the reconfiguration of the previously approved junction of the spine road at Castle Road (PA Ref. No. S01A/0706)); the proposal relates to the curtilage of protected structures being the existing rag store, entrance gates, chimney, tail race, mill ponds of Swiftbrook Mill, all at Swiftbrook, Saggart, Co. Dublin (as revised by further public notice received by the planning authority consisting of a reduction in the number of residential units from 144 residential units to 137; revisions to site layout and internal road layout; increase of public open space area; proposed three-storey apartment building (Block 4), containing 21 apartments and revisions to proposed road junction at Castle Road).

PA Ref. No. SD05A/0167. Was granted on 25th July, 2005 permitting the Neville Development Partnership permission for amendments to previously approved development, Planning Reference S01A/0706, comprising the following changes: The reconfiguration of external staircases serving the following duplex Unit Nos. 8, 12, 15, 19, 23, 27 Mill Race Crescent; Nos. 13 and 17 Mill Race Court; Nos. 8, 10, 12, 14, 16 and 18 Mill Race Green; Nos. 9 and 11 Mill Race View; Nos. 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60 Mill Race Park; Nos. 9, 13, 22, 26, 30, 34, 38, 42, 46 and 50 Mill Race Drive. The reconfiguration of associated

car parking spaces. The proposal relates to the curtilage of protected structures being the existing rag store, entrance gates, chimney, tail race, mill ponds of Swiftbrook Mill. All at the Millrace Development, Swiftbrook, Saggart, Co. Dublin.

PA Ref. No. S01A/0706 / ABP Ref. No. PL06S.130874. Was granted on appeal on 3rd April, 2003 permitting the Neville Development Partnership permission for the renovation of the existing ragstore (a protected structure) into 3 No. incubator units and 6 No. apartments, the construction of a new road linking Mill Road with Castle Road, the erection of 325 No. dwellings consisting of two and three-storey houses and three-storey duplex over apartment blocks with car parking, associated landscaping and ancillary site works along with works to renovate the existing entrance gates, chimney structure, mill ponds and tail race, all being protected structures, on lands at Swiftbrook, Saggart, Co. Dublin.

5.0 Policy Context

5.1. National

5.1.1. **Project Ireland 2040 - The National Planning Framework: First Revision (April, 2025):**

The National Planning Framework (NPF) is a long-term strategic planning framework intended to shape the future growth and development of Ireland out to the year 2040, a key objective of which is the move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban development. It provides for a major new policy emphasis on renewing and developing existing settlements, rather than the continual expansion and sprawl of cities and towns out into the countryside at the expense of town centres and smaller villages. In this regard, it seeks to achieve compact urban growth by setting a target for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

A number of key ‘National Policy Objectives’ are as follows

- NPO 3: Eastern and Midland Region: 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016-2040) i.e. a population of almost 3 million.

- NPO 4: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- NPO 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- NPO 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- NPO 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 16: To ensure that the targeted pattern of population growth of Ireland's cities to 2040 is in accordance with the targets set out in Table 4.1.

City	Population 2022	2018 NPF	Population Growth to 2040		Minimum Target Population 2040
		% Range 2016-2040	% Range 2022-2040	People	
Dublin – City & Suburbs	1,263,000	20-25%	20-25%	296,000	1,596,000

- NPO 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 22: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.
- NPO 37: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling

accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

- NPO 42: To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.
- NPO 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

5.1.2. **Climate Action Plan, 2025:**

An updated Climate Action Plan, 2025 was published by Government on 15th April, 2025. The Plan lays out a roadmap of actions which will ultimately lead Ireland to meeting its national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July, 2022.

The Climate Action Plan, 2025 builds upon the previous year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with the Climate Action Plan, 2024. The Plan provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act, 2021.

5.1.3. **National Biodiversity Action Plan, 2023-2030:**

This Plan sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which nature is valued and protected. It strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every

citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

Notably, residential development is identified as one of the main pressures driving biodiversity loss.

The Plan builds upon the achievements of its previous iteration and will implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

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

Each of these ‘Objectives’ contains a series of ‘Outcomes’ that describe the changes that will occur if ‘Actions’ are achieved. The following ‘outcomes’ and ‘actions’ are of particular note in the context of the subject proposal:

- Outcome 3C: Planning and development will facilitate and secure biodiversity’s contributions to people:
 - Action 3C1: All Public Authorities and private sector bodies move towards no net loss of biodiversity through strategies, planning, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure.
 - Action 3C2: The Office of the Planning Regulator (OPR) will work to prepare and publish a Case Study Paper examining best practice in integrating green infrastructure, nature-based solutions and ecosystem services into the preparation of land use plans.

5.1.4. **Section 28 Ministerial Guidelines:**

The following list of Section 28 Ministerial Guidelines are of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2023)
- Planning Design Standards for Apartments, Guidelines for Planning Authorities (2025)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (December, 2013) (as updated)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities (including the associated Technical Appendices) (2009).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection, Guidelines for Planning Authorities (2011).

5.2. Regional

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

Under the RSES, a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin.

The following Regional Policy Objectives are of note:

RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the

development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

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

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

5.3. Development Plan

5.3.1. South Dublin County Development Plan, 2022-2028:

Land Use Zoning:

The wider extent of the proposed development site is zoned as '*RES: To protect and / or improve residential amenity*' although its southernmost edge is zoned as '*OS: To preserve and provide for open space and recreational amenities*'.

Other Relevant Policies / Sections

Chapter 2: Core Strategy and Settlement Strategy:

Section 2.6: Core Strategy:

Policy CS3: Monitoring Population and Housing Growth:

Promote and facilitate housing and population growth in accordance with the overarching Core Strategy to meet the needs of current and future citizens of South Dublin County.

Policy CS4: Active Land Management:

Facilitate the re-use and regeneration of vacant sites and landbanks through various measures to promote compact urban growth in line with the Core Strategy.

Section 2.7: Settlement Strategy:

Policy CS6: Settlement Strategy - Strategic Planning Principles:

Promote the consolidation and sustainable intensification of development within the urban settlements identified in the settlement hierarchy.

CS6 Obj. 1: To implement the Growth Strategy detailed in the RSES and in particular, the delivery of sustainable growth in the Metropolitan Area through the Dublin Metropolitan Area Strategic Plan (consistent with RPO 3.1).

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

CS6 Obj. 4: To promote higher densities (50+ units per hectare) subject to meeting qualitative standards at appropriate locations, in urban built-up areas, especially near urban centres and / or high-capacity public transport nodes in line with prevailing Section 28 Ministerial Guidelines and where it can be demonstrated that the necessary infrastructure is in place or can be provided to facilitate the development.

Section 2.7.2: Self-Sustaining Growth Towns / Self-Sustaining Town:

Policy CS8:

Saggart:

Support the sustainable long-term growth of Saggart by focusing growth within and contiguous to the village core to create a critical mass of population and jobs based on local demand and the ability of local services to cater for sustainable growth levels.

CS8 Obj. 1:

To facilitate the commencement and completion of development on zoned residential lands within and contiguous to the settlement boundary facilitating connections to the village core and other areas to provide for active travel and the provision of necessary open space and community amenities in close proximity.

Chapter 3: Natural, Cultural and Built Heritage:

Policy NCBH1:

Overarching:

Protect, conserve and enhance the County's natural, cultural and built heritage, supporting its sensitive integration into the development of the County for the benefit of present and future generations.

Section 3.3: Natural Heritage

Section 3.4: Cultural Heritage:

Section 3.4.2: Archaeology:

Policy NCBH13:

Archaeological Heritage:

Manage development in a manner that protects and conserves the Archaeological Heritage of the County and avoids adverse impacts on sites, monuments, features or objects of significant historical or archaeological interest.

Section 3.5: Built Heritage:

Section 3.5.2: Protected Structures:

Policy NCBH19:

Protected Structures:

Conserve and protect buildings, structures and sites contained in the Record of Protected Structures and carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.

Chapter 5: Quality Design and Healthy Placemaking

Chapter 6: Housing:

Section 6.1: Housing Strategy and Interim Housing Need and Demand Assessment:

H1 Obj. 12: Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:

- there are unique site constraints that would prevent such provision; or
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or
- the scheme is a social and / or affordable housing scheme.

Section 6.2: Supply of Housing

Section 6.7: Quality of Residential Development

Section 6.8: Residential Consolidation in Urban Areas

Chapter 7: Sustainable Movement:

Section 7.5: Walking and Cycling

Section 7.10: Car Parking

Chapter 8: Community and Open Space:

Section 8.7.3: Quantity of Public Open Space

Table 8.2: Public Open Space Standards:

Land Use	Public Open Space Standards (minimum)
New Residential Development on Lands Zone RES-N	Minimum 15% of site area
New Residential Development on Lands in Other Zones including mixed use	Minimum 10% of site area

Section 8.7.5: *Quality of Public Open Space*

Section 8.7.6: *Play Facilities*

Chapter 12: Implementation and Monitoring:

Section 12.3: *Natural, Cultural and Built Heritage*

Section 12.5: *Quality Design and Healthy Placemaking*

Section 12.6: *Housing / Residential Development:*

Section 12.6.7: *Residential Standards*

Section 12.6.10: *Public Open Space*

Section 12.7: *Sustainable Movement:*

Section 12.7.1: *Bicycle Parking / Storage Standards*

Section 12.7.4: *Car Parking Standards*

Section 12.8: *Community Infrastructure and Open Space*

5.4. Natural Heritage Designations

5.4.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- Slade of Saggart and Crooksling Glen Proposed Natural Heritage Area (Site Code: 000211), approximately 1.5km south of the site.
- Lugmore Glen Proposed Natural Heritage Area (Site Code: 001212), approximately 3.0km east-southeast of the site.
- Glenasmole Valley Special Area of Conservation (Site Code: 001209), approximately 5.7km southeast of the site.

- Glenasmole Valley Proposed Natural Heritage Area (Site Code: 001209), approximately 5.6km southeast of the site.
- Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 5.7km north-northwest of the site.
- Dodder Valley Proposed Natural Heritage Area (Site Code: 000991), approximately 6.3km east of the site.
- Wicklow Mountains Special Area of Conservation (Site Code: 002122), approximately 6.7km southeast of the site.
- Killeel Wood Proposed Natural Heritage Area (Site Code: 001394), approximately 7.0km southwest of the site.
- Rye Water Valley / Carton Special Area of Conservation (Site Code: 001398), approximately 9.6km north-northwest of the site.
- Royal Canal Proposed Natural Heritage Area (Site Code: 002103), approximately 10.2km north of the site.
- Red Bog, Kildare Special Area of Conservation (Site Code: 000397), approximately 10.4km southwest of the site.
- Red Bog, Kildare Proposed Natural Heritage Area (Site Code: 000397), approximately 10.4km southwest of the site.
- Wicklow Mountains Special Protection Area (Site Code: 004040), approximately 11.0km east-southeast of the site.
- Poulaphouca Reservoir Special Protection Area (Site Code: 004063), approximately 11.0km south of the site.
- Poulaphouca Reservoir Proposed Natural Heritage Area (Site Code: 000731), approximately 11.0km south of the site.

6.0 EIA Screening

- 6.1. Having regard to the nature, scale and location of the development, which comprises the construction of up to 73 No. dwelling units and associated works within the settlement boundary of an established village where infrastructural services are available, the separation between the site and sensitive receptors, and to the criteria

set out in Schedule 7 of the Regulations, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Please refer to the completed Forms 1 and 2 appended to this report.

7.0 The Appeal

7.1. First Party Grounds of Appeal

7.2. This first party appeal concerns the imposition of Condition No. 2 by the Planning Authority which states the following:

'Amendments:

- a) *Prior to the commencement of development the applicant, owner or developer shall submit a revised Site Layout Plan, a Schedule of Accommodation and other plans as necessary for the written agreement of the Planning Authority, to incorporate all of the following amendments –*
- (i) Omit Block C from the development and omit the access street to Block C (including carriageway, parking and other public realm features);*
 - (ii) Block A to be limited to 3 storeys in height.*
- b) *To clarify, the permitted development will comprise 45 units and 56 car parking spaces.*

Reason: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area'.

7.2.1. The grounds of appeal are as follows:

- The extent of development required to be omitted by Condition No. 2 is unreasonable and disproportionate. The elimination of an entire block of 27 No. apartments (representing 37% of the development originally sought) is considered extreme in the context of addressing concerns over the surface water drainage strategy and the potential impact on Mill Pond to the west.

- The sensitivities of the site and its relationship with existing dwellings, heritage and ecological features were carefully considered during the design process and were balanced against the need to optimise density in accordance with national and local planning policy.
- This is the last undeveloped plot within the former Swiftbrook Mill lands and the proposal responds to the 'Need for Change' called for in the '*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024*'. The proposed development accords with the Guidelines and seeks to provide an alternative to the standard back-to-back housing typology with an innovative courtyard model and compact own-door duplexes and houses.
- The proposed development (as amended in response to the request for further information) includes for a mix of 1, 2, 3 & 4-bedroom units, consistent with the Development Plan's mix requirements. The omission of Block 'C' will result in the loss of the entire north-western side of the scheme and fundamentally undermines the design rationale of the courtyard layout.
- The reduction in the height of Block 'A' to three-storeys as required by Condition No. 2 further compromises the design and housing mix for reasons that are unwarranted and subjective in nature.
- The imposition of Condition No. 2 derives in part from concerns expressed by the Water Services Section of the Local Authority as regards the overall design and capacity of the proposed surface water drainage arrangements (including the SUDS). However, Condition No. 3 of the notification of the decision to grant permission requires a revised surface water and SUDS design to be agreed with the Planning Authority prior to the commencement of development. These revised arrangements are required to provide for adequate capacity and to include such features as are necessary to avoid detrimental impacts on the neighbouring site to the west and its habitats. Therefore, it is submitted that Condition No. 2 addresses the concerns of the Planning Authority in terms of drainage and any potential impacts on Mill Pond and thus the omission of Block 'C' cannot be justified.

- The accompanying Technical Note prepared by Muir Associates, Consulting Engineers & Project Managers, serves to address the concerns of the Water Services Section of the Local Authority as follows:

- The original Engineering Planning Report did not propose 573m³ of surface water attenuation storage. That report proposed 354m³ of attenuation storage based on calculations carried out using time-varying design rainstorms and the “MicroDrainage” software package. Thus, it was demonstrated through modelling that the provision of 354m³ of storage was correct.

The calculated attenuation volume was crosschecked using the HR Wallingford tools for the design and evaluation of SUDS. Although this tool is used for estimation purposes only, the results obtained confirm that the provision of an overall attenuation storage volume of 354m³ is correct.

- It is not considered practical to convey surface water runoff across the site above ground. Therefore, it is proposed to pipe runoff from some impermeable surfaces to bioretention storage areas or permeable paving subbases which will provide attenuation storage. No infiltration is available on site and, therefore, it is proposed to maximise the use of permeable paving, detention basins, swales and bioretention areas (please refer to the submitted drawings). No underground tanks or soakpits are proposed.

The SUDS measures incorporated into the proposed development include green roofs; permeable paving car parking areas; bioretention areas; filter drains; dry swales; and detention basins.

All surface water discharge from the development will pass through a petrol interceptor prior to discharging to the existing pond.

- Details of all SUDS measures were submitted by way of further information. In respect of the functioning of the dry swale, the intention is that surface water runoff will discharge to the open swale (i.e. on the surface of the swale). The proposed design is based on the detail taken from The SUDS Manual (CIRIA C753) published by the

Construction Industry Research and Information Association which describes the functioning of a dry swale and explains the purpose of the pipe below the base of the swale as *'a vegetated conveyance channel, designed to include a philtre bed of prepared soil that overlays an underground system. This underdrain provides additional treatment and conveyance capacity beneath the base of the swale and prevents waterlogging'* (This CIRIA document is quoted extensively in the *'South Dublin County Council Sustainable Drainage Explanatory Design & Evaluation Guide'*).

- The applicant is satisfied that the SUDS features proposed will provide an appropriate level of surface water attenuation to meet the policy requirements and to ensure that the quality of the surface water discharge from the proposed development will protect the quality of the receiving pond.
- The statement that the Heritage Officer does not have confidence in the Ecological Impact Assessment (EclA) is wholly unjustified. The EclA is clear as regards the ecological value of adjoining habitats and any potential impacts arising with Section 7.2.5 of the document specifically addressing aquatic ecology, potential impacts thereon, and appropriate mitigation measures. In terms of residual impacts, the EclA concludes:

'Assuming all mitigation measures are put in place, residual negative impacts to the water quality of the Mill Pond will be minor during the construction phase and neutral during the operational phase. The residual negative impacts to the water quality of the adjacent stream and Camac River will be neutral during construction and in the long term'.
- The accompanying report prepared by Panther Ecology Ltd. aims to address the ecological concerns of the Planning Authority as follows:
 - With respect to the requirement for ecological surveys to be carried out during the appropriate season, Section 7 of the EclA states that *"Summer is the optimal time for breeding birds, bats, flora and pollinator surveys. Autumn is a more suitable time for mammal surveys"*

as the vegetation dies back and allows for a more thorough screening of the ground”.

- The standard bat season is May - September with the surveys by Ross Swift having been carried out from July - September.
- The appropriate time for flora surveys is April – October and the second site assessment was carried out in September. A thorough flora survey was included in the EclA which provides an accurate classification of the habitats.
- The optimal season for badger surveys is outside the flowering season and, therefore, the site visit in November falls within the appropriate season.
- Although the hedge cutting season is 1st March – 31st August, the breeding season for birds varies according to species e.g. Moorhens, which have been found to breed at the Mill Pond, have a long laying season from March – September. The likelihood of protected birds using the pond for breeding was mostly assessed based on the NBDC historical records for the general area and habitat suitability. Although the EclA notes that the heavy disturbance from walkers through the site minimises the potential for protected species, the precautionary principle has been applied and mitigation measures included in Section 7.2.3 to minimise any impact on protected birds potentially using the pond for breeding.
- Given the low likelihood of birds associated with protected sites or listed in Annex I of the Birds Directive choosing the Mill Pond for breeding, it is considered that the mitigation measures proposed would suffice. However, an additional measure to further minimise potential impacts can be included:
 - Any excavation works taking place within 10m from the border of the pond will be carried out outside of the hedge cutting season from 1st March to 31st August.

- In relation to the adequacy of the EclA, with particular reference to the need to avoid contaminated / unfiltered surface water runoff discharging into the adjacent site (which is both a habitat in itself and has a hydrological connection to the Camac River):
 - o While the construction of wetlands would be beneficial during the operational phase, it was not deemed practical to convey surface water runoff across the site over ground. Other SUDS features have been incorporated into the drainage plan and the surface water runoff will be clean and properly attenuated prior to discharge into the Mill Pond.

- In reference to the adequacy of the mitigation measures proposed during the construction phase, given the proximity of the pond, these will include the following:
 - o No works will take place within the pond or its borders.
 - o No percussive methods will be used during the construction works and therefore no structural impacts on the pond are anticipated. The nearest building will be over 10m from the border of the pond.
 - o During construction surface water will percolate to ground.
 - o The dense vegetation bordering the pond will act as a physical barrier / infiltration area for any runoff.

The foregoing will greatly minimise the potential for surface water runoff into the Mill Pond. Section 7.2.5 of the EclA includes both standard mitigation measures and site-specific measures tailored to the context of the development site. However, the following additional mitigation could be included in the EclA:

- o Silt fencing to be anchored along the vegetated buffer bordering the pond to prevent any silt laden runoff from reaching the pond. Silt fencing that requires extensive excavation works for its installation will be unsuitable. The silt fencing will remain in place and be maintained as appropriate until the completion of the construction / demolition works.

- Sandbags to be placed on the near side of the silt fence to further prevent runoff from reaching the pond. The silt fence will also act as a barrier to prevent any potential spillage of sand from damaged sandbags.
 - A high-visibility temporary fence to be erected along the vegetated buffer to block access by workers and machinery.
 - A silt curtain to be installed on top of the nearest section of the pond to the development site. This should not cover the entire pond and should be placed in such a way that allows any birds in the area to continue using the whole extent of the pond. Silt curtains that require extensive excavation works for installation are unsuitable.
- With respect to the adequacy of the mitigation measures proposed in the Bat Survey & Assessment to overcome light spill, the Board is referred to the guidance issued by Bat Conservation Ireland which recommends *“Lighting levels of 3 Lux or less where feasible”*. The submitted Bat Survey Report states that *“A value of 1 Lux (blue line) is shown along the edge of the development, dropping to 0.5 Lux (crimson line) at 7m into the wet area”*. Therefore, light levels at the Mill Pond and vegetated buffer zone will be below the identified limit. Additionally, *“The lighting design team have concluded that when planting and landscaping is considered, the actual light spill from the public lighting on the Mill Pond and the wetland area will be inconsequential”*.

N.B. The additional mitigation measures set out above have been incorporated into an updated version of the Ecological Impact Assessment (dated 15th May, 2025) provided with the grounds of appeal.

- In terms of density, it was acknowledged in the initial report of the case planner that the *‘Sustainable Residential Development and Compact Settlement, Guidelines for Planning Authorities’* include density ranges for different location types. Densities of 35 – 50dph (net) are generally to be applied at suburban and edge location of Metropolitan Towns while densities

of up to 100dph (net) are open for consideration at 'accessible' suburban / urban extension locations. The report further noted that an exceedance of these figures was not necessarily problematic as the non-SPPR elements of the Guidelines, such as density provisions, do not supersede the provisions of the County Development Plan as regards density which are more context-driven / performance-based as per QDP7 Objective 1 and the related 'Building Height and Density Guide'.

The proposed development (exclusive of land zoned as 'Open Space') has a density 63.5dph, however, it appears that this was a factor in the decision to omit Block 'C'.

In response to the request for further information, it was submitted that Saggart is different to other discrete metropolitan towns located further west as it merges with and is effectively part of Dublin City and its suburbs. In this regard it was submitted that Saggart could be categorised as 'City-Suburban' due to its close proximity and relationship to the city and that the Guidelines allow for densities of 40 – 80dph to be applied at suburban and urban extension locations in Dublin.

The Census boundary of 'Dublin City & Suburbs' includes much of Saggart. Therefore, it is submitted that the proposed density is appropriate to the location.

- Block 'A' is intended to create a built edge to the existing Drury Mills access road and has adopted a design approach advocated in the Development Plan. The upper 1 – 2 No. floors are set back as a secondary massing while the primary building facade is two-storey thus reflecting the prevailing height of the street.

The revised plans submitted by way of further information removed the third-floor element from Plot Nos. DU4AM4 & DU4AM5 such that the transition from 3 to 4 storeys is provided mid-point along the block. However, Condition No. 2 has reduced the entirety of Block 'A' to 3-storeys on the basis that some elements of the scheme would be *'visually dominant and would have an overbearing impact on existing dwellings, and thereby failing to provide an*

appropriate transition of scale with adjoining established residential development'.

The Board is requested to reconsider the need to further reduce the height of Block 'A'. Although there may have been a rationale for reducing the northern part of the block as the opposing dwellings were closer and slightly more impacted in terms of daylight, there is a separation of c. 26m between the set-back upper floors at the southern end of Block 'A' and the existing dwellings opposite. Furthermore, there are multiple examples of two and four storey buildings sitting comfortably together (e.g. within the Adamstown & Clonburris SDZs).

- The policy intent of the *'Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities'* is not to reduce density and form but to enhance it.
- The principal concerns of the Planning Authority in relation to Block 'C' are addressed by the pre-commencement requirements set out in Condition No. 3 and thus the omission of this block is unnecessary. Furthermore, Block 'A' has been carefully designed and revised such that an overall reduction in height is unwarranted.

7.3. Third Party Grounds of Appeal

- The overall design, form, height, and proximity of Block 'A' to No. 71 Drury Mills will have a detrimental impact on the residential amenity of that property by reason of overshadowing and a loss of sunlight.
- The height, terraced construction, and proximity of Block 'A' to No. 71 Drury Mills will obstruct the views / vista available from that property resulting in a loss of residential and visual amenity.
- The density of the proposed development will greatly increase the noise levels experienced to the front of the appellants' property giving rise to a loss of residential amenity. The potential for noise pollution / disturbance increases further due to the inclusion of front-facing balconies within Block 'A' directly opposite windows serving bedrooms in the appellants' dwelling house.

- The height and proximity of Block 'A' will have a negative impact on the residential amenity of the appellants' dwelling house, including its rear garden area, by reason of overlooking with an associated loss of privacy.
- The loss of existing residential amenity attributable to the proposed development will serve to devalue the appellants' property.
- The construction of Block 'A' will completely alter the existing streetscape due to its proximity, height, terraced form, and foreboding appearance, opposite a series of 6 No. two-storey semi-detached dwelling houses.
- The overall design and finish of the proposed development, with particular reference to its use of selected brickwork and the inclusion of external stairways and balconies, is not in keeping with the established character of the Drury Mills estate with the result that the proposal will appear aesthetically and visually incongruous thereby undermining the harmony and uniformity of the surrounding pattern of development.
- The section of roadway to the front of Nos. 42-68 Drury Mills (i.e. along the frontage of Block 'A' as proposed) is quiet with low traffic volumes and has colloquially developed as a supervised play area for children of the estate. There is also a small limited green space at the top of this road which is used for play activities / ball games. In recent years, the culture of the estate has developed such that families gather on this expanse of road daily to supervise and provide an 'improvised play space' for local children given the absence of a suitably designated and safe green space / play area in Drury Mills.

The layout of the proposed development will increase traffic flow and parking along this stretch of road and will also result in the loss of the existing green space thereby limiting the area where children can safely play. The proposal would, therefore, be injurious to residential amenity and would contravene Development Plan / Local Area Plan guidance on public open space provision.

- There are concerns as regards the possible exposure / disturbance of any hazardous materials (including asbestos) that may be present on site given its previous use as a factory / mill. In this respect, there has been speculation

locally that the large concrete slab on site serves as a 'cap' under which toxic materials may be present. Given the proximity of nearby housing, it is submitted that there should be a comprehensive examination of this area along with environmental screening prior to the commencement of any building works on site.

- The proposed development unjustifiably materially contravenes the Development Plan and / or Local Area Plan in respect of the Architectural Conservation Area. Given the historical significance of the Old Saggart Mill, appropriate consideration must be given to the impact of the proposed development on same. Further ground disturbance may compromise the stability of existing structures thereby posing a risk to items of heritage interest.
- Concerns arise as regards the potential impact of the proposed development (during both the construction and operational phases) on bird and bat species, including any potential collision risk posed along flightpaths / routes, in reference to the ETA Screening Report, the Appropriate Assessment Screening Report, and the Building Height Guidelines (and the specific assessments detailed therein). The assessments required to be carried out by the Planning Authority cannot be completed in the absence of this information.
- Young deer have been observed wandering the site and surrounding fields.
- There are concerns as regards the lack of screening for ETA and the failure to consider the impact of the proposal on biodiversity pursuant to Article 3 of the ETA Directive (as amended). It is a requirement that the ETA (or Screening for ETA) identify, describe and assess in an appropriate manner, the direct and indirect effects of the project on inter alia, *'biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC'* (the Habitats and Birds Directives). Any such assessment must be undertaken at the appropriate time of year in order to allow for a complete examination of biodiversity considerations.
- There is a manmade lake (Saggart Mill Pond) alongside the proposed development site which was established as a functionary part of the Old Saggart Mill. Given the value of this water body and surrounding lands as

habitats for a variety of wildlife, including amphibians and assorted bird species, there is a need to comprehensively assess the impact of the proposed development on ecological considerations. Furthermore, there are concerns that the proposed development may encroach on neighbouring woodland habitats or give rise to water pollution in the pond which forms part of the Camac River catchment.

- The EIA Screening Report is inadequate as it fails to assess the impact of the increased population consequent on the proposed development on local services, including schools, childcare and healthcare provision.
- The information submitted with the planning application contains lacunae and is not based on appropriate scientific expertise. Accordingly, the Board cannot comply with the requirements of the Habitats Directive or the relevant provisions of the Planning and Development Act, 2000, as amended.

In accordance with Article 6(3) of the Habitats Directive, an Appropriate Assessment of the implications of a plan or project for the site concerned implies that, before the plan or project is approved, all those aspects of the plan or project which can, either individually or in combination with other plans or projects, affect the conservation objectives of that site, must be identified, in light of best scientific knowledge in the field. A competent authority may only authorise an activity on a protected site once it has made certain that the activity will not adversely affect the integrity of that site i.e. when there is no reasonable scientific doubt as to the absence of such effects (as has been established by legal precedent). An Appropriate Assessment carried out under Article 6(3) may not have lacunae and must contain complete, precise and definitive findings and conclusions capable of dispelling all reasonable scientific doubt as to the effects of the proposed works on the protected area concerned.

- There is currently no assigned parking in Drury Mills with on-street parking used by all residents of the estate. In this regard, there is insufficient parking available for existing residents (independent of the increased volume proposed). The proposed development materially contravenes the Development Plan and / or Local Area Plan in terms of car parking provision.

- There is a fundamental design flaw in the traffic and car parking arrangements proposed between Block 'A' and No. 71 Drury Mills given the absence of any intention to widen the existing roadway which is narrow and already accommodates two-way traffic flow as well as on-street parking for residents. Due to the limited carriageway width, there are concerns that the construction of additional houses on the opposite side of the roadway will exacerbate the existing traffic difficulties along this section of roadway. In the absence of any changes to the existing road width, it is considered that the proposed development gives rise to significant health and safety concerns for all residents, but particularly for children who play on the road daily.
- The proposed development will significantly increase the volume of traffic exiting the Drury Mills estate during the morning peak. In this regard, the flow of traffic out of the estate is already slow and delayed as it merges into the village and the additional trip generation consequent on the proposed development will add further pressure to the single entry and exit point to Drury Mills thereby undoubtedly causing further delays and traffic difficulties.
- The replacement of Block 'A' with two-storey semi-detached housing would be in keeping with the existing streetscape and would maintain the residential and visual amenity of this part of Drury Mills.

7.4. Planning Authority Response

None.

7.5. Observations

7.5.1. Nicola and Jonathan Dowling (& Others):

- The density of the proposed development will greatly increase the noise levels experienced to the front of the observers' property giving rise to a loss of residential amenity. The potential for noise pollution / disturbance increases further due to the inclusion of front-facing balconies within Block 'A' directly opposite windows serving bedrooms in the observers' dwelling house.

- The construction of Block 'A' will completely alter the existing streetscape due to its proximity, height, terraced form, and foreboding appearance.
- The overall design and finish of the proposed development, with particular reference to its use of selected brickwork and the inclusion of external stairways and balconies, is not in keeping with the established character of Drury Mills and will be seriously injurious to the visual amenity of the surrounding area.
- The section of roadway to the front of Nos. 42-68 Drury Mills (i.e. along the frontage of Block 'A' as proposed) is quiet with low traffic volumes and has colloquially developed as a supervised play area for children of the estate. There is also a small limited green space at the top of this road which is used for play activities / ball games. In recent years, the culture of the estate has developed such that families gather on this expanse of road daily to supervise an 'improvised play space' for local children given the absence of a suitably designated and safe green space / play area in Drury Mills.

The layout of the proposed development will increase traffic flow and parking along this stretch of road and will also result in the loss of the existing green space thereby limiting the area where children can safely play. The proposal would, therefore, be injurious to residential amenity and would contravene Development Plan / Local Area Plan guidance on public open space provision.

- There are concerns as regards the possible exposure / disturbance of any hazardous materials (including asbestos) that may present on site given its previous use as a factory / mill. In this respect, there has been speculation locally that the large concrete slab on site serves as a 'cap' under which toxic materials may be present. Given the proximity of nearby housing, it is submitted that there should be a comprehensive examination of this area along with environmental screening prior to the commencement of any building works on site.
- The proposed development unjustifiably materially contravenes the Development Plan and / or Local Area Plan in respect of the Architectural Conservation Area. Given the historical significance of the Old Saggart Mill,

appropriate consideration must be given to the impact of the proposed development on same. Further ground disturbance may compromise the stability of existing structures thereby posing a risk to items of heritage interest.

- Concerns arise as regards the potential impact of the proposed development (during both the construction and operational phases) on bird and bat species, including any potential collision risk posed along flightpaths / routes, in reference to the ETA Screening Report, the Appropriate Assessment Screening Report, and the Building Height Guidelines (and the specific assessments detailed therein). The assessments required to be carried out by the Planning Authority cannot be completed in the absence of this information.
- Young deer have been observed wandering the site and surrounding fields.
- There are concerns as regards the lack of screening for ETA and the failure to consider the impact of the proposal on biodiversity pursuant to Article 3 of the ETA Directive (as amended). It is a requirement that the ETA (or Screening for ETA) identify, describe and assess in an appropriate manner, the direct and indirect effects of the project on inter alia, *'biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC'* (the Habitats and Birds Directives). Any such assessment must be undertaken at the appropriate time of year to allow for a complete examination of biodiversity considerations.
- There is a manmade lake (Saggart Mill Pond) alongside the proposed development site which was established as a functionary part of the Old Saggart Mill. Given the value of this water body and surrounding lands as habitats for a variety of wildlife, including amphibians and assorted bird species, there is a need to comprehensively assess the impact of the proposed development on ecological considerations. Furthermore, there are concerns that the proposed development may encroach on neighbouring woodland habitats or give rise to water pollution in the pond which forms part of the Camac River catchment.

- The EIA Screening Report is inadequate as it fails to assess the impact of the population increase consequent on the proposed development on local services, including schools, childcare and healthcare provision.
- The information submitted with the planning application contains lacunae and is not based on appropriate scientific expertise. Accordingly, the Board cannot comply with the requirements of the Habitats Directive or the relevant provisions of the Planning and Development Act, 2000, as amended.
- In accordance with Article 6(3) of the Habitats Directive, an Appropriate Assessment of the implications of a plan or project for the site concerned implies that, before the plan or project is approved, all those aspects of the plan or project which can, either individually or in combination with other plans or projects, affect the conservation objectives of that site, must be identified, in the light of best scientific knowledge in the field. A competent authority may only authorise an activity on a protected site once it has made certain that the activity will not adversely affect the integrity of that site i.e. when there is no reasonable scientific doubt as to the absence of such effects (as has been established by legal precedent). An Appropriate Assessment carried out under Article 6(3) may not have lacunae and must contain complete, precise and definitive findings and conclusions capable of dispelling all reasonable scientific doubt as to the effects of the proposed works on the protected area concerned.
- There is currently no assigned parking in Drury Mills with on-street parking used by all residents of the estate. In this regard, there is insufficient parking available for existing residents (independent of the increased volume proposed). The proposed development materially contravenes the Development Plan and / or Local Area Plan in terms of car parking provision.
- There is a fundamental design flaw in the traffic and car parking arrangements proposed between Block 'A' and the road facing it given the absence of any intention to widen the existing roadway which is narrow and already accommodates two-way traffic flow as well as on-street parking for residents. Due to the limited carriageway width, there are concerns that the construction of additional houses on the opposite side of the roadway will exacerbate the

existing traffic difficulties along this section of roadway. In the absence of any changes to the existing road width, it is considered that the proposed development gives rise to significant health and safety concerns for all residents, but particularly for children who play on the road daily.

- The proposed development will significantly increase the volume of traffic exiting the Drury Mills estate during the morning peak. In this regard, the flow of traffic out of the estate is already slow and delayed as it merges into the village and the additional trip generation consequent on the proposed development will add further pressure to the single entry and exit point to Drury Mills thereby undoubtedly causing further delays and traffic difficulties.
- The replacement of Block 'A' with two-storey semi-detached housing would be in keeping with the existing streetscape and would maintain the residential and visual amenity of this part of Drury Mills.

7.5.2. **Louise and Fergal Connolly:**

- The height, form and proximity of Block 'A' will have a detrimental impact on the residential amenity of the observers' dwelling house (No. 70 Drury Mills) by reason of overshadowing and a loss of sunlight.
- The height, terraced construction, and proximity of Block 'A' to No. 70 Drury Mills will obstruct the views / vista available from that property resulting in a loss of residential and visual amenity.
- The proposed development will greatly increase the levels of noise and noise pollution in the area thereby detracting from the residential amenity of surrounding housing. The potential for noise pollution / disturbance also increases due to the proposed inclusion of front-facing balconies.
- The construction of Block 'A' will completely alter the existing streetscape due to its proximity, height, terraced form, and foreboding appearance, opposite a series of 6 No. two-storey semi-detached dwelling houses.
- The overall design and finish of the proposed development, with particular reference to its use of selected brickwork and the inclusion of external stairways and balconies, is not in keeping with the established character of

the Drury Mills estate and will be seriously injurious to the visual amenity of the surrounding area.

- The section of roadway to the front of Nos. 42-68 Drury Mills (i.e. along the frontage of Block 'A' as proposed) is quiet with low traffic volumes and has colloquially developed as a supervised play area for children of the estate. There is also a small limited green space at the top of this road which is used for play activities / ball games. In recent years, the culture of the estate has developed such that families gather on this expanse of road daily to supervise an 'improvised play space' for local children given the absence of a suitably designated and safe green space / play area in Drury Mills.

The layout of the proposed development will increase traffic flow and parking along this stretch of road and will also result in the loss of the existing green space thereby limiting the area where children can safely play. The proposal would, therefore, be injurious to residential amenity and would contravene Development Plan / Local Area Plan guidance on public open space provision.

- There are concerns as regards the possible exposure / disturbance of any hazardous materials (including asbestos) that may present on site given its previous use as a factory / mill. In this respect, there has been speculation locally that the large concrete slab on site serves as a 'cap' under which toxic materials may be housed. Given the proximity of nearby housing, it is submitted that there should be a comprehensive examination of this area along with environmental screening prior to the commencement of any building works on site.
- The proposed development unjustifiably materially contravenes the Development Plan and / or Local Area Plan in respect of the Architectural Conservation Area. Given the historical significance of the Old Saggart Mill, appropriate consideration must be given to the impact of the proposed development on same. Further ground disturbance may compromise the stability of existing structures thereby posing a risk to items of heritage interest.

- Concerns arise as regards the potential impact of the proposed development (during both the construction and operational phases) on bird and bat species, including any potential collision risk posed along flightpaths / routes, in reference to the ETA Screening Report, the Appropriate Assessment Screening Report, and the Building Height Guidelines (and the specific assessments detailed therein). The assessments required to be carried out by the Planning Authority cannot be completed in the absence of this information.
- Young deer have been observed wandering the site and surrounding fields.
- There are concerns as regards the lack of screening for ETA and the failure to consider the impact of the proposal on biodiversity pursuant to Article 3 of the ETA Directive (as amended). It is a requirement that the ETA (or Screening for ETA) identify, describe and assess in an appropriate manner, the direct and indirect effects of the project on inter alia, *'biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC'* (the Habitats and Birds Directives). Any such assessment must be undertaken at the appropriate time of year to allow for a complete examination of biodiversity considerations.
- There is a manmade lake (Saggart Mill Pond) alongside the proposed development site which was established as a functionary part of the Old Saggart Mill. Given the value of this water body and surrounding lands as habitats for a variety of wildlife, including amphibians and assorted bird species, there is a need to comprehensively assess the impact of the proposed development on ecological considerations. Furthermore, there are concerns that the proposed development may encroach on neighbouring woodland habitats or give rise to water pollution in the pond which forms part of the Camac River catchment.
- The EIA Screening Report is inadequate as it fails to assess the impact of the population increase consequent on the proposed development on local services, including schools, childcare and healthcare provision.
- The information submitted with the planning application contains lacunae and is not based on appropriate scientific expertise. Accordingly, the Board cannot

comply with the requirements of the Habitats Directive or the relevant provisions of the Planning and Development Act, 2000, as amended.

- In accordance with Article 6(3) of the Habitats Directive, an Appropriate Assessment of the implications of a plan or project for the site concerned implies that, before the plan or project is approved, all those aspects of the plan or project which can, either individually or in combination with other plans or projects, affect the conservation objectives of that site, must be identified, in the light of best scientific knowledge in the field. A competent authority may only authorise an activity on a protected site once it has made certain that the activity will not adversely affect the integrity of that site i.e. when there is no reasonable scientific doubt as to the absence of such effects (as has been established by legal precedent). An Appropriate Assessment carried out under Article 6(3) may not have lacunae and must contain complete, precise and definitive findings and conclusions capable of dispelling all reasonable scientific doubt as to the effects of the proposed works on the protected area concerned.
- There is currently no assigned parking in Drury Mills with on-street parking used by all residents of the estate. In this regard, there is insufficient parking available for existing residents (independent of the increased volume proposed). The proposed development materially contravenes the Development Plan and / or Local Area Plan in terms of car parking provision.

7.6. Further Responses

7.6.1. ***Response of the Applicant to the Third-Party Appeal:***

- The proposed development has been devised by an experienced design team with careful consideration given to its relationship with existing dwellings. This was further balanced against the 'Need for Change' referenced in the '*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024*'.
- The proposal accords with the Compact Settlement Guidelines and seeks to provide an alternative to the standard back-to-back housing typology with an innovative courtyard model and compact own-door duplexes and houses.

- The appellants are seeking to replicate a lower density model of two-storey, semi-detached housing on this serviced brownfield site. The basis for the appeal, which is founded on resistance to change, cannot be sustained.
- The northern section of Block 'A' (as amended by way of further information) is three-storeys inclusive of the recessed second floor. There is a separation distance of 18.2m between 71 / 72 Drury Mills and the principal building line of Block 'A' while the second floor is set back by a further 3.7m thereby increasing the separation to 21.57m.

The principal building line of Block 'A' is c. 10m from the edge of the carriageway, including the car parking bay, footpath and private terrace.

Specific Planning Policy Requirement 1 of the Compact Settlement Guidelines states:

'When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.'

'There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy'.

Given that the separation distance to the front exceeds 16m, it follows that there can be no undue loss of privacy.

- The appellant's assertions as regards an 'extreme' loss of privacy to the rear garden of their property are unwarranted.
- Concerns with respect to the noise impact of residential development on residentially zoned lands are unreasonable.

- Potential impacts on daylight and sunlight have been comprehensively assessed. The '*Daylight and Sunlight Assessment*' (following the revision of Block 'A') confirms that the daylight and sunlight to all existing units complies with the relevant Guidelines.
- The proposed development will replace a former construction compound with a well-designed residential scheme. There are no rights relating to the maintenance of private views in Ireland.
- The former Swiftbrook Mill lands have been developed in phases over the last two decades with each phase having a distinct character. The proposed final phase of development does not seek to replicate the existing but rather to complement it. In this regard, it is submitted that the proposal sits comfortably in its context.
- The proposed development includes a substantial area of public open space which connects with the existing greenway located south of Drury Mills. The public open space includes a designated play area and will greatly benefit the wider area.
- Speculation as regards the presence of environmental hazards on site is unfounded. The 'concrete' slab' on site is the remnants of a former mill structure and will be removed as part of the development works.
- The appellants' comments relating to Architectural Conservation Areas are irrelevant as the site is not within an ACA.
- The comments relating to '*ETA Screening*' are incomprehensible.
- The assertions with regard to AA Screening and ecological impact are made without reference to the particulars submitted with the application.
- The existing road complies with the 'Design Manual for Urban Roads and Streets'.
- The car parking provision proposed complies with the Development Plan.
- The request for two-storey, semi-detached houses is contrary to the requirements of the '*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities*'.

8.0 Assessment

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

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic considerations
- Surface water drainage arrangements
- Ecological impact assessment
- Other issues

These are assessed as follows:

8.2. The Principle of the Proposed Development:

8.2.1. With regard to the overall principle of the proposed development, I would draw the Commission's attention at the outset to Chapter 2: '*Core Strategy and Settlement Strategy*' of the Development Plan (which promotes the consolidation and sustainable intensification of development within the urban settlements identified in the settlement hierarchy) and, more specifically, to the designation of Saggart as a 'Self-Sustaining Town' wherein the stated policy approach is to support the sustainable long-term growth of the town by focusing growth within and contiguous to the village core to create a critical mass of population and jobs based on local demand and the ability of local services to cater for sustainable growth levels. By extension, CS8 Objective 1 of the Plan aims to facilitate the commencement and completion of development on residentially zoned lands within and contiguous to the settlement boundary with a view to facilitating connections to the village core and other areas to provide for active travel and the provision of necessary open space and community amenities in close proximity. In this regard, it is of relevance to note that the wider extent of the subject site is located within the built-up confines of Saggart on lands zoned as '*RES*' with the stated land use zoning objective '*To protect and / or improve residential amenity*' and that residential development is 'permitted in principle' within such areas pursuant to Table 12.2 of the South Dublin

County Development Plan, 2022-2028. Accordingly, given that the proposed dwelling units are to be sited entirely within the confines of those lands zoned for residential purposes, it is clear that this aspect of the proposed development is acceptable in principle.

8.2.2. However, the southernmost extent of the site area is zoned as '*OS: To preserve and provide for open space and recreational amenities*' wherein residential development is only 'open for consideration' provided it accords with Policy H3 Objective 4 of the Plan which supports community-led housing developments for older persons and social and affordable housing in established areas zoned as '*Open Space*' where the quality and quantum of the remaining public open space is adequate and the amenities of the area are preserved. In this regard, the proposed development (as initially lodged) sought to locate an element of residential car parking (as well as a loading bay / set-down area) on part of the site zoned as '*Open Space*' and it is of note that the Planning Authority determined that this parking would form an intrinsic part of the residential component of the wider development and thus its siting on lands zoned for '*Open Space*' would not be acceptable (noting that Policy H3 Objective 4 does not apply given the nature of the residential development proposed) (*N.B.* In the interests of completeness, I would also advise the Commission that car parking is only 'open for consideration' on lands zoned as '*Open Space*' if it is intended to be used solely for small-scale amenity or recreational purposes (which is clearly not the case in this instance) and thus the proposal to locate residential car parking on any such lands would not be permissible). Therefore, in response to the foregoing concerns, on 14th March, 2025 the Planning Authority received amended proposals by way of further information which provide for the omission of all car parking & loading bays from within that part of the site zoned as '*Open Space*' thereby satisfactorily addressing the land use zoning compatibility issues previously raised.

8.2.3. In terms of further support for the wider development, cognisance should be taken of the fact that the subject proposal involves the redevelopment of an underutilised infill / 'brownfield' site in an expanding residential area where public services are available and that a suitably designed redevelopment scheme could make a positive contribution in land use planning terms to the vitality of the area. In this regard, support is lent to the proposal by reference to the multiple policy provisions at both a

national and local level which promote the re-use / redevelopment of underutilised serviced sites and place a strong emphasis on encouraging infill opportunities and the better use of underutilised land. Indeed, the development of appropriately designed infill housing would typically be encouraged in such areas as per Ministerial guidance (including the '*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024*', the '*Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2022*', and the '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*') provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Such an approach would correlate with the wider national strategic outcomes set out in the National Planning Framework 'Project Ireland: 2040', including the securing of more compact and sustainable urban growth such as is expressed in National Policy Objective 45 which aims to '*Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development*'.

8.2.4. Therefore, having considered the available information, including the site context, the broader settlement strategy for the development of Saggart Village, the pattern of development in the surrounding area, and the applicable land use zonings, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues.

8.3. Overall Design and Layout:

8.3.1. *The Density of the Proposed Development:*

A key provision of the National Planning Framework: 'Project Ireland 2040': First Revision (April, 2025) is the move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development with a major policy emphasis on renewing and developing existing settlements, rather than the continual expansion and sprawl of cities and towns out into the countryside at the expense of town centres and smaller villages. This is to be achieved in part through the better use of underutilised land and buildings, including

'infill', 'brownfield' and publicly owned sites and vacant & under-occupied buildings, with higher housing and jobs densities better serviced by existing facilities and public transport. For example, National Policy Objective NPO 7 aims to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements and to ensure compact and sequential patterns of growth, while NPO 45 seeks to increase residential density in settlements through a range of measures including infill development schemes, increased building height and more compact forms of development.

8.3.2. With a view to achieving the objectives of the NPF, the *'Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities'* provide further guidance in relation to the planning and development of urban and rural settlements with a focus on sustainable residential development and the creation of compact settlements. These Guidelines support the application of densities that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and medium-sized towns, and smaller towns and villages. They also expand on the number of density bands identified in previous guidance in order to ensure that densities are efficient and tailored to settlement context. In this regard, it is of note that the proposed development site is located within the limits of the Dublin Metropolitan Area Strategic Plan (which includes the city and suburbs area and the surrounding network of towns, villages and rural areas) and that Saggart can be categorised as a 'Metropolitan Town (>1,500 population)' where residential densities in the range of 35 dph to 50 dph (net) will generally be applied at suburban and edge locations, and where densities of up to 100 dph (net) will be open for consideration at 'accessible' suburban / urban extension locations. The guidance further states that the application of the density ranges in the consideration of individual planning applications will be subject to local determination by the planning authority, or by An Bord Pleanála in the case of an appeal or direct application, and that the density ranges should be considered and refined, generally within the ranges set out, based on consideration of centrality and accessibility to services and public transport; and considerations of character, amenity and the natural environment. In addition, provision is allowed for greater flexibility in residential design standards, setting

national standards for the first time that support innovation in housing design and a greater range of house types.

- 8.3.3. The *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023'* further reiterate the need for increased housing supply and state that the scale and extent of apartment development should increase in relation to the proximity of core urban centres, while existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments. In this regard, the Guidelines provide a broad identification of the types of location in cities and towns that may be suitable for apartment development, including 'Central and/or Accessible Urban Locations' and 'Intermediate Urban Locations'.
- 8.3.4. The *'Urban Development and Building Heights, Guidelines for Planning Authorities, 2018'* similarly aim to put into practice key National Policy Objectives of the NPF in order to move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building height and overall density of development are not only to be facilitated but are to be actively sought out and brought forward by the planning process and particularly so at local authority and An Bord Pleanála (An Coimisiún Pleanála) levels. Taking account of the foregoing, Specific Planning Policy Requirement 1 (SPPR 1) of the Guidelines requires planning authorities (in accordance with Government policy to support increased building height and density in locations with good public transport accessibility) to *'explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height'*.
- 8.3.5. In a local policy context, Section 5.2.7 of the South Dublin County Development Plan, 2022-2028 acknowledges the need for more compact and sustainable urban growth and details how the *'Building Height and Density Guide'* for South Dublin Council (included at Appendix 10 of the Development Plan) has been prepared in

response to SPPR 1 of the *'Urban Development and Building Heights, Guidelines for Planning Authorities'* to form the primary policy basis and toolkit for the delivery of increased building height and density in the county pursuant to Policy QDP8: *'High Quality Design – Building Height and Density Guide'*. These provisions are subsequently given effect by QDP8 Objective 1 which requires development proposals to be assessed in accordance with the *'Building Height and Density Guide'* while planning applications for 30+ residential units are to be accompanied by a 'Design Statement' which includes, inter alia, a detailed analysis of the proposal and a statement based on the guidance, principles and performance-based design criteria set out in the Building Height and Density Guide.

- 8.3.6. The subject application, as initially received by the Planning Authority, comprises the construction of 73 No. dwelling units over a total site area of 1.33 hectares which would equate to a density of c. 55 No. dwellings per hectare, however, the amended proposals submitted in response to the request for further information issued by the Planning Authority provide for the exclusion of that part of the site zoned as 'Open Space' (whereupon residential development such as that proposed would not be permissible) which extends to 0.1848 hectares, and the construction of only 72 No. dwellings, with the result that the net density of the revised scheme on those lands zoned for residential development can be calculated as c. 63.5 No. dwellings per hectare. While it has been acknowledged by both the applicant and the Planning Authority that this figure exceeds the density range of 35 dph to 50 dph (net) to be generally applied at suburban and edge locations of Metropolitan Towns (>1,500 population) as per the *'Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities'* (with densities of up to 100 dph (net) open for consideration at 'accessible' suburban / urban extension locations), the case has been put forward that this exceedance is not necessarily problematic as the aforementioned density ranges are not subject to a Specific Planning Policy Requirement in the Guidelines and do not serve to supersede the relevant provisions of the County Development Plan which adopt a more context-driven / performance-based approach pursuant to QDP8 Objective 1 and the *'Building Height and Density Guide'*. It has also been suggested by the Council that Saggart can be distinguished from similarly classified settlements in the Guidelines given its proximity to Dublin and the availability of Luas & Dublin Bus services (while noting that the subject site is

in excess of 1km from the Luas terminus and none of the bus services available at the nearest bus stop on Garter Lane operate at a 10-minute peak hour frequency) with the result that consideration could be given to an increased density of development. In addition, the applicant has submitted that Saggart could be more appropriately categorised as 'City-Suburban' in accordance with Table 3.1 of the Guidelines due to its proximity to and relationship with Dublin City (and as the Census boundary of 'Dublin City & Suburbs' includes parts of Saggart) which would lend further support to the site as a suitable location for a higher density of development.

8.3.7. Following consideration of the applicant's response to the request for further information, the final report of the case planner determined that Saggart is a Metropolitan Town of >1,500 population and that the subject development involves its suburban / urban extension at a location distant from any existing or planned high frequency public transport node. It proceeds to state that while regard is to be had to the density range of 35 dph to 50 dph (net) set out in the '*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities*', the site location c. 1.1km from the Luas station would afford some degree of variation to the permissible range of density. However, the report then refers to a later recommendation to omit Block 'C' (as per Condition No. 2 of the notification of the decision to grant permission) and the consequential loss of 27 No. units which would have the effect of lowering the density of the permitted development to c. 39 dph i.e. within the range recommended by the Guidelines. It is further stated that this will serve to partially defer consideration of the issue of density and that any future planning application on those lands intended to have been occupied by Block 'C' will have to be accompanied by a robust justification for the overall density on the wider site.

8.3.8. Having reviewed the available information, and following a site inspection, I would concur with the analysis that Saggart can be categorised as a Metropolitan Town of >1,500 population as defined by the '*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities*' and that the proposed development amounts to the suburban / urban extension of that town. However, I would also accept that Saggart can be differentiated in part from this broader classification due to its siting at the urban edge of the 'Dublin City and Suburbs' area

and the good transport connectivity offered by nearby Luas & Dublin Bus services. In this regard, while I would acknowledge that the proposed development exceeds the recommended density range of 35 dph to 50 dph for general application at suburban and edge locations as per the Guidelines, it is my opinion that the subject site is sufficiently supported by public transport as to allow for the consideration of an increased density of development. This is further reinforced by the relatively close proximity of the town centre and surrounding services and amenities. In a local context, the development itself encompasses a perimeter urban block and provides for a continuation of the prevailing pattern of development (which is typically characterised by a building density of c. 45-50 No. dwellings per hectare following an examination of the relevant planning history, although there are instances of developments of c. 60 No. dph having been permitted in the wider area at a comparable distance to nearby public transport services), albeit at a moderately higher density and with a different building typology. The overall design, height and density of the scheme also serve to define the urban edge of the town and delineate the linear park to the south and west while providing for views over adjacent countryside and towards Rathcoole Park.

8.3.9. On the basis of the foregoing, and having assessed the proposal against the contextual analysis toolkit set out in Appendix 10: '*South Dublin County's Building Height and Density Guide*' of the Development Plan, it is my opinion that the density of the proposed development at c. 63.5 No. dwellings per hectare can be sustained in this instance and represents a relatively marginal increase in the intensity of land use when compared to the surrounding pattern of development and the changing urban context of Saggart town. Consequently, I would not consider the omission of Block 'C' to be warranted on density grounds.

8.3.10. *Building Height:*

The '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*' aim to put into practice key National Policy Objectives of the NPF in order to move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building height and overall density of development are not only to be facilitated but are to be actively sought out and brought forward by the planning

processes and particularly so at local authority and An Coimisiún Pleanála levels. In this regard, the Guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels. Furthermore, there is to be a presumption in favour of buildings of increased height in town / city cores and in other urban locations with good public transport accessibility. Moreover, I would refer the Commission to the 'Building Height and Density Guide' included at Appendix 10 of the County Development Plan which was prepared in response to the Specific Planning Policy Requirement 1 (SPPR 1) of the Guidelines and forms the primary policy basis and toolkit for the delivery of increased building height and density in the county (as given effect by QDP8 Objective 1 of the Plan).

8.3.11. The proposed development consists of the construction of an urban perimeter block composed of 4 No. terraced buildings set around a central courtyard which will serve to infill the last remaining undeveloped plot of land within the wider landholding that formerly accommodated the Swiftbrook Paper Mills. The submitted design aims to define the urban edge of Saggart village and has sought to respond to the site context by utilising a variety of building heights in order to provide for an appropriate transition between the surrounding pattern of development and the proposed construction. In this regard, given the site location at the interface of the predominantly 2 & 2.5-storey housing to the east (Drury Mills) and northeast (Drury Park) and the broadly 3-4 storey construction to the north / northwest (Millrace), and in light of the wider site context, including the relatively close proximity of the town centre and the transport connectivity offered by nearby Luas & Dublin Bus services, I am satisfied that the predominantly 2-4 storey building heights proposed comply with the provisions of the 'Building Height and Density Guide' appended to the Development Plan and are further supported by the '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*'.

8.3.12. Specific concerns have been raised as regards the overall design and height of Block 'A' given its proximity to existing housing in Drury Mills and the potential to detract from the residential amenity of those properties by reason of overlooking, overshadowing, and an excessively overbearing visual appearance. In this regard, I

would advise the Commission that the design of Block 'A' as initially received by the Planning Authority comprised a 3-4 storey construction accommodating 18 No. units with the second and third storeys recessed behind the principal front building line. Moreover, the northernmost element of the building (encompassing Unit Nos. A16, A17 & A18) was to be limited to three-storeys in height so as to provide for a transition between the remainder of the four-storey construction and the two-storey units proposed within Block 'B' to the north. In its assessment of this element of the proposal, the Planning Authority stated that it had concerns in relation to the potentially overbearing impact of the northern half of Block 'A' on Nos. 71 & 72 Drury Mills to the east (given the orientation and positioning of those dwelling houses relative to the proposed development) and, therefore, it sought the submission of revised proposals by way of further information whereby the third-floor element of Plot Nos. DU4AM 4 and DUAM5 (as annotated to the 'Proposed Site Layout Plan' and Drg. No. DRU-1-02-SW-ZZZ-DR-KDS-AR-1003) would be removed resulting in a three-storey construction extending northwards from the mid-point of Block 'A' (this would also have the effect of reducing the 2 No. upper floor dwellings from 3-bedroom to 1-bedroom units). Accordingly, in response to a request for further information, on 14th March, 2025 the applicant submitted an amended design for Block 'A' which provides for the removal of the third-floor element from Plot Nos. DU4AM and DUAM5 so as to match Plot No. DU3E16 thereby creating a gradual step from 3 to 4 storeys along the building. However, following consideration of these updated details, the Planning Authority nevertheless determined that this element of the scheme would continue to be visually dominant with an overbearing impact on existing dwellings and thus would fail to provide for an appropriate transition of scale with adjoining established residential development. This culminated in the attachment of Condition No. 2(a)(ii) to the notification of the decision to grant permission which requires that the entirety of Block 'A' be reduced / maintained to a height of three storeys in order to protect the amenities of the area.

- 8.3.13. The first party appeal has sought to overturn the imposition of Condition No. 2(a)(ii) on the basis that the requirement to reduce the height of Block 'A' to three-storeys in its entirety serves to further compromise the design and housing mix for reasons that are unwarranted and subjective in nature. It has been submitted that the proposal accords with the design approach advocated in the Development Plan (in reference

to the proposed recessing of the uppermost floor levels behind the primary building line / facade in an effort to reflect the prevailing height of the street) and that although there may have been a rationale for reducing the northern part of the block as the opposing dwellings were closer and slightly more impacted in terms of daylight, the separation distance of c. 26m between the recessed upper floors at the southern end of Block 'A' and the existing dwellings opposite would be sufficient to preserve the amenity of those properties as evidenced by multiple examples of two and four storey buildings sitting comfortably together elsewhere.

- 8.3.14. From a review of the available information, the Planning Authority's rationale for reducing the height of the entirety of Block 'A' to three-storeys derives solely from its potentially visually overbearing impact on the existing two-storey housing opposite in Drury Mills. No reference has been made to any other mechanism (such as overlooking or overshadowing) by which that housing could experience a loss of residential amenity (noting that earlier concerns as regards a possible loss of daylight to Nos. 70 & 71 Drury Mills were addressed to the satisfaction of the Planning Authority by way of further information). Support was lent to the request by the Planning Authority to reduce the height of the northern half of Block 'A' from four to three storeys due to the separation distance of c. 18.2m between the front building line of the proposed construction and that of Nos. 71 & 72 Drury Mills, however, it is of note that the separation between the primary façade of Block 'A' and Nos. 68-70 Drury Mills is approximately 23.7m and increases further to c. 27m for the uppermost recessed floors of the proposed apartment building. Accordingly, any perceived overbearing impact on Nos. 68-70 Drury Mills attributable to the development of Block 'A' as proposed would be proportionately less than that which informed the reduction of the northern half of the construction opposite Nos. 70 & 71 Drury Mills.
- 8.3.15. On balance, while I would have no outright objection to the siting of a four-storey construction at the location proposed, I am inclined to suggest that the proposed reduction to three-storeys across the entirety of Block 'A' would serve to provide for a more graduated transition in scale and context between the subject scheme and the established two-storey housing of Drury Mills, although I would acknowledge that the interpretation of such matters is somewhat subjective. In my opinion, the intervening three-storey construction sought by Condition No. 2(a)(ii) will provide for an appropriate 'stepping' of building heights between the established two-storey

housing to the east and the primarily four-storey construction of Blocks 'C' & 'D' further west. In this regard, such an approach would accord with the provisions of the 'Building Height and Density Guide' included at Appendix 10 of the Development Plan by providing for a suitable transition in building heights while the proposed four-storey element of the proposed development will serve to define the urban edge / limit of Saggart and will be orientated towards open spaces / public areas and away from established housing. Therefore, it is my recommendation that the requirement to reduce the height of Block 'A' to three-storeys in its entirety as per Condition No. 2(a)(ii) be maintained.

8.3.16. Block 'B' of the proposed development (as amended by way of further information) comprises the construction of a 2.5-storey terrace accommodating 5 No. houses and 2 No. duplex units with associated gardens & terraces. The principal deviations from the proposal as originally submitted are the omission of the westernmost housing unit and the inclusion of box dormer windows & rooflights along with a redesigned roofscape to accommodate future attic bedroom accommodation with the 5 No. houses. This block will be separated from the existing two-and-a-half storey construction of Drury Park to the northeast by a new access roadway with a separation distance of c. 18.3m between the front elevation of proposed units and the gable end of No. 23 Drury Park. According, given the proximity of the existing two-storey housing at the entrance to Drury Mills and the two-and-a-half storey construction of Drury Park, I am satisfied that amended 2.5-storey design of Block 'B' and its associated building height can be accommodated as proposed.

8.3.17. With respect to Block 'C', the central four-storey element of this apartment building will be 'bookended' by a three-storey construction which is of particular note at its northernmost end where it will provide for a graduated transition from the existing 2.5-storey buildings of Drury Park. This is contrast to the design approach adopted in the existing 'Millrace' development to the northwest where the corner elements of those predominantly three-storey apartment blocks are defined by a four-storey construction, however, I am amenable to submitted proposal given the specifics of the site context, including the separation distances involved (in excess of 45m) and as the four-storey element of Block 'C' will not be orientated directly towards the existing units within the 'Millrace' scheme.

8.3.18. In relation to the 4-storey building of Block 'D', this will step up from the three-storey construction of Block 'A' (as amended by Condition No. 2) and the three-storey end unit of Block 'C' thereby providing for a suitable transition within the development itself. Moreover, I would reiterate my earlier position that the four-storey elements of both Blocks 'C' and 'D' will provide a clear definition of the urban edge of Saggart with views over towards adjacent open spaces / public areas, including Rathcoole Park, and away from established housing.

8.3.19. Therefore, on the basis of the foregoing, and subject to Block 'A' being to three-storeys as per Condition No. 2(a)(ii), it is my opinion that the building heights as proposed are acceptable in this instance and accord with both the 'Building Height and Density Guide' and the '*Urban Development and Building Heights, Guidelines for Planning Authorities*'.

8.3.20. *Compliance with the Design Standards for New Apartments:*

It is necessary to consider the detailed design of the proposed apartment units having regard to the requirements of both local planning policy and the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023*'. In this respect it is of particular relevance to note that where specific planning policy requirements are stated in the Guidelines, these are to take precedence over any conflicting policies or objectives contained in the development plan. Therefore, in accordance with Section 3.0 of the Guidelines I propose to assess the subject scheme as regards compliance with the relevant planning policy requirements set out in the Guidelines in relation to the following:

- Housing mix
- Apartment floor areas
- Dual aspect ratios
- Floor to ceiling height
- Apartments to stair / lift core ratios
- Storage spaces
- Amenity spaces
- Aggregate floor areas / dimensions for certain rooms

8.3.21. *Housing Mix:*

Although Specific Planning Policy Requirement 1 (SPPR1) of the Guidelines states that housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and that there shall be no minimum requirement for apartments with three or more bedrooms, it also states that development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA) that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s). In this respect, I would refer the Commission to Policy H1: *'Housing Strategy and Interim Housing Need and Demand Assessment'* of the South Dublin County Development Plan, 2022-2028 (which serves to implement the *'Housing Need and Demand Assessment'* included at Appendix 11 of that document) and, in particular, to H1 Objective 12 which requires proposals for residential development to provide a minimum of 30% 3-bedroom units, save for those instances where a lesser provision may be acceptable provided it can be demonstrated that:

- there are unique site constraints that would prevent such provision; or
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or
- the scheme is a social and / or affordable housing scheme.

8.3.22. The subject proposal, as initially submitted to the Planning Authority, was accompanied by a *'Planning Context Report'* prepared by SCA Planning & Development Consultants which provides a breakdown of the unit mix for the apartment / duplex element of the proposed development as follows:

- 5 No. 1-bedroom units (7.5%);
- 46 no. 2-bedroom units (68.6%); and
- 16 no. 3-bedroom units (23.9%)

8.3.23. This document subsequently states that the proposal accords with SPPR1 of the *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for*

Planning Authorities, 2023 (in reference to the 50% cap placed on the number of one-bedroom or studio type units) and that the provision of 7 No. two-bedroom three-person units complies with Section 3.7 of the Guidelines which limits that category of apartment unit to no more than 10% of the total number of units proposed as part of the housing development. It is further stated that the proposal accords with future housing needs by providing 70% 1 & 2-bedroom units and 30% 3 & 4-bedroom bedroom units as regards adherence to H1 Objective 12 of the Development Plan.

8.3.24. (For clarity, it should be noted that SPPR1 of the Guidelines refers to 'housing' development as opposed to exclusively 'apartment' development while H1 Objective 12 of the Development Plan applies to the broader category of 'residential' development. Accordingly, when account is taken of the 6 No. four-bedroom dwelling houses which form part of the overall development proposal, it can be further confirmed that the scheme, as initially submitted, also complies with both SPPR1 and H1 Objective 12).

8.3.25. In response to a request for further information, amended proposals were received by the Planning Authority on 14th March, 2025 with a revised design providing for a residential scheme of 72 No. units comprising the following mix of unit types:

- 7 No. 1-bedroom duplexes / apartments,
- 46 No. 2-bedroom duplexes / apartments,
- 14 No. 3-bedroom duplexes
- 5 No. 4-bedroom houses

8.3.26. Although this amended design will comply with SPPR1 of the Guidelines, the proportion of 3 & 4-bedroom units (at c. 26% of the total number of dwelling units proposed) will not achieve the minimum requirement for that unit type imposed by H1 Objective 12 of the Development Plan and, therefore, the proposal must be assessed by reference to the qualifying criteria set out in that objective whereby a lesser provision may be considered acceptable. In this regard, the case has been put forward by the applicant that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA, by asserting that the earlier phases of

development at Swiftbrook (Crossforge and Drury Mills) predominantly comprise a standard house typology while data available from the Census 2022 reveals that the majority (59%) of dwelling types in the Electoral Division of Saggart are houses / bungalows. In effect, it has been submitted that the prevalence of larger dwelling units with at least three-bedrooms in the immediate site surrounds serves to warrant a dispensation from the minimum 30% requirement. Notably, although the Planning Authority has identified the revised mix of unit types in its assessment of the response to the request for further information, it has not raised any objection with respect to same and thus would appear to be satisfied as regards the acceptability of the proposed development by reference to the exemptions from the 30% requirement permissible under H1 Objective 12 of the Development Plan. Accordingly, having considered the available information, including the Housing Strategy and Interim HNDA appended to the Development Plan, and following a site inspection of the wider surrounds, I am amenable to the applicant's analysis and the determination that the proportion of 3 & 4-bedroom units at c. 26% of the total number of dwelling units proposed is acceptable in this instance pursuant to the exceptions provided by way of H1 Objective 12.

8.3.27. In the event the Commission upholds my earlier recommendation as regards reducing the height of Block 'A' to three-storeys in its entirety (as per Condition No. 2(a)(ii) of the notification of the decision to grant permission), this will have the effect of altering the unit mix further by replacing 3 No. three-bedroom units with 3 No. one-bedroom units as follows:

- 10 No. 1-bedroom duplexes / apartments,
- 46 No. 2-bedroom duplexes / apartments,
- 11 No. 3-bedroom duplexes
- 5 No. 4-bedroom houses

8.3.28. Consequently, the proportion of 3 & 4-bedroom units will be lowered to c. 22% of the total number of dwelling units proposed. While I would acknowledge that this figure is noticeably below the 30% requirement sought by H1 Objective 12, I am nevertheless amenable to accepting same having regard to the Housing Strategy and Interim HNDA appended to the Development Plan along with the broader prevalence of larger dwelling units in the surrounding area.

8.3.29. *Apartment Floor Areas:*

It is a specific planning policy requirement of the Guidelines that the minimum apartment floor areas previously specified in the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2007*' continue to apply as follows:

- 1 bedroom apartment Minimum 45m²
- 2 bedroom (3 person) apartment Minimum 63m²
- 2 bedroom (4 person) apartment Minimum 73m²
- 3 bedroom apartment Minimum 90m²

8.3.30. In this respect, I would advise the Commission that each of the proposed apartments has a stated floor area which is either equal to or exceeds the minimum requirements of the Guidelines.

8.3.31. *Dual Aspect Ratios:*

The amount of sunlight reaching an apartment significantly affects the amenity of its occupants and therefore it is a specific planning policy requirement that in more central and accessible and some intermediate locations (i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas), or where it is necessary to ensure good street frontage and subject to high quality design, the minimum number of dual aspect apartments to be provided in any single apartment scheme will be 33% whereas in suburban or intermediate locations the foregoing requirement is increased to 50%.

8.3.32. Given that all of the apartment units will be dual aspect, the proposal accords with Specific Planning Policy Requirement 4 of the Guidelines.

8.3.33. *Floor to Ceiling Height:*

The Guidelines state that floor-to-ceiling height affects the internal amenities of apartments (in terms of sunlight / daylight, storage space, and ventilation) and that this is of most significance at ground level where the potential for overshadowing is greatest, although it is also noted that ground level floor to ceiling height will also influence the future adaptability of individual apartments for potential alternative uses, depending on location. Whilst it is acknowledged that the Building Regulations

suggest a minimum floor to ceiling height of 2.4m, the Guidelines also state that from a planning and amenity perspective, applicants and their designers may consider the potential for increasing the minimum apartment floor-to-ceiling height to 2.7m where height restrictions would not otherwise necessitate a reduction in the number of floors. In relation to ground floors, it is a specific planning policy requirement (SPPR5) that ground level apartment floor to ceiling heights are a minimum of 2.7m and increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use.

8.3.34. From a review of the submitted drawings, it can be ascertained that the residential accommodation proposed at first, second and third floor levels of the apartment buildings will be provided with a floor to ceiling height in excess of 2.4m. Furthermore, the ground floor level apartment accommodation will be provided with a floor to ceiling height of over 2.7m which exceeds the stated minimum requirement. Therefore, the proposed development accords with SPPR5.

8.3.35. *Apartments to Stair / Lift Core Ratios:*

Given the design & scale of the development proposed, the proposal satisfies the requirements of the Guidelines in this regard.

8.3.36. *Storage Spaces:*

The Guidelines state that apartment developments should include adequate provision for general storage and utility requirements in order to accommodate household functions such as clothes washing and the storage of bulky personal or household items. I would refer the Commission to the minimum requirements for storage areas set out in Appendix 1 of the Guidelines as follows:

- One-bedroom apartment: 3m²
- Two-bedroom (3 No. person) apartment: 5m²
- Two-bedroom (4 No. person) apartment: 6m²
- Three-bedroom apartment: 9m²

8.3.37. Notably, this storage provision is to be in addition to kitchen presses and bedroom furniture (although it may be partly provided within these rooms provided it is in addition to the minimum aggregate living/dining/kitchen or bedroom floor areas). The

Guidelines also state that no individual storage room within an apartment should exceed 3.5m².

8.3.38. From a review of the available information, including the floor plans and the floor areas provided, although certain individual utility / storage areas within Apartment Unit Nos. D10 & D11 exceed 3.5m² (at 4.3m² & 4.4m² respectively), in my opinion, these aspects are of little consequence in broader terms and I am satisfied that the proposal generally complies with the requirements of the Guidelines.

8.3.39. *Additional Storage:*

Section 3.32 of the Guidelines states that apartment schemes should provide for the storage of bulky items outside of individual units (i.e. at ground or basement level) given that secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building is particularly useful as it may be used for equipment such as bicycles, children's outdoor toys or buggies. However, whilst planning authorities are to be encouraged to seek the provision of such space in addition to the minimum apartment storage requirements, this would not appear to be mandatory.

8.3.40. The proposal includes for additional ground level storage for the use of the apartments with provision having been made for communal refuse / bin storage areas and shared bicycle parking stands at ground level. This is satisfactory.

8.3.41. *Amenity Spaces:*

Private Amenity Space:

It is a policy requirement of the Guidelines that adequate private amenity space be provided in the form of gardens or patios / terraces for ground floor apartments and balconies at upper levels. In this respect I would advise the Commission that a one-bedroom apartment is required to be provided with a minimum amenity area of 5m² while two-bedroom (3 No. persons) & two-bedroom (4 No. persons) apartments are to be provided with 6m² and 7m² of private amenity space respectively. The requirement for a three-bedroom apartment is a minimum of 9m². Consideration must also be given to certain qualitative criteria including the privacy and security of the space in question in addition to the need to optimise solar orientation and to minimise the potential for overshadowing and overlooking.

8.3.42. From a review of the submitted plans and particulars, it would appear that the private open space provision for each of the apartments is either equal to or in excess of the minimum requirements of the Guidelines. It can be further confirmed that the private open space provision for each of the proposed dwelling houses exceeds the minimum requirement of 50m² (for a four-bedroom unit) in accordance with SPPR 2: *'Minimum Private Open Space Standards for Houses'* of the *'Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities'*.

8.3.43. *Communal Amenity Space:*

The Guidelines state that the provision and proper future maintenance of well-designed communal amenity space is critical in meeting the amenity needs of residents, with a particular emphasis being placed on the importance of accessible, secure and usable outdoor space for families with young children and for less mobile older people, and in this respect the minimum requirements set out in Appendix 1 of the guidance are as follows:

- One-bedroom apartment: 5m²
- Two-bedroom (3 No. person) apartment: 6m²
- Two-bedroom (4 No. person) apartment: 7m²
- Three-bedroom apartment: 9m²

8.3.44. Accordingly, the proposed development (as revised in response to the request for further information) will necessitate the provision of 476m² of communal open space in order to satisfy the minimum requirements of the Guidelines based on 7 No. one-bedroom, 7 No. two-bedroom (3 person), 39 No. two-bedroom (4 person) units, and 14 No. three-bedroom apartments.

8.3.45. In this regard, the subject proposal includes for 1,683m² of 'communal' open space in the form of a semi-private amenity area (which will only be accessible to residents of the scheme itself) located within the courtyard formed by the perimeter blocks of the development. Therefore, it is apparent that the 'communal' open space proposed amounts to over three times the minimum quantitative requirement specified by the *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023'*.

- 8.3.46. In addition to the 'communal' open space, the proposed development includes for the provision of 1,357m² of public open space within the southwestern extent of the site as well as a further 1,848m² of such space alongside the southern site boundary, with both of these areas intended for use by the general public.
- 8.3.47. Policy and Objective 5.1: '*Public Open Space*' of the '*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities*' requires statutory development plans to include an objective(s) relating to the provision of public open space in new residential developments and further states that any such public open space provision should be not less than a minimum of 10% of the net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Accordingly, having regard to the siting of the proposed development on lands predominantly zoned as 'RES' with the stated land use zoning objective 'To protect and / or improve residential amenity', and pursuant to Sections 12.6.10 (Table 12.22) & 8.7.3 (Table 8.2) of the Development Plan, the proposed development would require the provision of public open space at a rate of not less than 10% of the site area. Therefore, based on an overall site area of 1.33 hectares, the proposed development would require the provision of at least 1,330m² of public open space.
- 8.3.48. Although the Planning Authority initially raised concerns as regards the extent of public open space to be provided on that part of the application site zoned as 'OS' Open Space', the breakdown of public open space provision submitted in response to the request for further information serves to demonstrate that in excess of 10% of the site area will be provided as public open space on lands zoned as 'RES' while the entirety of that part of the site zoned as 'OS' will also be designated as public open space. Overall, public open space provision across the entirety of the proposed development equates to approximately 24% of the site area.
- 8.3.49. From a qualitative perspective, the public open space will be positioned alongside along the southern and south-western fringes of the development site where it will provide for a continuation / extension of the 'green' corridor and amenity space between Castle Road and Rathcoole Park thereby allowing for use by the wider public and facilitating greater community interaction. Although the dimensions of the public open spaces proposed are more likely suited to passive use as a result of their comparatively narrow and elongated shapes, they are nevertheless of sufficient

size to accommodate casual recreational activity while provision has also been made for a toddler play area and seating space. Furthermore, the proposed space will benefit from a southern orientation and will be overlooked from both neighbouring pathways and from within the development itself thereby allowing for passive surveillance.

8.3.50. Accordingly, I am satisfied that the quantitative and qualitative provision of open space will provide for a sufficiently high level of amenity for residents of the proposed development.

8.3.51. *Aggregate Floor Areas / Dimensions for Certain Rooms:*

Having reviewed the submitted particulars, the proposed development satisfies the minimum floor areas and standards set out in Appendix 1 of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023*'.

8.3.52. *Overall Design:*

On the basis of the foregoing, it is my opinion that the broader design of the submitted proposal accords with the minimum requirements of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023*' and correspondingly provides for a satisfactory level of residential amenity for future occupants of the proposed units.

8.4. Impact on Residential Amenity:

8.4.1. *Overlooking:*

Given the site context, including its location within a built-up urban area, concerns have been expressed that the proposed development may have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking with an associated loss of privacy. In this respect, I am inclined to suggest at the outset that some degree of overlooking would not be entirely unexpected given the site location in a developing residential area, however, consideration should nevertheless be given to the overall design, orientation and positioning of the proposed development and its relationship with nearby housing.

8.4.2. The primary issues raised in the grounds of appeal relate to the overall design and positioning of Block 'A' relative to the Drury Mills estate to the east with the principal

dimension of this three-storey construction (reduced from 3/4 storeys by way of condition) being broadly aligned along a north-south axis so that its eastern elevation will be orientated to face directly towards the front of the existing two-storey housing opposite. These concerns are compounded by the inclusion of a series of balcony areas / terraces at first & second floor levels within this elevation which will serve as private open space for the uppermost apartment units. In this regard, I would advise the Commission that measurement from the site layout plan indicates that there is a separation distance of approximately 18.2m between the front building line (which corresponds with the outermost edge of the balcony areas) of Block 'A' and that of the closest dwelling houses at Nos. 71 & 72 Drury Mills) with the front elevation of the upper floor units being set back by c. 3.3m behind the balcony / terrace thereby increasing the separation to c. 21.5m. Notably, this is less than the corresponding c. 20.8m & 24.3m separation distances detailed in Figure 10: '*Separation Distances*' of the '*Planning Context Report*' prepared by SCA Planning & Development Consultants and submitted in support of the initial planning application. The separation between the primary façade of Block 'A' and Nos. 68-70 Drury Mills is approximately 23.7m and increases further to c. 27m for the uppermost recessed floors of the proposed apartment building (which generally corresponds with that shown in Figure 10 of the 'Planning Context Report').

- 8.4.3. Section 12.6.7: '*Residential Standards*' of the County Development Plan states that a minimum clearance distance of c. 22m will generally be required as a benchmark between opposing windows, including in the case of apartments up to three storeys in height, although reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy in line with the provisions of the 'Urban Design Manual' and subject to the applicant having submitted a daylight availability analysis and appropriate design measures to reduce undue overlooking. However, it is of further relevance to note that Specific Planning Policy Requirement 1 (SPPR1) of the '*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024*' states that statutory development plans are not to specify a minimum separation distance at ground level or to the front of houses, duplex units and apartments and that planning applications are to be determined on a case-by-case basis to prevent undue loss of privacy (it is also stated that statutory

development plans are not to include an objective in respect of minimum separation distances that exceed 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level).

8.4.4. While I would acknowledge that the separation distance between Block 'A' and Nos. 71 & 72 Drury Mills is below the benchmark minimum sought by the Development Plan, having regard to SPPR1 of the '*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024*' and the wider policy support lent to increased building heights and densities, the overall design and nature of the proposed development which broadly follows the established pattern of development, the compact and infill nature of the proposed development on the last remaining undeveloped plot within a built-up urban neighbourhood, and the prevalence of comparable (or lesser) separation distances between the upper floor levels and balcony areas of other dwelling units in the surrounding area, it is my opinion that the separation distances proposed are sufficient to avoid any undue overlooking of those properties to the east. In the event the Commission disagrees with this conclusion, it may wish to consider amending the proposed development by way of condition such as by recessing Block 'A' westward through the omission of part of Block 'D' or by substituting the proposed apartment units with terraced housing comparable to that provided within Block 'B'.

8.4.5. With respect to Block 'B', which provides for 5 No. two-storey (plus attic) dwelling houses and 2 No. duplex units with associated gardens & terraces, I am satisfied that the design (including the siting of the first-floor balcony serving Unit No. B07 to the rear) of this construction, in combination with its orientation, separation and positioning relative to the gable ends of the neighbouring housing in Drury Park, will give not rise to any undue loss of residential amenity by reason of overlooking or a loss of privacy.

8.4.6. No overlooking concerns arise as regards Blocks 'C' & 'D' given their siting relative to established housing and the considerable separation distances involved

8.4.7. *Daylight, Sunlight & Overshadowing:*

In advance of assessing the impact of the proposed development on the amenity of neighbouring properties by reason of overshadowing, it is prudent at the outset to consider the proposal's adherence to the applicable standards as regards the levels

of daylight & sunlight received by the individual units proposed. In this respect, I would refer the Commission to Section 12.6.7: '*Residential Standards*' of the County Development Plan which states that residential developments will be guided by the quantitative performance approaches and recommendations set out in the '*Site Layout Planning for Daylight and Sunlight (2nd edition): A Guideline to Good Practice*' (BRE 2011) and BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*' or any updated guidance. Cognisance should also be taken of Section 3.2 of the '*Urban Development and Building Height, Guidelines for Planning Authorities*' which requires an applicant to demonstrate that the proposed development satisfies certain development management criteria. At the scale of the site / building, it is stated that the form, massing and height of the proposed development should be carefully modulated so as to maximise access to natural daylight, ventilation, and views, and to minimise overshadowing and loss of light. Moreover, appropriate and reasonable regard is to be taken of the quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's '*Site Layout Planning for Daylight and Sunlight*' (2nd edition) or BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*'. In the event that a proposal cannot fully meet all of the required daylight provisions, the Guidelines state that it will be necessary for this to be clearly identified and a rationale set out for any alternative, compensatory design solutions, which planning authorities should apply their discretion in accepting, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives (e.g. securing comprehensive urban regeneration and / or an effective urban design and streetscape solution).

- 8.4.8. At this point, I would draw the Commission's attention to Specific Planning Policy Requirement 3 (SPPR3) of the '*Urban Development and Building Heights, Guidelines for Planning Authorities*' which states that where '*an applicant for planning permission sets out how a development proposal complies with the criteria above*' (i.e. the specified development management criteria); and '*the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines*'; in such circumstances '*the planning authority may approve such development, even*

where specific objectives of the relevant development plan or local area plan may indicate otherwise’.

- 8.4.9. Similar provisions are contained in the *‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023’* which emphasise that the provision of acceptable levels of natural light in new apartment developments is an important planning consideration as it contributes to the liveability and amenity enjoyed by apartment residents. It is further stated that in assessing development proposals, planning authorities are to weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development. Any such assessment is again to have regard to quantitative performance approaches to daylight provision as outlined in guides like *‘A New European Standard for Daylighting in Buildings EN17037’* or *UK National Annex ‘BS EN17037’* and the associated BRE Guide 209 2022 Edition (June 2022) with any failings in satisfying the required daylight provisions to be clearly identified and a rationale set out for any alternative, compensatory design solutions, in respect of which the planning authority or An Coimisiún Pleanála should apply their discretion.
- 8.4.10. The subject application, as initially lodged, was accompanied by a *‘Daylight and Sunlight Report (Within Development)’* and a *‘Daylight and Sunlight Report (Neighbouring Properties)’* prepared by Right of Light Consulting, Chartered Surveyors, and dated 18th April, 2024, with each of these assessments based on the various numerical tests laid down in the BRE guide *‘Site Layout Planning for Daylight and Sunlight: a guide to good practice, 3rd Edition’* (as updated from the previous edition). At the outset of the analyses, both reports have sought to emphasise that the guidance contained in *‘Site Layout Planning for Daylight and Sunlight’* is only advisory and should not be rigidly applied or used to constrain the design while its numerical guidelines should be interpreted flexibly. However, while I would acknowledge the foregoing, the pertinent issue as clarified in *Atlantic Diamond Ltd. v. An Bord Pleanála* is that the *‘Urban Development and Building Heights, Guidelines for Planning Authorities’* are binding mandatory statutory guidelines which require as a matter of legal obligation that the decision-maker have *“appropriate and reasonable regard”* to identified standards i.e. guides like *‘Site Layout Planning for*

Daylight and Sunlight' (2nd Edition) or BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*'.

- 8.4.11. The aforementioned '*Daylight and Sunlight Report (Within Development)*' prepared by Right of Light Consulting comprises an assessment as to whether the proposed development (as originally submitted) will provide its future occupants with adequate levels of natural light based on the numerical tests laid down in the BRE's '*Site Layout Planning for Daylight and Sunlight: a good practice guide, 3rd Edition*' (which is based on European Standard BS EN 17037 'Daylight in Buildings', 2019). It states that the BRE guide recommends use of the daylight provision test set out in BS EN 17037, which measures both the amount of daylight and its distribution within a room, as a means by which to check the adequacy of daylight provision in new rooms / developments. At this point, I would advise the Commission that for daylight provision in buildings, BS EN 17037 provides two calculation methodologies. One is based on target illuminances from daylight to be achieved over specified fractions of the reference plane (a plane at table-top height covering the room) for at least half of the daylight hours in a typical year. The other alternative method is based on calculating the daylight factors achieved over specified fractions of the reference plane. The subject assessment has adopted the latter daylight factor method and states that the results achieved were then converted by way of a conversion table set out in the BRE to allow for their expression in terms of lux. Reference is subsequently made to the adoption of the minimum illuminance recommendations set out in the UK National Annex to BS EN 17037 as targets for the scheme i.e. 100 lux in bedrooms, 150 lux in living rooms, and 200 lux in kitchens, to be exceeded over at least 50% of the reference plane. With respect to rooms which serve more than one purpose, while it is acknowledged that the target should be that for the room type with the highest value, it is also noted that local authorities can use their discretion on such matters e.g. the target for a living room could be used for a combined living / dining / kitchen area if the kitchens are not treated as habitable spaces, as it may avoid small separate kitchens in a design.
- 8.4.12. In the subject instance, it has been submitted that it is not possible to achieve the 200 lux target for all the living / dining / kitchen areas. While one solution to this issue would have been to subdivide the space concerned so as to create a non-habitable non-daylit kitchen (thereby negating any requirement for daylight), the case has been

put forward that this would result in a lower quality of accommodation and thus a 150 lux target has instead been applied to the living/dining/kitchen areas (as per an example given in Appendix C of the BRE guide) on the basis that this lesser target is justifiable in terms of providing for an overall better standard of accommodation and is also preferable to the alternative of a separate small non-daylit kitchen.

8.4.13. Appendix 1 of the report uses a 3D graphic representation of the proposed development derived from computer modelling to identify the windows serving the habitable rooms analysed in the assessment. The data presented in Appendix 2 subsequently sets out the lux target assigned to each room / window together with the percentage of the reference plane that meets the target. The median illuminance (lux) achieved for each room / window is also presented and where this exceeds the lux target it means the lux target has been achieved over at least 50% of the assessment grid. The results of the computer modelling have established that c. 93% of all habitable rooms tested meet or surpass the BRE minimum illuminance recommendations (i.e. 18 of the total 249 rooms fall short of their Daylight Factor targets) which has been suggested amounts to a very high level of compliance with the BRE recommendations. Those units (and windows) which have failed to achieve the adopted minimum illuminance target (noting that a reduced lux target has already been applied with respect to the combined living / dining / kitchen areas) are set out in the following table.

Block & Unit No.	Floor & Window	Room Use	Min. Target Illuminance (Lux)	Target % of Reference Plane	% of Reference Plane Achieved	Target Achieved	Median Illuminance (Lux)
A: Unit 3	GF: Win: 8	L/D/K	150	50%	50%	No	148
A: Unit 4	GF: Win: 12	L/D/K	150	50%	44%	No	122
A: Unit 5	GF: Win: 14	L/D/K	150	50%	40%	No	74
A: Unit 11	FF: Win: 40	Bedroom	100	50%	47%	No	97
A: Unit 12	FF: Win 49	Bedroom	100	50%	38%	No	81

B: Unit 23	FF: Win 112-114	L/D/K	150	50%	16%	No	83
B: Unit 25	GF: Win 123 & 124	L/D/K	150	50%	40%	No	137
C: Unit 28	GF: Win 145	L/D/K	150	50%	38%	No	99
C: Unit 29	GF: Win 149	L/D/K	150	50%	38%	No	99
C: Unit 30	GF: Win 151	L/D/K	150	50%	42%	No	109
C: Unit 31	GF: Win 155	L/D/K	150	50%	43%	No	115
C: Unit 32	GF: Win 157	L/D/K	150	50%	43%	No	110
C: Unit 33	GF: Win 161	L/D/K	150	50%	39%	No	94
C: Unit 34	GF: Win 163	L/D/K	150	50%	16%	No	43
C: Unit 43	FF: Win 203	Bedroom	100	50%	33%	No	83
C: Unit 44	FF: Win 209	Bedroom	100	50%	12%	No	35
D: Unit 54	GF: Win 262 & 263	Bedroom	100	50%	14%	No	34
D: Unit 59	GF: Win 280 & 281	Bedroom	100	50%	37%	No	76

8.4.14. The initial assessment conducted by the case planner includes a commentary on the aforementioned deficiencies and is followed by a recommendation that the applicant consider same by way of a request for further information and be required to submit proposals for appropriate mitigation (such as larger amenity areas) where the required standard has not been achieved along with an updated assessment for any rooms where the level of daylighting has been altered.

8.4.15. In addition to interior daylighting, the submitted '*Daylight and Sunlight Report (Within Development)*' considers the exposure of the proposed units to sunlight. In this

respect, the BRE Guide states that a dwelling with a particular requirement for sunlight will generally appear reasonably sunlit provided:

- at least one main window wall faces within 90° of due south and
- a habitable room, preferably a main living room, can receive a total of at least 1.5 hours of sunlight on 21st March. This is assessed at the inside centre of the window(s); sunlight received by different windows can be added provided they occur at different times and sunlight hours are not double counted.

8.4.16. The subject proposal has been designed to ensure that all dwellings have at least one habitable room window which faces within 90 degrees of due south while the modelling results set out in Appendix 3 of the report serve to confirm that each of the dwellings will also have a habitable room which receives a total of at least 1.5 hours of sunlight on 21st March. The proposed development therefore satisfies the BRE exposure to sunlight requirements.

8.4.17. Although the '*Daylight and Sunlight Report (Within Development)*' prepared by Right of Light Consulting has asserted that the results of the computer modelling serve to demonstrate an overall high level of compliance with the BRE Guide and that the numerical guidelines should be interpreted flexibly with the local authority having to balance daylight and sunlight considerations against all other material planning considerations in its assessment of development proposals, further information was nevertheless requested by the Planning Authority with a view to addressing the deficiencies identified in the predicted daylight provision by way of mitigation

8.4.18. In response, on 14th March, 2025 the applicant submitted an updated '*Daylight and Sunlight Assessment*' prepared by H3D. This assessment has also taken account of certain revisions made to the wider development design, with particular reference to the omission of the westernmost dwelling house (Unit No. HT A1 13) from Block 'B' and the partial reduction from four to three storeys of Block 'A' through the removal of the third-floor element serving Unit Nos. DU4AM 4 and DUAM5. The target illuminance criteria applied in this analysis remain as per the original assessment (i.e. 100 lux in bedrooms, 150 lux in living rooms, and 200 lux in kitchens, on over 50% of the floor area over 50% of the available daylight hours, with combined Kitchen/Living/Dining areas and Studios assessed using a 200-lux target illuminance) with updated computer modelling having been undertaken to predict

daylight provision for each of the proposed units. The primary deviation from the parameters applied in the original assessment is the amended position as regards the treatment of kitchen areas. In particular, the revised ground floor plans for Blocks 'A' & 'C' introduce a partition wall between the kitchen space and the adjacent living / dining areas resulting in the creation of non-daylight internal kitchens. These internal kitchens with no windows are not included in the revised daylight provision analysis by reference to Section 2.1.15 of the BRE Guide which states that while non-daylit internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too, if the layout means a small internal kitchen is inevitable, then it should be directly linked to a well daylit room. This latter provision has been applied by the applicant with the adjacent living / dining room being analysed to check that it will be well daylit (as regards achieving an illuminance value of 150 lux). In instances where there are combined Living / Kitchen / Dining areas and Living / Dining areas within the development, these have been assessed as whole spaces against an initial 200 lux and 150 lux targets respectively. Other measures such as adjustments to certain building facades by widening the fenestration have also contributed to compliance with the applicable daylight and sunlight requirements.

- 8.4.19. On the basis of the aforementioned revisions, it has been submitted that the overall daylight provision results for the tested spaces in the proposed units show a compliance rate of 100% with BRE guide '*Site Layout Planning for Daylight and Sunlight: a guide to good practice, 3rd Edition*'.
- 8.4.20. This latter daylight and sunlight assessment also confirms that the amended design proposal continues to satisfy the BRE exposure requirements as regards sunlight.
- 8.4.21. Having considered the foregoing, while I would acknowledge that the revised design would appear to satisfy the recommendations of the BRE guide '*Site Layout Planning for Daylight and Sunlight: a guide to good practice, 3rd Edition*' by reference to the updated '*Daylight and Sunlight Assessment*', the Commission may wish to consider whether it would be preferable to omit the partition wall proposed to be inserted between the kitchen areas and the adjacent living / dining rooms at ground floor level in Blocks 'A' & 'C' so as to provide for some degree of daylighting within those spaces to the benefit of future occupants. Although some of the resulting combined living / kitchen / dining areas may not achieve the recommended minimum illuminance value of 200 lux, given the flexibility offered by the guidance and the

broader planning merits of the subject proposal as an effective urban design solution for the redevelopment of this zoned and serviced infill site (which provides for an acceptable level of density and building height supported by the applicable policy considerations), the omission of the aforementioned partition walls could be justified.

- 8.4.22. In assessing the potential impact of the proposed development from an overshadowing / loss of light perspective on the amenity of neighbouring residential property, I would refer the Commission in the first instance to the '*Daylight and Sunlight Report (Neighbouring Properties)*' prepared by Right of Light Consulting, Chartered Surveyors, as submitted in support of the initial development proposal. This assessment considers the impact of the proposed development on the levels of light received by Nos. 1-4, 5-8 & 21-24 Drury Park, 13 & 14-17 Millrace View, 26-29, 42-43, 68-72 Drury Mills, and Swiftbrook Mill (with Appendix 1 of the report identifying each of the windows and garden areas which could be potentially impacted by the proposed development). In light of the positioning of the proposed development and its relationship with neighbouring lands, I would concur with the decision to limit the study to the aforementioned properties.
- 8.4.23. Appendix 2 of the report sets out the results of computer modelling as regards the calculation of the Vertical Sky Component (VSC) (the ratio of the direct sky illuminance falling on the vertical wall at a reference point, usually the centre of the window, to the simultaneous horizontal illuminance under an unobstructed sky. It is usually expressed as a percentage) as an indication of the light received from the sky at the windows in question in both the existing and proposed scenarios (the latter with the development in place). For clarity purposes, Para 2.2.7 of '*Site Layout Planning for Daylight and Sunlight*' states that if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. If the VSC with the development in place is both less than 27% and less than 0.8 times its former (existing) value, then occupants of the existing building will notice the reduction in the amount of daylight. It has been submitted that all windows with a requirement for daylight pass the Vertical Sky Component test with the exception of Window No. 188 at No. 70 Drury Mills which achieves a VSC score of 26.5% and a ratio of 0.77 and above (with both these figures close to the respective targets of 27% and 0.8 as stated in the BRE guide). Given the comparatively minor deficiency in achieving the recommended targets, and as the numerical guidelines in the BRE

are intended to be interpreted flexibly (since natural lighting is only one of many factors in site layout design), it has been suggested that the reduced level of skylight predicted to be received by Window No. 188 is within acceptable tolerances.

8.4.24. The report also notes that the distribution of daylight within a room can be calculated by plotting the 'no sky line' (the line which separates areas of the working plane that do and do not have a direct view of the sky) and that daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. However, it is further noted that the BRE guides only refers to the use of such a methodology in instances where room layouts are known. Accordingly, it has been submitted that Daylight Distribution testing was only conducted for rooms where the layout was known and that the recorded results (as per Appendix 2 of the report) indicate all rooms having passed the test, with the exception of those served by Window Nos. 175 and 181 at 71 Drury Mills where the following mitigation is considered to apply:

- Window No. 181 would appear to serve a bedroom where the importance of daylighting is less than that attached to living rooms, dining rooms and kitchens.
- The room served by Window No. 175 achieves a ratio of 0.7, which is close to the target of 0.8 stated in the BRE guide. Currently, this room faces onto an undeveloped site and thus the existing Daylight Distribution score is 100%. Therefore, even a modest obstruction may result in a greater than normal degree of reduction. The room will still retain a direct view of the sky over 70% of its area. Therefore, the daylight distribution is acceptable for the continued use of the room.

8.4.25. It has also been reiterated that the numerical guidelines set out in the BRE guide should be interpreted flexibly, since natural lighting is only one of many factors in site layout design.

8.4.26. With respect to the potential for neighbouring residences to experience a loss of sunlight consequent on the proposed development, I would refer the Commission to the guidance contained in Section 3.2 of '*Site Layout Planning for Daylight and Sunlight*' which states that in order to assess loss of sunlight to an existing building, all main living areas of dwellings should be checked if they have a window facing

within 90 degrees of due south. In this regard, it has been submitted all windows within 90 degrees of due south have been tested and those with a requirement for sunlight have been found to pass both the total annual sunlight hours test and the winter sunlight hours test thereby satisfying the relevant guidance.

- 8.4.27. In relation to the potential for the proposed development to overshadow the private garden areas of neighbouring housing within the adjacent Drury Park and Drury Mills estates, the modelling analysis set out in Appendix 3 of the submitted report confirms that none of the gardens and open spaces tested will experience any significant loss of sunlight.
- 8.4.28. The updated '*Daylight and Sunlight Assessment*' prepared by H3D, which accounts for the amended development design (including the omission of the westernmost dwelling house (Unit No. HT A1 13) from Block 'B' and the partial reduction from four to three storeys of Block 'A'), has confirmed that all of the relevant windows in adjacent properties will have a VSC above 27% thus conforming to the BRE guideline levels. It has also been detailed that all rooms have been found to have sufficient areas of work plane that can see the sky. Based on these results and according to the BRE guidelines, it has been submitted that daylighting in the identified properties is unlikely to be significantly affected by the proposed development. Additionally, the updated analysis has concluded that all garden amenity spaces of the nearest adjoining properties pass the analysis for overshadowing of adjacent gardens.
- 8.4.29. Having reviewed the available information, it would appear that the design of the proposed development as amended by way of further information, with particular reference to the partial reduction in the height of Block 'A', will ensure that neighbouring properties do not experience any undue loss of sunlight or daylight consequent on the new construction. The likelihood is that the further reduction in the height of Block 'A' to three-storeys in its entirety (as recommended elsewhere in this report) will also serve to alleviate concerns as regards the potential for overshadowing of nearby properties. Therefore, on balance, I am satisfied that the proposed development will not give rise to any unacceptable impact on the residential amenity of neighbouring properties by reason of a loss of sunlight / daylight or overshadowing and that the proposal is permissible as an effective urban

design solution for the redevelopment of this zoned and serviced infill site which is supported by both local and national planning policy.

8.4.30. *Overbearing Appearance:*

In relation to the suggestion that the development will have an unacceptably overbearing or negative visual impact on neighbouring housing, while I would acknowledge that the proposal includes for the construction of three- and four-storey buildings of an increased height and that this will undoubtedly change the outlook available from surrounding properties, in my opinion, the significance of any such impact must be considered in light of the site context, including the surrounding pattern of development and the site location in a built-up urban area on lands which have been identified for development. In this respect, I am satisfied that the overall design, scale, height and siting of the proposed development, including the separation distances available, has taken sufficient cognisance of the infill nature of the site and its relationship with surrounding residences to the effect that the subject proposal will not unduly detract from the residential amenity of properties by reason of an excessively overbearing or visually intrusive appearance (subject to a reduction in the height of Block 'A' to three-storeys in its entirety as previously considered elsewhere in this report).

8.4.31. *Noise / General Disturbance:*

By way of further comment, and for the purposes of completeness, I am unconvinced that the normal household / domestic use of the proposed dwelling units and their associated private open space will give rise to such levels of noise as to be detrimental to the amenity of surrounding properties. Issues pertaining to excessive noise or anti-social behaviour would in all likelihood be matters for resolution by referral to the apartment management company along with the appropriate authorities.

8.4.32. *Obstruction of Views:*

While I would acknowledge that there may be some concerns that the proposed development will have a detrimental impact on the residential amenity of neighbouring dwellings by reason of the obstruction (in part) of views over the wider area available from those properties, it is of the utmost relevance to note that any such views are not of public interest nor are they expressly identified as views worthy

of preservation in the relevant Development Plan. They are essentially views enjoyed by a private individual from private property. A private individual does not have a right to a view and whilst a particular view from a property is desirable, it is not definitive nor is it a legal entitlement and, therefore, I am of the opinion that the proposed development would not seriously injure the amenities of property in the vicinity simply by interfering with their views of the surrounding area.

8.4.33. Construction Impacts:

With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, while I would acknowledge that the subject site is proximate to existing housing and that construction works, including the movement of vehicles etc., could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition, including through the submission of a Construction and Environmental Management Plan for written agreement with the Local Authority prior to the commencement of development.

8.5. Traffic Considerations:

8.5.1. Car Parking:

The amended proposals received by the Planning Authority on 14th March, 2025 (which include for the omission of all car parking & loading bays from within that part of the site zoned as 'Open Space') provide for a total of 80 No. car parking spaces. In this regard, I would refer the Commission to Section 12.7.4 of the Development Plan from which it can be determined that the proposed development site is located within 'Zone 1' for car parking purposes and, therefore, on the basis of the number of bedrooms within each of the dwelling types proposed, it can be calculated by reference to Table 12.26 of the Plan that a maximum of 95 No. car parking spaces would be permissible for the subject proposal (*N.B.* The modifications to 'Block 'A' recommended elsewhere in this report would reduce this figure to 94 No. spaces). Accordingly, the proposed car parking provision is within the maximum permissible and satisfies the requirements of the Development Plan.

8.5.2. With regard to the suggestion that the section of roadway to the front of Nos. 42-68 Drury Mills (i.e. along the frontage of Block 'A' as proposed) should be widened as part of the proposed development so as to accommodate two-way traffic flow and instances of on-street parking by residents, it is my opinion that the roadway in question was purposively designed to lower traffic speeds and thus any proposal to widen same would undermine this objective. Furthermore, it would seem reasonable to assume that adequate car parking provision was approved as part of the original Drury Mills development and, therefore, in light of the current policy provisions in the Development Plan which seek to apply a maximum parking rate on residential development (with a view to reducing overall car usage and encouraging more sustainable travel patterns, including the use of public transport), I would not consider it desirable to widen the carriageway further to accommodate 'additional' on-street parking. It is also of relevance to note that the perpendicular car parking proposed to serve Block 'A' will be accessed in a manner identical to that of the existing housing opposite thereby reducing the opportunities for (and prevalence of) on-street car parking along this section of roadway given the need to maintain access to these spaces to avoid the obstruction of road users.

8.5.3. *Road Layout and Capacity:*

The proposed development will be accessed from the existing internal road network serving the wider Crossforge and Drury Mills & Drury Park developments via its junction with Castle Road. In this regard, the Traffic and Transport Assessment submitted by way of further information has concluded that the scale of the impact on the surrounding road network as a result of the proposed development will be negligible in terms of traffic generation. While I would acknowledge that the Roads Section of the Local Authority has raised concerns as regards the veracity of the traffic impact analysis, with specific reference to the trip generation rates utilised in the calculations (which were considered low when compared to other recent traffic assessments for nearby developments), it is notable that these do not appear to have been sufficient as to warrant a recommendation to refuse of permission. Instead, it was suggested that the applicant be required by way of clarification of further information to submit a 'comprehensive' Traffic and Transport Assessment in accordance with the TII Publication: '*Traffic and Transport Assessment Guidelines*', however, as the Planning Authority was not in a position to seek clarification, a

condition was attached to the notification of the decision to grant permission which required the submission of a revised Traffic and Transport Assessment for the written agreement of the Planning Authority prior to the commencement of development along with the completion of any measures considered necessary to facilitate development on the site (potentially including junction alterations outside of the site boundary) in advance of the occupation of the dwelling units (with this latter requirement being imposed by the case planner).

- 8.5.4. From a review of the available information, I would emphasise that the subject site is the last remaining developable plot of zoned and serviced land within the wider landholding that formerly accommodated the Swiftbrook Paper Mills and that the proposed development is reliant on the road network serving the Crossforge, Drury Mills & Drury Park developments given that the link road through to 'Millrace' has been blocked off by concrete bollards (presumably in an effort to close off a potential 'rat-run' through the estates by traffic seeking to bypass the town centre). Therefore, having considered the available information, while I would concede that the trip generation rates utilised in the Traffic & Transport Assessment are not to the satisfaction of the Planning Authority, I am satisfied that the applicant has put forward a reasonable case to demonstrate that the signalised junction at the exit of Crossforge onto Castle Road (with its dedicated right and left hand turning lanes) has sufficient capacity to accommodate the additional trip generation consequent on the proposed development.

8.6. **Surface Water Drainage Arrangements:**

- 8.6.1. With respect to the proposed surface water drainage arrangements, I would refer the Commission in the first instance to the '*Engineering Planning Report*' prepared by Muir Associates Ltd. and submitted with the initial application wherein it is stated that the design of the scheme has taken cognisance of the objectives and guidance contained in South Dublin County Council's '*Sustainable Drainage Explanatory Design and Evaluation Guide*', the '*Greater Dublin Strategic Drainage Study*' (GDSDS), and the Construction Industry Research and Information Association's (CIRIA) C735: '*The SuDS Manual*'. In this regard, the proposed development provides for the construction of a new surface water drainage network (please refer to Drg. No. D2024-MAL-00-XX-DR-C-102: '*Surface Water Drainage Layout*') which will convey stormwater runoff via a series of SuDS measures (including green roofs,

filter drains, dry swales, permeable paving, bio-retention systems, detention basins, and underground cellular storage / attenuation units) to an existing 450mm diameter surface water sewer (and petrol interceptor) serving the neighbouring Drury Mills housing estate before ultimately discharging by gravity to the mill pond located to the west of the application site. The submitted design calculations and computer-based flow simulation modelling have established a requirement for an overall attenuation storage volume of 354m³ which is to be provided via two separate attenuation tanks formed using ESS-Ecocell or similar approved, detention basins, filter drains, and swales with an underdrain, while the design outflow from the developed site is to be restricted to a maximum outflow rate of 3.18l/s for up to the 100-year return storm.

8.6.2. In its initial analysis of these proposals, the Water Services Section of the Local Authority asserted that the surface water attenuation proposals (referred to as comprising 573m³ of storage) were undersized by 40% and that the use of underground attenuation systems, tanks and soakpits would not be permitted. It subsequently recommended that the applicant be required by way of a request for further information to submit amended surface water management proposals which included for the attenuation and conveyance of surface water using a combination of suitably designed overground Sustainable Drainage Systems (SUDS).

8.6.3. In response to a request for further information, the applicant maintained that the volume of attenuation storage proposed for the site had been calculated correctly based on analyses carried out using time-varying design rainstorms and the “MicroDrainage” simulation software package (the rainfall profiles were calculated using the Wallingford Procedure and Flood Study Methods, which are included within the software, and the rainfall event depths were increased by 20% to account for climate change). It was further submitted that the attenuation volume had been crosschecked using the HR Wallingford tools for the design and evaluation of SuDS which calculated an estimated total attenuation storage volume requirement for the site of 364m³ for a 100-year return storm. The design of the proposed surface water drainage arrangements was also amended (please refer to Drg. Nos. D2024-MAL-00-XX-DR-C-102: Rev. 3: ‘*Surface Water Drainage Layout*’ & D2024-MAL-00-XX-DR-C-310: ‘*SuDS Features*’ received by the Planning Authority on 14th March, 2025) while providing for an attenuation storage volume of 365m³ with the principal changes including the omission of the geo-cellular attenuation storage and the

expanded use of green roofs, permeable paving & bio-retention areas along with the introduction of an area of grasscrete within the proposed courtyard area.

8.6.4. Following consideration of the applicant's response to the request for additional information, the Water Services Section of the Local Authority prepared a further report which reiterated its earlier concern that the proposed surface water attenuation storage had been undersized by 40% before also questioning other aspects of the design, including how much surface water attenuation was to be provided and if underground attenuation tanks were proposed. This report then recommends that permission be refused on the basis that the proposed development would be prejudicial to public health and proper planning given a lack of clarity as regards the surface water attenuation arrangements.

8.6.5. Upon consideration of the foregoing, the final report of the case planner refers to concerns purportedly raised by the Heritage Officer (although there is no report on file) before highlighting that the final outflow from the proposed surface water drainage network is to the Mill Pond. In this regard, it is of note that the assessment references dissatisfaction with the applicant's Ecological Impact Assessment and states that it does not overcome the risks posed by the proposed development, with particular reference to an avoidable loss of biodiversity on adjacent lands which include *'water bodies that are in themselves habitats and protected structures, and which are partly within the riparian corridor of the Camac River and have a hydrological connection to that river'* in contravention of certain policy provisions of the Development Plan e.g. Policy COS5 Objective 8 (relating to parks and public open space), Policy NCBH2 Objective 4 (relating to overdevelopment in proximity to rivers) and Policy NCBH5 (relating to non-designated habitats). The report continues by stating that the proposed detention basins would not address water quality concerns (when compared to integrated constructed wetlands) and that additional SuDS features are likely to be required to avoid detrimental ecological impacts on the ponds / lands to the west. It thus concludes that the western portion of the proposed development may require reconsideration in order to ensure that ecological impacts on adjoining lands are avoided or mitigated as appropriate which culminates in the imposition of Condition No. 2(a)(i) of the notification of the decision to grant permission and the requirement to omit Block 'C' and the associated access route so as to allow for the redesign and reconfiguration of that portion of the site.

- 8.6.6. In the first party appeal against the inclusion of Condition No. 2(a)(i) it has been submitted that the requirement to omit Block 'C' is both unwarranted and disproportionate in the context of seeking to address concerns over the surface water drainage arrangements. In this respect, the case has been put forward that the imposition of Condition No. 2(a)(i) is unnecessary in the first instance by reference to Condition No. 3 which requires a revised surface water and SuDS network design to be submitted for the written approval of the Planning Authority prior to the commencement of development. More specifically, it is a requirement of Condition No. 3 that the revised drainage design provide for adequate capacity and include such features as are necessary to avoid detrimental impacts on the neighbouring site to the west and the habitats therein from the possible outflow of pollutants in surface water. In effect, compliance with Condition No. 3 serves to nullify the need for the attachment of Condition No. 2(a)(i) and the omission of Block 'C'.
- 8.6.7. Additionally, the applicant has sought to reiterate that the proposed surface water drainage arrangements (as amended by way of further information) provide for adequate attenuation storage (354m³) based on calculations carried out using time-varying design rainstorms and the "MicroDrainage" simulation software package (with verification achieved through use of the HR Wallingford tools for the design and evaluation of SuDS). It has also been clarified that the conveyance of surface water runoff above ground was not considered practical and thus it will be piped from some impermeable surfaces to bio-retention areas or permeable paving sub-bases which will provide attenuation storage. Further details have also been supplied on the functioning of the system, including the proposal to maximise the use of permeable paving, detention basins, swales and bioretention areas, the absence of any underground tanks or soakpits, and the routing of all surface water runoff from the development through a petrol interceptor prior to discharge to the mill pond.
- 8.6.8. In terms of addressing the Planning Authority's concerns as regards the potential for detrimental impacts on the aquatic ecology of those lands to the west owing to a deterioration in water quality (which would appear to have partially informed the proposed omission of Block 'C'), the Commission is referred to the water treatment train incorporated into the SuDS design whereby features such as permeable paving, bio-retention areas, filter drains, and detention basins, will provide at-source treatment for improved water quality. For example, bio-retention areas in the form of

shallow landscape depressions with a tree pit will provide treatment through the use of engineered soils and vegetation; filter drains will provide for the filtration of runoff assisting in the reduction of pollutant levels; detention basins will facilitate the settling of particulate pollutants; road gullies will intercept silt and pollutants; silt traps on manholes immediately upstream of soakaway systems will serve to intercept silt and other pollutants; and all discharge from the development will pass through a petrol interceptor prior to final outflow to the mill pond. Cognisance should also be taken of the expanded range of mitigation measures set out in Section 7.2.5 of the revised Ecological Impact Assessment received by the Planning Authority on 14th March, 2025 which are intended to protect water quality during the construction phase as well as the supplementary measures set out in the grounds of appeal.

8.6.9. Having reviewed the available information, in my opinion, it is apparent that the primary rationale for the imposition of Condition No. 2(a)(i) and the associated omission of Block 'C' stems from the concerns raised by the Water Services Section of the Local Authority as regards the volumetric adequacy and detailed design of the surface water drainage arrangements proposed as part of the subject development. Moreover, it is clear that the omission of Block 'C' is intended to free up space so as to allow for the redesign and reconfiguration of the westernmost portion of the site with a view to accommodating an amended surface water management arrangement in line with the requirements of the Local Authority. In this regard, while I would acknowledge the intent of Condition No. 2(a)(i), I am not satisfied that the Planning Authority has established a robust justification for its imposition. Repeated references have been made by the Water Services Section of the Local Authority to the inadequacy of the attenuation storage volume proposed, however, they continually refer to a storage volume of 573m³ despite the submitted plans and particulars detailing the provision of 354m³ and it is unclear how this figure of 573m² has been obtained. Furthermore, no detailed analysis of the submitted design calculations has been set out to support the demand for a 40% increase in volumetric storage above the seemingly already inflated figure of 573m³. I am also concerned that the report of the Water Services Section prepared in response to the submission of additional information seeks clarity as to whether the proposed SUDS include for any underground attenuation tanks despite the revisions made to the surface water drainage arrangements providing for the substitution of the originally

proposed geo-cellular attenuation storage with the expanded use of alternative storage methodologies such as permeable paving & bio-retention areas etc. Therefore, in the absence of any discernible evidence to counter the design calculations provided by the applicant, it is my opinion that the Planning Authority has failed to demonstrate that the surface water drainage arrangements as proposed are deficient to such a level as to warrant the omission of Block 'C'. Accordingly, I would recommend the removal of Condition No. 2(a)(i). Any minor revisions to the design of the drainage proposals can otherwise be satisfactorily addressed by way of condition (in a manner similar to that envisaged by Condition No. 3 of the notification of the decision to grant permission).

8.6.10. In addition to the foregoing, I am of the opinion that the water treatment train incorporated into the design of the proposed surface water drainage proposals, and the routing of all surface water runoff through the existing petrol interceptor serving the neighbouring Drury Mills scheme before discharge to the mill pond, will serve to satisfactorily mitigate the potential for any adverse operational impact on downstream water quality and / or aquatic ecology given the hydrological connection between the site and the receiving waters of the mill ponds and the Camac River beyond. Similarly, the revised Ecological Impact Assessment received by the Planning Authority on 14th March, 2025 provides for adequate measures in accordance with good construction practice to protect water quality during the construction phase.

8.7. Ecological Impact Assessment:

8.7.1. Whilst I would acknowledge the appellants' concerns as regards the impact of the proposed development on nearby ecological considerations, including bird and bat species, cognisance must be taken of the fact that the subject lands have been expressly earmarked for development in the South Dublin County Development Plan, 2022-2028. The proposed development will inevitably result in the loss of some plant and animal species from within the footprint of the proposed construction, however, having reviewed the available information, including the Appropriate Assessment Screening Report, Ecological Impact Assessment, Bat Survey & Assessment, landscaping proposals, and the supplementary details provided in response to the request for further information, in my opinion, the impact of the

proposal will be within tolerable limits given the site context and can be satisfactorily mitigated by way of condition.

8.8. Other Issues:

8.8.1. *Potential for the Disturbance of Hazardous Material:*

Concerns have been raised as regards the possible exposure / disturbance of any hazardous materials (including asbestos) that may be present on site given its previous use as a factory / mill complex, with added speculation locally that the large concrete slab on site serves as a 'cap' under which toxic materials may be present. In this respect, it has been submitted that a comprehensive examination / investigation of the area in question should be carried out prior to the commencement of development with a view to establishing the presence (or not) of any such contaminants etc. and the means by which any such material will be removed for disposal off site. In response, the applicant has asserted that speculation as regards the alleged presence of environmental hazards on site is unfounded and that the 'concrete' slab simply comprises the remnants of a former mill structure which is to be removed as part of the development works.

8.8.2. On the basis of the available information, I am inclined to concur with the applicant's response to the grounds of appeal as no verifiable evidence has been provided to support the appellant's claims that the application site has been used for the dumping / disposal of hazardous waste. From a visual inspection, the expanse of concrete / hardstanding on site appears to form part of a former building likely associated with the previous use of the site as part of the wider Swiftbrook Mills complex. Further support is lent to this position by reference to historical mapping for the area and, in particular, the Architectural Heritage Impact Assessment submitted with the application wherein it is stated that the large concrete slab in question is from a former building. Accordingly, in the absence of any substantive information to the contrary, and in order to avoid engaging in unwarranted speculation, I do not propose to engage further on the matter other than to refer to the submitted Construction and Demolition Waste Management Plan which commits to the appropriate handling, storage, transportation, and disposal of any hazardous waste generated or encountered on site and that any such waste will be the subject of a

comprehensive waste assessment and classification by a suitably qualified person in accordance with the European Waste Catalogue (EWC) and Hazardous Waste List.

8.8.3. *The Loss of Improvised Play Space:*

In reference to the suggestion that the increased traffic volumes and parking demands consequent on the proposed development will undermine the ongoing informal use of that section of roadway to the front of Nos. 42-68 Drury Mills (i.e. along the frontage of Block 'A' as proposed) as an improvised play space while the new construction will also result in the loss of an area of green space located at the end of the same roadway, while I would accept that it is not uncommon for roadways in residential areas to be used by children for play activities, this is clearly undesirable from a public safety perspective. In this regard, I would suggest that the additional landscaped public and communal open spaces to be provided as part of the proposed development, which will include for a continuation / extension of the 'green' corridor and amenity space between Castle Road and Rathcoole Park with improved accessibility to that parkland and its expanse of recreational space and playing pitches etc., will adequately compensate for the minor loss of existing green space attributable to the proposed development and represents a preferable amenity resource for the use of local residents etc.

8.8.4. *Impact on Built Heritage:*

While there are several protected structures within the broader surrounds of the subject site, with particular reference to RPS Ref. Nos. 330 (Chimney & Storage Building) & 332 (Mill Pond & Mill Tail Race) to the west, having regard to the site context, including its location in a built-up area as the last remaining undeveloped plot of land within the landholding that formerly accommodated the Swiftbrook Paper Mills, the established pattern of development in the surrounding area, and the separation distances involved, I am inclined to concur with the conclusions of the Planning Authority and the Architectural Heritage Impact Assessment submitted in support of the application that the proposed development will not negatively impact on the character or setting of the nearby protected structures.

9.0 **AA Screening**

9.1. **Screening Determination:**

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9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Glenasmole Valley SAC or the Wicklow Mountains SAC or any other European Site, in view of the sites' conservation objectives, and therefore Appropriate Assessment is not required.

9.1.2. This determination is based on:

- The information on file, which is considered adequate to undertake a screening determination;
- The nature, scale, and design of the proposed development;
- The nature of the receiving environment; and
- The weak indirect connections between the proposed development and European Sites.

10.0 Water Framework Directive

10.1. I have concluded, on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (refer to form in attached appendix for details).

11.0 Recommendation

11.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions set out below.

12.0 Reasons and Considerations

The Commission performed its functions in relation to the making of its decision in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the Climate Action Plan 2024 and Climate Action Plan 2025 and the national long-term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

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

- a) the need to plan for increased growth in accordance with the National Planning Framework, First Revision (April 2025) and the flexibility that applies to projected targets for future growth, including National Policy Objective 11,
- b) the nature, scale and design of the proposed development, which is in accordance with the policies and objectives of the South Dublin County Development Plan, 2022-2028,
- c) the pattern of existing and permitted development and the availability of adequate social and physical infrastructure in the area,
- d) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2023,
- e) the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024,
- f) Delivering Homes, Building Communities 2025-2030,
- g) the policies and objectives of the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,
- h) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the

Office of Public Works and the Department of Environment, Heritage and Local Government (2009),

- i) the Childcare Facilities Guidelines for Planning Authorities, issued by the Government of Ireland (2001),
- j) the submissions and observations received in relation to the planning application and the appeal,
- k) the reports from the planning authority, and
- l) the report and recommendation of the Inspector.

13.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of March, 2025, and the further plans and particulars received by An Coimisiún Pleanála on the 16th day of May, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- a. The entirety of Block 'A' shall be reduced to three-storeys in height.

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

Reason: In the interests of visual and residential amenity and the proper planning and sustainable development of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate standard of development.

4. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

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

6.
 - i) The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site

investigation works/topsoil stripping/site clearance and/or construction works. The report shall include an archaeological impact statement and mitigation strategy.

- ii) Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required.
- iii) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.
- iv) The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. 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. The landscaping scheme submitted to the planning authority on the 14th day of March, 2025, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the planning authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. 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

commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the landscaping scheme submitted to the planning authority on the 14th day of March, 2025. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

9. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection to the public water supply and/or wastewater collection network

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate that Sustainable Urban Drainage System measures have been installed, and are working as designed, and that there have been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

11. 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 interest of visual and residential amenity.

12. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority, an updated Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed

development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

13. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

14. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of the internal road network serving the proposed development, including, where applicable, turning bays, ramps, junctions, parking area, footpaths and kerbs, and signing and lining. All works shall be in accordance with the details and construction standards of the planning authority for such works and design standards as outlined in the Design Manual for Urban Roads and Streets. All costs associated with this condition shall be borne by the developer.

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

15. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and any in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the units to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation

16. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each residential unit shall be submitted to,

and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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

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

18. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

19. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements

of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún 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 for the area.

20.

- a) Prior to commencement of the development, as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- 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 residential unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the 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 residential 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.

21. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 Coimisiún Pleanála for determination.

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

22. 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 Coimisiún 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.

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.

Robert Speer
Senior Planning Inspector

22nd January, 2026

Appendix 1 - Form 1

EIA Pre-Screening

Case Reference	ABP-322539-25
Proposed Development Summary	The development will consist of a residential scheme of 73 no. units comprising a mix of 6 no. houses, 59 no. own-door duplexes and 8 no. apartments arranged in 4 blocks set around a central amenity space. The mix of units will consist of 5 no. 1-bedroom duplexes / apartments, 46 no. 2-bedroom duplexes / apartments, 16 no. 3-bedroom duplexes and 6 no. 4-bedroom houses. The 4 no. blocks are labelled A to D on plans and consist of: Block A - a 3 to 4-storey terrace accommodating 18 no. duplex units with associated balconies & terraces; Block B - a 2-storey terrace accommodating 6 no. houses and 2 no. duplex units with associated gardens & terraces; Block C - a 3 to 4-storey terrace accommodating 27 no. duplex units with associated balconies & terraces; Block D - a 4-storey terrace accommodating 8 no. apartments and 12 no. duplex units with associated balconies & terraces. The development will include: New internal roads accessed from Drury Mills and Drury Park; 84 no. car parking spaces; Bicycle and bin stores and substation; Landscaped public and communal open spaces and boundary treatments; All associated site works and services.
Development Address	On lands located adjacent to Drury Mills and Drury Park, Swiftbrook, Saggart, Co. Dublin. The site is located within the curtilage of protected structures associated with the former Swiftbrook Mills (RPS refs. 314, 330 & 332) comprising chimney, storage building, millpond, tail-race, entrance gates and wall.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No. No further action required.

<p>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</p>	
<p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><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.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p>	<p><u>Class 10(b)(i):</u> Threshold: 500 No. dwelling units Proposal: 72 No. dwelling units</p> <p><u>Class 10(b)(iv):</u> Threshold: Urban development which would involve an area greater than 2 hectares in the case of a business</p>

<p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>Proposal: 1.33 hectares</p>
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<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	ABP-322539-25
Proposed Development Summary	The development will consist of a residential scheme of 73 no. units comprising a mix of 6 no. houses, 59 no. own-door duplexes and 8 no. apartments arranged in 4 blocks set around a central amenity space. The mix of units will consist of 5 no. 1-bedroom duplexes / apartments, 46 no. 2-bedroom duplexes / apartments, 16 no. 3-bedroom duplexes and 6 no. 4-bedroom houses. The 4 no. blocks are labelled A to D on plans and consist of: Block A - a 3 to 4-storey terrace accommodating 18 no. duplex units with associated balconies & terraces; Block B - a 2-storey terrace accommodating 6 no. houses and 2 no. duplex units with associated gardens & terraces; Block C - a 3 to 4-storey terrace accommodating 27 no. duplex units with associated balconies & terraces; Block D - a 4-storey terrace accommodating 8 no. apartments and 12 no. duplex units with associated balconies & terraces. The development will include: New internal roads accessed from Drury Mills and Drury Park; 84 no. car parking spaces; Bicycle and bin stores and substation; Landscaped public and communal open spaces and boundary treatments; All associated site works and services
Development Address	On lands located adjacent to Drury Mills and Drury Park, Swiftbrook, Saggart, Co. Dublin. The site is located within the curtilage of protected structures associated with the former Swiftbrook Mills (RPS refs. 314, 330 & 332) comprising chimney, storage building, millpond, tail-race, entrance gates and wall.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development consists of the construction of a residential scheme of 73 No. dwelling units (comprising a mix of houses, own-door duplexes, and apartments) on 1.33 hectares of serviceable infill lands within an expanding built-up residential area in the town of Saggart. Given the site context and surrounding pattern of development, the proposal is not considered exceptional in the context of neighbouring housing and the receiving environment. The development is comparatively modest and does not require the use of substantial natural resources or give rise to any significant waste, emissions or pollutants. By virtue of the design,

	<p>nature and scale of the development proposed, it does not pose a risk of major accident and/or disaster nor is it vulnerable to climate change. It presents no overt risk to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed development is located on an infill site in an expanding built-up residential area within the settlement boundary of the 'Self-Sustaining' town of Saggart. It comprises the last remaining undeveloped plot of land within the wider landholding that accommodated the former Swiftbrook Paper Mills with the surrounding area having been redeveloped over the past 20 No. years as a substantial residential neighbourhood. Water and sewerage services are available via connection to the public mains while stormwater is to be managed using Sustainable Urban Drainage Systems. Access is available directly from the adjoining public road.</p> <p>The site is not subject to any national or European designation. The closest such sites are the Slade of Saggart and Crooksling Glen Proposed Natural Heritage Area (Site Code: 000211) approximately 1.5km to the south and the Glenasmole Valley Special Area of Conservation (Site Code: 001209) c. 5.7km to the southeast. Screening for the purposes of appropriate assessment has concluded that the proposed development would not be likely to have a significant effect on any European site.</p> <p>The site is generally flat but its westernmost extent falls in a west / north-westerly direction with the site perimeter adjoining a former mill pond into which surface water runoff from the development will be discharged. An unnamed watercourse / stream passes along the southern site boundary before discharging to the Camac River. Concerns as regards the protection of ground and surface waters can be satisfactorily mitigated through the implementation of suitable measures / controls.</p> <p>Impacts on higher value local biodiversity considerations, including terrestrial and aquatic ecology, can be addressed by way of mitigation / control measures.</p> <p>The eastern / southeastern extent of the site is of local archaeological interest and lies within the SMR</p>

	<p>notification zone for DU021-034 (Historic Town: Saggart).</p> <p>The proposed development is located within the associated grounds of several protected structures (RPS Nos. 314, 330 & 332), however, it is outside the immediate grounds / curtilage and setting of the original Mill buildings. The relationship with protected structures in the vicinity of the site is considered in the accompanying Architectural Heritage Impact Assessment. No negative impacts on the character of protected structures are anticipated.</p> <p>Owing to the serviced urban nature of the site and the infill character of the development, the scale and nature of development, and the mitigation proposed, I consider that there is no real likelihood of significant environmental effects arising.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature and scale of the proposed development, the site location in an expanding built-up residential area, the availability of mains water and sewerage services, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3 - AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics Case File: ABP-322539-25	
Brief description of project	<p>Normal Planning Appeal (Third Party v. Decision).</p> <p>The construction of a residential scheme of 73 No. dwelling units comprising a mix of 6 No. houses, 59 No. own-door duplexes and 8 No. apartments arranged in 4 No. perimeter blocks set around a central amenity space / landscaped courtyard. The development also includes for the provision of new internal roads; car parking spaces; bicycle and bin stores; substation; landscaped public and communal open spaces; boundary treatments; and all associated site works and services. Water and sewerage services are available via connection to the public mains. A new surface water drainage network will convey stormwater runoff via a series of SuDS measures (including green roofs, filter drains, dry swales, permeable paving, bio-retention systems, and detention basins) to an existing surface water sewer (and petrol interceptor) before ultimately discharging by gravity to the mill pond located to the west of the application site.</p> <p>Please refer to Section 2.0 of the Inspector's Report.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The proposed development site is located on an infill site in an expanding built-up residential area within the settlement boundary of Saggart. It comprises the last remaining undeveloped plot of land within the wider</p>

landholding that formerly accommodated the Swiftbrook Paper Mills with the surrounding area having been redeveloped over the past 20 No. years as a substantial residential neighbourhood. The prevailing pattern of development in the site surrounds is broadly characterised by duplex units within 3-4 storey buildings to the north of the site (Mill Race), 2-storey dwellings to the northeast along Castle Road (Crossforge), 2 & 2.5-storey houses and maisonettes to the east (Drury Mills), and 2.5-storey maisonettes to the northeast (Drury Park). The lands to the south and west are open (with parkland and agricultural fields beyond same) while pedestrian and cycle linkages provide access to Rathcoole Park further west.

The site itself has a stated site area of 1.33 hectares and comprises a plot of disturbed ground characterised by overgrown areas and an expanse of concrete / hardstanding (seemingly associated with the previous use of the site as part of Swiftbrook Mills).

Access to the development site is available from the existing roadways serving the adjacent Drury Park and Drury Mills housing schemes.

The site topography is such that while the easternmost extent of the site area is generally flat and at a comparable level to the neighbouring developments of Drury Park and Drury Mills, the remainder of the lands fall in a west / north-westerly direction towards the nearby mill ponds although the western edge of the site remains elevated over the lands further west.

	<p>The closest Natura 2000 site is the Glenasmole Valley SAC (Site Code: 001209) located approximately 5.6km southeast of the proposed development site while the Wicklow Mountains SAC (Site Code: 002122) is c. 6.7km to the southeast.</p> <p>Foul water will be discharged to the public mains sewerage network and onwards to the municipal wastewater treatment plant.</p> <p>The closest watercourse to the proposed development is an unnamed stream that runs alongside the southern site boundary and discharges into the Camac River. Surface water runoff from the site will be conveyed via a series of SuDS measures (including green roofs, filter drains, dry swales, permeable paving, bio-retention systems, and detention basins) to an existing 450mm diameter surface water sewer (and petrol interceptor) serving Drury Mills before discharging by gravity to the mill pond located to the west of the application site and onwards to the receiving waters of the Camac River beyond.</p>
Screening report	Yes.
Natura Impact Statement	No.
Relevant submissions	<p><i>Inland Fisheries Ireland:</i></p> <p>Notes that the Camac River catchment will be the receiving water body for surface water runoff generated during the construction and operational phases of the development before referencing the hydrological connectivity between the proposed development and the</p>

Camac River via the proposed surface water drainage infrastructure.

Third Party Observations:

Raises concerns as regards the adequacy of the submitted information in terms of assessing the potential impact of the proposed development on biodiversity / ecological considerations as well as adherence with the requirements of the Habitats and Birds Directives.

The planning application was accompanied by the following documentation:

- Planning Context Report (April, 2024) prepared by SCA Planning & Development Consultants
- Appropriate Assessment Screening Report (dated 4th April, 2024) prepared by Panther Ecology Ltd.
- Ecological Impact Assessment (dated 4th April, 2024) prepared by Panther Ecology Ltd.
- Engineering Planning Report prepared by Muir Associates Ltd.
- Construction and Demolition Waste Management Plan prepared by Muir Associates Ltd.
- Outline Operational Waste Management Plan prepared by Muir Associates Ltd.

The response to a request for further information includes the following:

- Bat Survey & Assessment prepared by Ross Swift Ecology Ltd.
- Ecological Impact Assessment (dated 25th February, 2025) prepared by Panther Ecology Ltd.
- Outline Construction Environmental Management Plan prepared by Muir Associates Ltd.

Step 2. Identification of relevant European sites using the Source-Pathway-Receptor model

The site is not located within or directly adjacent to any designated European sites.

The screening exercise contained in the applicant's '*Appropriate Assessment Screening Report*' initially identified 6 No. Special Areas of Conservation and 5 No. Special Protection Areas within a potential zone of influence of the proposed development by reference to the

project impact sources, environmental pathways and protected site characteristics. It was subsequently determined that the Glenasmole Valley SAC (Site Code: 001209) and the Wicklow Mountains SAC (Site Code: 002122) were the only European Sites within the zone of influence of the proposed development on account of their proximity.

- Given the separation distances involved, the lack of direct hydrological connection, the nature and scale of the works, and the absence of habitats associated with Rye Water Valley / Carton SAC (Site Code: 001398), which is in separate sub-catchments to the proposed site, it is not anticipated that the proposed development will have any adverse effects on this designated site and, therefore, the Rye Water Valley / Carton SAC has been screened out from further assessment.
- Given the separation distances involved, the lack of direct hydrological connection, the nature and scale of the works, and the lack of suitable foraging / nesting habitat for bird species for which the Wicklow Mountains SPA (Site Code: 004040) has been designated, which is in separate sub-catchments to the proposed site, it is not anticipated that the proposed development will have any adverse effects on this designated site and, therefore, the Wicklow Mountains SPA has been screened out from further assessment.
- Given the separation distances involved, the lack of direct hydrological connection, the nature and scale of the works, and the absence of the habitat transition mires and quaking bogs [7140] for which the Red Bog, Kildare SAC (Site Code: 000397) has been designated, which is in separate sub-catchments to the proposed site, it is not anticipated that the proposed development will have adverse effects on this designated site and, therefore, the Red Bog, Kildare SAC has been screened out from further assessment.
- Given the separation distances involved, the lack of direct hydrological connection, the nature and scale of the works, and the lack of suitable foraging / nesting habitat for bird species for which the Poulaphouca Reservoir SPA has been designated, which is in separate sub-catchments to the proposed site, it is not anticipated that the proposed development will have adverse effects on this designated site and, therefore, the Poulaphouca Reservoir SPA has been screened out from further assessment.
- Having regard to the separation distances from the South Dublin Bay SAC (Site Code: 000210), South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), North Dublin Bay SAC (Site Code: 000206), North Bull Island SPA (Site Code: 004006) and

North-West Irish Sea SPA (Site Code: 004236), which are all in separate sub-catchments than the proposed site, the nature and scale of the works, the absence of coastal habitats or suitable foraging / nesting habitat for bird species for which the sites have been designated, it is not anticipated that the proposed development will have adverse effects on these designated sites and, therefore, all the aforementioned sites have been screened out from further assessment.

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Glenasmole Valley Special Area of Conservation (Site Code: 001209)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220] CO001209.pdf	Approximately 5.6km southeast of the site.	Proximity and indirect hydrological connection through the larger catchment system (The proposed development is located within the Liffey and Dublin Bay Catchment; thus the proposed development would be hydrologically linked to the Glenasmole Valley SAC).	Yes.
Wicklow Mountains Special Area of	Oligotrophic waters containing very few minerals of sandy	Approximately 6.7km	Proximity and indirect hydrological	Yes.

<p>Conservation (Site Code: 002122)</p>	<p>plains (<i>Littorelletalia uniflorae</i>) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p>	<p>southeast of the site.</p>	<p>connection through the larger catchment system (The proposed development is located within the Liffey and Dublin Bay Catchment; thus the proposed development would be hydrologically linked to the Wicklow Mountains SAC).</p>	
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	<p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p> <p>ConservationObjectives.rdl</p>			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Glenasmole Valley Special Area of Conservation (Site Code: 001209):</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p>	<p><u>Direct:</u> None.</p> <p>The proposed development site does not contain the habitats or species for which the SAC has been designated and, therefore, the proposal will not have any in-situ effects upon the protected site through loss or</p>	<p>None.</p>

<p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>	<p>destruction of habitat, fragmentation of habitat, disturbance of habitat or direct reduction in species density.</p> <p><u>Indirect:</u></p> <p>No excavation works are proposed within any watercourse, wetland or riparian zone. During the operational phase there would be no significant impact on water quality as stormwater will be directed to the local drainage network.</p> <p>The proposed development is located within the Liffey and Dublin Bay Catchment; thus the proposed development would be hydrologically linked to the SAC. However, the proposed development would not be considered to impact upon the listed habitats and species of the SAC sites due to deleterious effects on water quality owing to the location of the development downstream of the SAC and the nature of the works on the development site.</p>	
<p>Wicklow Mountains Special Area of Conservation (Site Code: 002122):</p> <p>Oligotrophic waters containing very few minerals</p>	<p><u>Direct:</u> None.</p> <p>The proposed development site does not contain the habitats or species for which the SAC has been designated</p>	<p>None.</p>

<p>of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p>	<p>and, therefore, the proposal would not be expected to have any in-situ effects upon the protected site through loss or destruction of habitat, fragmentation of habitat, disturbance of habitat or direct reduction in species density.</p> <p><u>Indirect:</u></p> <p>No excavation works are proposed within any watercourse, wetland or riparian zone. During the operational phase there would be no significant impact on water quality as stormwater will be directed to the local drainage network.</p> <p>Construction noise will not pose a significant risk due to the transient nature and the small scale of the works. Construction works will be mainly carried out during daylight hours away from the Camac River main channel and, therefore, will not cause significant disturbance to crepuscular / nocturnal species foraging at the river.</p> <p>It is not envisaged that protected species would be adversely impacted upon by operational noise given the residential nature of the development and the distance to the European Site. Fauna in the area is accustomed to</p>	
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<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355]</p>	<p>human-generated and vehicular noise from residential activities.</p> <p>Any potential disturbance due to dust during the construction phase would not be significant given the transient nature of construction works and the type and scale of the proposed development. The operational phase of the development would not have the potential to adversely impact upon designated sites due to air emissions given the residential nature of the development.</p> <p>No high impact invasive species have been recorded within or adjacent to the site boundary. The risk of invasive species being introduced onto the site during the operational phase is considered low. Any additional topsoil will be thoroughly checked and screened before being imported into the site. Therefore, there is no significant risk to protected habitats and species as a result of invasive species from the site.</p> <p>The proposed development is located within the Liffey and Dublin Bay Catchment; thus the proposed development would be hydrologically linked to the SAC. However, the</p>	
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proposed development would not be considered to impact upon the listed habitats and species of the SAC sites due to deleterious effects on water quality owing to the location of the development downstream of SAC and the nature of the works on the development site.

Otter:

The proposed development is located within the current known distribution, current range and favourable reference range of this qualifying interest (NPWS, 2019b). According to the SAC Conservation Objectives report and data from NBCD, otter have been recorded in watercourses near the development site. The Conservation Objectives for this qualifying interest do not include water quality attributes. A significant impact on water quality could indirectly impact upon this qualifying interest by causing a reduction in prey populations and availability, however, there is no potential for a significant impact on water quality as there is no potential for significant groundwater contamination or significant contaminated runoff

	(sediments or hydrocarbons) from the development site.	
	Likelihood of significant effects from proposed development (alone): No.	
<p><u>Further Comments:</u></p> <p>Appendices 'A' & 'B' of the 'Appropriate Assessment Screening Report' provide additional clarity as regards the absence of any source-pathway-receptor connectivity relevant to the identified European Sites and their Qualifying Interests.</p>		
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p>		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the Glenasmole Valley SAC (Site Code: 001209) or the Wicklow Mountains SAC (Site Code: 002122). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures (other than adherence to standard best practice construction standards) are required to come to these conclusions.</p>		

Appendix 4: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ABP-322539-25	Townland, address	On lands located adjacent to Drury Mills and Drury Park, Swiftbrook, Saggart, Co. Dublin.
Description of project		<p>A residential scheme of 73 no. units comprising a mix of 6 no. houses, 59 no. own-door duplexes and 8 no. apartments arranged in 4 blocks set around a central amenity space. The mix of units will consist of 5 no. 1-bedroom duplexes/apartments, 46 no. 2-bedroom duplexes/apartments, 16 no. 3-bedroom duplexes and 6 no. 4-bedroom houses. The 4 no. blocks are labelled A to D on plans and consist of:</p> <p>Block A - a 3 to 4-storey terrace accommodating 18 no. duplex units with associated balconies & terraces; Block B - a 2-storey terrace accommodating 6 no. houses and 2 no. duplex units with associated gardens & terraces; Block C - a 3 to 4-storey terrace accommodating 27 no. duplex units with associated balconies & terraces; Block D - a 4-storey terrace accommodating 8 no. apartments and 12 no. duplex units with associated balconies & terraces. The development will include: New internal roads accessed from Drury Mills and Drury Park; 84 no. car parking spaces; Bicycle and bin stores and substation; Landscaped public and communal open spaces and boundary treatments; All associated site works and services.</p>	
Brief site description, relevant to WFD Screening,		<p>The proposed development site is located on the south-western edge of the built-up area of Saggart Village, Co. Dublin, approximately 350m southwest of the town centre and c. 1.0km southwest of the Luas terminus, and comprises the last remaining undeveloped plot of land within the wider landholding that formerly accommodated the Swiftbrook Paper Mills which was redeveloped over the past 20 No. years as a substantial residential neighbourhood. The broader site topography is generally</p>	

	<p>flat with the lands at a similar elevation to those of the neighbouring estates of Drury Park and Drury Mills, however, the westernmost extent of the site area falls in a west / north-westerly direction and towards the former mill ponds on adjacent lands. An unnamed watercourse / stream passes along the southern site boundary. Both the ponds and stream ultimately discharge to the Camac River southwest of the development site. The site itself comprises a plot of disturbed ground characterised by overgrown areas and an expanse of concrete / hardstanding (seemingly associated with the previous use of the site as part of Swiftbrook Mills). Water and sewerage services are available via connection to the public mains while stormwater is to be managed using Sustainable Urban Drainage Systems. The underlying soils across the site are characterised by Sandstone and Shale Till (Lower Paleozoic) and are described as 'Well Drained' in the National Soil Hydrology Mapping.</p>
<p>Proposed surface water details</p>	<p>The proposed development includes for the construction of a new surface water drainage network which will convey stormwater runoff via a series of SuDS measures (including green roofs, filter drains, dry swales, permeable paving, bio-retention systems, and detention basins) to an existing 450mm diameter surface water sewer (and petrol interceptor) serving the neighbouring Drury Mills housing estate before ultimately discharging by gravity to the mill pond located to the west of the application site. The water treatment train incorporated into the design of the proposed surface water drainage proposals, and the routing of all surface water runoff through an existing petrol interceptor, is intended to mitigate the potential for any adverse operational impact on downstream water quality and / or aquatic ecology given the hydrological connection between the site and the receiving waters of the mill ponds and the Camac River beyond.</p>
<p>Proposed water supply source & available capacity</p>	<p>A water supply is available from the public mains and no capacity issues have been identified.</p>

Proposed wastewater treatment system & available capacity, other issues	Foul water will be discharged via an existing connection to the public mains sewerage network and no capacity issues have been identified.
Others?	Not applicable.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	Approximately 50m southwest of the site	CAMAC_020 IE_EA_09C020250	Good	At Risk	Significant Issues: Nutrients, Organic Significant Pressure: UR	Potential overland flow of surface water runoff to the river water body. Surface water runoff via connection to the public mains and onwards through

							adjacent mill ponds with discharge to the river water body.
Groundwater waterbody	Underlying site.	Kilcullen IE_EA_G_003	Good	At risk	Significant Issues: Chemical Quality Diminution for SW, Nutrients Significant Pressures: Agriculture, Unknown & Forestry		The site is underlain by 'Well drained' Sandstone and Shale Till (Lower Paleozoic) with percolation to ground.
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	Water body receptor (EPA Code)	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? (if 'screened' in or 'uncertain' proceed to Stage 2.

1.	Site clearance & construction works	CAMAC_020 IE_EA_09C020250	Overland flow to drainage ditches & watercourses.	Siltation & sediment, pH (concrete), spillages & release of hydrocarbons / contaminants	Standard best practice construction & Environmental Management Plan to be agreed.	No.	Screened out.
2.	Site clearance & construction works	Kilcullen IE_EA_G_003	Percolation to ground	Spillages & release of hydrocarbons / contaminants	As above.	No.	Screened out.
OPERATIONAL PHASE							
4.	Soiled water contaminating runoff to surface water sewer.	CAMAC_020 IE_EA_09C020250	Hydrological pathway and indirect impact via surface water drainage system.	Surface water pollution	Surface water treatment train provided as part of the proposed surface water drainage network, including SUDS and petrol interceptor. Routine maintenance as required.	No.	Screened out.

5.	Groundwater discharges	Kilcullen IE_EA_G_003	None.	None.	None.	No.	Screened out.
DECOMMISSIONING PHASE							
7.	NA						