



An
Coimisiún
Pleanála

Inspector's Report

ABP-322569-25

Development	Demolition of structures and construction of 49 apartments in 2 blocks and associated site works.
Location	Nos. 133 and 152 Ballyogan Road, Dublin 18, D18F882
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24A/0981/WEB
Applicant(s)	Ultra Dawn Limited
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Chris Pluck and Orpah O'Neill
Observer(s)	1) William and Rosario Kelly 2) Naomi O'Neill 3) Caleb O'Neill 4) Cynthia O'Neill
Date of Site Inspection	21 st August 2025
Inspector	Suzanne Kehely

Contents

1.0	Site Location and Description	3
2.0	Proposed Development	6
3.0	Planning Authority Decision	10
3.1.	Decision	
3.2.	Planning Authority Reports	11
3.3.	Other Technical Reports	
3.14.	Prescribed Bodies	14
3.15.	Third Party Observations	14
4.0	Planning History	15
5.0	Policy Context	16
5.1.	National Planning Policy	
5.2.	Development Plan	
5.3.	LAP	
5.4.	Natural Heritage Designations	
6.0	EIA and WFD Screening	30
7.0	The Appeal	344
7.1.	Grounds of Appeal	
7.2.	Applicant Response	
7.3.	Planning Authority Response	
7.4.	Observations	
7.5.	Further Responses	
8.0	Assessment	38
9.0	AA Screening	70
10.0	Recommendation	71

Appendices

Appendix 1 - EIA Pre-Screening – Form 1	87
Appendix 2 - EIA Preliminary Examination	89
Appendix 3 - AA Screening Determination	93

1.0 Site Location and Description

- 1.1. The site is located on the southwestern side of the Ballyogan Road opposite the Samuel Beckett Civic Campus Community Centre in an expanding suburban area east of Stepside in the foothills of the Dublin Mountains area and close to the M50.
- 1.2. The overall site of .53 hectares substantially comprises a rectangular development site with NNE/SSW orientation. It is made up of two former residential plots each with vehicular access directly onto the Ballyogan Road. The original single dwellings remain with what appears to be an occupied (or recently occupied) dwelling at no. 152, and a considerably extended industrial type premises at no. 133 where a stone workshop has been operating. This premises has an expansive ancillary structure and a yard to the side and rear where it wraps around the curtilage of no. 152. There is extensive external storage of materials, and the site is overgrown contributing to an unkempt appearance,
- 1.3. The site is highly accessible and well served by public transport. It is c.500m from two separate Luas stops (Ballyogan Wood Stop and Leopardstown Valley stop) and the bus service route no 63 serves the area linking Kilgobbin to Dun Laoghaire. The road is of a high standard - it is single-carriage with median strips, segregated footpaths and cycle path, bus bay and street lighting and the Luas track runs alongside.
- 1.4. The wider area historically has been associated with a landfill site, and this has been rehabilitated for a range of municipal uses. The Ballyogan Road has been widened/realigned and there are multiple new barriers controlled/gated access roads that loop around the development site and the block of which it forms a part which extends into the former landfill site. The subject site forms part of a sub block and then a larger rectangular urban block which extends up to 500m along Ballyogan Road and 170m deep. The Ballyogan stream traverses the municipal lands to the south and is well below ground level as evident by the deep embankment.
- 1.5. The block contains a mix of uses and building types. The Ballyogan Road frontage in the immediate vicinity is characterised by a mix of old single storey cottages and bungalows and newer industrial warehouse type buildings of varying styles mainly devoid of any strong architectural style. They provide a range of services including a

large creche facility in an amalgamation of former residential premises/sites which bounds the site to the west.

- 1.6. To the southeast, the site is adjoined by a cluster of single storey residential development. This includes a pair of semi-detached old cottages with cut stone and brick detailing fronting directly onto Ballyogan Road. Each of these have a backland type dwelling to what appears to be the original rear curtilage, each with vehicular access alongside the entrances to the respective cottages. These houses include nos. 83 and 'Ogham' to its rear and no. 84 with no. 84a to its rear. The boundary along the east comprises a mix of walling, timber fencing and trees in the adjacent gardens. Mature trees mark the boundary between nos. 83 and 84 and also that between no. 84 and 84a. The southern boundary comprises a modern concrete block wall where the site backs onto a gated internal road serving the Irish Water facility/ waste recycling facilities. The associated office block of contemporary design with curtain glazing and steps up to 3 storeys. An outdoor vehicle washing facility is located to the south of the southern site boundary.
- 1.7. Further east of the urban block and beyond an open space, an An Post sorting depot fronts the Ballyogan Road. On the opposite side of the Luas track to the north there is a host of community facilities and buildings such as a Gaelscoil, library, a family resource centre and community centre and playing fields all set in a well-spaced and low-density environment surrounded by open pitches/ fields and car parking. Slightly further, the Stepaside Educate Together Secondary School, Holy Trinity National school and care facilities are also all within a 10-minute walking distance of the site.
- 1.8. In terms of topography the Dublin mountains are a prominent feature and provide a visual backdrop from the main road and southeast. In terms of urban form in the wider area, in addition to the industrial warehouse and campus type buildings, the housing format in the wider environs features extensive 2 storey housing surrounding the civic land opposite whereas more recent 3 storey housing and higher apartment blocks punctuate the Ballyogan Road corridor. This is captured in the Aerial View Baseline Images submitted by the applicant (April 2025)
- 1.9. A small portion of the site includes part of the Ballyogan Road carriageway which is in charge by the Council. A letter of consent (with conditions) to the applicant is

attached. This includes the existing southbound lane and separate right turning lane and median.

- 1.10. Photographs of the site and its environs taken during my site inspection further illustrate the site and environs.

2.0 Proposed Development

- 2.1. The proposed development as submitted to DLRCC on 11th December 2024 comprises:

- **Demolition** of all structures on site and **construction of 49 apartments in two blocks** with a total floor area of 3581 sq.m. The Part V element is in the form of 9 units (3 x one bed and 6 x two bed /20% of floor area 716 sq.m)
- **Block A** contains 24 apartments (8 one-bed, 15 x two-bed and 1 x three-bed in a building stepping up from four to five storeys with solar panels at roof level. The 5 storeys address the Ballyogan Road frontage but step down at the eastern end. It is set back from the western boundary due to vehicular access
- **Block B** contains 25 apartments (11 one-bed, 14 x two-bed and 1 x three-bed in a four storey block with solar panels at roof level.
- The proposal provides for **open spaces** in the form of:
 - **Private open space** is proposed in the form of mostly balconies and some terraces in additional **communal areas** throughout the development.
 - **Public Realm areas** are also proposed along the site frontage and also include the provision of road and junction upgrades.
- Ancillary development and infrastructure works including water, foul and surface water drainage and all associated connections and Sustainable urban drainage, underground attenuation. landscaping and boundary treatment works; green and blue roofs; solar panels at roof level; and all associated site clearance, excavation and development works.
- Junction improvements and associated road alignment markings on the public road- these were amended to take account of extant permissions for development in close proximity to the site involving junction works..

2.2. Summary of Development

Development Parameter	Proposed
Application Site (Gross Site Area)	0.53 ha <ul style="list-style-type: none"> 0.47ha in applicant ownership 0.44 ha controlled by DLRCC
Application Site (Net Developable Site Area)	0.47 ha
Demolition	5 buildings ranging from 91-195sq.m.
No. of residential units	Total: 49 no. units <ul style="list-style-type: none"> 19 no. 1 beds (2 person) – 39% 29 no. 2 beds (4 person) – 59% 1 no. 3 beds (5 person) – 0.02% 159 bedspaces in 80 bedrooms
Gross Internal Floor Area	3552 sq.m.
Density (Based on Gross Site Area)	100.6 dph as stated (49/.47=104)
In excess of floor area minimums	All in excess 26 are >10% of min floor area Total min required 3,062 whereas 3,552 sq.m. proposed
Site coverage	27%
Plot Ratio	1
Height	Block A: 4-5 storeys (parapet 103.350mOD – 106.33 (GL91) (existing 97.885) Block B: 4 storeys
Communal Open Space/public open space	Public open space along road frontage 379 sq.m. <ul style="list-style-type: none"> Public Open space between blocks A and B 531 sq.m. Communal Open space to rear of site 914 sq.m. All at ground level – green roof with access for maintenance only and 60+92 pv panels.
Public Open Space	Proposed Contribution in lieu of [providing public open space -conditioned
Residential Amenity	<ul style="list-style-type: none"> Kickabout lawn Bulk storage area as part of integrated utilities /bin and bike parking area in each block Communal bulky storage total 61 sq.m.

Private Amenity Space	<p>Block A</p> <ul style="list-style-type: none"> 1 bed apartments - private amenity space between 7.36- 7.4sqm. 2 bed apartments - private amenity space between 7.2 3 bed apartment - private amenity space 82sq.m. <p>Block B</p> <ul style="list-style-type: none"> 1 bed apartments - private amenity space between 6.27 sqm and 7.59sqm. 2 bed apartments - private amenity space between 7.2
Dual Aspect	65% (32 no units) are dual aspect
Car Parking Spaces	18 spaces including 1 'Drive You' Shared car space. All EV
Car Parking Ratio	0.37
Motorcycle parking	2
Cycle Parking	<p>Bike parking – 97 total (revised from 120 to provide Sheffield type).</p> <ul style="list-style-type: none"> 81 long stay (27 in Block A and 54 in Block B 16 short stay spaces
Existing/last use	Predominantly commercial/light industrial at 133 and residence at 152
Part V	<p>9 units</p> <ul style="list-style-type: none"> 3 x one bed Block A 6x two bed Block A

Surface Water Drainage – Connecting Surface sewer system. Incorporating SuDs such as green and blue roofs, bioretentive measures, natural pollutant filters before discharge at a controlled rate to the sewer network north of the site. .

Foul Sewer -Connecting foul sewer.

Other features: Design is stated to comply with CDP in terms of providing a high quality streetscape , 15% minimum open space, 85-100 sq.m. of play area, pedestrian route legibility, SuDs and nature based solutions, screening retention of trees and biodiversity improvements , active and passive amenity, street lighting, private and visitor bike parking.

The application was accompanied by a comprehensive set of drawings and technical report which included the following:

- Presentation of Aerial, CGIs and Verified views which visually depicts proposal in near and distant view as compared with previous scheme.
- Daylight and Sunlight Assessment Report updated in FI
- Arboricultural Assessment of the site area
- Operational Waste Management Plan
- Appropriate Assessment Screening Report
- Sustainability and Energy Report updated in FI lodged 7/4/25
- External Site Lighting Report updated in FI lodged 7/4/25
- Planning statement
- Engineering Services Report
- Construction Environmental Management Plan
- Design Statement
- Traffic and Transport Report
- Noise Impact Assessment
- Land planning and Design Report updated in FI lodged 7/4/25. (Incorporates a flood tolerant design approach - permeable SuDs, green roof rains)
- Ecological Appraisal Report
- Architectural Building Lifecycle report
- Embodied Carbon assessment
- Resource and waste Management Plan
- An Archaeological, Architectural and Cultural heritage Impact Assessment submitted as FI - lodged 7/4/25.

Further Information Drawings – Following a request for Further information on 12th February 2025, the following drawings were submitted:

- Proposed site layout plan -Roof plan,
- Proposed site layout plan - Ground plan
- Rproposed floor and roof plans Block A
- Proposed floor and roof plan Blokc B

- Proposed floor plans for part V in Block A
- Proposed substation plans elevations and sections
- Proposed elevation Blocks A and B
- Proposed Section Block A and B
- Existing and proposed contiguous elevations
- Existing and proposed sections A-A and B-B
- Details for proposed bicycle parking for Blocks A and B
- Details for external Bicycle parking

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By Order on 2nd May 2025, DLRCC issues a notification of decision to grant permission subject to the following 31 no conditions as summarised:

1)	Compliance the plans, particulars and specifications lodged with the application, as amended by Further Information received on 7 th April; 2025.
2)	Single dwelling use only.
3)	Street naming and numbering in English and Irish for agreement prior to advertising hoarding etc
4)	Details of finishes and materials to be agreed.
5)	Detailed condition to address attenuation and flood risk - Revised drainage details (to address overestimate of storage/discrepancy between technical documents).
6)	Specification for SuDs Green roof.
7)	Specific Limit for surface water outfall discharge: to QBAR or 2lites/second/hectare i.e. Lowest rate achievable for a 50mm outlet diameter pipe.
8)	Specification for attenuation.
9)	General drainage (including SuDs) works specification and standards for construction and maintenance.
10)	Landscape proposals to be compatible with drainage proposals with reference to trees.

11)	Construction phase CEMP to addresses noise and noise.
12)	Cycle parking provision and design shall be in accordance with the DLRCC's 'Standards for Cycle Parking and associated Cycling Facilities for New Development - January 2018' and also within the NTA's Cycle Design Manual, 2023.
13)	Public liaison plan/officer.
14)	Operational waste management plan as detailed on 1/11/24 in addition to an operational waste management plan for storage collection segregation access and monitoring.
15)	Pest control plan.
16)	Parks and Landscaping a) detailed Tree retention arrangements b) Arboricultural Assessment report and cert after 3 years bond refund conditions.
17)	Permits / arrangement for public road works.
18)	CEMP and up to date Construction Stage Traffic Management Plan to include construction vehicular access routes.
19)	Mobility Management Statement measures in TTA to be implemented to be appointed.
20)	All proposed works shall be designed and constructed, to meet DLRCC 'Taking-in-Charge Development Standards Guidance Document' (June 2022) requirements and 'Taking In Charge Policy Document (May 2022)'
21)	A minimum of one car parking space per five car parking spaces shall be equipped with one fully functional EV charging point
22)	Construction management - general
23)	Part V
24)	Public lighting design for agreement, lux diagram without masking.
25)	s.49 supplementary contribution towards Luas Line B1 €172,017.49
26)	Financial contribution in lieu of open space. €267,000
27)	s.48 Development Contributions - Countywide Surface Water € 6,601.77
28)	s.48 Development Contribution - Countywide Infrastructure €990,290.49
29)	s.48 Development Contribution - Countywide Community & Parks facilities & Recreational amenities
30)	Bond for road works

3.2. Planning Authority Reports

- 3.2.1. **Planning Reports:** The CDP and BELAP are comprehensively cited in terms of appraising the principle of the housing scheme having regard to its nature, scale, height mix and density. Regard is also had to ministerial guidance and notably the Compact Settlement Guidelines. While noting the 55 unit/ha in the LAP, it is considered that in the context of the Guidelines that the strategic and well serviced location supports a higher density. Table 3.1 is cited in this regard in that the location is served by high-capacity public transport. The density guide of 50-250 /ha is applicable in principle. Accordingly, there is no objection to what is described as mid-range density subject to other criteria (e.g. in LAP PHP27). As it is a 49-unit development the threshold for types of units is not a mandatory consideration. The mix of units is noted to comply with SPPR1 - it is noted for example that 35.8% are one bed.
- 3.2.2. There is some uncertainty flagged about the perceived dominance of Block A which is five storeys high and fronting the road with projecting balconies beyond the established building line (but still within the site) in addition to defining the public realm along the frontage.
- 3.2.3. Having regard to the internal reports and submissions, **Further Information** was requested in respect of:
- Clarity of compliance with guidance (2022) in respect of dual aspect, height.
 - While noting open space has good daylight and sunlight, concern about separation from east with a 2m setback, as well as some design details.
 - Revised plans sought to address overlooking to east and west including revision to internal layout - such as use of high-level windows or obscure glazing in dual aspect bedrooms in addition to use of privacy screens and relocation of balconies and opaque glazing in stairwell.
 - Accuracy of drawings for daylight and sunlight assessment
 - Reviewing open space, as communal area is not considered public. An option for contribution in lieu is stated.
 - External storage for individual units.
 - Drainage details.

- Flood Risk Assessment details.
- Provision of Part V housing details.
- Transport: revision of bicycle parking – 90 spaces minimum required in Sheffield style.
- Motorcycle parking required.
- Revision of drawings to reflect extant permission in accordance with TII junction requirements
- Construction management details
- Archaeological Impact Assessment given the zone of influence of recorded monument in adjacent site.

3.2.4. Further information was submitted on 8th April 2025 and considered to substantially address the issues and on review of the further information submitted having regard to further technical reports and submissions, the proposed development was considered acceptable subject to 30 no conditions as set out above.

3.2.5. Revisions are considered to address overlooking sufficiently and include:

- In east elevation - obscure glazing to the east facing elevation of dual aspect facing bedrooms in Units A 0, 13, 19 and 24 and to living kitchen area.
- In West elevation - obscure glazing to dual aspect bedrooms in Units A 10, 16 and 22.
- Privacy screens have been provided for Units A 05, 11, 17 and 23. (**check original and FI**)
- Balconies have been revised in Block A with removal of side facing and to rear facing A 07, 13, 19, 04, 10, 16 and 22
- Balconies have been revised in Block B – from side to front.
- Additional opaque glazing to stairwell.

3.3. Other Technical Reports

3.3.1. **Drainage:** FI sought regarding discrepancies in sub-catchment quantities and contribution of the surface water local drain, clarification of attenuation provision swales. Other details required:

- Bio-retention area details, the blue roof integration and adherence to green roof policy, details in soil and QBAR rate and run-off rates are queried.
- in relation to the FRA, FI is needed on Hydraulic Flood Model Results for the climate change and blockage analysis scenarios.
- Drawings showing flood extents in the climate change scenarios for the 1% AED and 0.1% AED.
- Drawings showing the flood extents under the blockage scenarios assessed.

Report on FI (28/4) - In the subsequent report, exemplary design is noted and while generally acceptable, some calculations and design details need further clarification and agreement and can be addressed by condition.

3.3.2. **Public Lighting** - Redesign is sought in terms of tree conflicts and obstruction of light in apartment windows due to height of lighting at entrance and rear of site.

3.3.3. **Transport:** FI sought regarding:

- Bike parking to be revised by FI as not compliant with DLRCC standards for cycle parking and associated cycling facilities for new developments 2018 or NTAs design manual (2023).
- Min 90 spaces required not overly reliant on vertical/stacking Sheffield system preferred.
- Car parking at 0.41 spaces/unit is appropriate to context and in accordance with SPPR3 of Compact Settlement Guidelines as in a high-capacity urban public transport node. Overall acceptable subject to condition for EV.
- Motorcycle: section 12.4.7 of CDP requires parking and not provided and should be addressed through FI
- Road Marking
- Needs to be cognisant of D19A/0802 and TII Geometry Design of Junctions DV - GEO-3060 (2023) to be addressed through FI
- Traffic and Transport Assessment: the generation of 6 and 9 two-way vehicle trips in the AM and PM peak period is considered to be non-material
- The outline MMS should be implemented through a Mobility Management co-Ordinator by condition.
- A more detailed construction management plan with traffic management plan to be submitted and to show haul routes.

Report on FI (28/4/25) - In the subsequent report, no object subject to conditions relating to: final agreement on junction, construction management plan, notification of car parking provision to future occupants and mobility management measures.

3.3.4. **Environment/ Enforcement Report:** No objection subject to conditions for a CEMP, Noise specific compliance, resource and waste management, public liaison plan, operational waste management plan and pest control plan.

3.3.5. **Parks and Landscape Services** –Overall notes the generous amount of open space with 27% site coverage. No objection in principle subject to addressing tree protection and clarification of quantum of different spaces. All proposed public space is viewed as communal. A slightly bigger kickabout area would be preferable given terrain. A Financial contribution in lieu of public open space is recommended

3.3.6. **Environmental Health Officer** No objection subject to conditions addressing construction phase with particular emphasis on noise and dust and also addressing noise mitigation through siting of plant equipment.

3.3.7. **Housing Department 23/1** – No objection subject to conditions. However, given the nature of two proposal for Part V and also the proposed demolition, further information is sought to clarify such matters and related values and costs.

3.4. **Prescribed Bodies**

No reports

3.5. **Third Party Observations**

3.5.1. In the 24 written submissions on the planning file, some points are made in support of redeveloping a site in disrepair and where there is anti-social behaviour but the majority of issues relate to concerns such as:

- Not protecting residential amenities and therefore contrary to zoning objective.
- Too high a density and contrary to BELAP RES 5 and RES 7- strain on infrastructure. Density of 92.4ha exceeds 55 units per ha.
- 5 storey apartments incompatible and inappropriate due to overlooking from balconies and overshadowing of adjacent residences habitable rooms and gardens. This would be overbearing due to height and design and would impact of quality of life.
- Not enough consideration to single storey context.

- The daylight sunlight analysis is not adequate for 84a – incorrectly mapped
- Adjacent property of almost 50 years object to impact on most of the rooms in the house as well as garden. loss of value due to high wall and overhanging balconies and loss of sky, sun light privacy and peace. Also increase of flood risk.
- Light pollution.
- Impact on crèche facility and privacy of minors.
- Relocation of electricity substation requested to be relocated from boundary.
- Insufficient screening of balconies.
- Traffic – generation of traffic on a congested road.
- Low car parking ratio will generate on street parking and obstruction thereby interfering with safety of pedestrians and cyclist and crèche and neighbours. Parking for 20 cars not in line with CDP and not reflective of car ownership.
- Flooding due to stream and drainage challenges, groundwater saturation, overwhelmed drainage system and ultimately risk inefficient system in design and management posing a flood risk to neighbouring properties.
- Construction disturbance and structural damage
- Ecology; bats
- Indirect impact on a designated site
- Loss of trees and impact on biodiversity, air quality and screening
- Archaeological context such as proximity to the pale ditch

4.0 Planning History

4.1. The site

- 4.1.1. ABP Ref. 311809-21: PA Reg. Ref. D21A/0717: By Order dated 17th November 2023, An Bord Pleanála refused permission for a Build-to-Rent scheme of 78 no. units (39 no. 1-bedroom units and 39 no. 2-bedroom, units), provided in 2 no. blocks, principally ranging from part-5 storeys and part 6-storeys in height. The development included amenities in the form of gym, lobby area, lounge, and cinema room and also 62 no. car parking spaces, 2 no. motorbike parking spaces and bike parking spaces. The reason for refusal was:

Having regard to the relevant provisions in the current Development Plan in relation to development proposals in areas at risk of flooding, in particular Section 5.3 of Appendix 15 (Strategic Flood Risk Assessment) which notes that for site within Flood Zone C but adjoining or in close proximity to a watercourse, 'there would be a risk of flooding associated with factors such as future scenarios (climate change) or in the event of a failure of a defence, blocking of a bridge or culvert'. Having regard to the specific site characteristics and location, the Board cannot be satisfied, in the absence of adequate information relating to the factors as outlined in Appendix 15 of the current Development Plan, that there would not be a risk of flooding either onsite or upstream or downstream, nor that an analysis of such risk, and appropriate mitigating measures to address any risk are comprehensively addressed in the application and appeal. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2. Site Environs

- 4.2.1. PA ref D19A/0802 Permission for increase to a crèche facility from 141 to 207 spaces at 135 Ballyogan road – check
- 4.2.2. PA ref D17A/0757 permission for change of use from residential to commercial at 134A Ballyogan road to provide additional classroom and ancillary space for crèche facility
- 4.2.3. PA ref D22A/0726 permission for a 4-6 storey apartment block with community facility /café at Ballyogan Link Road west of Ballyogan Road and Northfield Road to provide 46 apartments in place of 4 houses.
- 4.2.4. Pre app PAC71/24 advice sought for residential development
- 4.2.5. The planning statement also refers to a number of proposals and permissions development of up to 5 and 6 storeys in height in the wider environs such a development at Clay Farm, Leopardstown Valley shopping Centre (PA ref D16A/0452)

5.0 Policy Context

5.1. National Planning Policy

5.1.1. **Project Ireland 2040 - National Planning Framework:** The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. Part of the vision of the NPF is managing growth and targeting at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. The NPF also sets out a number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities. These include:

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

5.1.2. **Climate Action Plan: (CAP)** The 2024 plan sets out the measures and actions in support of delivering the government's commitment to climate action targets obliged to be met by legally binding carbon budgets and sectoral ceilings agreed in 2022. Ireland for example is committed to achieving climate neutrality no later than 2050, with a 51% reduction in GHG emissions by 2030. These legally binding objectives

are set out in the Climate Action and Low Carbon Development (Amendment) Act 2021. **CAP 2025** further refines and updates measures in CAP24.

5.1.3. **National Biodiversity Action Plan (NBPA) 2023-2030:** The emphasis is on a “whole of government, whole of society” approach to the managing biodiversity in order to meet urgent conservation and restoration needs strengthen Ireland’s contribution to international biodiversity initiatives.

5.1.4. **National Guidance and Section 28 Ministerial Guidelines**

- Design Manual for Urban Roads and Streets (2013)
- Guidelines for Planning Authorities on the Planning System and Flood Risk Management (2009)
- Housing for All: A New Housing Plan for Ireland (2021)
- Rebuilding Ireland: Action Plan for Housing & Homelessness (2016)
- Appropriate Assessment Guidelines (2009)
- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2020)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Urban Development and Building Heights Guidelines (2018)
- Best Practice Urban Design Manual (2009)
- Quality Housing for Sustainable Communities (2007)
- Circular Letter: NRUP 02/2021 (Residential Densities in Towns and Villages)
- Housing Circular 28/2021 (Affordable Housing Act 2021 - Amendments to Part V)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) – these revoke Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Childcare Facilities Guidelines for Planning Authorities (2020)

- Part V of the Planning and Development Act 2000 Guidelines (2017)

5.1.5. **Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy 2019-2031 (EMRA-RSES).** This Strategy provides a development framework for the region through the integration of a spatial and economic strategy, the Metropolitan Area Strategic Plan (MASP) and Climate Action Strategy. MASP seeks to manage the sustainable and compact growth of the Dublin Metropolitan Area through integration of land use and transportation strategies. Of note:

- **RPO 3.2 and RPO 3.3** seek to promote compact urban growth through development plan core strategies setting targets (at least 50% of new homes) within or contiguous to built-up areas and identifying regeneration areas (infill/brownfield) in line with ministerial housing guideline.
- **RPO 4.3** supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport.
- **Section 5.2** emphasises the vision for Dublin of consolidating Dublin City and suburbs which underlines the spatial vision. The guiding principles for this are contained in section 5.3. In particular the guiding principles for the MASP area include:
 - Compact sustainable growth and accelerated housing delivery. It is policy to promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply in order to achieve higher densities in urban built up areas, supported by improved services and public transport.
 - Integrated Transport and Land-use to focus growth along existing and proposed high quality public transport corridors and nodes along the expanding public transport network (Bus Connect and Luas among others , while maintaining capacity of strategic transport networks.
 - Social regeneration to realise opportunities for social and physical regeneration.

- **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'.

5.2. **Development Plan - Dun Laoghaire Rathdown Development Plan 2022-2028. (CDP)**

5.2.1. **Zoning:** Under this CDP, the site is zoned **Objective A** with the objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities.'

5.2.2. **Strategic Flood Risk Assessment** (Appendix 15): This identifies the potential for expansion of Flood Zone A having a similar coverage of Zone B and requires that climate change is fully considered in any site-specific assessment. While section 5 sets out requirements for Zones A and B, section 5.5.1 sets out a checklist for Applications for Development in Areas at Risk of Flooding.

Section 5.8.3 requires Finished Floor levels for highly and less vulnerable development to be set above the 1% AEP fluvial (0.5% AEP tide) level with an appropriate allowance for climate change plus freeboard of at least 300mm.

5.2.3. **Housing:** Relevant Chapters of the CDP for assessing housing at the subject site include Chapter 2 – Core Strategy, Chapter 4 – Neighbourhood-People, Homes and Place, Chapter 8 – Green Infrastructure and Biodiversity, Chapter 10 – Environmental and Flood Risk, Chapter 12 – Development Management, Chapter 13 – Land Use Zoning and Chapter 14 – Specific Local Objectives.

- **Policy Objective PHP18: Residential Density** - It is a Policy Objective to: Increase housing (houses and apartments) supply and promote compact urban

growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. It is policy to encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development

- **Policy Objective PHP20: Protection of Existing Residential Amenity** - It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.
 - On all developments with a units per hectare net density greater than 50, the applicant must provide an assessment of how the density, scale, size and proposed building form does not represent over development of the site. The assessment must address how the transition from low density to a higher density scheme is achieved without it being overbearing, intrusive and without negatively impacting on the amenity value of existing dwellings particularly with regard to the proximity of the structures proposed. The assessment should demonstrate how the proposal respects the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring uses.
 - On all developments with height proposals greater than 4 storeys the applicant should provide a height compliance report indicating how the proposal conforms to the relevant Building Height Performance Based Criteria "At District / Neighbourhood / Street level" as set out in Table 5.1 in Appendix 5.
 - On sites abutting low density residential development (less than 35 units per hectare) and where the proposed development is four storeys or more, an obvious buffer must exist from the rear garden boundary lines of existing private dwellings.

- Where a proposal involves building heights of four storeys or more, a step back design should be considered so as to respect the existing built heights
- **Policy Objective PHP27: Housing Mix** - It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.
- **Policy Objective PHP42: Building Design & Height** - It is a Policy Objective to: Encourage high quality design of all new development. Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (which is in line with NPO 13 of the NPF).

5.2.4. **CDP Appendix 5 - Building Heights Strategy:** This recognises role of infill with the general approach in terms of building heights to taper height from a high point in the centre of the site down to the site boundaries where the height of adjacent buildings can often be lower. Care should be taken to protect the image of the Dublin Mountains particularly from being spoiled by intrusive development of inappropriate scale, height and massing. section 4 sets out policy approach in relation to building height throughout the County. Section 5 sets out performance-based criteria. Relevant policy objectives are:

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

Policy Objective BHS 1 Increased Height - It is a policy objective to support the consideration of increased heights and also to consider taller buildings where appropriate in the Major Town Centres and **in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route)** provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area. (NP0 35, SPPR 1& 3).

Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increase height and / or taller buildings in the areas mentioned above. In those instances, any such proposals must be assessed in accordance with the performance-based criteria set out in table 5.1 which is contained in section 5. The onus will be on the applicant to demonstrate compliance with the criteria.

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

Policy Objective BHS 2 – Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan) - It is a policy objective to promote and support proposed heights as set out in any approved statutory Local Area Plans and as set out for certain areas in this County Development Plan (Sandyford Urban Framework Plan area, Dundrum Urban Framework Plan Area and Dun Laoghaire Urban Framework Plan area).

Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above on the basis of placemaking. In those instances, any such proposals must be assessed in accordance with the performance based criteria set out in table 5.1 which is contained in section 5. The onus will be on the applicant to demonstrate compliance with the criteria.

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

Table 5.1 lists Criteria for assessing proposals for increased height.

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

- County Specific Criteria

5.2.5. Section 12.3.3.1 Residential Size and Mix

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

In order to demonstrate compliance with Policy Objective PHP27 and based on the findings of the Housing Strategy and HNDA, planning applications received for 50+ residential units either individually or cumulatively with lands located within the neighbourhood (10-minute walk) will be required to incorporate a variety and choice of housing units by type and size so as to meet the differing household need in the County. Council Part 8 or Part 10 residential schemes, may propose a different mix having regard to the specific needs of the Council Housing Department

The proposed provision of residential units (both houses and apartments), shall provide a mix that reflects existing, and emerging household formation, housing demand patterns and housing demand patterns and trends identified locally and/ or within the County. New residential communities (as set out in the Core Strategy and Figure 2.9 of the Core Strategy Map) shall ensure an appropriate mix including a proportion of larger units. Applications received in both new residential communities and within the residual built up area shall include:

- Details of existing and permitted unit types within a 10-minute walk of the proposed development.
- A detailed breakdown of the proposed unit type and size including a percentage split between 1/2/3+ bed units which in the case of apartments (and duplexes) shall generally be in accordance with Table 12.1.

Table 12.1

Area	Threshold	Mix Studio/1/2 bed Requirement (Apartments and duplexes)	3+ bed Requirement (Apartments)

Existing Built-up area.	Schemes of 50+ units	Apartment Developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios	Minimum 20% 3+ bedroom units
-------------------------	----------------------	--	------------------------------

5.2.6. Car Parking

Car parking Table 12.5 Parking Zone 2 applies

- Apartments: One bed 1 space, Two bed 1 space

Section 12.4.5.2 Application of Standards – provides for allowing a deviation from the maximum or standard number of car parking spaces in Zones 1 and 2 as specified in Table 12.5 or may consider that no parking spaces are required. Small infill residential schemes (up to 0.25 hectares) or brownfield/refurbishment residential schemes in zones 1 and 2 along with some locations in zone 3 (in neighbourhood or district centres) may be likely to fulfil these criteria. In all instances, where a deviation from the maximum or standard specified in Table 12.5 is being proposed, the level of parking permitted and the acceptability of proposals, will be decided at the discretion of the Planning Authority, having regard to criteria as set out below:

Assessment Criteria for deviation from Car Parking Standards (set out in Table 12.5)

- Proximity to public transport services and level of service and interchange available.
- Walking and cycling accessibility/permeability and any improvement to same.
- The need to safeguard investment in sustainable transport and encourage a modal shift.
- Availability of car sharing and bike / e-bike sharing facilities.
- Existing availability of parking and its potential for dual use.
- Particular nature, scale and characteristics of the proposed development (as noted above deviations may be more appropriate for smaller infill proposals).
- The range of services available within the area.
- Impact on traffic safety and the amenities of the area.

- Capacity of the surrounding road network.
- Urban design, regeneration and civic benefits including street vibrancy.

5.2.7. Bicycle Parking Table 12.8

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

5.2.8. Public Open Space Requirements for Residential Developments

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

5.2.9. Private Amenity Space – Quality Standards

Section 12.8.7.1 Separation Distances: Minimum of 22 metres between directly opposing rear first floor windows should usually be observed, for new developments.

This standard may be relaxed on a case-by-case basis in an exceptionally well-designed scheme providing an otherwise very high-quality living environment and that is in close proximity to existing public open spaces,

5.2.10. Apartment Development

Section 12.3.5.2 Separation Between Blocks

All proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces.

A minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where

the minimum separation distances are not met, the applicant shall submit a daylight availability analysis for the proposed development.

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

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

Section 8.7.1.5 Policy Objective GIB22: Non-Designated Areas of Biodiversity Importance - It is a Policy Objective to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including species protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979, the Habitats Directive 1992, Birds and Habitats Regulations 2011, Flora (Protection) Order, 2015, Annex I habitats, local important areas, wildlife corridors and rare species - are adequately protected. Ecological assessments will be carried out for all developments in areas that support, or have potential to support, features of biodiversity importance or rare and protected species and appropriate mitigation/avoidance measures will be implemented. In implementing this policy, regard shall be had to the Ecological Network, including the forthcoming DLR Wildlife Corridor Plan, and the recommendations and objectives of the Green City Guidelines (2008) and 'Ecological Guidance Notes for Local Authorities and Developers' (Dún Laoghaire-Rathdown Version 2014).

5.2.12. **Chapter 11 refers to Heritage and Conservation**

Policy Objective HER2: Protection of Archaeological Material in Situ - It is a Policy Objective to seek the preservation in situ (or where this is not possible or appropriate, as a minimum, preservation by record) of all archaeological monuments

included in the Record of Monuments and Places, and of previously unknown sites, features and objects of archaeological interest that become revealed through development activity. In respect of decision making on development proposals affecting sites listed in the Record of Monuments and Places, the Council will have regard to the advice and/ or recommendations of the Department of Culture, Heritage and the Gaeltacht (DCHG).

The Council will strictly control development proposals that could have a negative impact on the significance of archaeological sites and monuments, their settlements and/or interpretation. Land uses shall not give rise to significant losses of the integrity, quality or context of archaeological material – except as may be conditioned or directed by the appropriate heritage agencies. This shall be achieved by the application of appropriate design standards and criteria

5.2.13. **Chapter 12 Development Management - Open Space Quantity for Residential Development**

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

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

Section 12.8.3.2 Communal Open Space – Table 12.9 Communal Open Space Standards

Unit Type	Minimum Area per Unit
One Bed 5 sq. m	5 sq. m
Two bedrooms (3 bed) 6 sq. m	6 sq. m
Two bedrooms (4 bed) 7 sq. m	7 sq. m

Three bedrooms 9 sq. m	9 sq. m
------------------------	---------

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

5.2.14. **Chapter 5 Transport and Mobility**

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

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

5.3. **Ballyogan and Environs LAP (2019-2025) SFRA - extended on 13th May 2024 for a period of 3 years**

5.3.1. This is the relevant LAP for the area and includes the OPWS CFRAM Shanganagh-Carrickmines Fluvial Flood Map and identifies the area as being at risk of flooding through the CFRAM modelling flood project and that an appropriately detailed flood risk assessment will be required to support all planning applications.

5.3.2. The following policies and maps are relevant:

- Policy BELAP SI10 – Flood Risk Assessment: To require all proposed developments to carry out a Site-Specific Flood Risk Assessment that shall demonstrate compliance with:
 - The Planning System and Flood Risk Management, Guidelines for Planning Authorities (DEHLG / OPW, 2009), as may be revised and/or updated.
 - The prevailing Dún Laoghaire-Rathdown County

Development Plan. • Any SSFRA shall not be required to carry out a Plan-Making Justification Test, given that this exercise was already carried out at County Development Plan-level. A review of this process was also undertaken as part of the preparation of this Local Area Plan (LAP). • The SSFRA shall pay particular emphasis to site specific mitigation measures and any necessary management measures, as per Appendix B4 of the above 2009 National Guidelines.

- Policy BELAP SI10- Flood Risk Assessment: requires a SSFRA demonstrating compliance with the FRM guidelines, the CDP with particular focus on site specific mitigation measures and any necessary management measures in line with Appendix B4 of the FRM guidelines 2009. (A plan-making Justification test not required given the extant process as part of the LAP,
- Policy BELAP MOV10 – Mobility Management: It is an objective of the Plan to foster and support a proactive mobility management approach and a culture of sustainable travel in new and existing developments.
- Fig 4.11 maps the planned linkages and shows good connectivity to the wider environs. It is Ballyogan South has low population density
- Fig 11.1 shows site specific objectives
- Policy BELAP RES1 – Density General: To achieve residential densities within the BELAP area sufficient to generate a critical mass of population to support and sustain commercial and community services and quality public transport infrastructure. Higher densities of population should be focused on services and not transport corridors alone. Policy
- BELAP RES2 – Density by Neighbourhood: Any residential scheme within each of the Neighbourhoods shall as a general rule have a minimum net density as set out in Table 5.4, subject to the provisions of any Site Development Frameworks, where applicable. Within the site boundary, any major and local distributor roads; primary schools, churches, local shopping etc.; open spaces serving a wider area; and significant landscape buffer strips shall be deducted from gross site area to give a figure for net site area.
- Neighbourhood 6 – Ballyogan South has minimum net density of 55 units per hectare and noted to be adjacent to the Luas but is predominantly zoned for employment use. Some pockets of residential zoning

- Building height is guided by the character and constraints of each of the Neighbourhoods, and proximity to existing and proposed services and public transport. This informs applying Policy BELAP RES3 and RES4.
- Policy BELAP RES5 sets out criteria for Building Height by Scheme. The following standards in relation to Building Height shall apply. Any planning application for a scheme which proposes buildings in excess of 4 storeys shall be accompanied by an analysis of building height and positioning of buildings with reference to the following issues:
 - Impacts on the immediate and surrounding environment – streetscape, historic character.
 - Impacts on adjoining structures, with a focus on overlooking and impact on residential amenity.
 - Relationship to open spaces and public realm.
 - Views and vistas.
 - Daylight and sunlight, including shadow analysis where appropriate.
 - Wind and microclimate analysis
 - Impacts on residential amenity of these buildings from noise sources such as motorway noise.
 - Placemaking and the ability of taller buildings to assist with legibility and wayfinding within a Neighbourhood.
- Section 5.3.5 sets out policies for housing mix and design such as Policy BELAP RES6 – Housing Mix: Any planning application for new residential development within the BELAP area shall provide for a suitable mix of house types and sizes that meet the needs of a range of households and that both complement and enhance the existing residential mix. In locations where there is a dominance of any particular unit size or type, developments which contribute to a diversification of the housing stock shall be encouraged.
- BELAP RES7 requires a design statement.

5.4. National Heritage Designations

- 5.4.1. The nearest site of relevance are: South Dublin Bay SAC (000210), Rockabill to Dalkey Island SAC (003000), South Dublin Bay and River Tolka Estuary SPA (004024) and Dalkey Islands SPA (004172) c7km south-east

6.0 EIA Screening and WFD Screening

6.1. EIA Screening

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

6.2. Water Framework Directive Screening

- 6.2.1. The site is a brownfield urban site with low density development and used for commercial activities. The lands are in close proximity to a former landfill site which have been rehabilitated and partially developed. There is no watercourse on site but the Ballyogan Stream is some 90m to the south but the Flood Risk Assessment states that the site is not hydraulically connected to this. This is a 3rd order tributary to the Carrickmines Stream (EU Code: IE_EA_10C040350) which flows into the Shangannagh River (EU Code: IE_EA_10S010600) c.4km to the southeast and ultimately into Killiney Bay (EU Code IE_EA_100-0000. Both the Shangannagh River and the Carrickmines Stream were assigned 'Good' ecological status and are currently 'not at risk' of not meeting their WFD objective under the WFD 2016-2021. The underlying ground water body is Wicklow (EU Code: IE_EA_G_076 which is assigned a status of 'Good' but 'at risk' of not meeting WFD objectives). Section 4.1.1.1 of the AA screening report lodged with the application contains a table (Table 2) summarising the WFD Risk and Waterbody Status for 2016-2021.
- 6.2.2. The site drains by gravity to a separate surface water sewer system which discharges to the sewer network north of the site and connect to the shannagannagh River ultimately discharging to Killiney Bay. Foul drainage is connected to the foul sewer which connects to the Shangannagh-Bray Wastewater Treatment Plant - (a licensed facility) prior to discharging to the Irish Sea.
- 6.2.3. Hydrological connection is possible to the surface waterbodies through run-off and on-site drainage discharging to surface water and also by way of seepage into the

groundwater during construction and poor construction management. With embedded Best Practice this is not likely. Moreover, the proposal incorporates what is described as exemplary SuDs design incorporating many measures to filter pollutants and regulating run-off and could be seen as an improvement on the present system for the industrial type use on site. It incorporates green and blue roofs and bio-retentive measures with a site coverage of only 27%. Accordingly, the run-off is unlikely to pose any risk to water quality or at least any greater risk than may exist at present.

- 6.2.4. While flood risk is raised, no water quality deterioration concerns were raised in the planning appeal. The site has been confirmed to be not at risk of flooding based on SSFRA.
- 6.2.5. The pathway to surface waters, groundwater and the Irish sea is weak and residual pollutants would be dissipated by virtue of distance and assimilative capacity in waters that have at least good status.
- 6.2.6. Having assessed the proposed development and considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration and having further considered the nature, scale and location of the project, I consider that the proposal can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 6.2.7. The reason for this conclusion is as follows:
- the scale and nature of both the former use and proposed residential development on a brownfield re-development in an urban serviced area
 - the distance from the nearest water bodies and the lack of hydrological connections
- I conclude that 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

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. One third-party appeal has been submitted by the owners of the adjacent cottage at no.84 and the grounds are:

- The proposal would increase the risk of flooding having regard to the water logging situation to the front and the previous grounds for refusal.
- Visual impact and loss of character due to out of scale and height relative to adjacent single storey cottages and overbearing impact. This would be contrary to BELAP REA5 policy regarding impact on surrounding environment, streetscape character and overlooking and loss of privacy. One or two storey development is more appropriate to prevailing character
- They are local to the area having grown up in no.85A and wish to redevelop the premises as their family home and are concerned about the direct impacts on the amenities of the property in terms of privacy and character.
- Loss of privacy and sense of security due to Overlooking of garden and private play area from balconies e.g. Block A 5th Floor and Block B facing garden
- Excessive height and consequent overshadowing in afternoon when sunlight is critical for gardens and solar energy.
- Redevelopment of house may be compromised
- The shortage of car park spaces will impact on the traffic safety of Ballyogan Road
- Vehicular access sightlines will be restricted
- The traffic generated by the development would have negative impact on the capacity of Ballyogan Road
- Earthworks may release gases from old infill site.
- Construction noise over a long period would negatively impact on elderly neighbouring residents
- Impact on childcare facility to north due to overlooking, noise and visual intrusion.
- Loss of property values due to loss of character amenity and environmental quality.
- Boundary discrepancies

- Precedence of refusal for similar development PL02.320528 (apartment scheme in Cavan)

Having regard to the Cavan County Development Plan incorporating a Local Area Plan for Cavan Town 2022-2028 and to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023), it is considered that the overprovision of two-bed, three-person units would not provide an appropriate unit mix for this location. Furthermore, it is considered that given the lack of public open space, the number of single aspect apartments, the density of the proposed development being above the upper density range of 100 dwellings per hectare, and the quality of the private open space which would be compromised by the screening on the balconies, the overall design quality of the scheme would not compensate for the proposed unit mix. The proposed development, by itself and by reason of the undesirable precedent it would set for similar development in the area, would, therefore, be contrary to the proper planning and sustainable development of the area

7.2. Applicant Response

7.2.1. The applicant's response has been submitted by the agent Downey Consultants and makes the following points;

- The proposal will not cause any flood risk within the area or increase the risk of flooding elsewhere. This is supported by a stage 3 Site specific Flood risk assessment.
- The design has been informed by the previous ABP appeal decision wherein a height of 5 to 6 storey was refused but not on grounds of height as it was felt this could be addressed by omission of one floor and was not the substantive issue. Accordingly, it is interpreted that 4 to 5 storeys could be deemed to be accepted in principle at this location.
- The overall design has been amended with a reduced overall height, scale and design of development
- Given the reduction in height and design, layout issues of overshadowing, overlooking and overbearing impacts have been addressed.

- It is confirmed that all development proposed is within the applicant's ownership as outlined in red and will not impede on the development potential of surrounding sites.
- The amount of car parking is acceptable and provides for DriveYou Car shared space in a manner that is attractive and can cater for up to 15 cars. The traffic volumes generated by the development are not likely to have any significant impact on traffic volumes or traffic flow in the area.
- The overall design is considered to be consistent with the surrounding environs which is evolving as evident in Ballyogan. Carrickmines and Leopardstown and will contribute to the much-needed housing supply in the area.

7.3. Planning Authority Response

No further comments to those already made in the previously forwarded planner's report.

7.4. Observations

7.4.1. Four separate observations have been made as listed on page 1. They refer to the impact on the adjacent properties and local environs as summarised below:

- Height and density are out of character and scale with single storey context. The reduction from the previous proposal by one storey is not enough. It is argued that the proposed 4-5 storey is incongruous and insensitive. The rationale in the applicant design statement is misleading in its references to the contextual variety.
- Disputes the conclusion of the Design Statement that the impact is negligible. The reference to Lakeland is not relevant given the different greenfield context of that standalone site as compared to the smaller infill nature of this brownfield site alongside a single storey development
- The approach is very different to Irish Water building south of the site where the profile was kept to a minimum and stepped back.
- CGI misleading as it suggests that the Ballyogan Business Park is taller which is not the case.

- Impact on utilities during construction such as overhead electricity power lines, impact on sewer connection to cottages which are connection no 152.
- Both the previous inspectors report and the DLRCC decision raised concerns about the impact on adjacent houses in that it 'would not respond in a positive way' and would have an unacceptable negative visual impact given the unsatisfactory relationship with the adjacent dwellings to the east.
- Flood Risk – It is submitted that the proposal still falls short of resolving the flood related challenges of the site which formed the basis of the previous refusal of permission. This is based on the culvert limitations downstream in the event of severe flooding, the 50% blockage scenario which demonstrates a risk of surcharging and flooding of existing property, climate change impact on extending the flood zone A area into Flood Zoen B and insufficient flood mitigation such as inadequate surface water flow routes and maintenance of same
- Reference is made to struggles with surface water accumulation and he impaction of concrete foundations which may exacerbate capacity issues.
- Traffic Impact consequent on the traffic flow generation onto a congested road.
- Visibility /sightline obstruction due to landscaping impeding views for motorist and cyclist and pedestrians and while exiting at no.83.
- Loss of Daylight and sunlight –This is particularly of concern for 84a and loss of afternoon and evening sunlight. It is argued that the conclusion of negligible impact is based on incomplete data as the side window to the rear has been omitted.
- Due to height and proximity, the apartment blocks will significantly overshadow 84a and severely effect living conditions
- It is considered that the methodology which relies on assumption and overplays flexibility provisions in the BRE guidelines downplays the impact.
- The Visibly Sky component is insufficient and key metrics such as APSH (Annual Probable Sunlight Hours) and NSL (No Skyline) were excluded for certain properties resulting in gaps in the analysis.
- Loss of Ash Trees due to disease will reduce privacy yet is understood to be relied upon in the impact analysis. Teagasc projections are for 90% loss of such trees nationwide.

- Other impacts on 84a whereby the existing chimney use will be compromised due to impact on new balconies elevated above the chimney in close proximity.
- Overlooking the positioning of balconies directly facing the house and garden at 84a will dramatically reduce privacy and limit use of outdoor play area by children.
- Lack of transparency and third-party engagement as details are subject to agreement in conditions of permission and incomplete at this stage.
- No 152 was lived in 4 months prior to the observation in (May 2025) and is used for storage (unauthorised commercial use) and the status of vacant is queried.

7.5. Further Responses

The observations were not circulated for comment.

8.0 Assessment

- 8.1. This case follows a previous decision to refuse permission for a larger scaled development on the same site on the basis of flood risk and absence of sufficient site-specific risk assessment. However, the Board Direction flagged concerns about the height, but this did not form the grounds for refusal as it was a matter that was deemed to be potentially, reasonably addressed by condition such as by omitting one floor level for example. The proposal has however been altered in terms of footprint, density and design, being of a lesser scale and includes a site-specific flood risk assessment. The PA has carried out a detailed examination of the design in terms of apartment standards and amenities by reference to similar criteria but now regarding the Compact Settlement Guidelines 2024 and there are no substantive issues arising in this regard. Having examined the application details and all documentation on file, including all of the submissions received in relation to the appeal, the reports of the planning authority, and having inspected the site and environs, and having regard to the relevant local, county, regional and national policies and guidance, I consider that the substantive planning issues in this appeal to be considered are as listed:

- Principle
- Density, Height and Design

- Residential Amenity
 - Overlooking
 - Overshadowing
 - Visual impact
- Flood risk
- Traffic and parking
- Archaeology
- Ecology /biodiversity
- Construction nuisance
- Legal interest
- Conditions

8.2. Principle

- 8.2.1. In terms of land use the site is governed by the objective to ‘provide residential development and improve residential amenity while protecting the existing residential amenities.’ In this case, as the established use of the site is predominantly light industrial type, the provision for residential development is compatible. In terms of strategic housing policy, the location of the site in an area served by high quality public transport in addition to the range of services and amenities as described in section 1 of this report, the proposal for housing not only serves to meet housing targets but does so in a manner that is sustainable at many levels. In spatial terms, such a location is supported at national, regional and county level. The nature and scale of the overall scheme however is predicated on providing an appropriate standard and form of housing while also protecting existing amenities. This is in addition to the requirement for a site-specific flood risk assessment - a critical issue in the previous appeal insofar as such an assessment was not fully provided notwithstanding it being part of the development plan criteria for the lands which are identified as potentially at risk of flooding in the Ballyogan and Environs Local Area Plan, (BELAP). While this has been addressed to the satisfaction of the PA the matter is addressed in more detail in light of the concerns raised by the third parties.
- 8.2.2. With respect to the demolition works, I see no issue given the overall building condition and absence of any significant architectural merit of the structures while also having regard to local, regional and national level policies regarding

intensification of use and density in serviced brownfield sites in urban areas. Accordingly, the retention of the buildings is not warranted and demolition is I consider, acceptable.

- 8.2.3. In terms of design standards of the proposed apartments for future occupants, I note that the planning authority has comprehensively appraised standards such as floor areas, private and communal open spaces, dual aspect and facilities serving the units such as storage, EV parking, car parking and that these internal aspects are substantially compliant. The key design issue relates to the four to five storey height and the interface with surrounding development and it is in this context that the proposed design needs more detailed review having regard to the detailed considerations such as in the Ballyogan and Environs Local Area Plan (BELAP) objective RES 5 for taller buildings in this Ballyogan South area within the framework of planning guidance and particularly noting the policies in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (Compact Settlement Guidelines).

8.3. **Density, Height and Design**

Density

- 8.3.1. The scale of the development is criticised principally in terms of height. Before assessing this, I consider some appraisal of the proposed density is helpful in contextualising the proposed height.
- 8.3.2. The proposed density is in the order of 100dph whereas BELAP indicates a density of 55/ha. However, the PA has had regard to density by current guidance which postdates the preparation of the LAP initially adopted in 2019.
- 8.3.3. To put in context, the 100dph as proposed is in the low to medium range for the Metropolitan Area of Dublin Strategy (MASP). As set out in section 12.3.3.2 of the Development Plan 2022-2028 (CDP), having regard to MASP among other policies, as a general principle, and on the grounds of sustainability, the objective is to optimise the density of urban development. The PA has had regard to the Compact Settlements Guidelines in its assessment and these guidelines state clearly the aim is to achieve higher densities in an effort to integrate land use and transport and so they provide guidance on the appropriate density ranges for settlement types and

accessibility characteristics. Policy and Objective 3.1 is that recommended density ranges are applied in statutory development plans and also in the consideration of individual planning application. Notably it provides for refinement at a local level and criteria for this is in section 3.4 under the broad headings of 1) Proximity and Accessibility to Services and Public Transport and 2) Character Amenity and Natural Environment. This is addressed under the Height assessment with reference to more detailed assessment criteria as contained in the guideline and also tall building guidelines.

- 8.3.4. While the site is located in a suburban area relative to the city environs and the applicant 's planning statement describes the context as city-suburban/urban extension, I consider in view of the neighbourhood facilities and services in the immediate locality, I concur with the approach by the PA in determining that the subject site may also be reasonably classed as a city – urban neighbourhood. I say this having particular regard to the proximity to a high-capacity public transport node with good access to local shops, services, education and civic amenities as well as other public transport and emerging new development. It is networked locally to employment centres along the Luas catchment while also connected by the orbital bus route thereby increasing its connectivity to higher order services. Figure 5 of the mapped catchment area for a 30-minute walk and public transport trip as provided in the applicants planning statement (page 6) further illustrates the strategic location. I am satisfied therefore that the site meets with the accessibility criteria for densification in the Compact Settlement Guidelines (Tables 3.1 - density pattern and Table 3.8 - accessibility). While planning authorities are encouraged to promote densities at or above the mid-density range at more accessible locations, the proposed density of 100 dph is at the lower end of the mid density range of 50-250dph. However, I consider this is appropriate to the size and configuration of the site at just under 0.5 hectares and its immediate context being adjacent to single storey residences. It is a reasonable compromise between higher density potentially supported by the accessibility of the site and the immediate lower density context.
- 8.3.5. I further note that on comparison with the previous proposal wherein a density in the order of 171 units per hectare was proposed that this is significantly lower. While not grounds for refusal it was noted in the Board's Direction to be potentially excessive in height for the site and this is addressed below. Accordingly, having regard to the

brownfield nature of the site, its nodal context and connectivity locally and with higher-order urban services and facilities, I consider it reasonable to conclude the site can support a higher-density development than prevailing in the immediate locale and that the density is appropriate given the convenient location and the need to deliver more housing units within this Metropolitan Areas (MASP) in a manner that sustains efficient use of land and public transport infrastructure subject to reasonably assimilating with established development.

Height

- 8.3.6. The objections to the proposed four and five storey block heights and massing are manifold, relating to the impact of this bulk and scale on both, amenities of adjacent properties and the visual impact and consequent loss of character. This is due to what is considered to be an out of scale height relative to the adjacent single storey cottages and consequent overbearing impact in addition to the visual dominance in the wider context. It is therefore considered to be contrary to BELAP RES5 policy regarding impact on surrounding environment, streetscape character and overlooking and loss of privacy. Accordingly, it is argued that a one or two storey development is more appropriate to the prevailing character.
- 8.3.7. Furthermore, the visual CGI presentation is regarded as misleading in that it is considered to present Ballyogan Business Park as taller than it is. Ultimately the Design Statement prepared and submitted by the applicant which concludes impact is negligible is rejected and it is further argued that the justification by the applicant on the basis of other developments such as the Lakeland development is not relevant given the different greenfield context of that standalone site as compared to the smaller infill nature of this brownfield site alongside a single storey development. It is considered that more consideration should be had to the design approach for the office block to the south of the site which is much lower in height and also stepped back.
- 8.3.8. In terms of height, in this case, while the site is zoned residential and not specifically identified for high building or major redevelopment, taller buildings than prevailing are not precluded and each case is to be assessed on its merits. The appeal site is not identified as an opportunity site however BHS2 supports increased height and taller buildings where the proposal is assessed in accordance with the performance-

based criteria. The PA has done this and addressed the 5-storey height by reference to the CDP Building Height Strategy (Appendix 5) as is required by policy PHP42 (to encourage high quality design and ensure compliance with Building Height Strategy Consistent with NPO 13). I also note that while Policy Objective BHS1 seeks to increase height, this is moderated by the need to protect residential amenities and environmental sensitivities and also the relevant LAP which are acknowledged as setting nuanced parameters for height assessment.

- 8.3.9. The applicant makes the case that the more recent developments such as Clay Farm, Leopardstown Valley and Lakefield set a new reference, and I accept that such is in accordance with the vision of the wider area. I also accept that the immediate context requires careful consideration
- 8.3.10. Notably, the key considerations identified for the 'Ballyogan South - neighbourhood 6' in table 5.5 in the BELAP is its context as being **'flanked by the wide Ballyogan Road corridor and Jamestown Park there is capacity for medium height.'** Accordingly, in this context the PA is reasonable in considering the height to be acceptable in principle. In terms of context, the immediate environs of the site are however noted to be low density in the LAP and this is derived from the density development of single storey cottages, non-resident uses undeveloped lands and 2 storey housing.
- 8.3.11. The proposed development comprises a stepped 4 and 5 storeys with Block A to the front along the 'wide' Ballyogan Road frontage and this steps down to 4 storeys to the east. This is significantly reduced in massing as compared to the previous proposing in that it is one storey lower and also set back more from the east. The depth of the building has also been reduced allowing for a spacing of c.36m between the blocks. The transition even to the medium height proposed for these single storey houses under 6m in height to the east and to a lesser extent to the west is up to four storeys. This is most apparent on the eastern side alongside no.84 a semidetached single storey cottage fronting the road. Block A is 9.7m set back from the side but this increases to a distance of 12.6m at the top fifth level whereas the separation from the western side is some 15m due to access and layout.

- 8.3.12. While the proposal is predominantly 4 storeys and the criteria for assessment under BELAP RES5 – Building Height by Scheme¹ is for buildings in excess of 4 storeys in Ballyogan area, I consider a 5th storey, albeit limited, warrants a performance appraisal. I consider the framework in Appendix 5 provides a more robust assessment of the proposed height which is appropriate to this case where the dispute centres on height. I have also referred to the more recent Compact settlement Guidelines which also provide a framework for qualitative sustainable land use appraisal replacing the criteria in the now revoked 2009 guidelines.
- 8.3.13. The Building Height Strategy specifically outlines that the performance criteria outlined in Table 5.1 and also incorporates the criteria associated with SPPR 3 and Section 3.2 of the Guidelines. The table below summarises what I consider to be key considerations based on the performance criteria set out in table 5.1 Appendix 5b of the CDP:

Criteria For All Such Proposals	Assessment
At County Level	
Proposal assists in securing objectives of the NPF, in terms of focusing development in key urban centres, fulfilling targets in relation to brownfield, infill development and delivering compact growth.	The site is an infill brownfield site on zoned lands very close proximity of high frequency public transport (Luas) and the local services and amenities in Leopardstown Valley shopping centre and the Samuel Beckett Civic Campus Community Centre. The increased density constitutes an efficient use of a serviced brownfield site thereby contributing to a compact and sustainable form of urban growth.

¹ Policy BELAP RES5 – Building Height by Scheme: Any planning application for a scheme which proposes buildings in excess of 4 storeys shall be accompanied by an analysis of building height and positioning of buildings with reference to the following issues: • Impacts on the immediate and surrounding environment – streetscape, historic character. • Impacts on adjoining structures, with a focus on overlooking and impact on residential amenity. • Relationship to open spaces and public realm. • Views and vistas. • Daylight and sunlight, including shadow analysis where appropriate. • Wind and microclimate analysis • Impacts on residential amenity of these buildings from noise sources such as motorway noise. • Placemaking and the ability of taller buildings to assist with legibility and wayfinding within a Neighbourhood

<p>Site must be well served by public transport - i.e. within 1000 metre/10minute walk band of LUAS stop, Dart Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route - with high capacity, frequent service and good links to other modes of public transport</p>	<p>The site is highly accessible. In terms of public transport the site is at distances of 500m and less from two stops on a high frequency public transport route (Luas) and an orbital bus route 63 also serves the area. the site is centrally located in terms of cycling an pedestrian routes both existing and planned. The site is walking distance from an extensive range of local services including a range of schools, childcare and community care in addition to services and amenities and neighbourhood shops while also being connected to higher order services with a 30-minute public transport trip. 96 services Mon-Fri each direction.</p>
<p>Proposal must successfully integrate into enhance the character and public realm of the area, having regard to topography, cultural context, setting of key landmarks. In relation to character and public realm the proposal may enclose a street or cross roads or public transport interchange to the benefit of the legibility, appearance or character of the area.</p>	<p>The Design Strategy states how the four to five storey stepped form creates a smooth transition and architecturally aligns with the more modern developments in the area. The use of materials including two colours of brick and zinc cladding will be visually appealing while also have practical dimension in terms of maintenance.</p> <p>I note the modelling of the principal façade onto Ballyogan Road by way of angled balconies and stepping of the building line provides visual interest breaking a monolithic elevation Together with allayer landscaping as illustrated in the Land Use Planning and Design report this will contribute positively tot eh public realm.</p> <p>The landscaping along road frontage and also along the boundary which incorporates ana attractive scheme of planning which retains mature trees and</p>

	<p>will also help visual anchor and associates the building.</p> <p>While it will be the tallest building in the immediate environs, over the short to medium terms as the locality densifies around this node It is well placed to blend with both lower and medium height environment. I note reference to a permission for a 5-storey development 250mm away.</p> <p>The proposal will deliver an appropriate development of an appropriate scale in a manner which complements the existing urban landscape and public realm. The impact of the proposed development on the local landscape is therefore generally positive.</p> <p>I accept the CGI images as a guide and do not find them misleading. the warehouse development reads as at least three storeys due to double height and stepping up by one storey is not an incongruous feature in this context.</p> <p>I consider the scheme (as amended) will benefit of the legibility, appearance or character of the area.</p>
<p>Protected Views and Prospects: Proposals should not adversely affect the skyline or detract from key elements within the view whether in foreground, middle ground or background. A proposal may frame an important view.</p>	<p>There are no protected views. The massing of the block has been reduced, and the separation permits glimpsed viewed of the Dublin Mountains backdrop which again anchors the building and maintains the visual context and character,</p> <p>I consider the grain and form, height and massing is an appropriate way to retain the uniqueness of the setting and local identity of the area as it urbanises.</p>

<p>Infrastructural carrying capacity of area as set out in Core Strategy of CDP or Local Area Plan.</p>	<p>There are no issues arise in relation the infrastructural carrying capacity of the area.</p>
<p>At District / Neighbourhood / Street Level</p> <p>Proposal must respond to its overall natural and built environment and make a positive contribution to the urban neighbourhood and streetscape.</p> <p><i>Sustainable and Efficient Movement</i></p> <p>A landscape plan which reinforces natural boundaries and integrates a biodiversity plan with a natural drainage system and green and blue roofs will be a positive development having regard the brownfield nature and low value habits prevailing.</p> <p>The proposal will establish a legible frontage on the Ballyogan Road and contribute to defining a streetscape by build form height line and boundary treatment at a point where the carriage and Luas track form a wide boulevard and where the streetscape is fragmented.</p> <p>The layout provides for long term permeability in the event of lands being developed to the south. Having regard tot the road network and frontage. the internal layout and multimodal transport arrangements provide for optimising movement by sustainable modes of transport (walking, cycling and public transport)</p> <p>the site is well connected with established communities due to the strategic connections between homes, shops, employment opportunities, public transport, local services and amenities by virtue of it strategic location and proxy and accessibly to these places of contact .</p> <p>the layout is pedestrian friendly and the reduction of vehicular entrances will enhance this.</p>	

The quantum of parking been minimised (in accordance with SPPR4 where relevant) and designed and located in a way that seeks to reduce the demand for private car use, promote sustainable modes of transport and ensures that the public realm is not dominated by parked vehicles. This is achieved by convenient spacing of bicycle parking and the provision of cycle path fronting the site. A condition to publicise the car parking to future occupiers could further enhance implementation.

Mix of Land Uses (Vibrant Centres and Communities)

The proposal replaces industrial development with residential use adjacent to residential development in residential zoned lands and appropriate. As discussed the density and intensity of land uses is appropriate to the site and its location which optimises access to public transport, amenities and local services via walking or cycling.

As the proposal is less than 50 units the mix of predominantly one- and two-bedroom units is appropriate. The area has two storey housing in close proximity and this provides a balance. Provision has been made for 9 of the units to contribute social housing stock (part V)

This on balance contributes to a diverse and varied range of housing types in the area.

As the proposal relates to a substantially vacant and partly derelict site which is considerable overgrown and limited its to visual amenity f the area the proposal to build a considered design with quality materials will contribute to the regeneration and revitalisation of these lands in the neighbourhood, and promote the area as place to live

The spacing and height of blocks respect the mountain backdrop.

Provision is made for archaeological investigation preservation

Tree retention will retain landscape and skyline features and landscape character. The

The site is well connected with generous open space through linear boundary routes.

The surrounding civic lands provide a range of passive and active uses and does the cycle network.

The proposal integrates nature-based solutions for the management of urban drainage to promote biodiversity, urban greening, improved water quality and flood mitigation.

Responsive Built Form

The adherence and reinforcement of stronger build line supports the formation of a coherent and legible urban structure in terms strengthen a of block layout and has access to daylight and sunlight

The layout incorporates generous communal spaces providing different uses such as kickabout and passive

The transition to single storey at the frontage is managed by a stepped profile and there is double boundary due to the intervening driveway to a separate dwelling which provides buffer. The backland house is closer to the boundary, but the four-storey block is stepped away. The massing and fenestration have been designed to minimise overshadowing and overlooking. This is addressed separately as it is a matter of dispute.

I consider the design to be reasonably coherent however it lacks a refined urban framework plan due its small scale and infill nature in a location marked by ad hoc extensions of former single storey houses. The design has the opportunity to give redefine the area in keeping with vision for the area and such strategically located sites.

Proposal should not be monolithic and should avoid long, uninterrupted walls of building in the form of slab blocks.	It is evident that careful consideration has been given to ensure that a monolithic appearance is avoided. The variation in scale and massing and stepped profile creates visual interest. The changes in height on the site (as amended) avoid the feel of a monolithic one-dimensional development.
Proposal must show use of high quality, well considered materials.	The external materials are set out in the Design Statement and are considered acceptable.
Proposal where relevant must enhance urban design context for public spaces and key thoroughfares and marine or river/stream frontage.	The scheme proposes local public realm improvements and improved junction arrangements on the public carriage way.
Proposal must make a positive contribution to the improvement of legibility through the site or wider urban area. Where the building meets the street, public realm should be improved.	Legibility through the site will be achieved by of a comprehensive landscape plan and a series of permeable connections through the site.
Proposal must positively contribute to the mix of uses and /or building/dwelling typologies available in the area.	Given the scale of the site and mix of uses in the vicinity, the apartments will provide balance to the mix and contribute positively to dwelling typologies in the area. The residential unit mix of units proposed is acceptable for this scale of development.
Proposal should provide an appropriate level of	The proposed block height and setback together with boundary landscaping will provide a suitable level of

enclosure of streets or spaces.	enclosure for the proposed frontage while partly screening internal areas of communal open space while retaining good levels of natural light
Proposal should be of an urban grain that allows meaningful human contact between all levels of buildings and the street or spaces.	The site is an infill site with a double frontage backing to an internal estate road in municipal lands and potentially provides some passive surveillance onto this area. The public realm on Ballyogan Road will be attractive.
Proposal must make a positive contribution to the character and identity of the neighbourhood.	The proposal represents a significant transformation of the underutilised brownfield vacant site vulnerable to antisocial behaviour and will enhance the public realm and neighbourhood and thereby creating an attractive space for both, local residents and visitors.
Proposals must respect the form of buildings and landscape around the sites edges and the amenity enjoyed by neighbouring properties.	The height, scale and massing of the scheme as modified responds to the immediate site context without unduly detracting from amenities of neighbouring properties as discussed below. Trees are to be retained and augmented along boundaries and sightlines from driveway entrances will be maintained.
At Site/Building Scale	
Proposed design should maximise access to natural daylight, ventilation and views and minimise overshadowing	The units within the scheme are noted to comply with the BRE Guidelines. Dual aspect is used to good effect. The Daylight and Sunlight Assessment Report illustrates how minimum standards are adhered to with negligible impact on existing adjacent properties.
Proposal should demonstrate how it complies with quantitative	The Internal Daylight analysis illustrates how the units meet guidance. outlined within the Third Edition (2022) methodology, 98.5% for Criterion. “

<p>performance standards on daylight and sunlight as set out in BRE guidance "Site Layout Planning for Daylight and Sunlight" (2nd Edition). Where a proposal does not meet all the requirements, this must be clearly identified and the rationale for any alternative, compensatory design solutions must be set out. On relatively unconstrained sites requirements should be met.</p>	<p>In respect of the scheme performance, daylight access for the proposed habitable rooms has been assessed through Spatial Daylight Autonomy study . Sunlight has also been quantified for rooms and external amenity spaces. The result of these schemes are confirmed to be in accordance with BRE guidelines as is required under section 12.3.4.2 of the CDP. As noted by the PA I note this report as updated and am satisfied that the proposed development would provide acceptable levels of sunlight and daylight.</p>
<p>Proposal should ensure no significant adverse impact on adjoining properties by way of overlooking overbearing and/or overshadowing.</p>	<p>The scheme as amended has been designed to minimise impacts on adjacent property. This issue is discussed in further detail below.</p>
<p>Proposal should not negatively impact on an Architectural Conservation Area (ACA) or the setting of a protected structure</p>	<p>N/A</p>
<p>Proposals must demonstrate regard to the relative energy cost of</p>	<p>The Embodied Carbon Assessment demonstrates a sustainable approach in the design approach. The development meets the principles of the</p>

and expected embodied and operational carbon emissions over the lifetime of the development. Proposals must demonstrate maximum energy efficiency to align with climate policy. Building height must have regard to the relative energy cost of and expected embodied carbon emissions over the lifetime of the development	<p>Government's 'National Climate Change Policy', and DLRCC Development Plan 2022 – 2028 objectives regarding Climate Change and Energy Efficiency. Additionally, it exceeds the requirements of the Building Regulations Part L 2022 and maximises the reduction in Carbon Dioxide (CO2) emissions thus demonstrating the Client's commitment to climate change.</p> <p>The residual impact of the proposed development in relation to GHG emissions is considered direct, long-term, negative and slight, which is overall not significant in EIA terms.</p>
County Specific Criteria	
Having regard to the County's outstanding architectural heritage which is located along the coast, where increased height and/or taller buildings are proposed within the Coastal area from Booterstown to Dalkey the proposal should protect the particular character of the coastline. Any such proposals should relate to the existing coastal towns	N/A

and villages as opposed to the coastal corridor.	
Having regard to the high quality mountain foothill landscape that characterises parts of the County any proposals for increased heights and/or taller building in this area should ensure appropriate scale, height and massing so as to avoid being obtrusive.	The building steps down to 4 storeys deeper into the site in the direction of mountains. This profiling together with vertical spacing and glimpsed views respects the backdrop.
Additional specific requirements (Applications are advised that requirement for same should be teased out at pre planning's stage).	Concern about sewer network – this has been addressed
Specific assessments such as assessment of microclimatic impacts such as down draft.	The proposal is not of a scale to generate significant microclimatic impacts such as down drafts.
Potential interaction of building, materials and lighting on flight lines in locations in proximity to sensitive bird/bat areas.	P.28 of the External Lighting report illustrates the low height of the lighting and restriction of luminance /lux level is part of the condition of permission which will minimise ambient light. In terms of flying species the existing habitat environment is relatively low grade being built upon and largely overgrown with scrub and provides limited value for birds. The habitats and species baseline study revealed a limited range of

	<p>common birds and one passing 'amber' species. The habitat is more likely to be enhanced by the landscaping and Biodiversity plan and undisturbed green roof space, No bats were recorded on site. Impacts to Natura 2000 sites in Dublin Bay are not predicted to occur as the site does not offer ex-situ supporting habitat for the relevant species of conservation interest.</p>
<p>Assessment that the proposals allows for the retention of telecommunications channels, such as microwave links.</p>	<p>The submitted details do not make a statement in this regard. The proposed fifth level is of moderate height and relative to other permitted development of this height in the vicinity is unlikely at this level to interfere with such channels or links.</p> <p>Telecommunications/guidelines (1996) is that such infrastructure should not be sited within close proximity to a school - 'only as a last resort'. Given the proximity to a large childcare facility and schools directly opposite, the location is not ideal for such infrastructure. I therefore consider it reasonable to conclude that development is unlikely to impact any telecommunications channels and therefore no mitigation measures are required.</p>
<p>An assessment that the proposal maintains safe air navigation.</p>	<p>As above, I do not consider Given the modest heights and the scale of the fifth level relative to other buildings in the area and also noting the mature trees flanking the boundaries that the proposal is likely to interfere with safe air navigation space.</p>
<p>Relevant environmental assessment requirements, including SEA, EIA schedule information if required AA</p>	<p>An Appropriate Assessment Screening Report, an Ecological Impact Assessment accompany this planning application. AA Screening and Environmental Impact Assessment Screening have also been carried out as part of the appeal as set out in the Appended</p>

and Ecological Impact Assessment, as appropriate.	Forms to this report. No issue arise that are relevant consideration.
Additional criteria for larger redevelopment sites with taller buildings.	The site area is not considered large in nature and established height in the immediate context of the site reaches to 7 storeys and the current proposal increases on this local context for height by 1 storey.
Proposal should make a positive contribution to place making, incorporating new streets where appropriate, using massing and height to achieve densities but with variety and scale and form to respond to scale of adjoining development.	The proposed massing and height of the scheme sensitively modelled and recessed at the upper level will significantly enhance a somewhat derelict site and area subject to some haphazard and piecemeal development by delivering legibility along this wide Ballyogan Corridor while avoiding an undue overbearing impact on adjoining properties. This positive contribution is enhanced by proposed public realm improvements.
For larger unconstrained redevelopment sites BRE standard for daylight and sunlight/any forthcoming standards on daylight sunlight should be met.	The Daylight and Sunlight Report includes data a on a comprehensive range metrics illustrating that the proposed scheme is substantially compliant with BRE guidelines.

8.3.14. Having regard to the performance-based criteria as set out above I am satisfied that the proposed height is acceptable with the Urban Development and Building Height Guidelines for Planning Authorities, the Building Height Strategy (Appendix 5) as set out in the DLR County Development Plan 2022 – 2028 and the BELAP. I am satisfied that the proposed development (as amended) in respect of height, scale and massing would not appear inappropriately visually dominant relative to adjoining properties and the wider skyline of the area which includes the Dublin Mountains.

8.4. Residential Amenity: Overlooking, Overshadowing and Visual impact

- 8.4.1. The appellants are concerned about the direct impacts of five stories of apartment with balconies on the amenities of the adjacent semi-detached cottage to the east at no. 84 particularly given proximity to the boundary due west of the appellant's home. As they intend to redevelop the cottage as their family home they are concerned about overlooking, overshadowing, overbearing impact and enjoyment of their home. They believe the omission of one storey from that previously refused apartment scheme is not sufficient to address the concerns raised and future development of the house may be compromised. Ultimately the concern is that this would cause a significant loss of privacy to adjoining properties and would seriously injure the amenities of property in the vicinity
- 8.4.2. As assessed under the previous heading, I am satisfied that the height of the accords the CDP Building Height Strategy (Appendix 5). Notwithstanding, the BELAP RES 5 policy does require contextual consideration and having regard to both the evolving urban context of the site and proximity to existing residential developments, while also having regard to a sensitive integration so as to protect residential amenity of residential. It is also relevant to consider other sensitive occupiers of adjacent properties such as the creche facility in terms of overshadowing and overlooking.

Overlooking

- 8.4.3. SPPR-1 of the sustainable Residential Development and Compact Settlement Guidelines for planning authorities (2024) sets new standard for minimum separation distances. It 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

- 8.4.4. No.84 has one side window which is separated from the side of the eastern boundary of the development site by the driveway to the house to the rear and this driveway has a mature row of trees/ hedges on each side for the depth of the site aside from a small gap. The rear facing windows are at 90 degrees to the boundary and proposed east elevation and face south. There are no directly opposing windows at upper floor levels, and the boundary treatment provides privacy at ground level. However, the positioning of balconies and windows directly facing onto the houses and gardens of both nos. 84 and 84a and to a lesser extent the properties beyond was a concern raised in the initial appraisal by the PA and further information was sought in this regard. In the plans for Block A to the front of the site and the nearest to the eastern boundary, the east and west ends of the floor plans which features two bed apartments extending the depth of the Block all have a triple aspect. Accordingly, the revisions as submitted in further information can easily incorporate obscure glazing as proposed in revised plans without compromising the overall amenity of the apartments. Obscure glazing is proposed to both east and west facing ends of dual aspect bedrooms in and to living kitchen area. This will substantially eliminate overlooking from all rooms facing east and west. Similarly the relocation of the balconies to the south provide intermittent views but privacy screens have been provided for in Units A 05, 11, 17 and 23. The only source of potential overlooking would be from the 5th floor terrace but it has a substantial area extending over 17m in depth at a setback of 3.7 to 6.9m from the eastern façade in addition to the set back from the boundary. It also extends around to the south. It is not comparable to overlooking from a private window as it less intensely used and there is clear visibility. The users are as much likely to seek a level of privacy behind a suitably screened balcony balustrade. Additional screening could also be provided instead of a potentially transparent railed balustrade so as to provide privacy on both sides.
- 8.4.5. In the case of Block B, units B 2, 6, 13, 20 are single aspect and face east. Each of these have a balcony off the living area and these I consider can be screened. The set back from the eastern boundary ranges from 6.8m to 8.7m as compared to lesser setback from the shared boundary by the existing dwelling at 84A. I note that views of this house are obscured by dense growth and trees and that on inspection the gable wall facing the boundary does not have any windows. There is also a screen

wall and outhouse and container which obscure views to the rear of this property. While the single aspect apartments are oriented in the direction of the gable, there would be no directly opposing windows. Accordingly, the separation distance of around 12m in the absence of opposing windows would not give rise to undue overlooking. While balconies have been relocated to the north and south elevations, The rear unit has a wraparound corner balcony at first floor level. This is likely to be screened by existing trees at this height, however in view of its proximity to the boundary I consider its retrenchment to just the south elevation only would serve to protect neighbouring amenities, Similarly, these balconies should be provided with a form of screen but in a coordinated manner. This can be addressed by condition. Overlooking has been further minimised by the use of additional opaque glazing in the stairwell.

- 8.4.6. In respect of boundary trees and screening potential, the appellants are concerned about the loss of Ash Trees on the site boundaries due to disease and that this will reduce privacy and that the retention of trees has been therefore inappropriately relied on in the impact analysis. In this regard I note the landscape plan for the site which includes retention and management of trees and that in the event of trees dying there typically is provision in the post planting maintenance regime to address this. While a gap may arise it will be a relatively short-term impact. Above all, the layout and fenestration has been designed to minimise overlooking to an acceptable level in keeping with guidance.
- 8.4.7. There is concern about overlooking of the private garden where children play and that this use will be limited. Residential housing development by its nature is conventionally designed to overlook gardens with views more often than not into surrounding private gardens which is somewhat analogous. It is not practical, reasonable or in accordance with guidance to prevent such overlooking of outdoor space for these reasons.

8.5. Overshadowing

- 8.5.1. Loss of daylight and sunlight is particularly of concern for 84A as is loss of afternoon and evening sunlight in similar oriented dwellings. It is argued that the conclusion of negligible impact is based on incomplete data as the side window to the rear has

been omitted. The methodology is criticised as it is considered to overplay flexibility provisions in the BRE guidelines and downplays the impact.

- 8.5.2. Section 12.3.4.2 of the CDP states that the impact of any development on existing habitable rooms should be considered. The applicant has prepared a Daylight and Sunlight assessment prepared by 3D Design Bureau which assists in this consideration.
- 8.5.3. The Daylight and Sunlight Assessment report identifies the sensitive receptors which include all properties to the east and west. In terms of standards and methodology, it is pointed out that the BR209 Site Layout Planning for Daylight and Sunlight: a guide to Good Practice 2022 is now used and this replaces Average Daylight Factor (ADF) with Spatial Daylight Autonomy assessment (SDA). Sunlight Exposure assessment replaces Annual Winter Probable sunlight hours. Such standards are I am satisfied compliant with the section 12.3.4.2 which includes a provision for any updated or subsequent guidance to the 2011 guidance as a basis for assessment,
- 8.5.4. The Impact assessment results are set out on pages 34-40. The revised assessment lodged as FI on 7th April 2025) notably includes the windows of no. 84A. Table A.1.1 summarises the level of impact on Visible Sky Component in the two adjacent properties at 84 and 84A in addition to the dwelling to the rear of no 83 named 'Ogham.'
- 8.5.5. The greatest impact is on the northwest facing window in an extension to the rear of the semi-detached cottage at no.84. The level of compliance with the BRE Guidance is 80% which is categorised as a minor adverse impact. From my site inspection I note that this property is vacant and as the appellant states is intended to be renovated 'redeveloped'. In this regard I note a planning application for demolition of this extension and its replacement. I note the house is not occupied and that the 'sensitive receptor' window is broken. There is a rusted car stored in front. The area is overshadowed by a treelined driveway extending the length of the plot. While all these elements are within the control of the owner to remove, in the present circumstances the minor adverse impact would not I consider amount to a significant loss of residential amenity. The rebuilding of the extension subject to other assessment criteria as determined by the PA and I say this without prejudice also provides an opportunity to avail of the southern orientation of the site that would be

largely unimpeded in terms of achieving an acceptable level of sunlight and daylight and VSC. Accordingly, I consider the minor adverse impact can be readily absorbed.

- 8.5.6. I further note that this is an improvement as compared to the previous proposal which resulted in an 75.29% level of compliance for VSC for the same window. In terms of sun on ground all six adjacent properties exceed the percentage of area to receive above 2 hours of sunlight on March 21st where the target is >50%. All properties will be compliant. The effect of the proposal would be negligible by a recognised standard. I note on comparison of the effect on sunlight in the previous proposal that there is an overall marginal improvement in sun lighting in the adjacent properties such as No, 84 which has improved from a ratio of proposed- to-baseline level of .91 to .97 and No 84A has improved from .99 to 1. On balance I do not consider there is reasonable grounds to refuse permission on the basis of loss of daylight and sunlight in the adjacent properties. Furthermore, I am satisfied it demonstrates compliance with DELAP RES5.

Other amenity concerns

- 8.5.7. The owners of 84A have raised concerns about apartments compromising use of an existing chimney due to a conflict with new balconies elevated above the chimney in close proximity. In view of the separation and also to an extent, the restriction on such burning of fossil fuel this is unlikely to be a significant issue over the longer term. It is also a building control matter where renovations are involved. I do not consider this to constitute a sustainable reason to either omit balconies or refuse permission for apartment buildings on the site.
- 8.5.8. In conclusion, while the apartment blocks will have obvious presence and considerably alter the immediate environs, I consider the impacts on daylight and sunlight and overlooking to be within acceptable limits. Furthermore, while I accept that there will be some overlooking by way of oblique angles I consider this comparable to the overlooking in back-to-back housing in urban areas. In view of the site layout, mature and proposed boundary treatment and the absence of directly opposing windows together with measures to minimise overlooking of the adjacent dwellings, I do not consider the proposed apartments to cause an unreasonable or loss of privacy for adjoining properties. I also consider there to be benefits to

developing a visually degraded site prone to dereliction and anti-social behaviour and changing the use from industrial to residential which will contribute to improving the environs and in this context, the proposed development is a positive development that would potentially enhance the amenities of property in the vicinity.

8.6. Impact on creche.

- 8.6.1. In terms of overshadowing the daylight and sunlight analysis illustrates a negligible effect on the crèche facilities including its play area to the west of the site.
- 8.6.2. While there will be some degree of overlooking from elevated windows in Block B and balconies, the proposed landscape margin and set back of 9.5 to 10.6m from the western boundary will restrict this, and I consider this to be sufficient. I do not however consider it reasonable to prevent development due simply to overlooking of a playground. In this regard I refer to the Childcare Guidelines for Planning Authorities (2001) which only require a safe outdoor place to play or means to access one off-site. I understand this to be a physically secure site where access is physically controlled. It does not prohibit overlooking. Overlooking is typically regulated through restricting opposing windows of habitable rooms at distances to generally not less than 16m under current guidance, but this is not relevant in this case given the site layout and absence of opposing habitable windows. In this case however the proposal incorporates boundary planting where presently there is a partially transparent timber fence. This could be augmented by a solid wall thereby securing both properties. There is also I consider an onus on the childcare facility to provide a landscaping boundary buffer as part of a cohesive design approach of its overall facility rather than relying solely on buffering from neighbouring sites. I do not consider it reasonable to further restrict the development due to overlooking of this space.

8.7. Flood Risk

- 8.7.1. There is concern that the proposal still falls short of resolving the flood related challenges of the site which formed the basis of the previous refusal of permission. This is based on the culvert limitations downstream in the event of severe flooding, the 50% blockage scenario which demonstrates a risk of surcharging and flooding of

existing property, climate change impact on extending the flood zone A area into Flood Zone B and insufficient flood mitigation such as inadequate surface water flow routes and maintenance of same. In terms of impact on private property, it is a concern that the proposal would increase the risk of flooding having regard to the water logging situation to the front. Reference is made to struggles with surface water accumulation and site works that could result in impaction of concrete foundations which may exacerbate capacity issues.

- 8.7.2. Having regard to the planning history, a Stage 3 Site Specific Flood Risk Assessment (SSFRA) was carried out by AECOM engineers in advance of a pre-planning consultation with DLRCC. This was carried out in accordance with Appendix 15 criteria of the CDP, the Ballyogan and Environs LAP and the Planning System and Flood Risk Management Guidelines 2009. A surcharge analysis of the surface water drainage system was conducted.
- 8.7.3. The report explains how the topographical interventions and earthworks such as that relating to the nearby capped landfill site have had significant influence on the hydraulics of the area which has altered overland flows that are significantly different to that predicted by the CFRAM model. The data from this model is not therefore accurate in respect of the locality and this is explained in detail. In summary, the hydraulic model developed for the SSFRA by AECOM demonstrates that the subject site is entirely located within Flood Zone C and that no part of the proposed development will be in a Flood Zone B and there is accordingly no flood risk. The implication for the site drainage management is that storage is not needed. Finally, as there is no hydraulic connectivity between the stream and the subject site, the site levels within the site will not have an adverse impact on flood risk elsewhere. The modelling for culvert blockages also confirms that the site remains flood risk free even allowing for culvert blockages and climate change impact. The Drainage Division of the PA generally accept this and has no objection subject to conditions which address surface water management.
- 8.7.4. In response to these appeal grounds the applicant further clarifies veracity of the further information which included hydraulic model results for the climate change scenario and relevant flood maps prepared by AECOM. This was assessed by the DLRCC who confirmed, 'based on the information in the SSFRA submitted by the applicant the conclusion contained therein are accepted and the proposed

development is considered to be in accordance with Appendix 15.’ It is suggested the water logging is a soil related matter rather than a fluvial flood risk.

- 8.7.5. I consider this issue has been adequately addressed in terms of complying with the CDP and am satisfied that the proposed development does not constitute a flood risk.

8.8. Traffic and Parking

- 8.8.1. On the one hand it is argued that there is a shortage of car park spaces and that this will generate obstructive car parking elsewhere to the detriment of the traffic safety on Ballyogan Road, while on the other, the concern is that the traffic volume generated by the 49-unit development would have a negative impact on the capacity of Ballyogan Road. The latter appears to be assuming that all units will have at least one car regardless of parking spaces, and they will park obstructively.
- 8.8.2. In the first instance development plan provides for allowing a deviation from car parking requirements as set out in Table 12.5 of the CDP, under certain circumstances. In this case where 1 space could be provided per unit, the provision of a 0.4 ratio of spaces (18 spaces in total) is balanced by generous provision of conveniently placed bicycle parking and some motorbike parking. The development has ultimately been designed to encourage active travel modes such as cycling and walking which integrates into both the existing and planned cycling routes and footpaths and also with high quality public transport. The range of facilities within walking distance and/or 30-minute public transport trips away as mapped by the applicant (planning statement – fig 5) and as planned in the BELAP supports the viability of this traffic management approach. The opportunity for car sharing through Drive You Car Club also widens the scope for future occupants to have occasional access to a car. This approach is supported in SPPR 3 – Car Parking objective in the Compact Settlement Guidelines whereby

It is a specific planning policy requirement of these Guidelines that: (i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision

is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling. (ii) In accessible locations, defined in Chapter 3 (Table 3.8) car-parking provision should be substantially reduced...

- 8.8.3. Accordingly, I consider the car parking provision to be reasonable and viable and a presumption of traffic generation in excess of the road car parking capacity is unlikely. Unauthorized parking is a matter for enforcement.
- 8.8.4. In respect of traffic volumes, the application was accompanied by a Traffic and Transport Assessment Report and the traffic movements at peak time are estimated at being in the order of 6 two-way movements during weekdays and 9 at weekends. This is equivalent to one vehicle every 10 minutes which is minimal. It is also, I consider, negligible in the context of the established commercial use of the site. I further note measures such as a mobility management plan (section 9 of the TTA) which enhances the viability of the overall traffic management. Overall, it is reasonable to conclude that proposed traffic generation would have a negligible impact on the capacity of Ballyogan Road. The Transport Division has raised no concerns in this regard.
- 8.8.5. in terms of localised impact on road design and safety, measures have been incorporated in the design to upgrade the right-hand turning lane east bound in the public carriageway and this has been further modified (In response to FI) to reflect extant permissions which also impact on the junction arrangements. The implementation of this is further safeguarded by condition for final agreement with the traffic division.
- 8.8.6. There is also concern about the impact on existing Vehicular access sightlines in neighbouring properties to the east. This concern is based on potential obstruction due to landscaping impeding views for motorist and cyclist and pedestrians while exiting at no.83 for example. Drawings 60694613 ACM-XX-DR-CE-100006_P01 and 100003_P05 illustrate access arrangement in line with DMURS Design 10 which is appropriate for urban areas such as this and this is generally accepted by the Transport Division subject to what I consider to be a precautionary approach in terms of requiring final layout details to be agreed with the Traffic Division which is reasonable. I also note that the proposal provides for the replacement of 3 existing

entrances with one access designed to current road design standards which I consider is positive measure in terms of safety.

- 8.8.7. With regard to construction traffic, this is to be managed by a construction management plan which is normal practice and appropriate.
- 8.8.8. Overall, I consider the proposed car parking and traffic management to be in accordance with best practice and sustainable land use and to be unlikely to prejudice public safety by reason of traffic hazard. I do not consider there to be any reasonable grounds to modify or refuse the proposed development on these grounds.

8.9. **Archaeology**

- 8.9.1. The proximity of the site the Pale Ditch is raised as concern. I note that the related SMR is a few hundred metres south and I also note the findings and recommendations of An Archaeological, Architectural and Cultural Heritage Impact Assessment submitted as FI - lodged 7/4/25. There are no Record of Monuments and Places (RMP) sites within the site but an enclosure is identified in the adjacent creche site. I note that this study has employed a variety of sources in conjunction with a nonintrusive walkover survey in order to assess the cultural heritage risk associated with the project. Fig 2 maps and ranks the cultural heritage sites in the area – 10 very high value sites are within 250m and two of medium low ranking are to the northern end of the site. The development site is identified as only being within a zone of archaeological potential for an enclosure (CH001) whereas the road frontage may also have subsurface remains of a later house within the development footprint. The foundation and services works are noted to possibly encounter these remains and mitigation measures are recommended including trenching under license with possible full archaeological excavation where remains cannot be preserved in situ. It is considered that there is a low potential for the survival of buried archaeological remains at this site. The report concludes that the groundworks associated with the development be monitored by a qualified archaeologist. (section 6 of report)
- 8.9.2. The following mitigation measures are recommended in the Report to be undertaken:

1. The site should be subject to a programme of pre-construction archaeological test trenching, under licence, by a suitably qualified archaeologist. Note where possible enabling or other groundworks works should be deferred until after the archaeological test trenching programme has been completed. Any enabling or demolition works that must be carried out prior to completion of the testing programme should be the subject of a programme of archaeological monitoring by a suitably qualified archaeologist.

2. A report on the results of any test trenching should be submitted to Dún Laoghaire–Rathdown County Council, the Heritage and Planning Division, Department of Housing, Local Government and Heritage (DHLGH) and the National Museum of Ireland prior to the commencement of the main construction programme. This report must include an updated impact statement and describe any appropriate further mitigation measures required in the event that the trenching programme confirms the presence of archaeological features or deposits.

3. Where preservation in situ cannot be achieved, either in whole or in part, then a programme of full archaeological excavation should be implemented to ensure the preservation by record of any archaeological features that will be directly impacted upon.

4. Any such further mitigation measures required must be agreed in advance with the National Monuments Service (DHLGH).

5. A written report will be prepared detailing the results of all archaeological work undertake

8.9.3. In view of the potential for remains as concluded in the Report and the absence of a condition attached by the PA, I consider a standard condition should be attached in the event of permission requiring the developer to engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing 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. I consider this reasonable as it is consistent with the recommendations of the submitted archaeological report.

8.10. Ecology/Biodiversity/Pollution

- 8.10.1. I note the baseline data in the Ecological Appraisal Report and the findings of the AA screening report and that there are no species or habitats of significant interest that will be impacted. I consider that with the measures incorporated into the Landscaping Plan which includes Biodiversity and pollination enhancement, there is no basis to indicate that the proposal would give rise to serious adverse ecological impacts.
- 8.10.2. With respect to concerns about earthworks releasing gases from an old infill site, I note from historic maps that the site relates to historic private residential plots and does not appear to form part of the previous landfill facility. The application is accompanied by a CEMP, an Operational Waste Management Plan, a Resource Waste Management Plan and Embodied Carbon Assessment Report which I consider would address release of noxious substances or pollutants during construction. The release of gases was not I note a concern raised by the planning authority. Accordingly, I do not consider there any grounds on this basis to modify development or refuse permission.

8.11. Construction Disturbance

- 8.11.1. The appellant raises concerns about construction works and disturbance. I note the duration is anticipated to be in the order of 18 months and particularly in the context of the semi-derelict condition of the site and policies to promote infill development on brownfield sites, I do not consider there to be any reasonable grounds to refuse permission for the scale and extent of the proposed works on the basis of construction disturbance. The site is independently accessed, and measures are required to protect boundary trees in addition to normal hoarding for a building site. I consider nuisance elements can be reasonably addressed through a CEMP with a particular emphasis on traffic management. I note the PA has included a Public Liaison Plan condition with a requirement for a Liaison Officer. This is in addition to the requirement for a detailed Construction and Environmental Management Plan (CEMP). Issues of noise, dust, pest control and traffic in addition to normal best practices are comprehensively addressed. I am satisfied that construction works

subject to the implementation of these standard measures will not cause serious injury to amenity or public health.

8.12. Legal Interest and Interference with services

- 8.12.1. In relation to legal interest, an observer raises concerns about accuracy of boundary details but has not substantiated this claim. The applicant refutes this as the boundary has been informed by site survey, folio and Tailte Eireann maps. The applicant confirms ownership of no.133 and has a letter of consent for no.152. In respect of the public road work the applicant has submitted a letter of consent from Dun Laoghaire Rathdown County Council. Accordingly, I am satisfied that the applicants have provided sufficient evidence of their legal interest to make an application. By reference to the Development Management Guidelines, I consider any further legal dispute on ownership is a Civil matter which is outside the scope of the planning appeal process as it more appropriately a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.
- 8.12.2. Concerns have also been raised about impact on utilities during construction such as overhead electricity power lines, and impact on sewer connection to cottages which are connected to no 152.
- 8.12.3. In respect of electricity, as is normal practice overhead lines within the site will be undergrounded and connection outside the site is matter for the ESB.
- 8.12.4. There is concern about connection to the foul sewer. A letter from Uisce Eireann dated 1st October 2024 appended to applicant's engineering report confirms its review of a pre-connection enquiry and confirms water supply connection feasibility but the wastewater connection is only feasible subject to upgrades. It is noted that the proposed connection is via private sewer and the developer is responsible for necessary consent. The applicant proposes to provide independent connection for the sewer traversing the site. The third-party sewer is to be diverted and connected and this would appear to reasonably address this issue.
- 8.12.5. With respect to utility connections, details of works standards are ordinarily addressed through conditions of connection and more generally through planning

permission to ensure an overall adequate standard of development. A bond can provide security against damage to public infrastructure. Where private property is involved, this is a civil matter, and the s.34(13) considerations apply.

- 8.12.6. I note the bond condition as specified by the PA relates to damage to the road. I consider a more all-encompassing bond could be appropriate to address satisfactory completion of work.

8.13. **Conditions**

The conditions attached by the PA reflect for the most part the particular requirements of the technical internal reports. While many of the conditions as included by the PA are captured in the standard ACP conditions, some condition in relation to drainage, trees, construction and roads need to be modified and expanded to reflect the particular detailed requirements of the planning authority. I note some repetition in respect of Liaison person, The need to restriction subdivision is I consider unnecessary. As previously flagged, I consider an archaeological condition to be necessary in the interest of clarity.

9.0 **AA Screening**

- 9.1. An AA Screening exercise has been completed. See Appendix 3 of this report for further details.
- 9.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.
- 9.3. This conclusion is based on:
- Objective information presented in the applicant's reports;
 - The limited zone of influence of potential impacts;

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

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

10.0 Recommendation

Having considered the grounds of appeal and the responses thereto, it is my recommendation based on my assessment of the proposal, the site and all submissions and observations that the proposed development in the context of the relevant provisions of the Development Plan and national policy and guidance be **GRANTED** permission for the following reasons and considerations and subject to conditions below.

Reasons and Considerations

Having regard to:

- the location of the site in an urban neighbourhood of Dun Laoghaire Rathdown which is zoned Objective A in the Dun Laoghaire Rathdown Development Plan 2022-2028 which seeks to 'provide residential development and improve residential amenity while protecting the existing residential amenities.'
- the policies and objectives of the Dun Laoghaire Rathdown Development Plan 2022-2028 including the criteria set out in Table 5.1 as contained in Section 5 of the Development Plan and also Appendix 5 Building Heights Strategy of the Development Plan.
- The LAP including the criteria for flood risk Assessment
- National policy and guidance as contained in
 - Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage (2021)

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024,
 - Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March, 2018,
 - Urban Development and Building Heights, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018
 - RSES
 - Design Manual for Urban Roads and Streets (DMURS) (2013)
 - The Planning System and Flood Risk Management Guidelines for Planning Authorities issued in November, 2009 (including the associated Technical Appendices), and
 - The Climate Action Plan 2024,
- the nature, scale and design of the proposed development and the pattern of existing and permitted development in the area,
 - the accessibility of the site particularly by way of high-quality transport and
 - the availability in the area of a wide range of social, community, and water services infrastructure, and
 - the submissions and observations received in connection with the planning application and the appeal,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

- 1) The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the documents/drawings received by the Planning Authority on the 7th April 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2) Prior to the commencement of development, the applicant shall submit the following for the written agreement of the planning authority prior to commencement of development:
 - a) Floorplan and Elevation drawings showing the reduction of first floor balcony of Block B Unit 07 to the southern elevation.
 - b) Details of all material finishes and design of all balcony balustrade and details of additional or embedded screening for balconies nearest the east and west boundaries.

Reason: In the interests of amenities of adjacent properties and in the interest or orderly development.

- 3) The management and disposal of surface water shall comply with the requirements of the planning authority for such works and services.
 - a) Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

- i. Revised calculations for the catchment areas and the storage provision for the site which shall reflect consistency with the Engineering Services Report and shall be sized so as not give rise to flooding.
 - ii. Revised details of swales to include flow restriction method and ensure achievable store volumes.
 - iii. Calculation for the percentage coverage of green roof area in accordance Appendix 7.2 of the County Development Plan 2022-2028.
 - iv. Fully dimensioned site-specific construction stage details and accessible maintenance arrangements for the attenuations system, green/blue roofs/podiums and SuDS measures
- b) All proposed SuDS features including the Blue/Green Roofs and podiums shall be designed, installed and maintained in accordance with the requirements of the SUDS Manual (CIRIA C753) and BBS EN 12056-3:2000.
 - c) Post construction, the developer shall submit details of the attenuation system, including the flow control device, that has been installed in accordance with the submitted details and which be set to an agreed maximum permitted discharge limit. Details shall include photographs of the installation process and certification by the installer.
 - d) No connection to the attenuation system shall be completed without prior inspection and agreement of the planning authority
 - e) The surface water outfall discharge rate for the site shall be limited to QBAR (calculated using site specific data) or 2l/s/ha, whichever is greater subject to the size of the flow outlet device not being less than 50mm in diameter.
 - f) A post construction maintenance specification and schedule shall be implement on site and details shall be submitted for written agreement.

Reason: In the interest of public health.

- 4) The applicant shall provide a sufficient attenuation volume for the 1 in 100 year rainfall return [Plus minimum 20% allowance for climate change] on site as detailed in the application. The proposed attenuation system shall be designed to encourage implementation infiltration in accordance with section 10.2.2.6 policy objective EI6: Sustainable Drainage Systems of the County Development Plan

2022-2028, unless prohibited by local ground conditions. The offset distance for infiltration from adjacent buildings or structures will be at the professional judgment of a suitably qualified engineer and shall ensure the proposed system has no impact on neighboring properties.

Reason: To prevent flood and in the in the interest of public health and safety.

- 5) Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

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

- 6) The applicant shall ensure all landscape proposals are compatible with the drainage proposals. Any alteration to either shall be subject to written agreement of the planning authority.

Reason: In the interest of public health and amenity.

- 7) Details of the materials, colours and textures of all the external finishes to the proposed buildings 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 high standard of development.

- 8) Public lighting shall be provided in accordance with a scheme illustrated with a lux contour diagram (with no masking) and which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the agreed landscaping plan. 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) All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

- 10) Proposals for an 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.

- 11) Prior to the opening / occupation of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide evidence of clear communication of car parking prior sale or letting together with incentives to encourage the use of public transport, cycling and walking by residents, occupants and staff employed in the development. the mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interests of encouraging the use of sustainable modes of transport and the proper planning and sustainable development of the area.

12) A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities. In the interest of clarity measures shall be included in the Plan:

a) A programme of continuous noise and vibration monitoring shall be in place prior to the Commencement of any construction activities. It shall be carried out for the duration of the development along the site boundaries/ noise sensitive locations by an appropriately qualified and experienced acoustic technician. Should any noise assessment identify that noise limits are being exceeded further investigation will be carried out and mitigation measures implemented to ensure compliance. Copies of the monitoring shall be made available to the environmental health services air and noise unit upon request.

b) A program of dust monitoring shall be carried out by the developer at dust sensitive locations adjacent to the site boundaries and should be made available to the local authority on an agreed basis. The amount of dust deposited anywhere outside the proposed development when averaged over a 30 day period should not exceed:

- 130MG per square metre per day when measured according to the BS method which takes account of insoluble components only, or,
- 350MG per meter squared per day when measured according to the TA lift.

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

13) A Public liaison plan shall be developed and implemented for the duration of the works. A community liaison officer should be appointed as a single point of contact to engage with the local community and respond to concerns. Local residents shall be informed of timing of significant construction activities that may impact on them. A notice of at the side entrance will identify the proposed means from making a complaint under complaints log recording all complaints received and follow-up actions would be kept for review by the planning authority upon request.

Reason: In the interest of public health and safety.

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

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

15) An Operation Waste Management 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 apartment 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. This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

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

Reason: In the interest of reducing waste and encouraging recycling.

17) 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 sustainable transport and safety.

18)(a) Prior to commencement the applicant shall liaise with the DLL or CC traffic and municipal services section in order to attain the required specification permits and process to complete the required right turn layout on Ballyogan Rd.. And shall we agree in writing all proposed changes to the public footpath and vehicular entrance arrangement.

(b) The Applicant shall ensure that all proposed works, both on the public road and within the site (i.e. road carriageways, kerbs, footpaths, street lighting, signs, etc) are designed and constructed, at the Applicant's own expense, to meet where applicable, Dún Laoghaire-Rathdown County Council's 'Taking-in-Charge Development Standards Guidance Document' (June 2022) requirements and 'Taking In Charge Policy Document (May 2022)': and all to the satisfaction of the Planning Authority (Municipal Services Department).

(c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs, and the underground car park shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

(d) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

19)(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The clearly identified car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) At least one parking space shall be reserved for persons with physical disabilities which shall not be less than the dimensions set out in the document Building for Everyone: A Universal Design Approach (The Centre for Excellence in Universal Design CEUD). Details to be agreed with the Planning Authority prior to commencement of work on site.

(c) A minimum of one car parking space per five car parking spaces shall be equipped with one fully functional EV charging point in accordance with Section 12.4.11 Electrically Operated Vehicles of the current DLRCC County Development Plan. All proposed residential car parking spaces should be constructed to be capable of accommodating future electric charging points for electrically operated vehicles (ducting, mini-pillars etc.) without the requirement for future excavations/intrusive works.

(d) Prior to the occupation of the development a Car Park Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent reservation of the designated residential parking spaces and shall indicate how these and other space within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units (and the remaining development) and also to prevent inappropriate commuter parking.

20) The developer shall implement all the recommendations for tree retention, tree protection and tree works as detailed in the submitted Arboricultural Assessment Report. Prior to commencement of, development or any site clearance the developer shall erect protective fencing around all retained trees as shown in the Tree Protection Plan or as agreed with the parks and landscape services of DL RCC and during site works and construction shall:

- a) Attach and retain notices to the fencing stating trees within the fence are protected,
- b) Ensure there is no incursions of machinery or storage of materials equipment spoil or soils within the fenced zone unless by prior agreement with the planning authority,
- c) Retain protective fencing until the development is completed,
- d) Carry out supplementary and informal planting of native trees in accordance with the landscape masterplan,
- e) Ensure ground preparations around retained trees are carried out under the guidance of an arborist.

An arboricultural assessment report certificate shall be signed off by a qualified arborist three years after completion of the works and any remedial tree surgery or tree felling works recommended should be undertaken by the developer under the supervision of the arborist.

Reason: to ensure retention of boundary trees in the interest of amenity and biodiversity.

- 21) The landscaping scheme as submitted to the planning authority 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, 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.

- 22) 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/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. 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. 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.

23) 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 this development in the interest of residential amenity.

24) Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on the land 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 Bord Pleanála for determination.

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

25) The developer shall pay to the Planning Authority a financial contribution in lieu of the provisions of public open space within the site, as provided for under Sections

12.8.3 and 12.8.8 of the Dun Laoghaire Rathdown Development Plan 2022-2028 and Objective 5.1 - Public Open Space of the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024), and in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The amount of contribution shall be agreed between the Planning Authority and the developer or, in default of such an agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should pay a financial contribution in lieu of the provision of public open space within the site as a result of the infill nature and restricted size of site, and to comply with applicable development plan policy.

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

Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

27)

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

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

29) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure that the public road is satisfactorily reinstated, if necessary

30) 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 of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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 of the development.

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.

Suzanne Kehely
Senior Planning Inspector
27th August 2025

Appendix 1 - EIA Pre-Screening – Form 1

An Bord Pleanála	ABP-322569 - 25		
Case Reference			
Proposed Development Summary	Demolition of Structures and construction of 49 apartments in 2 blocks with associated works.		
Development Address	133 and 152 Ballyogan Road, Ballyogan, Dublin 18		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b)(i) 'Construction of more than 500 dwellings units' Class 10(b)(iv) 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	84 no residential units (as amended by FI) 0.74 ha site area	Preliminary examination required (Form 2)

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

Inspector: _____

Date: __27/8/25__

Appendix 2 - EIA Preliminary Examination – Form 2

An Bord Pleanála Case Reference	ABP-322569 - 25
Proposed Development	Demolition of Structures and construction of 49 apartments in 2 blocks with associated works.
Development Address	133 and 152 Ballyogan Road, Ballyogan, Dublin 18
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development involves the construction of 49 no residential apartment units and associated works on serviced zoned lands.</p> <p>The nature and scale of the proposed development reflects the surrounding pattern of development and it is not considered to be out of character with the existing and emerging surrounding pattern of development.</p> <p>Construction materials will be typical of an urban environment and any construction impacts would be local and temporary in nature and the implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan.</p> <p>The site is not at risk of flooding.</p> <p>There are no SEVESO/COMAH sites in the vicinity of this location. The site is adjacent to a former municipal infill site and there are no issues arise in relation its former use and potential contamination</p>

	<p>The site coverage of less than 30% represents a modest footprint and does not involve the use of substantial natural resources or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located within a designated protection area for either a natural landscape or built environment. However, the site is in the foothills of the Dublin Mountains of which there are clear views. This has been addressed in the design rationale and appraisal. Given the planning policy for the area, the proposed development is considered to be in accordance with best practice and no significant effects are predicted.</p> <p>An Archaeology study has been undertaken at the site and concluded that there is a low potential for the survival of buried archaeological remains at the site. Disturbance of recorded and unrecorded archaeological features as a result of construction stage excavation and groundworks, which will be mitigated by a range of measures including the retention/protection of important features, further archaeological testing and monitoring, and the recording of archaeological remains. No significant effects are predicted.</p> <p>The site is not located within or directly adjacent to any Natura 2000 site i.e., Special Area of</p>

	<p>Conservation (SAC) or Special Protection Areas (SPA).</p> <p>The development will implement SUDS measures to control surface water run-off and which are noted to be exemplary.</p> <p>risk of flooding has been addressed through siting design and mitigation. Such that the proposal will not be at risk of flooding and adjacent properties will not be subject to any increase in flood risk.</p> <p>The site is served by a local urban road network and public transport in addition to active travel options all available to future residents. This is enhanced by the provision of extensive, safe and accessible cycle parking. Vehicular traffic impact is anticipated to be negligible.</p> <p>Impacts on water quality will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.</p>		
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location relative to sensitive habitats/ features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>		
<p>Conclusion</p>			
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>		<p>Yes or No</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>		<p>Yes</p>

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

Inspector: _____ **Date:** 27/8/25

ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3 - AA Screening Determination

Screening for Appropriate Assessment Screening Determination

1. Description of the project

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

The proposal is for redevelopment of a brownfield site in a serviced urban area.

The site is predominantly related to light industrial use associated with a stone works business in a large workshop together with extensive external storage of materials. The proposed development comprises two separate apartment blocks with intervening open spaces and ancillary parking and facilities. Demolition works form part of the development. A detailed description is set out in Sections 1 and 2 of this report.

Foul Water Management - Foul effluent discharge to the wastewater treatment plant at Shangannagh-Bray which is licensed to discharge treated effluent by the EPA into the Irish Sea Killiney Bay and is currently compliant with emission limit values.

Surface / Storm Water - A SuDS type surface water drainage system is proposed and is described as exemplary by the PA. It includes a range of measures at ground and roof levels and includes green and blue roofs, tree pits, swales and filtering of pollutants. The ultimate discharge is to surface water sewer north of the site which has a separate system. Some run-off discharge to the swales where it can percolate to groundwater. Given the brownfield site and industrial use, a net improvement to surface water run-off characteristics is likely.

The SSFRA concludes that the site is not at risk of flooding and there is no increased risk to any nearby properties.

Water Supply - Water supply for the development will be via a mains supply.

The site is not located within any Natura 2000 site (SAC or SPA) but is close to two such areas. There are no water courses within or adjacent to the site. The nearest is the Ballyogan Stream at 90m in a deep embankment

Construction Management Plan – Details of the construction phase as well as environmental pollution control measures are submitted with the application and will be reviewed and updated / revised as necessary throughout the construction phases. The development will have an estimated site programme for building over 18 months. Environmental control measures are provided with regard to noise, dust, light, waste, litter and control measures to prevent impacts upon soils, ground water and surface water.

Baseline Ecology – I note that the development area of the site is predominantly composed of 'buildings and artificial surfaces in an urban area' and scrub. (Fig. 3 Habitat Map in AA screening Report). The proposal includes a landscape plan that is biodiversity and pollinator friendly. Page 21 of the Landscape Design Statement refers to site clearance and of rubbish, stones, contaminants weed growth and large roots prior to implementing plan based on best practice. The layout involves retention of boundary vegetation and augmentation of this linear area with open space and an overall minimum coverage for 15% of open space. The site is not located within any Natura 2000 site (SAC or SPA). There are no Annex II (of the Habitats Directive) habitats identified on site. The site was not deemed to offer ex-situ habitats for SCI bird species due to site size and urban nature of building scrub and gardens contained therein.

Water Framework Directive - The coastal waters of the Irish Sea south of Dublin Bay (water body code: IE_EA_100_0000) have been assessed as 'high status' under the WFD for the 2016-21 reporting period. This classification indicates that water quality is of a sufficient standard to meet the requirements of the WFD. Future developments must not jeopardise this status. The coastal water beyond the estuary (Dublin Bay, water body code: IE_EA_090_0000) is assessed as 'good status'. Wicklow (water body code: IE_EAG 076) is 'good status' but at risk.

An AA screening report was prepared and submitted in addition to a range of reports as listed in section 2 of this report.

The PA has carried out a pre-screening assessment by reference to Appropriate Assessment Guidance for Planning authorities (DoH LG), NPWS data, AA Screening Report, GIS and planning application documents.

The appeal was referred to prescribed bodies but no submissions were received.

2. Potential impact mechanisms from the project

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

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

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

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

Construction Phase

- Uncontrolled releases of dust, sediments and/or other pollutants to air due to earthworks.
- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.
- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Waste generation during the Construction Phase comprising soils, construction and demolition wastes.
- Increased noise, dust and/or vibrations as a result of construction activity.

- Increased dust and air emissions from construction traffic.
- Increased lighting in the vicinity as a result of construction activity.
- Increased human presence.

Operational Phase

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

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

3. European Sites at risk

The site is not located within or adjacent to any European site and will not result in any direct loss of, or impact on, habitats in such sites.

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

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

It has already been stated that the site is not located within or directly adjacent to any Natura 2000 site. For projects of this nature an initial 15km radius is normally examined but is dependent on connectivity and scale. Having reviewed the sites in a 15km catchment and the potential for any link I consider the relevant Natura 2000 sites include:

- 1) South Dublin Bay SAC (000210) c5km north
- 2) Rockabill to Dalkey Island SAC (003000) c7km east of site and 1.5km from WwTP discharge point
- 3) South Dublin Bay and River Tolka Estuary SPA (004024) c5km north
- 4) Dalkey Islands SPA (004172) c7km south-east

In terms of hydrological pathways, it is identified that the site is served by an existing surface water sewer network and via this there is connection to the sea from the local stream network, the distance and dissipation reasonably excludes other sites.

Based on a source-pathway-receptor link the following was identified during the Screening Assessment.

- there is potential for contaminated run-off to inadvertently flow downstream and eventually to the Irish sea via Carrickmines Stream and Shanganagh River over a distance of 6.5km.
- The closest site to the Shangannagh River Discharge point 1.5km from Roackabill to Dalkey - the pathway is weak.
- Potential discharge to ground could migrate through ground to aquifer and surface waterbodies linking to Killiney Bay downstream but no direct pathway due to distance.
- No air or land pathways existing between the site and South Dublin Bay and River Tolka SPA and South Dublin Bay and distances of 5km in an urban environment reasonably impacts through air .
- Indirect Weak link via foul sewer to Rockabill to Dalkey SAC via WwTP- discharge does not have an observable impact on the coastal waters.
- No indirect pathway/disruption to migratory routes identified at the site no deemed to offer ex-situ habitats for SCI species

1) South Dublin Bay SAC: This intertidal site extends from the South Wall at Dublin Port to the West Pier at Dun Laoghaire, a distance of c. 5 km.

Qualifying Interests - (1140) Mudflats and sandflats not covered by seawater at low tide; (1210) Annual vegetation of drift lines; (1310) *Salicornia* and other annuals colonising mud and sand; (2110) Embryonic shifting dunes

2) Rockabill to Dalkey Island SAC: This site includes a range of dynamic inshore and coastal waters in the western Irish Sea. These include sandy and muddy seabed, reefs, sandbanks and islands. This site extends southwards, in a strip

approximately 7 km wide and 40 km in length, from Rockabill, running adjacent to Howth Head,

Qualifying Interests - Reefs [1170], *Phocoena phocoena* (Harbour Porpoise) [1351]

3) South Dublin Bay and River Tolka Estuary SPA This site comprises a substantial part of Dublin Bay. It includes virtually all of the intertidal area in the south bay, as well as much of the Tolka Estuary to the north of the River Liffey. The site possesses extensive intertidal flats which support wintering waterfowl which are part of the overall Dublin Bay population.

Qualifying Interests - [A046] Light-bellied Brent Goose *Branla bemicla hrota*; [A130] Oystercatcher *Haemalopus ostralegus* ; [A137] Ringed Plover *Charadrius hiaticula* ; [A141] Grey Plover *Pluvialis squatarola* ; [A143] Knot *Calidris canutus* ; [A144] Sanderting *CaMns alba* ; [A149] Dunlin *Calidris alpina alpina* ; [A157] Bar-tailed Godwit *Limosa lapponica* ; [A162] Redshank *Thinga tetanus*; [A179] Black-headed Gull *Chroicocephalus ridibundus* ; [A192] Roseate Tern *Sterna Oougallu*; [A193] Common Tern *Sterna hirundo*; [A194] Arctic Tern *Sterna paradisaea* ; [A999] Wetlands

4) Dalkey Islands SPA The site comprises Dalkey Island, Lamb Island and Maiden Rock, the intervening rocks and reefs, and the surrounding sea to a distance of 200 m. It is both a breeding and a staging site for *Sterna* terns. There is a good history of nesting by terns though success has been variable over the years.

Qualifying Interests: Roseate Tern (*Sterna dougallii*) [A192], Common Tern (*Sterna hirundo*) [A193], Arctic Tern (*Sterna paradisaea*) [A194]

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

Taking account of baseline conditions and the effects of ongoing operational plans and projects, the following considers whether there is a likely significant effect 'alone' from the proposed development at construction and operational stage in

respect of the following. These criteria are considered to satisfactorily capture the potential effects of the proposed development on European sites

- 1) Habitat loss or alteration
- 2) Habitat/species fragmentation
- 3) Disturbance and/or displacement of species
- 4) Changes in water quality and resources
- 5) Changes in population density

Habitat Loss or Alteration - The proposed development is not located within or immediately adjacent to any European sites. The intervening land in each case is occupied by urban area with pockets of open space. Due to the distance separating the development site from these Natura 2000 sites there is no pathway for loss or disturbance of habitats listed in table 1 or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of the Natura 2000 sites. Therefore, there is no potential for direct habitat loss or alteration to occur as a result of the construction or operation of the proposed development.

Habitat Fragmentation - As the Proposed Development does not have the potential to directly cause habitat loss or alteration, it likewise will not result in direct habitat fragmentation.

Changes in Water Quality and Resource

- 6) **Surface Water** – As the site is already composed of hard standing, there can be negligible impact to the quantity or quality of surface water run-off from the site. The site will be served by the public surface water sewer system. In addition, the proposed development incorporates comprehensive SUDS measures to treat and attenuate surface water runoff to further reduce the already negligible potential for surface water impacts. No potential for impacts to water quality and resource exists for European sites from surface water runoff or drainage from the Proposed Development.
- 7) **Foul Water** - The proposed development will be served by separate foul water and surface water sewers during its Operational Phase. The increase of the PE

load at the facility as a result of the proposed development is considered to be an insignificant increase in terms of the overall scale of the facility.

Disturbance and/or Displacement of Species - No likely significant effects associated with disturbance or displacement of SCI species are likely to occur. There are no sources of light or noise over and above that this are already experienced in this built-up, urbanised location. Furthermore, the site of the proposed development does not provide any significant suitable ex-situ habitat for SCI species of any nearby SPAs and no likely significant effects associated with disturbance or displacement of SCI species are likely to occur.

Changes to Population Density - For the reasons outlined above, the proposed development does not have the capacity to cause any significant changes in the population density of any species within any European Site.

Construction Phase - The construction phase will be temporary. The development proposes a range of measures as outlined in the Preliminary Construction Management Plan. As outlined above these mainly relate to the management of soils, excavations, hydrology & hydrogeology, traffic, accidents/spills/leaks, water utilities, and dust. I am satisfied based on the identified characteristics of potential direct and indirect paths that the potential for significant surface water effects during the construction phase are addressed in the embedded in the design and best practice measures.

Operational Phase - For the operational stage, the surface water drainage network has been designed in accordance with SuDS principles. Consistent with my assessment above I would accept that the potential for significant surface water effects to downstream sensitivities during the operational phase is negligible considering the inclusion of suitable SuDS measures and a petrol interceptor.

It is my view that these are best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The

measures are otherwise incorporated into the applicant's Preliminary Construction Management Plan and other elements of the documentation and drawings submitted, and I do not consider that they include any specific measures that would be uncommon for a project of this nature. Therefore, I am satisfied that these measures can be considered in the AA Screening process.

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

- South Dublin Bay SAC (000210) c5km northeast
- Rockabill to Dalkey Island SAC (003000) c7km east
- South Dublin Bay and River Tolka Estuary SPA (004024) c5km north
- Dalkey Islands SPA (004172) c7km south-east

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

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

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

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

6. Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

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

This conclusion is based on:

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

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

Appendix 4			
WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref.	ABP- 322569	Townland, address	133 and 152 Ballyogan Road, Ballyogan, Dublin 18
Description of project		Demolition of Structures and construction of 49 apartments in 2 blocks with associated works.	
Brief site description, relevant to WFD Screening		<p>The site is a serviced brownfield urban site with low density development and used for commercial activities. The lands are in close proximity to a former landfill site which have been rehabilitated and partially developed. There is no watercourse on site, but the Ballyogan Stream is some 90m to the south but the Flood Risk Assessment states that the site is not hydraulically connected to this. This is a 3rd order tributary to the Carrickmines Stream which flows into the Shangannagh River c.4km to the southeast and ultimately into Killiney Bay. The rivers were assigned 'Good' ecological status and are currently 'not at risk' of not meeting their WFD objective. The underlying ground water body is Wicklow with a status of 'Good' but 'at risk' of not meeting WFD objectives). Hydrological connection is possible but through on-site drainage which is to be considerable enhanced with bio-retention, regulation of discharge and filtering.</p>	

Proposed surface water details			Connected separate sewer system to the north of the site Proposed SuDS			
Proposed water supply source & available capacity			Public Water Mains			
Proposed wastewater treatment system & available capacity,			To foul sewer.			
Others Matters			Flood risk raised but not at Risk as confirmed by SSFRA			
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
River waterbody nearest to site Ballyogan Stream - 3 rd order tributary to	Approx. 90m south	• Carrickmines Stream (EU Code: IE_EA_10C040350) which flows into	Good	Not at risk	No pressures in this catchment	No direct pathway

Carrickmines Stream		<ul style="list-style-type: none"> Shangannagh River (EU Code: IE_EA_10S010600) c.4km 	Good	Not at Risk		
Groundwater Wicklow	Underlying site	Wicklow (EU Code: IE_EA_G_076)	Good	at risk		none.
Coastal waterbody Killiney Bay	6km	Killiney Bay (EU Code IE_EA_100-0000)	High	Not at risk		Direct: None Indirect: via the surface water sewer system and the Foul sewer network via the WwTP at Shangannagh-Bray
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.	Pollutants spilling to <ul style="list-style-type: none"> • surface water system and • seeping through to groundwater • Dust dispersion to stream 	<ul style="list-style-type: none"> • Carrickmines Stream (EU Code: IE_EA_10C040 350) which flows into Shangannagh River (EU Code: IE_EA_10S010 600) c.4km 	Potential for hydrological pathway / indirect impact via surface water drainage into Killiney Bay Pathway from through soil to underlying groundwater to	Due Weak pathway minimal, surface water pollution and groundwater if any - site run-off is collected and connection to a separate surface water system.	None other than embedded standard best practice.	No	Screened out

		Wicklow (EU Code: IE_EA_G_076 Killiney Bay (EU Code IE_EA_100- 0000	surface waters and into Killiney Bay	A high wall and extensive yard separate the site from the nearest stream.			
OPERATIONAL PHASE							
3.	• Soiled water contaminating run-off discharge to Drainage System	As above	Potential for hydrological pathway / indirect impact via surface water drainage and failed SuDs	None Embedded Design features will enhance existing run-off system	None other than embedded standard best practice.	No	Screened out See assessment and determination in within Section 6.2 of report.
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A