



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323469-25

<b>Development</b>	A residential development of 19 no. houses, and all site works
<b>Location</b>	Rockville, Glenamuck Road South, Kiltiernan, Dublin 18., The lands are located on the eastern side of the Glenamuck Link Distributor Road.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D25A/0435/WEB
<b>Applicant(s)</b>	Goodrock Residential Limited.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Goodrock Residential Limited
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	14 <sup>th</sup> November 2025.

**Inspector**

Carol Smyth

## Contents

1.0 Site Description.....	5
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	7
3.3. Prescribed Bodies.....	9
3.4. Third Party Observations .....	10
4.0 Planning History.....	10
5.0 Policy Context.....	13
5.1. National Policy .....	<b>Error! Bookmark not defined.</b>
5.2. Section 28 Ministerial Guidelines .....	13
5.6. Development Plan.....	14
5.8. Natural Heritage Designations .....	18
5.9. EIA Screening .....	18
6.0 The Appeal .....	18
6.1. Grounds of Appeal .....	18
6.2. Planning Authority Response.....	23
6.3. Observations.....	23
6.4. Further Responses .....	23
7.0 Assessment.....	23
8.0 AA Screening.....	33
9.0 Recommendation.....	36
10.0 Reasons and Considerations.....	36

11.0 Conditions .....**Error! Bookmark not defined.**

**Form 2 - EIA Preliminary Examination** ..... 40

Appendix 1 – Form 1: EIA Pre-Screening

## **1.0 Site Description**

- 1.1. The subject site is located within the administrative boundary of Dun Laoghaire Rathdown County Council. The site is situated off Glenamuck Road South, Kiltiernan, to the east of the Glenamuck Link Distributor Road currently under construction and has a stated area of 0.77 hectares. The site is an elongated triangle shape with contours that slopes broadly in two directions rising from north to south and falling in a perpendicular direction from west to east.
- 1.2. This is a greenfield site bounded by Objective B zoned lands to its north (agriculture and rural amenity), Objective G zoned lands to its east (high amenity area) Objective A zoned lands to its south (residential, comprising a recently permitted Large-Scale Residential Development). The Glenamuck Link Distributor Road bounds the site to the west.
- 1.3. The surrounding context includes several new and emerging residential and commercial schemes constructed in recent years. The subject site is located opposite Phase 2B of the 'Rockville' residential scheme, which is undergoing construction to the west of the Glenamuck Link Distributor Road. Wayside Celtic Football Club have a clubhouse and pitches to the northeast of the appeal site.

## **2.0 Proposed Development**

- 2.1. This Phase 3 proposal of a permitted development comprises the construction of a residential development of 19 no. houses, including 13 no. 2 storey, 3-bedroom houses, and 6 no. 3 storey, 4-bedroom houses.
- 2.2. The proposal includes 38 no. car parking spaces. Resident cycle parking and bin storage areas are provided in-curtilage, and additional visitor cycle parking is provided in Sheffield stands. The proposed development includes private amenity space, consisting of private gardens, and public open space.
- 2.3. The proposal includes vehicular access from the under construction Glenamuck Link Distributor Road to the north, and a proposed alternative service route for the Large-Scale Residential Development (LRD) on the adjoining lands to the south of the subject site permitted under Reg. Ref.: LRD24A/0597.

- 2.4. The proposal includes all associated site and infrastructural works, including tie-ins to the GLDR infrastructure at the site entrance and alteration of the boundary wall currently being constructed as part of the GLDR, ESB Substation, foul and surface water drainage, hard and soft landscaping, boundary treatments, internal roads and footpaths.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Dun Laoghaire Rathdown County Council issued a decision to refuse permission on the 25th July 2025. The reasons for refusal are as follows:

- 1) The proposed vehicular entrance and access road to the site is on lands zoned Objective B, is contrary to the B Zoning Objective that seeks to protect and improve rural amenity and to provide for the development of agriculture. A roadway offering primary entrance and access to a residential development is considered 'Residential' use, and therefore does not comply with zoning Objective B under Section 13.1.4 Land Use Zoning Objectives of Dún Laoghaire-Rathdown County Development Plan 2022-2028. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.
- 2) The proposed development relies on an area of Objective G zoned lands to provide for public open space, this is not considered compliant with the G zoning objective that seeks 'To protect and improve high amenity areas'. An area of public open space is considered to be 'Residential' and therefore does not comply with zoning Objective G under Section 13.1.5 Land Use Zoning Objectives of Dún Laoghaire-Rathdown County Development Plan 2022-2028. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.
- 3) Having regard to the Objective 'A' zoning of the subject site, the proposed development by reason of its discordant relationship with its receiving environment and limited active frontage to the street would result in a negative visual impact on the streetscape, and would fail to provide sufficient animation to Glenamuck Link Distributor Road (GLDR). This design approach to the

Glenamuck Link Distributor Road (GLDR) frontage is not an acceptable design solution and fails to comply with Section 12.3.1.1 Design Criteria nor Policy 4.4.1.1 Objective PHP35 Healthy Placemaking of Dún Laoghaire-Rathdown County Development Plan 2022-2028 that promotes best practice in terms of urban design. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

The Planning Authority included an additional note to the Chief Executives order as follows:

NOTE: The applicant should note that the area of proposed open space is to introduce recreational pressures that would result in adverse impacts on the wooded copse of mature trees and habitat, and would be contrary to the requirements of Policy KGLAP44 Ecologically Important Areas of Kiltiernan-Glenamuck Local Area Plan 2025; Policy Objective GIB23 County-Wide Ecological Network, and Section 13.1 Land Use Zoning Objectives of Dún Laoghaire-Rathdown County Development Plan 2022-2028.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning report is consistent with the decision notice issued.

The Report notes that the site falls within 3 no. zoning objectives, A, B and G. While the Planning Authority considered residential development to be acceptable in principle on 'A' zoned lands, it was noted that the vehicular entrance is within lands zoned Objective 'B' (agriculture) and the public open space provision is primarily within lands zoned Objective 'G' (high amenity area). The proposal submitted for the residential development for 19 no. units therefore relies on zoned lands 'B' and 'G' for access and public open space.

Zoning Objective 'B' seeks *'To protect and improve rural amenity and to provide for the development of agriculture'*. The Planning Report noted that residential development is open for consideration but is restricted to development that is in accordance with development plan policy for residential development in rural areas. Similarly, Zoning Objective 'G' seeks *'to protect and improve high amenity areas.'*

Again, residential development is open for consideration with the same restriction that is in accordance with policy for residential development in rural areas.

The Planning Authority considered that any new residential development should be capable of delivering the residential element, vehicular access and public open space within the 'A' land use zoning objective.

The Planning Authority also considered that the proposal had an incompatible relationship with its surrounding environment in terms of urban design, providing limited active frontages on the streetscape and failed to provide sufficient animation to Glenamuck Link Distributor Road.

### 3.2.2. Other Technical Reports

- Drainage

The Drainage Planning Division requested further information in relation to outflow, run-off rates, catchment map, climate change, hydrological modelling, attenuation, location of tree pits, stormwater audit and wayleaves on the diverted sewer.

- Transportation

The Transportation Planning Division requested further information in relation to width of the internal access road, zebra crossing, pedestrian and cyclist access to the link road on the southern end of the site, visibility in terms of boundary treatment, long and short stay cycle parking.

- Parks and Landscape Services

The Parks and Landscape Services requested further information regarding the location of the proposed public open space in the sensitive woodland area to the south of the site zoned G (to protect and improve high amenity areas) and requested that this area be excluded. Clarification was also required regarding the proposed buffer zone indicated along the eastern boundary of the site.

- Biodiversity

The report from the Biodiversity Section raised several concerns in relation to the survey methodology contained in the Ecological Impact Assessment and requested further information regarding the submission of a revised Ecological

Impact Assessment report, landscape design rationale, revised Outdoor Lighting report and the submission of a revised Construction, Waste and Environmental Management Plan.

- Environmental Health Officer

No objections raised subject to condition relating to the submission of a Construction Environmental Management Plan and a Public Liaison Plan and standard conditions in relation to noise levels, construction hours and dust monitoring.

- Environmental Enforcement

The Environmental Enforcement Section raised no objection to the development subject to conditions relating to the submission of a Construction Management Plan, a Resource and Waste Management Plan, Public Liaison Plan, Operational Waste Management Plan and Pest Control Plan.

- Public Lighting

The lighting design was considered acceptable to the Planning Authority subject to conditions relating to colour temperature.

- Housing Department

The Housing Department recommended that a condition be attached requiring the applicant/developer to enter into an agreement in accordance with Part V of the Planning and Development Act 2000 (as amended) prior to commencement.

### **3.3. Prescribed Bodies**

- Uisce Eireann

Uisce Eireann notes that a Pre-Connection Enquiry (PCE) has been submitted in relation to the development. Upgrade works are required to facilitate the proposed connection. These works are being delivered as part of the Glenamuck District Roads Scheme, currently being progressed by Dún Laoghaire-Rathdown County Council.

This upgrade project is scheduled for completion by the end of Q1 2026 (subject to change). The proposed development shall not connect to the UÉ network until

such time as the necessary upgrade works have been completed and UÉ confirms that a connection can be facilitated.

A standard condition is recommended in relation to a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and/or wastewater collection network.

- Department of Housing, Local Government and Heritage (Development Applications Unit)

The Department recommends that a programme of archaeological test trenching be carried out within the site prior to the commencement of construction.

Conditions are recommended in relation to archaeology testing, monitoring and mitigation measures and the submission of a final archaeological report on the findings to the Department.

- Transport Infrastructure Ireland

Transport Infrastructure Ireland requests that regard is had to the provisions of the DoECLG Spatial Planning and National Roads, Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".

### 3.4. Third Party Observations

None

## 4.0 Planning History

- 4.1. There is no recent relevant planning history relating to the subject site.

The following planning history relates to adjoining sites:

4.2. Wayside, Enniskerry Road, Kiltiernan

- 4.2.1. **LRD24A/0597 – Planning permission granted** for 2 no. sites, measuring c. 14.2 Ha., separated by the future Glenamuck Link Distributor Road (GLDR), Kiltiernan, Co. Dublin. The development will principally consist of the demolition of c.740 sqm of existing structures on site comprising a derelict dwelling known as 'Rockville' and

associated derelict outbuildings (c. 573 sqm) and the former Kiltiernan Country Market (wooden structure) (c.167 sqm); and the provision of a mixed-use development principally consisting of 487 No. residential units (196 No. houses, 201 No. duplex units and 90 No. apartments) and a neighbourhood Centre.

4.2.2. **DLR Reg. Ref. D23A/0616 – Planning permission granted** for a 3.9 Ha site at lands at Wayside, Enniskerry Road, Kiltiernan, Dublin 18. The development comprises the provision of a mixed-use development consisting of 91 no. residential units (72 no. houses and 19 no. duplex units), a creche (405 sqm) and retail/commercial floorspace (356 sqm), which ranges in height from 2 to 4 No. storeys.

4.2.3. **ABP313860-22 (SHD) Planning permission refused** 383 no. residential units (218 no. apartments, 165 no. houses), creche and associated site works.

#### 4.3. **Rockville Phase 2B**

4.3.1. **DLR Reg. Ref. D23A/0580 – Planning permission granted** for amendment to the permitted Phase 2B residential development as granted permission under ABP-306999-20/DLR Reg. Ref. D20A/0015. The subject amended application proposes the provision of 28 no. units comprising 12 no. two and three storey houses (9 no. 2 bedroom terraced houses and 3 no. 3 bedroom terraced houses) and 16 No. three and four storey duplex units in 3 no. blocks comprising 6 no. 1 bedroom units, 9 no. 2 bedroom units and 1 no. 3 bedroom unit. The amended scheme proposes 34 no. car-parking spaces, bicycle parking, bin and bike storage, communal and public open space, an attenuation tank, substation, and all associated works above and below ground.

4.3.2. **ABP30699-20/DLR Reg. Ref. D20A/0015 – Planning permission granted** following a first party appeal of the decision to refuse permission for a Phase 2B residential development. The Phase 2B proposal relates to the construction of a four storey apartment block comprising of 56 no. residential units including 11 no. 1 beds, 39 no. 2 beds and 6 no. 3 beds. The apartment block includes a gym facility with GFA of 50.6 sqm a creche facility with GFA of 126 sqm, both at ground floor level, and private, communal and public open space. The proposed development includes a homezone access and parking area containing 72 no. surface parking spaces, cycle parking spaces, including bike stores, and bin stores. The proposal includes all

associated site works, including internal access roads, cycleways and footpaths, drainage, hard and soft landscaping and boundary treatment.

**4.3.3. ABP303324-18/DLR Reg. Ref. D18A/0940 - Planning permission refused**

following a first party appeal against the decision to refuse permission for a Phase 2B residential development. The Phase 2B proposal relates to the construction of a four storey apartment block comprising of 57 no. residential units including 10 no. 1 beds, 41 no. 2 beds and 6 no. 3 beds. The apartment block includes a gym facility with a GFA of 50 sqm at ground floor level and private communal and public open space. The proposal includes a homezone access and parking area containing 72 no. surface parking spaces, cycle parking spaces, including bike stores and bin stores. The proposal includes all associated site works, including internal access roads, cycleways and footpaths, drainage, hard and soft landscaping and boundary treatment.

**4.4. Rockville Phase 2A**

- 4.4.1. DLR Reg. Ref. D18A/0566 – Planning permission granted** for the construction of 6 no 4 bed dwellings on a site south of Rockville House. The proposal is a small addition to the residential development permitted under Reg. Ref. D17A/0793 for 49no. Units (37 no. dwellings and 12 no. apartments) and will be accessed from the permitted local road within the adjoining the residential development to the north.

**4.5. Rockville Phase 1**

- 4.5.1. DLR Reg. Ref. D18A/0969 - Planning permission refused** for modifications to the residential development permitted under Reg. Ref. D17A/0793. The proposed modifications comprise of the following: Subdivision and internal amendments to Rockville House to provide for 2 no. residential units comprising 1 no. 2-bedroom unit (Unit A) to the front of the house and 1 no. 3-bedroom unit (Unit B) to the rear of the house. Demolition of the existing rear extension of Rockville House and replacement with a two storey extension, with a GFA of 62.2 sqm, forming part of Unit B.
- 4.5.2. DLR Reg. Ref. D17A/0793 – Planning permission granted** for demolition of existing agricultural outbuildings on site; Retention of Rockville House and Gatelodge (both protected structures under RPS Ref:1790) with amendments to boundary treatment to provide for 2 no. separate residential dwellings with curtilage

car parking and private open space, facilitated by the proposed removal of existing of the outbuilding to the rear of Rockville House; Construction of a total of 49 no. dwellings consisting of 37 no. detached, semi-detached and terraced 2/3 storey houses and 12 no. apartments.

#### 4.6. **Rockville**

- 4.6.1. **ABP PL06D.247300/DLR Reg. Ref. D16A/0488 – Planning permission refused** following a first party appeal against the decision to refuse permission for construction of a total of 49 no. dwellings consisting of 37 no. detached, semi-detached and terraced 2/3 storey houses and 12no. apartments. Demolition of agricultural outbuildings on the site. Retention of Rockville House and Gatelodge (both Protected Structures under RPS Ref: 1790) with amendments to boundary treatment to provide for 2 no. separate residential dwellings with private open space and curtilage car parking. The proposal also provides for the removal of the outbuilding to the rear of Rockville House. Provision of a new vehicular site access from Glenamuck Road South, in the approximate location of an existing agricultural access and retention and re-use of existing vehicular access to Rockville House and Gatelodge for pedestrian and cyclist usage.

#### 4.7. **Glenamuck District Distributor Roads Scheme**

- 4.7.1. **ABP HA06D.303945 – Approval** for the Glenamuck District Roads Scheme which will connect the existing R117 Enniskerry Road with the Glenamuck Road and new link distributor road which will connect to the Ballycorus Road and the R117 Enniskerry Road (alternative north-south route).

## 5.0 **Policy Context**

### 5.1. **Section 28 Ministerial Guidelines**

5.2. Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024).

5.3. Design Manual for Quality Housing

5.4. Design Manual for Urban Roads and Streets' (DMURS)

## 5.5. Development Plan

### 5.5.1. Dun Laoghaire-Rathdown County Development Plan 2022-2028

The site is governed by the policy and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 (referred to hereafter as the Development Plan). The subject site comprises 3 no. land use zoning objectives A, B and G.

Land use zoning objective 'A' seeks to provide residential development and improve residential amenity while protecting the existing residential amenities. Residential development is permitted in principle under this zoning objective.

Land use zoning objective 'B' seeks to protect and improve rural amenity and to provide for the development of agriculture and land use zoning objective G seeks to protect and improve high amenity areas. Residential development is open for consideration within land use zoning objectives B and G but restricted to development that is in accordance with the policy for residential housing in rural areas. Open space is permitted in principle under both zoning objectives.

The subject site is also located within the boundary of Kiltiernan Local Area Plan 2025.

Chapter 2 - Core Strategy, sets out the settlement and growth strategy for the County, considering housing need, residential capacity, population growth, compact growth, and regeneration.

Chapter 3 - Climate Action, sets out the detailed policy objectives in relation to climate and the role of planning in climate change mitigation, climate change adaptation and the transition towards a more climate resilient County.

Chapter 4 - Neighbourhood – People, Homes and Place, sets out the policy objectives for residential development, community development and placemaking, to deliver sustainable and liveable communities and neighbourhoods.

Chapter 5 - Transport and Mobility, seeks the creation of a compact and connected County, promoting compact growth and ensuring that people can easily access their homes, employment, education and the services they require by means of sustainable transport. The relevant policy objectives from this chapter include:

- 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)

Chapter 8 - Green Infrastructure and Biodiversity, includes policies for the protection, creation, and management of this resource in an integrated manner by focusing on key themes within GI such as: landscape and the coast; access; biodiversity; and parks.

- Policy Objective GIB1: Green Infrastructure Strategy

It is a Policy Objective to continue to implement, and update, the DLR Green Infrastructure (GI) Strategy, to protect existing green infrastructure and encourage and facilitate, in consultation with relevant stakeholders, the development, design and management of high quality natural and semi-natural areas. This recognises the ecosystems approach and the synergies that can be achieved with regard to sustainable transport, provision of open space, sustainable management of water, protection and enhancement of biodiversity.

- Policy Objective GIB4: High Amenity Zones

It is Policy Objective to conserve and enhance existing High Amenity Zones and to seek to manage these and other areas to absorb further recreational uses and activity without damaging their unique character.

- 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.

Implementation of this Policy Objective will involve, inter alia:

- Protection of existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character, including those listed under Tree Protection Orders (TPOs) and ensure that proper provision is made for their protection and management.
- Designation of High Amenity zones.

Chapter 9 -Open Space, Parks and Recreation, recognises that having safe and easy access to a network of open space and parks, means that the recreational needs of residents are met, while enhancing their health and well-being. The relevant policies from this chapter include:

- Policy Objective OSR4 - Public Open Space Standards

It is a Policy Objective to promote public open space standards generally in accordance with overarching Government guidance documents 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities', (2009), the accompanying 'Urban Design Manual - A Best Practice Guide', and the 'Sustainable Urban Housing: Design Standards for new Apartments', (2020).

Chapter 10 - Environmental Infrastructure and Flood Risk, recognises the critical importance of high-quality infrastructure networks and environmental services in creating sustainable, healthy, and attractive places to live and work.

Chapter 12 - Development Management, contains the detailed development management objectives and standards that are to be applied to proposed developments. Relevant sections of this chapter include:

- Section 12.3.1: Quality Design
- Section 12.3.3.1: Residential Size and Mix
- Section 12.3.3.2: Residential Density
- Section 12.3.4.2: Habitable Rooms
- Section 12.3.4.5: Management Companies and Taking in Charge
- Section 12.4.8: Vehicular Entrances and Hardstanding Areas
- Section 12.8.3: Open Space Quantity for Residential Development
- Section 12.8.3.1: Public Open Space

- Section 12.8.7.1: Separation Distances
- Section 12.8.7.2: Boundaries
- Section 12.8.11: Existing Trees and Hedgerows

#### 5.6. **Kiltiernan-Glenamuck Local Area Plan 2025.**

- 5.6.1. The site is within the boundary of the Kiltiernan-Glenamuck Local Area Plan 2025 which came into effect on the 17<sup>th</sup> July 2025, (referred to hereafter as the LAP).
- 5.6.2. The subject site is located within the 'Central Parkland Character Area' (Section 2.3.2 of the LAP). This character area encompasses lands to the east of the Kiltiernan – Glenamuck Link Road and to the south of Glenamuck Road. It also includes a portion of the permitted Kiltiernan Park which lies southwest of the junction of the Glenamuck Road and the Kiltiernan – Glenamuck Link Road.
- 5.6.3. As set out in Section 2.7 Kiltiernan - Glenamuck Site Development Frameworks (SDF) of the LAP, the subject site is located within the SDF11 Kiltiernan Park – New Phase. SDF11 contains a number of objectives in relation to the subject site as follows:
- 5.6.4. Movement Objectives SDF11-1
- Ensure permeability and connectivity to both the “Strategic Green Corridor” and the east-west route to the Village Centre.
  - Facilitate pedestrian and cycle connectivity to Jackson Park.
  - Facilitate pedestrian and cycle connectivity to education lands (SDF9).
  - Facilitate pedestrian and cycle connectivity to permitted Kiltiernan Park (see figure 7.2 in chapter 7).
  - Facilitate where feasible connectivity to Glenamuck Valley/ Kiltiernan Village East (SDF7).
- 5.6.5. Environment Objectives SDF11-2
- Ensure retention of hedgerows and trees.
  - Ensure protection of the ecologically sensitive glaciated valley feature to the south east.

- Ensure any development on the “A” zoned land is sensitive to the lands to the south which are subject to the “G” land use objective.
- Ensure any development on the “A” zoned land is cognisant of the future Kiltiernan Park.

#### 5.6.6. Detailed Design Objectives SDF11-3

- Examine the opportunity for minor expansion of Jackson Park into SDF 11 to provide an enlarged pitch in the south-east of Jackson Park.

### 5.7. Natural Heritage Designations

The site is situated approximately 3.1 km to the northeast of Knocksink Wood SAC, 3.7 km to the northwest of Ballyman Glen SAC and Proposed NHA, and 6.7km to the west of Rockabill to Dalkey Island SAC.

### 5.8. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix A 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. This is a First Party appeal against the Planning Authorities decision to refuse permission for a residential development of 19 no. houses and all site works on lands situated to the eastern side of Glenamuck Link Distributor Road currently under construction. The following provides a summary of the grounds of appeal:

- Reason for Refusal No.1: Access via lands zoned Objective B

- The proposed access road on the site serves a dual purpose of facilitating access to the wider agricultural (Objective B) zoned lands and the proposed residential development on the (Objective A) zoned lands and potentially the future Kiltiernan Park New Phase identified under the LAP.
- The proposed access road is permissible under the Objective B land use zoning and does not adversely impact on the objective 'to protect and improve rural amenity and to provide for the development of agriculture'.
- The location of the access road proposed under the subject application is consistent with the location set out under the 2013 LAP.
- The proposed access road will also serve the future Kiltiernan Park New Phase as set out in the 2025 LAP.
- The development aspirations of DLRCC in respect of the objective A zoned lands cannot be realised without access from the Glenamuck Link Distributor Road (GLDR). The purpose of the access is to provide suitable transport infrastructure to access the Objective A residential zoned lands to facilitate residential development and the LAP objective B agricultural lands therefore avoiding 2 no. entrances off the GLDR.
- The proposed vehicular entrance is currently under construction as part of the approved GLDR. The location of the vehicular entrance point was agreed between the landowner, DLRCC Roads Engineers and GLDR Engineers.
- As evidenced by correspondence from DLRCC at Appendix 6, the location of the proposed access road has regard to the agreed location of the entrance from the GLDR which has regard to the site topography and infrastructure in place and any alteration of the access point would conflict with the approved road and services connections currently being delivered to the lands within the KGLAP.
- The proposed location of the access road was determined under the GLDR scheme. The design and location of the access point has regard to the permitted road levels and topography of the subject lands and aligns with foul, surface water and potable water infrastructure in place.

- Any alteration of the access point would conflict with the approved road currently being delivered and would result in a less efficient use of 'A residential zoned lands by reducing the number of houses deliverable due to the intake for the road and the variation of site levels across the site would not tie in with the road level of the GLDR.
- Public services is a permissible use under the land use zoning objective B which includes a roadway.
- Should the access roadway not be considered to fall within the public services definition.
- The plan does not expressly exclude the access road or describe it as a land use which is not permitted. It is therefore the accepted position that roads infrastructure can be provided on all land use zoning objectives as required to facilitate development.
- There are precedents for road infrastructure being provided on lands not specifically zoned for that use.
- The location of the proposed access road will contribute to road safety in the area through the avoidance of a proliferation of access points along the subject section of the GLDR.
- The reference to the Heather Hill management Company CLG v An Bord Pleanala as a legal precedent in the DL RCC Planners report is not relevant. The reference to case law by the Planning Authority should be discounted.
- The area relating to the access road on the Objective B zoned lands comprises a small portion of the overall application site and as such represents minor development which will assist with the delivery of housing.
- The Commission consider that the development contravenes the plan they can grant permission under S.37(2)(a) and (b) of the 2000 Act (as amended).
- Reason for Refusal No.2: Public Open Space on Lands Zoned Objective G
  - Open space is permitted in principle under the zoning Objective G and is therefore consistent with the land use zoning objective.

- In terms of quantum the Development Plan requires 15% of the net area of the site which equates to an area of 945sqm. The proposed development provides 2221sqm therefore exceeding the required provision.
- The development is not reliant on the Objective G zoned lands to meet public open space requirements.
- Section 12.8.3 also allows of a development contribution under Section 48 of the Planning and Development Act 2000 (as amended) for any shortfall in the provision of public open space.
- The applicant has provided 6266sqm of private open space in addition to the 15% requirement under the Development Plan in respect of earlier phases of the development. This overprovision of 6266sqm of open space more than compensates the entire requirement of 945sqm for this site.
- The applicant has also provided circa 3 hectares of lands for within walking distance to the northwest of the subject site for a public park.
- The applicant is willing to increase the width of the eastern biodiversity corridor to 10 metres and include an additional 10 metre buffer to the hedgerow southeast of the site. The applicant also proposes an alternative location of the public open space to serve the development on lands within the applicants control to the northeast of the site as set out in an alternative proposal.
- In terms of the protection of the Objective G zoned lands. The ecological Consultant has submitted a report which states that the area will be fenced off with ibex mesh and a native hedgerow planted to avoid any human disturbance.
- The proposed inclusion of Objective G zoned lands as open space protected for biodiversity is appropriate and consistent with the aims of the LAP as it relates to biodiversity.
- Public open spaces in residential schemes differs in nature to public open space provided for public parks and can include areas for nature conservation and biodiversity value as set out in the Compact Settlement Guidelines.

- The subject development provides for the retention of hedgerows and trees and includes 10 metres buffers to both Objective G lands and the future park.
- Reason for Refusal No.3: Urban Design
  - The design of the scheme has been carefully considered to respond to its context in terms of scale form, animation, passive surveillance and layout.
  - Having regard to the elongated triangular nature of the site and the contours of the site the only practicable solution was to arrange houses either side of a homezone street running the length of the site.
  - The elevation of the development onto the GLDR directly addresses it forming a street edge with a coherent design which actively engages with the roadway.
  - The front doors and front elevations of 5 out of 7 no. of the houses directly serve the GLDR. Additional front fenestration is included to the western side of House No. 5 and 2 and in addition to the pedestrian /cyclist access at the main access to the site, additional pedestrian cyclist access points are provided to the GLDR between house no's 5-7 and No's 2-7 to improve permeability and activity along the GLDR frontage of the site.
  - Open front gardens and streetscape areas on the western edge create active frontage and passive surveillance of the public realm.
  - In terms of boundary treatment, the boundary wall of the GLDR which comprises a low granite wall and railing was permitted under the Glenamuck District Roads Scheme and is currently under construction.
  - The development will result in a visually interesting arrangement contributing to the sophistication of the design and sense of place, provides appropriate animation to the GLDR and makes a positive contribution in terms of visual impact.
  - The design team have considered the future park to the east. The proposed development will be separated from the park by a steep embankment which provides passive overlooking of the future park. The embankment, proposed hedgerow with a 10 metre biodiversity buffer provides a suitable transitional zone between the residential development and the future park.

- The proposed development complies with Section 12.3.1.1 of the Development Plan in relation to design criteria for residential development.
- The proposal meets the principles set out in the 'Urban Design Manual – A Best Practice Guide and DMURS 'Design Manual for Urban Roads and Streets.
- The Appeal Documentation and accompanying appendices address and respond to the various key points raised by the DLR Planning Officers report and the internal departmental reports on file.

## **6.2. Planning Authority Response**

The grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority would justify a change in attitude to the proposed development.

## **6.3. Observations**

None on file.

## **6.4. Further Responses**

None on file.

## **7.0 Assessment**

Having examined the applications details and all other documentation on file, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Open Space
- Urban Design
- Other Matters

### **7.1. Principle of Development**

- 7.1.1. The proposed residential development of 19 houses is situated on a site which comprises 3 no. land use zoning objectives, namely Objective A, B and G. Section 13.1 - Land Use Zoning Objectives of the Development Plan, sets development management objectives of the Council for all lands in its administrative area.
- 7.1.2. The majority of the site is within land use zoning objective A which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities. All of the residential units for the proposed scheme are situated within zoning objective A, under which residential development is permitted in principle.
- 7.1.3. A portion of the proposed access road to the north of the site is positioned on the lands within land use zoning objective B, which seeks to protect and improve rural amenity and to provide for the development of agriculture. Residential development is listed as an open for consideration use under land use zoning objective B, but this is restricted to the policies contained in the Development Plan in relation to rural housing.
- 7.1.4. The proposed public open space provision is primarily within land use zoning objective G, which seeks to protect and improve high amenity areas. Two further areas of the proposed public open space are located to the east and north of the site on land use zoning objective B. Open space is a permitted in principle use within land use zoning objectives B and G.
- 7.1.5. The Planning Authority considered that the residential development was acceptable in principle on A zoned lands but relied on lands zoned objective B (agriculture) and objective G (high amenity area) to provide access and public open space. The Planning Authority considered that any new residential development should be capable of delivering the residential element, vehicular access and public open space entirely within the A land use zoning objective. The proposed development was therefore refused for three reasons. The first reason related to the proposed vehicular entrance point and portion of the access road to the development which positioned on lands zoned objective B, which was considered contrary to the B land use zoning objective. The second reason for refusal related to the location of public open space on lands within land use zoning objective G which was not considered compliant with the G land use zoning objective and the third reason for refusal

related to the urban design of the scheme. I will address the second and third reasons for refusal in the sections 7.2 and 7.3 below.

- 7.1.6. In terms of the access road on the objective B zoned lands, the First Party considers that the access road falls within the public services use definition as set out in Section 13.2 - Definition of Land Use Classes, of the Development Plan. The First Party further states that should the access roadway not be considered to fall within the public services definition, then the Development Plan does not expressly exclude the access road or describe it as a land use which is not permitted. The First Party further contends the proposed access road located on objective B zoned lands serves the function providing access to the agricultural lands to the east of site, the Kiltiernan Park - New Phase as set out in the 2025 LAP, as well as to the proposed residential development. The location of the proposed access road is consistent with the location set out under the previous Kiltiernan-Glenamuck LAP (2013). It is therefore contended that the proposed access road is not contrary to the land use zoning objective for the site.
- 7.1.7. I acknowledge the grounds of appeal which state that the development was designed under the previous Kiltiernan/Glenamuck Local Area Plan 2013 which included an indicative proposed access road which traversed the GDLR to link to Wayside Celtic Football Club and Jackson Park to the northeast of the site. Notwithstanding, the current LAP (2025) is the operational plan. The indicative proposed access road as set out in the previous 2013 LAP has been omitted from the current LAP (2025) and the lands including a majority of the site, but excluding the lands zoned objective G to the south, has been included within the boundary of a Strategic Development Framework (SDF11) within the LAP which designates the area as Kiltiernan Park – New Phase. Movement Objectives SDF11-1 of the LAP (2025) seeks to ‘facilitate pedestrian and cycle connectivity to permitted Kiltiernan Park’. This connectivity is indicated in figure 7.2 of the plan as an indicative linkage between open space, which is located to the south of the site.
- 7.1.8. Public service use is defined in Section 13.2 Definition of Land Use Classes, of the Development Plan and refers to buildings, roads or lands to provide essential utilities and services such as electricity, gas, drainage, telecommunications. Given the primary purpose of the proposed road to provide access to a residential development

I do not consider that the proposed access road falls within the definition of public services as set out in the Development Plan.

- 7.1.9. The First Party states that the Planning Authority was incorrect to reference the Heather Hill decision in their Planning report in terms of zoning as it relates to a Strategic Housing Development which is subject to a separate planning process. In addition, examples of road schemes which act as precedents have been listed by the First Party. While I have had regard to the planning precedents highlighted by the First Party, I do not consider them relevant to the assessment of the proposed development and grounds of appeal. Notwithstanding, the High Court decision in the Heather Hill judgement and the precedents included in the grounds of appeal, which relate to specific cases and time, I note that each appeal is judged on its own merits.
- 7.1.10. Having regard to the scope of the proposed application to provide residential development, I do not accept the First Party's argument that the vehicular access point and roadway serves both A and B zoned lands and is therefore permitted in principle under the B land use zoning objective. I consider that the purpose of the vehicular access point and roadway in the context of the planning application is to provide vehicular access to the proposed residential development and is therefore a residential use. As residential use (other than residential uses which are subject to Development Plan rural housing policy) is not a permissible use or an open for consideration use under the land-use zoning objective B, I consider that the proposed vehicular access point and roadway situated on land zoned B, with the objective to protect and improve rural amenity and to provide for the development of agriculture, materially contravenes the land use zoning objective B.
- 7.1.11. In this regard the First Party notes that it is within the remit of the Commission to consider the development under the provisions of Section 37(2)(b) of the Planning and Development Act 2000 which states that the Commission may decide to grant permission for a development even if the proposed development contravenes materially the development plan relating to the area, where it considers that,
- i. the proposed development is of strategic or national importance,*
  - ii. there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

- iii. *permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
- iv. *permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

I will consider each of the provisions listed under Section 37(2)(b) as follows: .

- i. *the proposed development is of strategic or national importance,*

While it is acknowledged that there is an ongoing national housing crisis, I do not consider the development to be of strategic national or importance. This is based on the availability of zoned land for development in other parts of the settlement that could be brought forward at some point in the future.

- ii. *there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned*

The material contravention relates to a land use zoning objective. There are no conflicting objectives in the Development Plan in relation to the zoning of the site.

- iii. *permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,*

The material contravention relates to a land use zoning objective. There are no relevant Section 28 or 29 guidelines in relation to the zoning of the site.

- iv. *permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan*

There are no recent permissions in the vicinity of the site granted under the Dun Laoghaire Rathdown County Development Plan 2022-2028 which contravene the agricultural zoning objective 'B'.

7.1.12. Based on the foregoing, I do not consider that the proposed development satisfies the provisions listed under Section 37(2)(b) in terms of the material contravention of land use zoning objective B. I consider that the development should therefore be refused for this reason.

## **7.2. Open Space**

7.2.1. The second reason for refusal arises because the development depends on using lands zoned under objective G to provide public open space. The Planning Authority classed the public open space as residential use and considered that this was not compliant with land use zoning objective G which aims to protect and enhance high-amenity areas. I note that the Planning Authority's reason for refusal did not refer to the provision of public open space for the development on zoning objective B lands.

7.2.2. The First Party contends that open space is permitted in principle under zoning objective G and that the proposed location of the public open space is consistent with the land use zoning objective. The First Party further contends that public open spaces in residential schemes can include areas for nature conservation and biodiversity value and therefore the inclusion of objective G zoned lands as open space protected for biodiversity is appropriate and consistent with the aims of the LAP as it relates to biodiversity.

7.2.3. Both Table 13.1.5 – Zoning Objective G and Table 13.1.4 – Zoning Objective B of the Development Plan lists 'Open Space' as a permissible use. Section 13.2 – Definition of Use Classes, of the Development Plan refers to open space as largely undeveloped land that provides amenities, facilities or cultural uses including *inter alia* green corridors, natural areas, wildlife and native plant habitats. The Development Plan further defines Open Space to mean all open space of public value, which offer important opportunities for sport and recreation and can also act as a visual amenity. I am therefore satisfied that open space includes public open space, and the provision of public open space for the residential development on lands zoned G is permitted in principle.

7.2.4. I note the concerns raised by the Planning Authority in the Parks and Landscapes Services Planning Report and the Biodiversity Planning report in relation to the sensitivity of the lands zoned objective G (which seeks to protect and improve high amenity areas) and the requirements of the internal technical departments which

require the fencing off of the open space lands in order to conserve the high amenity value of the lands. I also note the contents of the Ecological Report submitted in conjunction with the grounds of appeal, proposing to fence off the lands zoned objective G with ibex mesh and plant native hedgerow to avoid any human disturbance, along with the proposal to increase the width of the eastern biodiversity corridor to 10 metres. I consider that while the area proposed as public open space on lands zoned G may not be publicly accessible due to the fencing off to protect its biodiversity value, I consider that the area will still provide an amenity value for the development in terms of visual amenity in accordance with Section 13.2 – Definition of Use Classes of the Development Plan. I do not agree with the Planning Authorities contention that the public open space is contrary to the G land use zoning objective because I consider that the area provides an amenity value to the development in terms of open space and because open space is permitted in principle under the land use zoning objective. I therefore consider that the second reason for refusal should be omitted. It is my opinion that the main issues surrounding the open space delivery is the quality and design of the open space, further detailed below.

- 7.2.5. In terms of quantum the development provides a total of 2221sqm of public open space comprising 174sqm on lands zoned objective A, 667sqm on lands zoned objective B and 1383sqm on lands zoned objective G. Section 12.8.3 Open Space quantity for Residential Development of the Development Plan requires an open space standard of 15% of the total site area which equates to an area of 1150 sqm of the appeal site. In terms of quantum, I consider that the proposal accords with the provision of the Development Plan.
- 7.2.6. Notwithstanding, Section 12.8.5 Public Open Space – Quality, of the Development Plan, sets out that public open space should be accessible, inclusive, secure, and usable. In addition, Section 12.8.5.1 - Design, of the Development Plan requires that public open space within residential developments is designed to meet a range of user needs, including both active and passive recreation to maximise accessibility.
- 7.2.7. Apart from the lands zoned objective G, the other significant area of public open space within the development is proposed on a narrow tract of land zoned objective B which is positioned to the rear of the terrace of houses along the eastern boundary of the site.

- 7.2.8. I note that the First Party has submitted an alternative proposal for the provision of open space. The First Party states that they are willing to accept a condition requiring the relocation of the public open space, as per the alternative proposal. The alternative proposal for public open space is on lands positioned to the east of the site, zoned objective B, which is outside the redline boundary of the application. The lands are stated as being under the control of the applicant. As the lands are outside the application site redline boundary, I do not consider they can be considered as an alternative proposal.
- 7.2.9. Having regard to the layout and location of the open space provision for the development, and given the biodiversity requirements in relation to the proposed public open space on lands zoned objective G, which may result in the area being non-accessible to the public as a result of the biodiversity requirements of the Planning Authority, I do not consider that the proposed development complies with the provisions of Section 12.8.5 Public Open Space – Quality and Section 12.8.5.1 - Design in terms of accessibility and usability. I consider that the development should be refused for this reason.

### **7.3. Urban Design**

- 7.3.1. The third reason for refusal relates to the design and layout of the development and its relationship to its surroundings. The Planning Authority considered that the proposal had an incompatible relationship with its surrounding environment in terms of urban design, providing limited active frontages on the streetscape and failed to provide sufficient animation to the GLDR. The Planning Authority considered that the proposal was not an acceptable design solution and failed to comply with Section 12.3.1.1 Design Criteria and Policy 4.4.1.1 Objective PHP35 Healthy Placemaking of Development Plan.
- 7.3.2. The First Party states that the scheme has been carefully considered to respond to its context in terms of scale, form, animation, passive surveillance and layout. It is further stated that due to the elongated nature of the site, the only practical solution was to arrange houses either side of a homezone street. The First Party states that the western street elevations include front doors and pedestrian and cyclist access to provide permeability and activity along the GLDR frontage of the site. The grounds

of appeal also include a table indicating compliance with the design criteria as set out in Section 12.3.1.1 – Design Criteria, of the Development Plan.

- 7.3.3. Section 12.3.1 – Quality Design of the Development Plan requires a high-quality living environment for residents in terms of the standard of individual dwelling units and in terms of the overall layout and appearance of streets and outdoor spaces. Section 12.3.1.1 – Design Criteria of the Development Plan provides development management standards applicable to such developments. In addition, Policy Objective PHP35: Healthy Placemaking of the Plan, aims to ensure that development is of a high-quality design, and considers *inter alia* context, connectivity, variety, distinctiveness, layout, public realm, privacy, amenity.
- 7.3.4. The proposed development is arranged around a central access road which runs the length of the site and comprises one detached dwelling to the northern end of the site, with rows of terraced houses proposed of either side of the access road. Three separate terraces of dwellings are positioned along the western boundary of the site along the GLDR. One terrace of four houses is positioned parallel to the GLDR and the remaining two terraces of three houses are arranged perpendicular to the street with gable ends facing onto the GLDR, these houses do not address the link road. In terms of urban design, I am not satisfied with the arrangement of the terraces of dwellings which resulted in gable ended elevations facing the GDLR and I consider that the proposal would not provide sufficient animation to the street and would have a negative visual impact in this regard.
- 7.3.5. I note that the terrace of four houses which is positioned parallel to the street are set at a lower level than the GDLR and comprise lower-level front courtyard areas and stepped access to front doors at upper ground floor level. I do not consider that the courtyards will animate the street and I do not consider that this is an acceptable design solution for the site. I further note that these dwellings also have an access from their associated car parking at ground floor level from the central spine access road. I am not satisfied with the access proposal to these houses and I have concerns that the front doors from the GDLR would become secondary access points. I am therefore not satisfied that the layout and design of the development responds positively to the context of the GDLR or the proposed central spine access road and I consider that the proposal would therefore be contrary to Section 12.3.1.1

– Design Criteria and Objective PHP35: Healthy Placemaking in terms of layout and design.

- 7.3.6. In addition, the rear of a row of 8 no. staggered terraced houses are positioned along the eastern boundary of the site and bound the proposed public park. Objective SDF11-2 of the LAP seeks to ensure that any development on the “A” zoned land on the appeal site is cognisant of the future Kiltiernan Park.
- 7.3.7. The First Party contends that the LAP was not adopted when the application was submitted and that the design team have considered the future park to the east. The First Party notes that the proposed development will be separated from the park by a steep embankment and that the development provides passive overlooking of the future park. The First Party considers that the embankment, proposed hedgerow with a 10-metre biodiversity buffer, provides a suitable transitional zone between the residential development and the future park.
- 7.3.8. While I acknowledge the grounds of appeal which state that the development was designed under the previous Kiltiernan/Glenamuck Local Area Plan 2013, as noted in my assessment above, the current LAP (2025) is the operational plan. Within the LAP, the subject site and the lands to the east which are designated as the future Kiltiernan Park, are located within the within SDF11 Kiltiernan Park – New Phase. Given that the rear elevations face the lands to the east, I am not satisfied that the layout of the scheme interacts with the future Kiltiernan Park and in this regard I do not consider that the proposal complies with Objective SDF11-2 of the LAP.
- 7.3.9. Having visited the site and having regard to the proposed layout and design and my assessment of the quality of the public open space as outlined above, it is my view that the proposed development fails to consider the context of the site or achieve a high standard of urban design in terms of layout. I consider that the proposed development fails to respond to the character of the surrounding area and would result in a negative visual impact on the streetscape. I also consider that the proposal would provide a poor level of residential amenity for future occupants in terms of the quality of open space and is contrary to Section 12.3.1.1 – Design Criteria and Objective PHP35: Healthy Placemaking of the Development Plan in terms of layout and design and Objective SDF11-2 of the LAP and should be refused for this reason.

## **7.4. Other Matters**

### **7.4.1. GLDR Agreements**

7.4.2. The First Party states that due to the site's topography, any alterations to the position of the access point would conflict with the approved road design and would not align with the GLDR road level. Altering the location of the access road would reduce the number of houses that could be delivered. It is further argued that the proposed vehicular entrance was agreed between the landowner and council engineers and avoids to need for two separate entrances off the GLDR.

7.4.3. I note the documentation submitted with the grounds of appeal including the correspondence from DL RCC in relation to an update of the status of the GLDR, currently under construction, which refers to the installation of a 6-metre-wide double farm gate, the installation of services, and the construction of the retaining walls and railings. The Planning Officers report states that the position of the access point from the GLDR was clarified with the Capital Projects Section and that rather than a formal vehicular entrance, a field gate was specified at this location.

7.4.4. I am therefore not satisfied that the proposed vehicular entrance point for an access road has been agreed and I am of the view that the position of the access point could therefore be altered.

7.4.5. The applicant has submitted substantial documentation to addresses the concerns and items of further information recommended by the various internal technical departments of the Local Authority in relation to the Planning Application. In this regard I note that in relation to the grounds of appeal, the Planning Authority stated that the First Party did not raise any new matter which would justify a change in attitude to the proposed development.

## **8.0 AA Screening**

### **8.1. Stage 1 Screening**

8.2. An AA screening report is submitted with the application. The report describes the development and identifies that the appeal site is not located within or directly adjacent to any Natura 2000 sites. It addresses a number of sites within a 15km catchment. I have reviewed the NPWS web site and consider that there are no other

sites that would be within the zone of influence of the subject site or that have a potential hydrological link to the site. The nearest European site to the subject site is Knocksink Wood SAC it located circa 3 km from the site. Ballyman Glen SAC is located circa 3.6 km south, and Rockabill to Dalkey Island SAC circa 6.7km to the east. The Screening Report considers whether the proposed development would have any potential impact on the qualifying interests and conservation objectives of these sites.

- 8.3. The qualifying interests/special conservation interests of the designated sites, are summarised as follows:

Site Name, Designation and Code	Conservation Interest
Knocksink Wood SAC Site Code (000725)	Petrifying springs with tufa formation (Cratoneurion) [7220]  Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
Ballyman Glen SAC Site Code (000713)	Petrifying springs with tufa formation (Cratoneurion) [7220]  Alkaline fens [7230]
Rockabill to Dalkey Island SAC Site Code (003000)	Reefs [1170]  Harbour porpoise (Phocoena phocoena) [1351]

- 8.4. The Conservation Objective for Knocksink Woods SAC (000725) is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
- 8.5. The Conservation Objective for Ballyman Glen SAC (000713) is to restore the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion)\* in Ballyman Glen SAC and to restore the favourable conservation

condition of Alkaline fens in Ballyman Glen SAC, which are defined by a list of attributes and targets.

- 8.6. The Conservation Objectives for Rockabill to Dalkey Island SAC (003000) is to maintain the favourable conservation condition of Reefs in the SAC, which is defined by a list of attributes and targets and to maintain the favourable conservation condition of Harbour porpoise in the SAC, which is defined by a list of attributes and targets.
- 8.7. Knocksink Woods SAC and the Ballyman Glen SAC are situated at a higher elevation than that of the site and are located in a separate river catchment. There is, therefore, no scope for the development to negatively impact the groundwater which feeds these habitats. The qualifying interests of both sites would not be affected by the proposed development.
- 8.8. The appeal site is a greenfield site. The proposed attenuation measures would reduce variations in the runoff from the site. There is no potential, therefore, for the proposed development to alter the volume or characteristics of the flows into or from the surface water sewerage system that could conceivably have a significant effect on any Natura 2000 site. The foul effluent from the proposed development would drain to the existing Carrickmines Valley Sewer which runs to the Shanganagh WWTP. The proposed development is likely to result in a marginal increase in the discharge of wastewater to the Irish Sea. The development will incorporate SuDS and drain to the municipal system. It is considered that there is no risk that pollutants could reach the SAC in sufficient concentrations to have any likely significant effects on its qualifying interests.
- 8.9. AA Screening Conclusion

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. (000725), European Site No. (000713) and European Site No. (003000) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 9.0 Recommendation

I recommend that permission be refused for the following reasons

## 10.0 Reasons and Considerations

- 1) The proposed vehicular entrance and access road to the site is on lands zoned Objective B is a material contravention of the land use zoning objective B which seeks to protect and improve rural amenity and to provide for the development of agriculture. An access roadway providing the primary entrance and access to a residential development does not comply with zoning objective B under Section 13.1.4 Land Use Zoning Objectives of Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- 2) Having regard to the Objective 'A' zoning of the subject site, and to the layout and design of the proposal including the quality of the public open space, the interaction with the Glenamuck Link Distributor Road (GLDR) and the future Kiltiernan Park- New Phase, it is considered that the proposed development fails to consider the context of the site or respond to the character of the surrounding area and would result in a negative visual impact on the streetscape. The proposal would provide a poor level of residential amenity for future occupants in terms of the quality of open space. The development is therefore contrary to Section 12.3.1.1 – Design Criteria and Objective PHP35: Healthy Placemaking in terms of layout and design, Section 12.8.5 Public Open Space – Quality and Section 12.8.5.1 - Design of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and Objective SDF11-2 of the Kiltiernan-Glenamuck Local Area Plan 2025 and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Carol Smyth  
Planning Inspector

1<sup>st</sup> December 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	323469-25
<b>Proposed Development Summary</b>	A residential development of 19 no. houses, and all site works
<b>Development Address</b>	Rockville, Glenamuck Road South, Kiltiernan, Dublin 18.
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10(b)(i) Construction of more than 500 dwelling units. The proposed development of 3 no. dwelling units is sub-threshold. See Preliminary Examination (Form 2).</p>

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	323469-25
<b>Proposed Development Summary</b>	A residential development of 19 no. houses, and all site works
<b>Development Address</b>	Rockville, Glenamuck Road South, Kiltiernan, Dublin 18.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b> (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).	Construction of 19 no. dwelling units, and all associated site works. The size of the development is not exceptional. The development would not be exceptional in the context. The development would not result in the production of significant waste, emissions, or pollutants.
<b>Location of development</b> (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).	The location is greenfield site in an emerging residential suburban environment. The development would not have the potential to significantly impact on an ecologically sensitive site or location.
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are no real likelihood of significant effects on the environment.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>EIA is not required.</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

<b>An Bord Pleanála ref. no.</b>	<b>323469-25</b>	<b>Townland, address</b>	Rockville, Glenamuck Road South, Kiltiernan, Dublin 18
<b>Description of project</b>		Construction of 19 no. houses with associated works. It is proposed to connect to Uisce Éireann mains wastewater and water supply infrastructure.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site is located within a suburban area at an elevation of approximately 60m contour. The soil type on site is granite till, the sub soil is alluvium undifferentiated. Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones.</p> <p>The bedrock is dark blue-grey slate, phyllite &amp; schist. The Carrickmines Stream _010 is situated circa 734 m to the north and the Shanganagh _010 The is located 520 metres to the south. The Southwestern Irish Sea-Killiney Bay (HA10) Coastal waterbody is located 5.2 km to the east of the site. The Wicklow (IE_EA_G_076) groundwater body underlies the site.</p>	
<b>Proposed surface water details</b>		On site attenuation with discharge to surface water drainage network.	
<b>Proposed water supply source &amp; available capacity</b>		<p>Uisce Éireann mains water connection –</p> <p>Upgrade works are required to facilitate the proposed connection. These works are being delivered as part of the Glenamuck District Roads Scheme, currently being progressed by Dún Laoghaire-Rathdown County Council.</p>	

	This upgrade project is scheduled for completion by the end of Q1 2026 (subject to change). The proposed development shall not connect to the UÉ network until such time as the necessary upgrade works have been completed and UÉ confirms that a connection can be facilitated.					
Proposed wastewater treatment system & available capacity, other issues	Uisce Éireann mains wastewater connection– Upgrade works are required to facilitate the proposed connection. These works are being delivered as part of the Glenamuck District Roads Scheme, currently being progressed by Dún Laoghaire-Rathdown County Council.  This upgrade project is scheduled for completion by the end of Q1 2026 (subject to change). The proposed development shall not connect to the UÉ network until such time as the necessary upgrade works have been completed and UÉ confirms that a connection can be facilitated  Connection to public Mains. Foul water from the Site will eventually be treated at Shanganagh WWTP prior to discharge into Irish Sea.					
Others?	No					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

River Waterbody	520m	Shanganagh _010	Good	Not at risk		Not hydrologically connected to the watercourse.
River Waterbody	734m	Carrickmines Stream_010	Good	Not at risk	-	Not hydrologically connected to the watercourse.
Coastal Waterbody	546m	Southwestern Irish Sea-Killiney Bay (HA10)	High	Not at risk	-	Not hydrologically connected to Coastal waterbody
Groundwater Waterbody	Underlying Site	Wicklow (IE_EA_G_076)	Good	At risk	Agriculture and unknown	Underlying GWB
<b>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.</b>						
<b>CONSTRUCTION PHASE</b>						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance/Construction	Wicklow (IE_EA_G_076)	Pathway exists	Siltation, pH (concrete), hydrocarbon spillages Deterioration of water quality	Standard construction practice	No	Screened out
OPERATIONAL PHASE							
2.	Discharges to Ground	Wicklow (IE_EA_G_076)	Pathway exists	Spillages Deterioration of water quality	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
3.	NA	NA	NA	NA	NA	NA	NA