An Coimisiún Pleanála

Inspector's Report

ACP-323859-25

Development	Construction of 502 residential units with creche, public open space, car parking, bicycle parking, bicycle storage structures and lockers, bin stores, and 8 ESB substations. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) were submitted with this application.
Location	Woodtown, Ballycullen, Dublin 16.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	LRD25A/0003W
Applicant(s)	Lagan Homes Ballycullen Limited.
Type of Application	Large Scale Residential Development.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ballyboden Tidy Town CLG.
Observer(s)	None.

Date of Site Inspection	23rd January 2026
Inspector	Lucy Roche

Contents

1.0 Site Location and Description

1.1. The proposed development site is located in the townland of Woodtown in Dublin 16, roughly 750m south of the M50 at Junction 12 (Firhouse). It comprises part of a larger c. 125ha landbank located at the foothills of the Dublin Mountains and stretching between Bohernabreena Road to the west and the M50 to the east which has been zoned for new residential development in the South Dublin County Development Plan 2022-2028 (SDCDP).

1.2. The area, which is served by the distributor road Stockwood Avenue, has undergone extensive new development in recent years. Development in the immediate vicinity of the site is predominantly residential with the developments of Stocking Wood and White Pines to the north and east, respectively and Abbots Grove to the west and northwest. The upland area to the immediate south of the proposed development site is undeveloped and designated as rural amenity in the SDCDP. A small village centre, comprising a convenience retail unit (Tesco) and childcare facility, exists at the junction of White Pines and Stocking Avenue to the northeast. A plot of undeveloped land to the immediate north of the site is identified in the SDCDP for a school.

1.3. The site itself comprises an irregular shaped elongated parcel of agricultural land that stretches east to west along the edge of the built-up area. It has a stated area of c10.37ha and comprises two fields separated by a narrow stream and double band of mature trees / woodland that run north to south through the centre of the site creating an attractive woodland corridor. A similar feature (stream bordered by mature trees / hedgerow), extends along the eastern site boundary, separating the proposed development site from the neighbouring White Pines development. The original tree/hedgerow boundary to the west /northwest, evident on historic aerial photography / google map imagery, has largely been removed as part of the Abbots Grove development. The southern site boundary is defined by a post and wire fence. The topography across the site is moderately undulating, with a gradual increase in elevation from approximately 106m AOD at the northern boundary to around 126m AOD at its highest point. This c.20m elevation change reflects the site's position within the lower slopes of a broader upland landscape that becomes progressively

steeper further south. There is a notable shift in ground level at the boundaries between Abbots Grove and Stocking Wood.

1.4. The lands are accessed by an existing partially completed spur road from Stocking Avenue which also serves Abbot Groves. At present the area is served by four bus routes with stops on Stocking Wood Avenue, within 250m of the site. Routes 15, 15B and 49N are operated by Dublin Bus while Route SD4 is operated by Local Link Kildare. Routes 15 and 15B operate at a frequency of 10-15 minutes during peak hours with Route 15 operating 24 hours. Under BusConnects, the area will be served by two Spine Routes each with a frequency of 12 minutes. Orbital Bus Route S8 and route 85 will also serve the area, with Route 85 linking the area with Tallaght Red Line Luas. The Tallaght Red Line Luas is currently within the 25-cycle catchment of the site.

2.0 **Proposed Development**

2.1. The proposed scheme as originally presented to the planning authority comprised a large-scale residential development (LRD) of 502 no. residential units and a childcare facility (crèche). The residential units comprised 197no. 2 storey houses (terraced/semi-detached/detached) (19no. 2-bed, 116no. 3-bed; 62no. 4-bed) and 305no. apartments (simplex and duplex) in 28no. 3 and 4 storey blocks providing 305no. apartments. The proposed scheme also included public open space, car parking (surface/under croft), bicycle parking, bicycle storage structures and lockers, bin stores, and 8no. ESB substations. Vehicular access to be provided from the existing spur road connection to Stocking Avenue to the west of the site, and via Stocking Wood Drive to the east of the site (with relocation of existing ESB substation and associated works to the existing hammerhead). Additional pedestrian only routes will be provided into Abbot's Grove Park and Stocking Wood Copse with future connections provided for into Stocking Wood Manor, White Pines Park and the future school site to the north of the application site.

2.2. The proposal was amended by way of significant further information at RFI stage, reducing the overall number of residential units to 494. For clarification, it is this revised scheme that will be the subject of this assessment.

2.3. The following changes were implemented at RFI Stage:

Connections: The proposed pedestrian only connection to Abbots Grove Park was omitted as the applicants were unable to obtain consents for the necessary works to facilitate same. The amended scheme facilitates future to Abbots Grove.

***Red Line Boundary Changes*:** The red line boundary was amended to exclude lands outside of the applicant's control (lands in Abbots Grove), previously included to provide pedestrian connectivity.

***Changes to Unit Numbers*:** 8no. units were removed from the scheme (taking the total no. of units from 502 units to 494). 2no. units were omitted along the south-eastern boundary following additional topographical surveys and an adjustment to the 10metre setback from the watercourses. A further 6no. units were omitted due to changes in the surface water drainage network design. I have included a breakdown of unit type and size in Table 2.2 below.

***Relocation of the Creche*:** The creche was moved slightly west of its original location. There was no change to the size, design or capacity of the creche.

***Revisions to Apartment Design*:** Revisions were made to a number of the external staircases to the apartment blocks to address concerns raised in the quality audit (staircases originally extended over public footpaths).

***Part V offer*:** Amendments were made to the Part V offer following the loss of the 8no units and a revised Part V plan provided (No. PD2001).

***Public Open Space*:** The quantity of public open space increased from 17,512sqm to 25,746sqm. This increase was facilitated though the omission of units, relocation of the creche and revisions to the surface water strategy.

2.4. The following table presents a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme (as amended), which are extrapolated from the application forms, plans and particulars (Architectural Design Statement, Schedule of Accommodation, Housing Quality Assessment) and the applicant's response to the grounds of appeal.

Table 2.1: Development Statistics	
Site Area	10.37ha
Gross Floor Space	43,094 sq. m
Residential Floor Space	42,619 sq. m
Creche	475 sq. m (with capacity for 107 no. childcare places)
Density	47.6 uph
Plot Ratio	0.41
Site Coverage	20.5%
No. Residential Units	494
No. of Houses	189 (38.3%)
No. of Apartments	305 (61.7%)
Unit Type / Mix	See Tables 2.2 and 2.3 below
Dual Aspect units	100%
Building Height	2-4 storeys
Car Parking	549no. car parking spaces. 534 Residential spaces *(1.5 spaces per 3/4 bed house 1 space per 2 bed house; 0.8 space per apartment)* 15 (Creche), 21 (visitor / Set Down)
Cycle Parking	1,325 no. cycle parking spaces 1,156no. residential spaces (1 per bedroom) 153no. visitor spaces (1 per 2 apartments) and 16no. spaces for the creche.
Public Open Space	23,735 sq. m (23% site area)
Communal Open Space	2,011 sq. m

2.5. The following Tables provide a breakdown of house type and unit mix**:**

Table 2.2 – House type		
Accommodation Type	**No. of Units Provided**	**% (approx.)**
4 Bed detached	10	2
4 Bed semi-detached	48	10
3 Bed semi-detached / end of terrace	84	17
3 Bed Mid Terrace	30	6
3 Bed Mid Terrace	17	3.5
1 Bed apartment	108	22
2 Bed apartment	151	30.5
3 Bed apartment	46	9
Total	494	100

Table 2.3 – Housing Mix					
Housing Mix	**1 Bed**	**2 Bed**	**3 Bed**	**4 Bed**	**Total**
Total Units	108	168	160	58	**494**
% Mix	22%	34%	32%	12%	**100%**

2.6. The following table provides a breakdown of Unit Types and Bedspaces.

Table 2.4 – Unit Types and Bedspaces					
Unit Type / Occupancy	**1-bed / 2P**	**2-bed/4P**	**3-bed / 5P**	**4-bed/7P**	**Total**
House	-	17	114	58	189
Apartment	108	151	46	-	305
Unit Type Total	108	168	160	58	494
Total Bedrooms	108	336	480	232	1156
Total Bedspaces	**216**	**672**	**800**	**406**	**2094**

2.7. The development is proposed in two phases as detailed on drawing No. 23.120. PD2003, submitted with the application. Phase 1 comprises all residential units and

creche etc to the west of the central dividing hedgerow while Phase 2 comprises all residential units to the east. (*Note*: Condition No's 2(c) and 16 attached to the grant of permission require amendments to the phasing schedule).

2.8. In addition to the standard plans and particulars, the application is accompanied by the following documents and reports:

- Architectural and Urban Design Statement
- Statement of Consistency
- Response Statement to LRD Opinion
- Accommodation Schedule
- Housing Quality Assessment
- Visual Impact Assessment
- 3D Visualisations
- Daylight Availability & Sunlight Exposure & Impact Report
- Traffic & Transport Assessment
- DMURS Statement of Consistency
- Stage 1 Quality Audit
- Travel Plan
- Engineering Assessment Report
- Universal Design Statement
- Building Life Cycle Report
- Outdoor Lighting Report
- SUDS Operation and Maintenance Manual
- Flood Risk Assessment
- Construction and Environmental Management Plan
- Resource and Waste Management Plan
- Operational Waste and Recycling Management Plan
- Energy Efficiency and Climate Change Adaptation Design Statemen
- Social Infrastructure Audit
- School Enrolment and Demand Assessment
- Childcare Demand Assessment

- Landscape Design Statement
- Aboricultural Design Statement
- Environmental Impact Statement
- Natura Impact Assessment
- A bat and badger assessment

3.0 **Planning Authority Opinion**

3.1. Proposals for the development of the subject site were considered at a Section 247 meeting with the Planning Authority on the 26th of September 2024. Subsequently, an LRD meeting under section 32C of the Planning and Development Act 2000, as amended (2000 Act) took place on 16th of January 2025 between the applicant and the planning authority. The planning authority issued its formal LRD Opinion on 11th of February 2025 and advised that the documentation submitted, did constitute a reasonable basis on which to make an application subject to specified further considerations and amendment.

3.2. Pursuant to Article 16A (7) of the Planning and Development Regulations 2001 (as amended), the applicant was notified that in addition to the requirements as specified in Articles 20A, 22 and 23, the following information (in summary) should be submitted with any LRD application for permission:

- *Procedural* – Any application should include a statement of response to the issues in the LRD Opinion and a statement that in the applicant's opinion, the proposal is consistent with the relevant objectives of the development plan.

- *General Design Considerations*- The planning authority raised several issues where it was considered that the particulars submitted for consideration were lacking, or which should be reconsidered or addressed by the applicant in any future planning application. The issues raised include but are not limited to: (a) the interface with the existing residential developments to the immediate north and west of the site and the need to ensure that there is no significant adverse impact on the amenity of these residents by way of overlooking, overshadowing or subsidence. (b) the need to avoid any ransom strips between the site and the immediately adjoining development to the north. (c)

the need to ensure that the scheme adequately ties into the existing road, footpath and cycle network in the area and promotes sustainable modes of travel. (d) All private amenity space and setbacks between opposing first floor windows shall be in line with the Sustainable and Compact Settlements Guidelines for Planning Authorities, (2024).

- *Flood Risk/ Surface Water Attenuation/ SuDS* – Concerns raised regarding the size and design of the SuDS system.

- *Natural Heritage* – The final design must protect, as far as practically possible, the integrity of the central woodland strip and the habitats therein.

- *Parks* – Much greater detail is needed over the level changes on site. Detailed drawings and cross sections are required displaying contour levels and cross sections, particularly at boundaries and in regard to the proposed linear park.

- *Public Housing/ Part V* -The applicant was advised to engage directly with the Housing Department regarding their proposal for Part V, noting that further proposals are subject to review, and no agreement can be made prior to costing a permitted scheme.

- *Childcare Provision* - The applicant should provide sufficient childcare spaces to support the proposed development. More detailed plans and measurements for the proposed creche and associated outdoor area. The Eastern elevation should be reconfigured, so no blank façade exists.

- *Sustainable Movement (Roads)* – Several issues raised on items relating to the provision and design of permeability linkages, legal consent; internal road layout; the need for a revised refuse strategy; the need for additional cross sections; accessible linkages to neighbouring estates; a reduction in the quantum of car parking from 86% of the maximum standard to 80%; EV charging provision; parking for mobility impaired; bicycle parking / storage; taking in charge; the documentation required as part of the application.

- *Environmental Considerations* – An EIAR screening and an AA Screening Assessment shall be submitted with the final application.

The application documentation includes a copy of the LRD Opinion issued by the planning authority on 11th of February 2025 and a statement of response from the applicant which includes specific responses to the points of information requested by the planning authority.

4.0 Planning Authority Decision

4.1. Decision

Following an initial request for further information, South Dublin County Council did, by order dated 16th of October 2025 decide to grant permission for the proposed LRD subject to 30 no. conditions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Initial Report (2005)

The initial report of the planning authority was prepared by the Senior Planner and dated 1st May 2025. The opening sections of the report set out the statutory basis and background context for the assessment of the proposed LRD. The development is then assessed under the following headings: Principle of Development – Zoning and Council Policy; Quality Design and Healthy Placemaking; Housing and Residential Amenity; Natural Heritage (Ecology); Open Space and Green Infrastructure; Sustainable Movement (Roads); Infrastructure and Environmental Services; Environmental Considerations. The following points are noted from the assessment:

- On the principle of the development, the Case Planner is satisfied that the proposal accords with the RES-N zoning. Regarding the reference in the zoning objective to '*approved area plans*', the Case Planner has regard to a recent decision of An Coimisiún Pleanála (ABP-321419-24), under which permission was granted for an LRD on RES-N zoned land notwithstanding the

fact that the Local Area Plan for the area had expired. The Planning Authority determined that the purpose of including the term *"approved area plan"* within the RES-N zoning objective was to avoid piecemeal development. They were satisfied that the proposed scheme met with this criterion, and concluded that the current proposal, subject to it meeting other relevant objectives of the SDCDP, meets the intent of an *"approved area plan".*

- On the expiration of the Ballycullen Local Area Plan, the Case Planner notes that the applicants were advised at pre-planning stage that the development would be assessed based on the plans and policies in effect at the time of a decision, which in this instance is the relevant provisions of the South Dublin County Development Plan, 2022-2028.
- The proposed scheme is acceptable in terms of density, building height and unit mix.
- No significant issues were raised in relation to the design and layout of the residential units. It was concluded that all proposed units meet or exceed the relevant residential accommodation standards and that adequate separation distances / setbacks are achieved between units (existing and proposed) to avoid overlooking and significant off-site overshadowing of adjoining properties.
- The size of the creche exceeds that required for a scheme of this size and is therefore considered acceptable.
- Regarding the requirement for Community Floor space (as per BOLAP and SDCDP), it was considered that this matter would be best addressed by way an in-lieu contribution, similar to the approach taken under LRD (LRD24A/0007/ABP-321419-24).
- Concerns are raised over the design and layout of some of the public (including communal) open areas on site from a usability, maintenance and drainage perspective. These concerns arose following consideration of the amended layout and additional 'cross sections' presented as part of the application.

- On surface water drainage, a number of technical concerns were raised in relation to the design presented. No issues were raised in respect of flooding.
- On road issues, concerns were raised in relation legal consent and the need for an accessibility audit to address the steep terrain.
- On Appropriate Assessment: the NIS was reviewed and its conclusions accepted.
- On EIA, it was considered that the information contained within the EIAR allows for adequate assessment of the potential impacts of the proposed development on the receiving environment and complies with the requirements of Article 94 of the Planning and Development Regulations 2001 (as amended). It was considered that the EIAR should be revised where relevant to address the issues raised in the RFI request that the applicant's response to same.
- The initial report of the planning authority concludes with a recommendation that further information be sought on six items summarised as follows:

    1) *Landowners Consent (Planning and Roads)*: - The applicants were requested to submit evidence of consent from the owner/receiver of the adjoining Stocking Wood Estates, that they have the right of way across those lands for access and services. Written consent was also requested in relation to any lands within the redline boundary not within the applicant's ownership. The applicant was requested to avoid the creation of ransom strips and to ensure that permeability is delivered by showing finished roadways/paths right up to boundaries with adjoining landholding and providing gates to those boundaries.

    2) *Public Open Space (Public Realm):* - The applicants were requested to submit (a) A revised set of landscape and drainage drawings demonstrating how SUDS is integrated into the open spaces. *(b)* A revised set of SUDS drawings demonstrating how SuDS will work across the site and demonstrating compliance with SDCC SUDS Guidance. (c) a revised map showing the quantum and differentiating areas of public open space and communal open spaces.

3) *Surface Water Drainage (Water Services)*:- the applicants were requested to (1) submit plan and cross sectional drawings of the proposed surface water attenuation systems to ensure that the system is designed safely (2) to re-examine the use of petrol interceptors with a view to replacing same with SuDS (3) to submit a report to demonstrate the need for underground surface water attenuation (4) to minimise the use of road gullies and pipes and direct surface water from hardstanding areas and roads onto the surface of tree pits, Swales and grass SuDS areas as much as possible and (5) to provide a minimum 10m setback distance from the top of the bank of any watercourse and a minimum 10m riparian corridor each side of all watercourses.

4) *Roads Design*: – the applicants were requested to submit a completed Accessibility Audit and an RSA response report.

5) *EIAR (planning)*: - the applicant was requested to update the relevant EIAR chapters to reflect additional information response, where appropriate.

6) The applicant was requested to engagement with Delivery Section of SDCC Planning in relation to compliance with Policy COS 3, Objective COS3 Objective 1, Objective 2 and Objective 3 of the South Dublin County Development Plan 2022 – 2028 with a view to agreeing a quantum to be paid towards a community centre in lieu of on-site provision asper the aforementioned CDP.

Second Report (August 2025):

The second and final report of the planning authority considers the further information received on the 12th of August 2025 along with the additional consultee reports and third-party submissions (6no.) received.

- *Item 1 Landowners Consent (Planning and Roads)*: On the issue of access and landowner consent, the Planning Authority was satisfied that (a) the evidence provided by the applicants regarding their right of access was sufficient for the purpose of making a planning application (b) the applicants had made sufficient attempts to tie into the existing pedestrian network and that circumstances outside their control have prevented this from happening

and (c) the scheme has been adequately designed to accommodate such connections should circumstances change in the future. In the interest of pedestrian and vehicular safety as well as residential amenity, it was considered that any grant of permission issued include a condition that prevents construction travel travelling through the adjoining Stocking Wood Development.

- *Item 2 Public Open Space (Public Realm)*: - the design changes and revised drainage strategy were assessed and deemed acceptable. The additional quantum of open space proposed within the revised scheme was noted. The information presented demonstrates that the SuDS network is adequately designed to support the site and avoid impacting on the adjoining sites and that the open space areas will function as useable amenity space for residents.
- *Item 3 Surface Water Drainage (Water Services)*: - the report considers the changes to the design of the drainage network and concludes that the technical concerns raised in the RFI request have been overcome. The outstanding issues raised in the assessment and report of the Water Services Department are minor and could be addressed by way of condition.
- *Item 4 – Roads Design:* - the updated RSA identifies a number of areas of improvement for the scheme, which have now been incorporated into the final design. One noted design change is that of the revision to the public footpath next to the apartments – the path has now been redesigned so that it is located outside of the external stairs rather than beneath them. The planning authority was satisfied that the concerns raised in relation to the level changes across the site and its subsequent impact from a pedestrian and vehicular safety perspective have either been addressed through the revisions made to the proposed design or can be addressed by way of condition.
- *Item 5 – EIAR*: - the Local Authority Case Planner considered the EIAR Addendum and deemed it adequate. All recommended mitigation measures within the EIAR, NIS and any associated documents should be implemented in full during the respective phases of development.

- *Item 6 Community Facility:* - the Local Authority Case Planner noted that the applicants stated intention to provide financial contribution in lieu amounting to €330,000, to assist the construction costs for a proposed community centre to be developed on adjoining lands. The planning authority considers this approach appropriate and recommends that it be secured by way of condition.
- The Local Authority Case Planner deemed the changes to the scheme as only minor alterations to the built form originally proposed. On this basis and given that the planning authority had previously deemed the density, building heights, site layout, and residential accommodation to be generally acceptable, the Case Planner considered that the amendments proposed would not result in any significant change that would alter this assessment or the overall opinion of the proposed development.
- The report concludes with a recommendation to grant permission subject to 30no. conditions.

4.2.2. **Other Technical Reports**

- ***Roads***: The initial report of the Roads Department (May 2025) considers the applicants response to the road's issues raised at pre-planning stage. While they were satisfied that the scheme presented for consideration addressed the majority of the issues raised at pre-planning stage, some outstanding issues were identified. They requested further clarity on the applicants legal authority to access the development site though third-party lands and to carry out the works necessary to facilitate same; they requested the submission of an Accessibility Audit to address the difficulties the steep terrain would create for pedestrians, vulnerable users, cyclists etc navigating the site and they requested the submission of a signed quality audit feedback form in the RSA and an RSA Response Report, outlining how all measures listed in the RSA have been included in the current submission. These issues were raised by way of further information requested (RFI Items 1 and 4). This report also included recommendations on phasing and Irish Language Signage, these items were addressed by way of condition.

The subsequent report of the Roads Department (August 2025) considers the further information received in response to Item 4 of the RFI request. In respect of the submitted Accessibility Report, the Roads Department state that they were unable to complete their assessment as they could not access the relevant drawings. They deemed the Quality Audit feedback to be acceptable. The report concluded with a recommendation that permission be granted subject to condition.

- ***Public Realm*****:** The initial report of Public Realm considers the applicants proposals for open space and drainage, in light of the additional cross sections submitted as part of the application. A number of concerns are raised. On the design of the public open space, concerns are raised in respect of its accessibility, usability and maintenance. The location of play areas is also questioned. On drainage and SuDS, issues are raised in relation to the design of the attenuation areas (excessive depth (up to 2m) and steeply sloping banks); the extensive use of underground attenuation and the lack of detail on how is to be integrated with the above ground attenuation system. The report concludes with a recommendation to seek additional information.

  The second and final report of Public Real (Oct. 2025) considers the applicants response to the further information request. They are satisfied with the proposed drainage layout, noting that while some underground attenuation is proposed, there are a number of mitigating factors which mean it is necessary. They note that the underground attenuation only comes into use after extreme rainfall events, meaning that the first flush events which contain pollutants are still treated and when necessary, the extensive natural SUDs features can overflow into attenuation areas under the detention basins. In doing so all of the 4 pillars of SUDs as listed in the SDCC SUDs Guidance Document are still achieved. The report recommends that planning permission be granted subject to conditions relating to the location of street trees and tree protection.

- ***Water Services***: Reports of May / June 2025 request additional information on surface water drainage. (item 3 of the further information request relates).

Report dated 15th of October 2025 recommends conditions in respect of surface water drainage and flood risk (conditions 3 of the PA decision relates). The recommended condition on surface water includes for the submission of further detail / revised design proposals. The recommended condition on Flood Risk is standard condition of SDDCC for a development of the nature / scale proposed.

- ***Housing***: Report of May 2025 recommends Conditions in respect of Part V provision.
- ***Heritage Officer***: Report of October 2025 recommends that permission be granted subject to condition.

External consultants:

- ***Environmental Health Officer (EHO):*** Report dated May 2025. The proposal acceptable subject to conditions on the control of noise and dust.
- ***South Dublin Childcare Committee:*** Observations received via e-mail on the 22nd of May 2025. Insufficient detail on the plans submitted regarding the provision of outdoor space, staff toilets, storage, laundry facilities and office space.
- ***Redmond Analytical Management Services***: (Aug 2025) The lighting design meets SDCC requirements, however no electrical infrastructure has been provided. Condition that an electrical infrastructure design be provided prior to construction commencement.

4.3. **Prescribed Bodies:**

- ***Uisce Eireann (UE***): Report dated 21st of May 2025 confirms that water and wastewater connections are feasible without infrastructure upgrades. In respect of wastewater, the report notes that there two proposed connection points: via existing Stocking Wood Estate and to the existing 225mm gravity sewer on Abbot's Grove. As the wastewater network serving Stocking Wood Estate hasn't been taken in charge by Uisce Éireann, the applicant will need to provide at a connection application stage, written confirmation from the owner of the infrastructure that they have legal permission to connect to and

that the infrastructure is fit for purpose and has capacity to cater for the additional load. The report recommends standard UE conditions.

- ***Inland Fisheries Ireland (IFI):*** Report dated 13th of May 2025. IFI note the potential deleterious matter to enter the **watercourse** traversing the site if appropriate site management procedures are not employed, particularly during the preparation and construction phases on-site. These pollutants, if not properly contained and managed, pose a temporary but significant risk to downstream water quality, including the Orlagh Stream and River Dodder, potentially affecting their compliance with the Water Framework Directive's requirements to achieve "good" ecological status. They recommend that all proposed control, protection and mitigation measures outlined in the "Construction and Environmental Management Plan" are conditioned as part of any planning permission.

  The IFI recommend that an undisturbed vegetated buffer zone be maintained along both sides of stream in accordance with SDCC's Green Infrastructure Policy GI3: Sustainable Water Management in the County Development Plan. Any bridging or crossing of the stream should be clear span with abutments set at a sufficient distance from the streams edge. Prior consultation and agreement with the design and construction of the stream crossing should be sought from IFI.

  The IFI are concerned regarding the lack of appropriate maintenance on approved drainage infrastructure, such as interceptors, attenuation tanks, attenuation basins etc on developments post construction phase. They recommend that a SuDS/Drainage Maintenance checklist, including typical operation and maintenance requirements for the proposed drainage infrastructure be designed and submitted for approval by the Local Authority.

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

- ***Transport Infrastructure Ireland***: (TII) Observation received May 2025, TII requests that the planning authority has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to 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

- ***Dept. of Defence***: Report dated 1st of September 2025. Given the proximity to Casement Aerodrome, DoD request that the operation of cranes should be coordinated with Air Corps Air Traffic Services, no later than 30 days before use.

4.4. Conditions

South Dublin County Council attached 30no. conditions to the grant of permission. The attached conditions are generally standard in nature (financial, procedural, construction, operational, and technical) for a residential scheme of scale proposed. Conditions of note or specific to the appeal include the following:

C.2 (b):	Addresses outstanding issues identified in the Accessibility Audit.
C.2(c):	Requires amendment to the proposed phasing plan
C.3:	Requires the submission of revised drainage proposals for agreement.
C.27	Requires the payment of a Contribution in lieu of Community Floorspace.

4.5. Third Party Observations

The Planning Authority received 47 no. third party submissions during the course of their assessment of the application. The issues raised are similar to those set out in the grounds of appeal and can be summarised as follows:

- Over development of the site. The proposed scheme is excessive in terms of density, scale and height and would be out of keeping with the established pattern of development in the area.
- Non-compliance with the provisions of the Ballycullen -Oldcourt LAP (BOLAP), particularly in respect of building height, density, phasing.
- Inappropriate Development at the Foothills of the Dublin Mountains
- Negative visual impact including impact on protected views from Knocklyon Park
- Lack of social and community infrastructure in the area to support existing and future populations.
- Insufficient parking provision which will exacerbate the already limited parking in the area.
- Increased traffic, traffic congestion and dangerous road conditions.
- Concerns raised regarding the proposed vehicular access though Stocking Wood which will result in a significant increased traffic (including construction).
- Concerns raised regarding the proposed pedestrian links to neighbouring residential developments. Lack of Legal Agreement / consent.
- The scheme should be required to provide for future connectivity adjoining lands to the south.
- Deficiencies in public transport
- Deficiencies in public infrastructure including water and wastewater services
- Unsuitable arrangements for surface water drainage which detract from the amenity value of open space and result in flood risk.
- Impacts on ground and surface waters.

- Impacts on residential amenity – overlooking / loss of privacy, loss of light, overbearing / visual intrusion, noise, traffic (including construction traffic). Reduction in property values.
- Impacts on local ecology / biodiversity. Inadequate ecological surveys Potential impacts on bats, otters, birds
- Inadequacies of the EIAR and overreliance on mitigation – used to justify unsuitable development.
- Quality and quantity of public open space.
- Legal precedent confirms refusal is required — the High Court and CJEU have consistently ruled against developments relying on non-binding utility commitments, inadequate environmental assessment, and breaches of statutory plans.
- Concerns raised regarding the design and layout of the creche.
- Nearby archaeological sites and Section 22 landfill locations have been flagged but not adequately addressed.
- Inadequate Lighting Plan
- Impact on culture as proximity to Hellfire Club and Dublin Mountains recreation zone could be harmed in terms of heritage and visual appeal.

5.0 Planning History

5.1. Application Site:

ABP-310578-21:	SHD Decision Quashed
ABP-300906-18:	Pre-application consultation for development of the subject site for 181 no. houses, creche, and associated site works submitted in 2018. It was concluded that the proposals required further consideration and amendment.
SD07A/1035 PL06S.229509:	Permission granted (2009) for 386 units. The application to extend permission, ref. SD07A/1035/EP, was refused in 2013 and development never commenced on the site.

SD06A/0611 / PL06S.219949: Permission refused (2007) for 396 no. units. It was considered that the development as proposed was excessively obtrusive and would seriously injure the visual amenities of the area.

5.2. **Other Noted Applications:**

ABP Ref: 321419-24 Permission granted (April 2025), for an LRD comprising 523 no. residential units (houses, duplex and apartment), in heights ranging from 2 to four stories and a childcare facility. RES-N zoned lands to the west of the current application site.

ABP: PL06S. 249367 Permission granted (2018) for the construction of Main Link Street with access onto the Oldcourt Road at Gunny Hill to the east and Bohernabreena Road to the west.

6.0 Policy Context

6.1. South Dublin Development Plan 2022-2028 (SDCDP)

The SDCDP sets out the land use framework for South Dublin County and includes a strategy to co-ordinate and prioritise areas of population growth capable of accommodating up to 45,000 people by 2028 and long term as South Dublin moves towards an additional 80,000 people and 32,000 new homes by 2040 in line with the provisions of National and Regional population targets. The SDCDP comprises 12 chapters:

6.1.1. ***Chapter 2 Core Strategy and Settlement Strategy***. This chapter sets out the growth strategy for South Dublin County in line with National and Regional planning policy, identifying a need for an additional 15,576 new homes by the end of the plan period. A Land Capacity analysis was carried out by the Planning Department to calculate the potential yield of undeveloped land (RES, RES-N, TC, REGEN, VC, DC, LC and SDZ) zoned in the 2016-2022 County Development Plan. The subject

site is identified as a Housing Capacity Site, in Figure 9 included in Section 2.6.1 Land Capacity Study[1].The Settlement Strategy outlined in Chapter 2 identifies Ballycullen as being part of the 'Wider Dublin City and Suburbs Area'.

6.1.2. ***Chapter 3 'Natural, Cultural and Built Heritage'*** aims to protect and enhance the key heritage assets which have shaped the County. There are no conservation objectives that relate specifically to the site. The site is within the 'River Dodder and Glenasmole Valley' landscape character area, which is defined as an 'area of high sensitivity'.

6.1.3. ***Chapter 4 'Green Infrastructure'*** (GI) promotes the development of an integrated GI network working with and enhancing existing biodiversity and natural heritage, improving resilience to climate change and enabling the role of GI in delivering sustainable communities to provide environmental, economic and social benefits. It includes policies for the 5 key themes of Biodiversity (GI2), Sustainable Water Management (GI3), Climate Resilience (GI5), Human Health and Wellbeing (GI6), and Landscape, Natural, Cultural and Built Heritage (GI7).

6.1.4. ***Chapter 5 'Quality Design and Healthy Placemaking'*** aims to create a leading example in sustainable urban design and healthy placemaking that delivers attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in. It aims to deliver sustainable neighbourhoods through 'The Plan Approach'. It outlines that the Plan (Appendix 10) includes a Building Height and Density Guide (BHDG) with performance-based criteria for the assessment of developments of greater density and increased height. The approach to building heights will be driven by context.

6.1.5. ***Chapter 6 'Housing'*** aims to ensure the delivery of high quality and well-designed homes in sustainable communities to meet a diversity of housing needs within the County. Section 6.7 promotes high quality design and layout in new residential developments and includes a range of objectives in this regard.

[1] I note a specific housing target was not specified in the context of this particular Housing Capacity Site, rather a target of 1,600 residential units was outlined in the context of the lands covered by the Ballycullen-Oldcourt Local Area Plan, 2014

Policy H7: Residential Design and Layout, Policy H8: Public Open Space, Policy H9: Private and Semi-Private Open Space, Policy H10: Internal Residential Accommodation, Policy H11: Privacy and Security: and Policy H12: Steep or Varying Topography Sites are considered relevant.

6.1.6. ***Chapter 7 'Sustainable Movement'*** aims to increase the number of people walking, cycling and using public transport and reduce the need for car journeys. It includes a range of policies and objectives aimed at integrating sustainable transport and land-use planning and promoting sustainable/active transport modes. Table 7.5 outlines a Six Year Road Programme, which includes for various streets within the Ballycullen-Oldcourt LAP lands, including the application site, with the stated function of forming a strategic street network providing access throughout the site.

6.1.7. ***Chapter 8 'Community Infrastructure and Open Space'*** aims to create healthy, inclusive and sustainable communities where all generations have local access to social, community and recreational facilities, and parks and green spaces. Standards for Public Open space are set out in Table 8.2.

6.1.8. ***Chapter 11 'Infrastructure and Environmental Services'*** aims to create an environment characterised by high quality infrastructure networks and environmental services to ensure the health and wellbeing of those who live and work in the County, securing also the economic future of the County. Policy IE2: Water Supply and Wastewater, Policy IE3: Surface Water and Groundwater, Policy IE7: Waste Management are considered relevant.

6.1.9. ***Chapter 12 Implementation and Monitoring***, sets out the development standards and criteria for new development within the plan area. It also includes the Land Use zoning objectives South Dublin County.

Zoning: The appeal site is on lands zoned RES-N with the associated land use objective *to provide for new residential communities in accordance with approved area plans.* Residential and childcare use is permitted in principle.

The Development Management Standards relevant in the assessment of this LRD include the following:

- *Section 12.6.7 Residential Standards*
- *Section 12.6.10 Public Open Space*
- *Section 6.7.4 Car Parking Standards: -* The number of spaces provided for any particular development should not exceed the maximum provision. The maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to:
    - The proximity of the site to public transport and the quality of the transport service it provides. This should be clearly outlined in a Design Statement submitted with a planning application,
    - The proximity of the development to services that fulfil occasional and day to day needs,
    - The existence of a robust and achievable Workforce Management or Mobility Management Plan for the development,
    - The ability of people to fulfil multiple needs in a single journey,
    - The levels of car dependency generated by particular uses within the development,
    - The ability of residents to live in close proximity to the workplace,
    - Peak hours of demand and the ability to share spaces between different uses, à Uses for which parking rates can be accumulated, and
    - The ability of the surrounding road network to cater for an increase in traffic.

- *Section 12.11.1 (iii) Sustainable Urban Drainage System (SuDS):* In general, all new developments will be required to incorporate Sustainable Urban Drainage Systems (SuDS).

- Sustainable Drainage Systems include devices such as swales, permeable pavements, filter drains, storage ponds, constructed wetlands, soakaways and green roofs.
- In some exceptional cases and at the discretion of the Planning Authority, where it is demonstrated that SuDS devices are not feasible, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. Such alternative measures will only be considered as a last resort.
- Development should seek to maximise the use of permeable surfaces, as well as opportunities for stormwater attenuation and storage through SuDS and limit the use of underground attenuation and storage.
- Watercourses should remain open in their natural valley and culverting should be confined to road crossings. In exceptional circumstances and at the discretion of the Planning Authority, approval may be given to install a culvert within a development where it is demonstrated that this is the most appropriate design response based on site specific constraints / circumstances.

6.1.10. ***Land Use Zoning Map 10*** identifies a *Specific Local Objective (SLO 3)* within the subject site. SLO3 is repeated in Policy QDP14 of *Chapter 5 Quality Design and Healthy Placemaking*. There is also an objective to provide a street through the site connecting the existing residential estate of White Pines Park to the east with Stocking Avenue to the north via the existing spur road serving the application site. The stated function of this street is the *formation of a strategic street network providing access throughout the site.*

6.1.11. ***Appendix 10*** - South Dublin County's Building Height and Density Guide is relevant

6.1.12. ***Noted Policies and Objectives****: -*

QDP3 Objective 7: Any development on the RES-N lands (Killinarden and Ballycullen / Oldcourt) abutting the Rural Zone at Map 9 shall be designed, located, scaled and serviced in a manner that does

not detract from the character and landscape of the receiving environment bearing in mind its proximity to the HA-DM zone.

QDP14 SLO 3: That the provisions of the Ballycullen - Oldcourt Local Area Plan (2014) as extended, in respect of the steep topography in the lands zoned RES-N between Stocking Lane, Ballycullen Road and the M50 (Map 10) remain in force during the lifetime of this Plan having regard to ministerial guidelines.

H1 Objective 12: Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that: (*3no. criteria listed*)

H8 Objective 1: To ensure that public open space in new residential developments complies with the quantitative and qualitative standards set out in Section 8.7 of Chapter 8: Community Infrastructure and Open Space and Chapter 12: Implementation and Monitoring

H8 Objective 2: To ensure that there is a clear definition between public, semi-private and private open space at a local and district level and that all such open spaces benefit from passive surveillance from nearby residential development.

COS5 Objective 5: To require the provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2.

The Council has the discretion to accept a financial contribution in lieu of any remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and neighbourhood parks subject to the open space or facilities meeting the open space ‘accessibility from homes’ standards for each public open space type specified in Table 8.1. In exceptional circumstances where the provision or upgrade of small parks, local parks and neighbourhood parks is not achievable, the Council has the

discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks, subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 8.1. Where the Council accepts financial contributions in lieu of open space, the total contribution shall be calculated on the basis of the costs set out in the applicable Development Contribution Scheme, in addition to the development costs of the open space.

COS5 Objective 12: To ensure that proposed SuDS measures are only accepted as an element of public open space where they are natural in form and integrate well into the open space landscape supporting a wider amenity and biodiversity value.

COS5 Objective 17: To ensure that incidental areas of open space which do not function as useable open space and / or are not clearly visible from the public realm, are designed out of a proposed scheme.

IE3 Objective 2: To maintain and enhance existing surface water drainage systems in the County and to require Sustainable Drainage Systems (SuDS) in new development in accordance with objectives set out in section 4.2.2 of this Plan including, where feasible, integrated constructed wetlands, at a local, district and County level, to control surface water outfall and protect water quality.

6.2. Ballycullen – Oldcourt Local Area Plan (2014 as extended) (BOLAP)

6.2.1. The subject site forms part of a c. 125ha landbank located at the foothills of the Dublin Mountains and stretching between Bohernabreena Road to the west and the M50 to the east, which was the subject of the Ballycullen - Oldcourt Local Area Plan, 2014 (BOLAP). BOLAP provides a framework for the development of these lands which are largely undeveloped and zoned for new residential development. More specifically, the LAP provides for the development of 1,600 new residential units in a

phased manner. BOLAP's overriding strategy is to ensure that development, at a wider level, is carried out in an integrated, coherent and universal design led manner that responds to the local context and also accords with relevant national guidelines including the Design Manual for Urban Roads and Streets. BOLAP was adopted by Elected Representatives on 6th May 2014 and came into operation on 3rd June 2014. It was due to expire 6 years later (i.e. June 2020) but was later extended by resolution to 2nd June 2024 under Section 19 of the *Planning and Development Act 2000, as amended*. In order to account for additional days associated with the Covid pandemic, a further extension to September 2024 was approved. No further extension of this LAP was sought, and the plan has now expired.

6.2.2. In line with SDCDP QDP14 SLO 3, the provisions of the BOLAP as extended, in respect of the steep topography in the lands zoned RES-N between Stocking Lane, Ballycullen Road and the M50 (Map 10) remain in force during the lifetime of the SDCDP2022-2028, having regard to ministerial guidelines. However, the LAP does not set any specific policies, objectives or standards for the 'steep topography in the lands zoned RES-N between Stocking Lane, Ballycullen Road and the M50'. Therefore, it is unclear which specific provisions of the LAP that QDP14 SLO3 are referring to. Furthermore, I note that a number of the policies / objectives / standards outlined in the now expired BOLAP have been superseded by the provisions of the SDCDP 2022-2028, which is the operative plan for the area. Notwithstanding, it is considered that the following objectives of the BOLAP relate to steep topography:

Density:

- *Objective LUD1:* The density of development shall accord with that indicated under Table 5.4 and Figure 5.3 of this Local Area Plan (Section 5.4). The extent and density of development indicated for Options A and B on Figure 5.3 shall only be permissible where development is generally carried out in accordance with this LAP and, in the case of Option A, existing 220kV overhead electrical transmission lines are rerouted to coincide with the wayleaves of existing watermains.
- *Objective LUD5:* Residential development within the Lower Slope Lands shall consist of medium to low density (32 – 38 dwellings per Ha) terraced and semi-

detached housing. New development adjacent to existing housing shall be designed sensitively to protect existing residential amenity.

- *Objective LUD6:* Residential development within the Mid Slope Lands shall consist of low density (22 – 28 dwellings per Ha.) development comprising semi-detached and terraced housing of no more than 2 storeys. Additional split-level floors may be acceptable where they are justified on the basis of topography, are sensitively incorporated into the slope of the lands and do not increase the height of dwellings from street level to more than 2 storeys.
- *Objective LUD7:* Residential development within the Upper Slope Lands shall consist of very low density (12 - 18 dwellings per ha. / 5 - 7 per acre) development comprising single storey detached and semi-detached housing. Additional split-level floors may be acceptable where they are justified on the basis of topography, are sensitively incorporated into the slope of the lands and do not increase the height of dwellings to more than 1 storey from street level and by no more than 2 storeys from the side and rear. Dormer window structures shall only be permissible for single storey dwellings and must be within the structure of the main roof, below its ridge level and above its eaves line (at least approx. 3 tile courses). Densities adjacent to the green buffer along the southern fringe should be provided at the lower end of the scale (approx. 12 dwellings per hectare).

Dwelling Mix

- *Objective LUD3:* The permissible dwelling mix shall yield a minimum of 90% or more houses. Apartment and duplex units are not permissible on the Upper Slopes of the Plan Lands. Extensions of duration of permission should only be granted where development granted prior to the adoption of this Plan accords with this objective.

Building Height

- *Objective BF8:* Development shall be no more than one storey at street level on the Upper Slope Lands, no more than two storeys at street level on the Mid

Slope Lands and no more than three storeys on the Lower Slope Lands. New dwellings backing onto or adjacent to existing single storey dwellings should be no more than two storeys.

Design and Layout

- *Objective GI18:* Buildings, streets and spaces should be designed and arranged to respond and flow with the area's contours and natural drainage features.
- *Objective GI19*: All development including streets, buildings and spaces shall be laid out to comply with South Dublin County Council Development Plan policy on Steep Sites and shall be designed to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls.
- *Objective GI20:* Proposals for development on steep sites shall gently ascend the contours of the Plan Lands with unique design solutions such as split-level housing where multiple storey housing is permissible.

6.3. **National / Regional Policy:**

Project Ireland 2040 – National Planning Framework, First Revision (April 2025), (NPF)

The National Planning Framework (NPF), initially published in 2018 and revised in 2025, sets out a high-level strategy for the planning and development of Ireland to 2040. The strategy to accommodate this growth in a sustainable way focuses on 10 National Strategic Outcomes (NSOs) that include: Compact Growth (NSO1), Sustainable Mobility (NSO4), Enhanced Amenity and Heritage (NSO7), a Low Carbon and Climate Resilient Society (NSO8) and the Sustainable Management of Water, Waste and Environmental Resources (NSO9).

National Strategic Outcome No. 1 of the NPF relates to Compact Growth. The aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater

densities to be achieved, whilst achieving high quality and design standards. This is supported by National Planning Objectives that target 50% of new housing growth that take place in the five cities and 30% within other settlements,5 to be delivered within the existing built-up footprint, respectively

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

Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness:

*A*ims to build on this recent progress to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030. The Plan is built around two pillars 'Activating Supply' and 'Supporting People', with four key priorities under each pillar.

Climate Action Plan (CAP) 2025: -

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

Climate Action Plan 2024 outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector. The Board must be consistent with the Plan in its decision making.

Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030:

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B (1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board.

The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

6.4. **Section 28 Ministerial Guidelines:**

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

The Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2025) (the 'Apartment Guidelines') set out national policy and standards for apartment development, in order to ensure greater consistency of national policy across local authority areas.

The Urban Development and Building Height Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines'): - set out national policy considerations in relation to building height in order to guide planning authorities in developing local planning policy and in determining planning applications. These Guidelines reinforce the national policy objectives of the NPF relating to compact growth and set a framework for a performance-based approach to the consideration of building height.

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (the Compact Settlement Guidelines): set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.

6.5. **Also of note:**

- The Development Management Guidelines for Planning Authorities (2007)

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Housing, Planning and Local Government, 2018)
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).
- The Planning System and Flood Risk Management Guidelines (including the associated Technical Appendices) (2009)
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Design Manual for Urban Roads and Streets (DMURS) (December 2013- as updated)

7.0 **The Appeal**

This is a third-party appeal lodged by Ballyboden Tidy Towns CLG. against the decision of South Dublin County Council to grant permission for this proposed LRD. The main issues raised in the appeal relate to overdevelopment of the site and impacts on the local environment. The appellants do not question the principle of residential development on the site or the fact that local, regional and national planning policy is pushing for higher residential densities at appropriate locations. However, they contend that the proposed development site, due to its peripheral location, limited access to public transport and sloping topography, is an inappropriate location for the scale, height, density and layout proposed. The grounds of appeal are summarised under separate headings below.

7.1. **Grounds of Appeal**

Legal Issues:

- The question has been raised as to whether the applicants have adequate legal consent to undertake the proposed connections (pedestrian and vehicular) to neighbouring estates to access / egress the site.

Overdevelopment of the Site:

- The proposal due to its excessive density, height and scale amounts to overdevelopment of the site.
- The proposal would be contrary to the provisions of the Ballyboden Old Court LAP and Specific Objective QDP14 SLO 3 of the SDCP.
- The proposed heights within the subject site do not respect the existing topography of the site or the context of adjoining residential streets.
- There is a lack of transition in scale particularly in respect of the proposed apartment blocks.
- The proposal would fail to assimilate into the natural landscape and would be visually obtrusive when viewed from neighbouring properties.
- The proposed scheme, in combination with other large scale residential developments in the area will negatively impact on residential amenity and existing services in the area.

Inadequate Public Open Space:

- Concerns raised regarding the both the quantum and quality of public open space areas within the proposed scheme.
- In relation to the quantum of public open space proposed it is alleged that the area proposed (25,746 sq. m) falls significantly short of the required SDCDP standard (28,624 sq. m). In addition, queries are raised regarding the applicant's calculation of public open space. It is contended that the area comprises both communal and public open space as a single entity and that small spaces, more akin to communal open space and areas incorporating SuDS (detention basins etc) should be excluded. The inclusion of lands to be retained as an undeveloped buffer along both side of the stream as part of the public open space calculation is also questioned.
- In terms of the quality of the public open space, the appeal refers to the applicant's surface water management strategy which includes underground attenuation and several detention basins/ponds within areas of public open space, it is contended that these SuDS features detract from the amenity value of the public open space. It is further contended that the applicants proposals for SuDS and open space are in clear conflict and that the proposal

is in contravention of SDCDP Policy H8, Objective 1 and Policy COS5 and its related Objectives 12 and 17. The proposed development does not amount to exceptional circumstances where underground attenuation tanks can be used and would therefore be contrary to section 12.11.1(iii) and Policy IE3 of the SDCP.

- The lack of formal public open space areas such as playing pitches, is considered a significant failure of the application.
- The payment of a contribution in lieu of public open space would be unacceptable for this edge of city location (SDCP Policy H Objective 3).
- The proposed development is in a location where SDCP Policy H8 Objective 3 and COS5, Objective 12, can be applied and therefore the application should be refused.

Access, Transportation, Parking and Permeability:

- *Parking*: - Concerns raised regarding the quantum of car parking proposed within the scheme, which is considered insufficient and likely to result in overflow parking to neighbouring residential areas. the case is made that while the standards set out in the SDCDP are 'maximum' standards, the proposed scheme, due to its peripheral location and limited access to public transport, does not meet the criteria that would allow for a reduced parking standard.
- The lack of parking would add considerable strain on the operation of current public transport services.
- *Access to Public Transport*: - Concerns raised regarding the level of public transport available in the area and its capacity to cater for the proposed development. Unreliable public transport will lead to car dependency.
- No adequate assessment of the capacity of public transport services in the area has been undertaken and no evidence provided to show that the public transport services will remain within capacity once all of the committed and proposed developments have been completed (cumulative assessment).
- While the Bus Connects initiative will improve transport connectivity across the city, it will not result in an increase in the capacity of the bus corridor at this location.

- *Access arrangements*: it is contended that the local road network is not designed to accommodate the scale of development proposed and would lead to significantly increased traffic congestion and road safety hazards which cannot be properly appropriately mitigated.
- The proposed accesses from Stocking Avenue do not accord with DMURs.
- The existing parking arrangement along Stocking Wood Drive (perpendicular to the carriageway) will lead to vehicles reversing into the access road creating potential road safety conflicts.
- There is a high potential for cars existing via the existing spur road connection to Stocking Avenue to cross over into on-coming traffic due to the existing hairpin bend.
- *Connectivity:* - Concerns raised regarding the design of the pedestrian and cycle pathway network within the site as includes a series of steps. It is contended that the proposal would be contrary to the promotion of universal access and would be at odds with the Objectives of the Ballyboden Old Court LAP 2014 (as extended) which requires 'a network of walking and cycling routes that further link residential blocks with each other, public transport stops and local shopping while providing routes towards the Dublin Mountains'.

Impacts on Ground and Surface Waters:

- The drainage issues in the area together with the geology and topography of the site, present a serious risk to the two watercourses on site and the neighbouring watercourse, Orlagh / Ballycullen Stream.
- The two streams within the site are tributaries of the Dodder and Owendoher Rivers and are hydrologically connected to Natura 2000 sites. These rivers are spawning rivers and are used by otters for commuting and feeding. No otter survey was undertaken.
- No assessment has been provided of potential impacts of the development on the underlying aquifer, its recharge characteristics or risk of contamination through areas of extreme vulnerability. This omission is significant for three reasons:

1. The Water Framework Directive requires that all water bodies including ground waters achieve and maintain at least good status". This has not been demonstrated.
2. The SDCP contains objectives to protect groundwater and aquifers from pollution. Without baseline hydrogeological analysis, the proposal cannot be shown to align with these policies.
3. The proposed use of attenuation basins with area of public open space raises concerns regarding infiltration pathways and long-term maintenance.

- The existing water courses within the subject site and aquifer are at extremely high risk of pollution during both construction and the operation phase of the development.

Built Infrastructure:

- The Confirmation of Feasibility issued by Uisce Eireann identifies a number of constraints which were not considered or addressed under the RFI response and decision of the Council.
- The capacity of the network to service and facilitate the development was not considered in the assessment of the application.
- The application fails to indicate any electrical infrastructure as part of the proposed development, and these have potential to further reduce the usability and quality of the proposed open spaces. There is no letter from ESB. An internal memo on the planning file outlines the lack of infrastructure design or capacity within the local or wider electricity network. This was not adequately considered by the Council in making its decision.

Inadequate and Inaccurate Assessment with the LRD Material (including EIAR)

- It is contended that the EIAR addendum submitted as part of the RFI response fails to address the interaction and cumulative elements of the proposed changes and that the EIAR has not been made in accordance with EU and National Legislation.
- It is contended that the ecological information submitted in support of the LRD is inadequate and that the applicant's dependence on mitigation demonstrates

that the proposal is fundamentally unsuitable for this steep, environmentally sensitive site.

7.2. Applicant Response

The applicant's response to the grounds of appeal is set out in correspondence received on the 8th of December 2025. The appeal documentation includes a detailed planning report and appendices comprising:

- Appendix A: Letter by McCann Fitzgerald
- Appendix B: Letter by Evershed Sutherland LLP
- Appendix C: Design Checklist – Compact Settlement Guidelines 2024
- Appendix D: Response to Traffic and Transport Related Issues including Public Transport Capacity prepared by Waterman Moylan Consulting Environmental
- Appendix E: Letter by Whitehall Environmental
- Appendix F: Schedule of Accommodation and Housing Quality Assessment
- Appendix G: JFOC and NMP Drawings (not to scale).

The applicant's response to the grounds of appeal is set out section 6 of the planning report. The issues raised in the appeal are addressed under several headings and can be summarised as follows:

Invalidity of the Appeal:

- The validity of the appeal is questioned. The case is made that the appeal has been made on behalf of a person (Ballyboden Tidy Towns CLG) that is not entitled under section 37(1)(a) of the Planning and Development Act 2000 (as amended)(the Planning Acts) to make an appeal and in breach of section 127(1) of the Planning Acts, is not accompanied by an acknowledgement of the Council. The basis for this contention is set out in the accompanying letter of McCann Fitzgerald LLP.

Residential Density and Sustainable Development:

- This is not a high-density development. The proposal is for a medium density development (47.6 uph) that is supported by national policy and guidance. The density proposed is a reflection of the design response to the site's challenging topography, the need to protect the amenity of existing residential developments surrounding the site and has regard to the public transport options both currently and permitted in the future.
- The proposed scheme is not reliant upon public transport but will encourage a modal shift towards more sustainable modes of transport and support existing and future investment in the public transport network.
- A public transport capacity assessment has been undertaken and submitted as part of the appeal response documentation. The assessment focuses on the two bus routes serving the site (Routes 15 and 15A). The results show that even with the development in place, existing services would still have space capacity. Capacity will increase under BusConnects.
- With reference to the Compact Settlement Guidelines (2024) the site is in an accessible location based on existing and planned service frequency and capacity.
- The residential density proposed is appropriate and makes efficient use of a zoned and serviced site in the Metropolitan area of Dublin.

Building Height and Visual Amenity:

- Buildings heights are modest – 2 to 4 storeys.
- Two storey housing is located along the site perimeter, adjacent to housing in Abbots Grove and Stocking Wood and along the southern boundary.
- A detailed Study of the interface between Abbotts Grove and Stocking Wood (J FOC Drawing No. PD 2005 Boundary Analysis) which demonstrates that the proposed development is adequately distant to prevent overlooking overbearing and loss of residential amenity.
- The Apartment buildings are 3 to 4 storey (4th floor setback) and are positioned centrally within the development and at the main entrances but not

abutting existing housing. These buildings are designed to sit into the slope of the site and are positioned to optimize daylight and minimize overshadowing.

- A Townscape and Visual Impact Assessment (TVIA) accompanied the application. The TVIA is structured around a series of verified photomontages from 17 no. viewpoints. It is recognized that the development represents a departure from the existing agricultural use and will alter the outlook to visual receptors (residents); however, the proposed development reflects exactly the scale and nature of development built intended for this site and would be consistent with other residential development along the urban edge. The overall significance of effect is considered to be moderate-slight.

Application of the Expired Oldcourt-Ballycullen Local Area Plan and Policy QDP14 SL03:

- The appellants acknowledge that the BOLAP has expired.
- The applicant fully adheres to the provision of SDCDP QDP14 SLO 3.
- According to SDCC County Development Plan 2-year review, Objective QDP14 SLO 3 "*relates primarily to height and planning applications have to be assessed against this and other related policy and objectives*.
- The CE Report of SDCC justifies the density and height of the proposed development on the application site with regard to the underlying Objective QDP14 SLO 3.
- SLO's requirement to respect steep topography were addressed through design and adherence to the spirit of the expired LAP's principle.
- Objective QDP14 SLO 3 is subject to the provisions of the Section 28 ministerial guidelines, including SPPRs contained within the Building Height Guidelines and Compact Settlement Guidelines.

Public Open Space Provision – Quality and Quantity

- The appellants are incorrect in their assessment of the calculation of the quantum of required public open space and the usability of the public open space.

- Having regard to the standards set out in the SDCDP, the proposed development site requires 15,555 sq. m. of public open space. The open space across the site equates to 25,746 sq. m. even if an extremely conservative view is adopted and those areas subject to 1 in 100-year flood event are discounted in the presumption that are at capacity, the available public open space provision still exceeds the minimum required.
- Drawings submitted at RFI stage demonstrate how the proposed SuDS network is integrated into open spaces. On the eastern section of the site, water is held in basins to slow discharge and provide biodiversity. Detention Basins in the west of the site are designed pocket parks.
- There is no justification for the exclusion of the woodland areas in the centre of the site from the calculation of public opens space. This is an existing landscape, protected from development and already popular with walkers.
- A multi-use games area (c400 sq. m) is proposed as part of the scheme for the benefit of existing and future residents.
- The Proposed development contains a mix of housing and apartments. Due to the steep sloping topography across the application site, the requirement for nature-based attenuation and the desire for connectivity across public open spaces the separation of communal open space areas from public open space areas is impractical. It is considered more advantageous to combine the public and communal open space quantities required into larger more usable areas of public open space that can be enjoyed by all residents due to the arrangement of apartment blocks each apartment joins a public open space fostering a strong sense of ownership for these spaces among residents.

<u>Connectivity and Universal Access:</u>

- All proposed amenities will be connected with accessible paths for users of all abilities and have been designed in accordance with relevant standards including DMURS and Universal Design. These will act as walking or jogging routes and incorporate seating opportunities, exercise stations, habitat boxes,

bike parking etc. as part of a well-planned and high-quality designed landscape.

Sustainable Urban Drainage Strategy:

- The proposed surface water drainage design does not use traditional underground attenuation features such as tanks.
- All surface water is dealt with above ground in keeping with the SDCC Sustainable Drainage Explanatory Design and Evaluation Guide (2022).
- No surface water is conveyed directly to a below ground attenuation layer without first benefitting from treatment through an upstream detention basis, swale, permeable or tree pit in agreement with SDCC.
- Petrol interceptors are not proposed in line with SDCC Policy.
- The Planning Authority in their assessment of the application and in their decision to grant permission was satisfied that the applicant had adequate addressed the issues raised by the Water Services Department in their reports and that any outstanding issues were minor and could be dealt with via condition.

Road Safety and Car Parking:

- The application site is by definition, an accessible site.
- The proposed development is a medium density development at the lower end of the range expected to be achieved in this location it has been demonstrated with primary survey data that there is sufficient capacity in existing bus services to cater for the future residents of the development and that there will be an increase in capacity with BusConnects.
- The proposed development provides car parking for all residential dwellings and the creche. The proposed car parking provision is some 73% of the maximum permitted. The LRD opinion issued by SDCC specifically requested that car parking be reduced on site to 80% of the maximum parking rate. The Road Department, in their report to the planning authority, notes the car parking provision is below 80% of the maximum and states that they are satisfied with this provision.

- Should the Commission consider it appropriate additional off-street, car-parking can be facilitated for housing by providing a tandem arrangement that would not impact upon the streetscape or cause car parking to become over dominant. This amendment would increase the number of parking spaces by 56 spaces, representing 80% of the maximum.
- The traffic and transport assessment submitted with the planning application includes analysis of the main junctions in the local surrounding area. The analysis results indicate that existing junction 5 (Stocking Avenue Junction) would operate within capacity in the 2030 Do Something during the AM peak hour and would continue to do so in the 2045 Do Something Scenario.

Potential Environmental Impacts:

- *Water Pollution Risks*: Chapter 8 of the EIAR addresses the environmental factors of hydrology, hydrogeology and drainage. It is acknowledged that the site is underlain by a locally important aquifer with bedrock that is moderately productive only in local zones. However, the majority of site is covered by moderate permeability subsoil at least 3m thick meaning that contaminants are unlikely to reach bedrock. Anticipated impacts on groundwater are negligible. Surface water is identified as the main sensitive receptor. Both the EIAR and NIS include mitigation to ensure that the proposed development does not result in significant effects either in terms of the habitats directive and on the Water Framework Directive.
- *Otters*: No evidence has been put forward to support the claim of the appellant otters utilize the site. The site has been visited on several occasions by ecologists and no otters, or evidence of otters were noted. The Heritage Officer of SDCC acknowledges in relation to mammals on this site *the presence of bats is noted Badgers were not recorded and it is considered that the shallow and narrow nature of the streams present is unlikely to support resident Otter populations at these upper reaches of the catchment*. This matter is addressed in more detail in the enclosed letter by Whitehall Environmental.
- *Bats*: An analysis of Bat surveys conducted on site indicates that bat activity has increased by 70.3% since 2021 but that species diversity has reduced.

Mitigation measures are provided that manage lighting on site, recommend the provision of Bat Boxes and all trees are to be checked for the presence of bats prior to felling (Condition 5 of the PA decision). The applicant has no objection to this condition and will implement all necessary mitigation measures.

- An EIAR Addendum Report was submitted to the planning authority as part of the response to the RFI request. The purpose of the addendum was to ensure a complete and comprehensive response to Item 5 of the RFI request issued by SDCC and to assist the competent authority in its Environmental Impact Assessment. It was not to replace the EIAR as submitted to the planning authority. While it is acknowledged that it is the competent authority who will carry out an examination of the EIAR and associated information there were no changes made to the project as part of the RFI response which would fundamentally alter the assessment made in the EIA\r or its conclusions.

Civil Infrastructure Availability:

- The confirmation of feasibility issued by Uisce Eireann (UE) in March 2025 states that both water and wastewater connections are feasible without infrastructure upgrades.
- It is standard for procedure that following the grant from permission a connection application is made to UE. This application must be granted and the connection agreement signed with UE before connection to public networks can be made, this cannot be completed before the grant of planning permission. A confirmation of feasibility does not raise any issue with capacity or the future connection being subject to future upgrades.
- ESB networks do not engage with applicants on a site-by-site basis until planning permission has been granted plenary consultation with ESB networks have been undertaken by the applicant and no capacity issue has been raised the applicant developer will undertake all works in agreement with ESB networks.

Legal Issues Raised:

- No connection is proposed through Abbott's Grove Park. The design has allowed for future connections in the interests of permeability.
- The applicant holds the necessary rights to construct connections to existing roads and services and to pass and repass over the roads and footpaths in stocking wood a letter from Evershed Sutherland LLP was submitted to the planning authority in this regard the planning authority was satisfied that the applicant had provided sufficient evidence for the purpose of making a planning application and that a right of way exists.

7.3. Planning Authority Response

The PA confirms its decision. Issues raised have been covered in CE Order.

7.4. Observations

None

8.0 Assessment

8.1. Introduction:

8.1.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the reports 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:

- Legal and Preliminary Issues
- Principle of Development
- Design Strategy
- Open space and Green Infrastructure
- Built Form
- Transportation and Parking
- Drainage and Water Services
- Impact on Groundwater and Surface Water Bodies

- Other Matters
- Material Contravention

8.2. **Legal and Preliminary Issues**

Validity of Appeal

8.2.1. At the outset, I note that the applicants have questioned the validity of the third-party appeal. The basis for their contention is set out in a letter from their solicitors, McCann Fitzgerald, which was submitted as part of their appeal response. In brief, it is contended that the appeal has been made on behalf of a person (Ballyboden Tidy Towns CLG) that is not entitled under section 37(1)(a) of the Planning and Development Act 2000 (as amended) (the 'Planning Acts) to make an appeal. and, in breach of section 127(1)(e) of the Planning Acts is not accompanied by an acknowledgement of the Council.

8.2.2. Section 37(1)(a) of the Planning and Development Act 2000 (as amended) states that *an applicant for permission and any person who made submissions or observations in writing in relation to the planning application to the planning authority in accordance with the permission regulations and on payment of the appropriate fee, may, at any time before the expiration of the appropriate period, appeal to the Board against a decision of a planning authority under section 34.*

8.2.3. The case is made that there is a material and legal difference between the appellant, '*Ballyboden Tidy Town CLG'*, a body corporate and the person who made the original submission to the planning authority, '*Ballyboden Tidy Town Group'*, an unincorporated association. It is contended that as the only valid submissions to the planning authority were made on behalf of '*Ballyboden Tidy Towns Group*' those submissions did not give the body corporate, '*Ballyboden Tidy Town CLG*', a right to appeal under Section 37(1)(a) of the Planning Acts.

8.2.4. I have reviewed the application documentation and I note the following. The planning authority received a submission from Marston Planning Consultancy on behalf of the '*Ballyboden Tidy Towns Group*' in May 2025, within the statutory time period. This submission was acknowledged by the planning authority in their letter dated the 29th

of May 2025 as being in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended), A copy of this letter accompanied the appeal (as per the requirements of 127(1)(e) of the Planning Acts).

8.2.5. The planning authority received a further submission from Marston Planning Consultancy on behalf of their clients *'Ballyboden Tidy Towns CLG'*, in September 2025. This submission was lodged in response to the Significant Further Information received by the planning authority on the 22nd of August 2025. The submission states: *In accordance with the statutory regulations, as our clients have already made an observation on this application, no statutory fee accompanies this observation on the Significant Further Information*. Notably, the same address was given for both *Ballyboden Tidy Towns Group and Ballyboden Tidy Towns CLG.* The planning authority accepted the submission as valid and a letter to this effect was issued on 26th September 2025. On this basis, I am satisfied that the planning authority accepted '*Ballyboden Tidy Towns CLG'* and '*Ballyboden Tidy Towns Group*', as the same person.

8.2.6. Following consideration of the documentation lodged with the appeal and consideration of the relevant sections of the Planning and Development Act 2000 (as amended) I am satisfied that the appeal, lodged by Marston Planning Consultancy, on behalf of '*Ballyboden Tidy Towns CLG*', would accord with the requirements of Section 127 of the Act. In my opinion, the documentation submitted is sufficient to form the basis of a valid appeal and I do not recommend that the appeal be dismissed.

Legal Consent – Access

8.2.7. The appellants request that the Commission seek further clarity as to whether the applicants have sufficient legal interest to access the site from the neighbouring private estates of Stocking Wood and Abbots Grove Park. I note that this issue was raised by the planning authority in their request for further information, dated 17th June 2025 (item 1).

8.2.8. In response to the RFI request, the applicants submitted a Legal Certificate from their Solicitors, Eversheds Sutherland LLP, which states that the applicants have full legal rights to:

- construct connections to and connect into the existing roads and services in the adjoining Stocking Wood development,
- pass and repass over the roads and footpaths in Stocking Wood and
- pass and run the services through all services in Stocking Wood.

8.2.9. The legal certificate also states that these legal rights are registered at the Land Registry against the title of Stocking Wood. In my opinion the information / documentation submitted in support of the application, regarding the applicant's legal interest in accessing the development via Stocking Wood, is sufficient to permit, at least, a valid planning application. In the event, that the Commission decide to grant planning permission for the proposed development they may consider it appropriate to attach a note to the Commission Order advising the parties in relation to the statutory provision *Section 34(13)* of the Planning and Development Act, 2000 which makes it clear that a person 'shall not be entitled solely by reason of permission under this section to carry out any development'.

8.2.10. In relation to the Abbots Grove development, I note that the application as originally presented to the planning authority included a proposal to provide a pedestrian/cycle connections to Abbots Grove Park at the western site boundary. As the Abbots Grove development has been taken in charge by South Dublin County Council it was believed that a connection could be facilitated. The application documentation included a letter of consent from South Dublin County Council. However, it was established at RFI stage that the Abbot's Grove landowners retained a strip of land behind the footpath and public road that prevents this connection. As the applicants were unable to obtain the necessary consent from the relevant landowners to carry out the works, the application was amended and the proposed pedestrian/cycle connection to the Abbots Grove was omitted from the scheme. The Commission will note that the design and layout of the amended scheme allow for a future pedestrian connection to Abbots Grove in the event that necessary consents are obtained.

8.2.11. In light of the above, I am satisfied that the issue of consent has been adequately addressed in the application documentation and that the information available is sufficient to permit, at least, the making of a valid application and that no substantial legal / procedural issues arise that would preclude the Commission from deciding this appeal.

8.3. Principle of Development: Zoning and General Policy Compliance

8.3.1. In this section I intend to consider whether the proposed LRD complies with the zoning objective and related planning policy for the site as set out in the South Dublin County Development Plan 2022-2028.

8.3.2. The proposed scheme (as amended) is for a Large-Scale Residential Development (LRD) comprising 494no. residential units and a creche on lands zoned 'RES-N' in the South Dublin County Development Plan 2022-2028 (SDCDP). The objective for the RES-N zone is to provide for new residential communities in accordance with approved area plans. As both residential and childcare facilities are listed as uses that are '*Permitted in Principle'* within the RES-N zone, I am satisfied that the proposed LRD is acceptable in principle subject to consistency with the '*approved area plan'*.

8.3.3. The approved plan for the area is the Ballycullen - Oldcourt Local Area Plan (2014 - as extended) (hereafter referred to as the BOLAP). The BOLAP expired in the September 2024; however, in my opinion, parts of it remain relevant in the assessment of this LRD having regard to SDCDP Specific Local Objective QDP14 SLO 3 which states that *the provisions of the Ballycullen - Oldcourt Local Area Plan (2014) as extended, in respect of the steep topography in the lands zoned RES-N between Stocking Lane, Ballycullen Road and the M50 (Map 10) remain in force during the lifetime of this Plan having regard to ministerial guidelines.* Land Use Zoning Map 10 of the current SDCDP identifies a QDP14 SLO 3 within the subject site.

8.3.4. The wording of QDP14 SLO 3 is significant, in that it refers only to the provisions of the BOLAP, in respect of the *'steep topography in the lands zoned RES-N between*

Stocking Lane, Ballycullen Road and the M50. However, the LAP does not set any specific policies, objectives or standards for the '*steep topography in the lands zoned RES-N between Stocking Lane, Ballycullen Road and the M50'*. Therefore, it is not clear from the SDCDP what specific provisions of the BOLAP remain relevant. I note that the appellants as set out in the grounds of appeal contend that the proposed development would be contrary to the provisions of BOLAP, particularly in respect of building height and density.

8.3.5. The BOLAP sets out a development strategy for c. 125ha of land at the foothills of the Dublin Mountains with the aim of providing for the phased delivery approximately 1,600 new residential units in a manner that responds to the local context, in terms of its peripheral location, topography and prevailing pattern of development. The BOLAP in section 4.3 identifies the major constraints associated with the plan lands, one being steep topography, and divides the plan area into three categories of highly constrained, partially constrained and relatively unconstrained. The lands associated with each category are identified in Fig. 4.1 (BOLAP page 20).

8.3.6. The vast majority of the proposed development site is identified as '*partially constrained*'. As detailed in Section 4.3.3 of the BOLAP these areas relate largely to the upper slopes along the southern fringe of the Dublin Mountains where there is a relatively steep topography and the lands become visually prominent. The BOLAP states that gradients range between 1:16 and 1:6 and would be difficult to develop at standard densities without the use of extensive engineering solutions such as retaining walls, shoring, embankments and cut platforms. The BOLAP further states that the development of these lands could therefore have a significant impact on the context, landscape and setting of the Dublin Mountains including panoramic views, the transition between countryside and suburbs, heritage features and the natural slope and drainage of the area.

8.3.7. The proposed development site also contains two linear strips of '*highly constrained*' lands, these areas coincide with the wooded paths/double ditches that flank the existing Stocking Wood development which were designated for preservation under the BOLAP. On this basis I am satisfied that the '*highly constrained*' designation within the site do not relate to the topography of the lands.

8.3.8. The categories of highly constrained, partially constrained or relatively unconstrained generally relate to three-character areas identified in the BOLAP. These character areas are referred to as "*lower slope lands*", "*mid slope lands"* and "*upper slope lands"*. The BOLAP sets out development parameters for each of the character areas. These are relevant to the proposal namely by reference to the CDP QDP14 SLO 3.

8.3.9. With reference to Fig. 5.3 of the BOLAP, the proposed development site encompasses all three-character areas. A limited section at the northwest corner, adjoining Abbotts Grove is within the lower slope category area, these are low lying areas that have a *'more gentle'* topography. The northern half of the site is generally located with the mid slope where '*the slope of the topography begins to accelerate towards the upper slopes'* while the southern half of the site is generally located within the upper slopes, which are '*the most elevated and visually prominent areas, which rise towards and beyond the 120-metre contour'*. Lands adjacent to the protected wooded paths/double ditches and a narrow linear area along the southern boundary, are not designated as part of the three-character areas. Instead, they are identified as open space in the BOLAP. However, they are zoned RES-N in the SDCDP.

8.3.10. As previously noted, it is not clear from the SDCDP what the specific provisions of the LAP to remain in force in accordance with QDP14 SLO3, and I note that this matter was not addressed by the planning authority in their assessment of the application. However, following a review of the plan, I consider that there are a number of objectives relating to density, building height and design and layout, which are specific to the topography of the LAP lands, albeit not specific to the *lands zoned RES-N between Stocking Lane, Ballycullen Road and the M50,* and which could be considered relevant in the assessment of this LRD. I have included those objectives I consider relevant in the assessment of this application in Policy Section 6.2 above.

8.3.11. Notwithstanding, it is I consider of relevant to note that the policies and standards outlined in the BOLAP are, in many cases, outdated and do not align with policies, objectives and standards of the current SDCDP or, notably in respect of QDP14 SLO 3, with current ministerial guidelines, which take precedence. Therefore, should the

case arise that the proposed scheme does not align with the relevant provisions of the BOLAP, the proposal may still be deemed acceptable in accordance with QDP14 SLO 3 and subject to Ministerial Guidelines.

8.3.12. Further to the above, I note that several Ministerial Guidelines have been issued since the adoption of the BOLAP in 2014. Those Guidelines I consider most relevant in the assessment of this application are:

- The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (*Compact Settlement Guidelines*)
- The Design Standards for New Apartments - Guidelines for Planning Authorities (2025) (*Apartment Guidelines*), which replace the 2023 Guidelines (and all preceding updates dating back to 2018).
- The Urban Development and Building Height Guidelines for Planning Authorities (*Building Height Guidelines*).

8.3.13. The above guidelines constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended). Section 28 provides that planning authorities and An Coimisiún Pleanála shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended), in the performance of their functions

Conclusion: Principle of Development: Zoning and General Policy Compliance

8.3.14. I am satisfied that the development of this site for residential and childcare uses as proposed is acceptable in principle, subject to compliance with relevant national and local planning policy and ministerial guidelines. I note that no issues were raised in the planning authority's assessment of the application or in the appeal regarding the principle of residential development on this site.

8.4. **Design Strategy**

8.4.1. The proposed development site comprises c.10.37ha of greenfield land at the foothills of the Dublin Mountains. The character of this area has changed significantly in recent decades, from a predominantly rural settlement pattern to suburban with the introduction of med-density housing, and associated infrastructure and support services.

8.4.2. The site itself is characterised by its peripheral location and sloping topography. Generally, the lands rise gradually in a northwest to southeast direction with the most notable change in ground level occurring at the boundaries with the neighbouring residential developments of Abbots Grove and Stocking Wood. A notable feature of the site is a linear band of woodland that runs north/south through its centre. This woodland feature is made up of two parallel treelines / hedgerows and a narrow stream, with sections of earthen paths indicating regular usage. A similar feature extends along the site's eastern boundary, the boundary with White Pines.

8.4.3. Existing development in the immediate vicinity of the site is predominantly residential. The application site is bounded by the existing residential developments of Abbots Grove to the west and northwest, Stocking Wood to the north and White pines to the east. A neighbourhood centre, comprising a single storey convenience retail unit (c.1,479 sq. m GFA) and a three-storey creche / community building, is located approx. 150m to the northeast of the site (as the crow flies). A plot of undeveloped land to the immediate north of the site is identified in the SDCDP for a school.

8.4.4. The proposed scheme would see the existing agricultural lands on site developed for residential and childcare uses. In my opinion the development of this site as proposed, would help to consolidate the established built-up area at this location, occupying existing underutilised zoned and services lands between existing estates whilst also demarcating a clear boundary between the built environment and the rural upland area to south.

8.4.5. The proposed LRD (as amended) comprises the construction of 494 no. residential units and a childcare facility with capacity for 107no. children. The proposed development varies in height from 2-4storeys. All houses are two-storey while the

apartments, proposed in the form of simplex and duplex units, are arranged in 28no. three and four-story blocks (with upper floor set back to reduce mass/scale).

8.4.6. In terms of layout, the proposed development is set around two connected curvilinear streets, interlinked pedestrian pathways and open spaces that should provide an attractive public realm for residents and visitors to the development. Save for a section that is to be removed to facilitate a roads objective under the SDCDP, the central woodland feature is to be retained and has been integrated into the development as part of the public open space.

8.4.7. The majority of the proposed two-storey houses are located around the perimeter of site, either in a linear fashion or in small groups of 4 to 9 no. units on short cul-de-sacs. In the main, these houses are laid out so that they front onto internal access roads and are sited back-to-back or back-to side with existing properties. A bespoke house type (F) with a finished floor level of 1.5m below the road level has been introduced along the northern boundary, adjacent to Stocking Wood to address the level change that exists between the application site and neighbouring dwellings. The design of the proposed houses is similar in character, form and materiality to existing houses in the area; this continuity should that the proposed development assimilates effectively with the existing built environment.

8.4.8. The taller 3 and 4-Storey buildings (apartments) are centrally located within the development and address the main entrances but do not directly abut existing houses. The apartment blocks have a more contemporary design which incorporates a flat roof and would introduce a new built form within this immediate area. However, I am satisfied that these structures due to their height, scale and central location with the development, can be effectively assimilated into the landscape at this location. The impact of the proposed development on the visual amenities of the area is discussed in more detail later in this report.

Separation Distances

8.4.9. As detailed in the plans and particulars submitted in support of the application, the separation distances between opposing windows serving habitable rooms at the rear

or side of residential units above ground floor level accords, at least, with the minimum standard of 16m as set out in SPPR 1 of the 'Sustainable Development and Compact Settlement Guidelines (2024) (Compact Settlement Guidelines). There are instances throughout the scheme where the separation distance between units, both internally within the scheme and externally with neighbouring properties is less than 16m. However, having reviewed the drawings submitted with the application, I am satisfied that where this situation arises, due regard has been had to the privacy of existing and future occupants, whereby affected units have been adequately designed and / or orientated to prevent undue overlooking as per the requirements of SSPR 1. I am also satisfied that the design and arrangement of buildings adequately fulfil the requirements of Policy H11, Objective 4 of the SDCDP which seeks to ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity.

8.4.10. Notwithstanding, regard is had to section 12.6.7 of the SDCDP which includes guidance on separation distances and block layout. The SDCDP, which predates the 2024 Guidelines, states that 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. The SDCDP refers to the guidance set out in the Urban Design Manual (2009) and sets, as a benchmark for development, a requirement for a minimum clearance distance of circa 22 metres, between opposing windows.

8.4.11. As previously discussed, the proposed scheme has been designed to adhere to the requirement of the Compact Settlement Guidelines (2024) which allow for minimum separation distances of 16m. As such, the benchmark 22m separation distance set out in the SDCDP is not achieved in the majority of cases. I consider this to be a material contravention of the SDCDP.

8.4.12. The SDCDP states, under section 12.6.7, that in all instances where the benchmark separation distance is not being met, the applicant shall submit a daylight availability

analysis for the proposed development and detail appropriate design measures to reduce undue overlooking. The application documentation includes a Sunlight, Daylight & Shadow Assessment which assesses the daylight and sunlight performance of the proposed dwellings as well as any potential impacts of the development on existing neighbours. I have reviewed this document, and I am satisfied that it has been prepared in accordance with recognised best practice guidelines and I have no objection to the methodology used. Furthermore, I am satisfied on the basis of the findings and conclusions of this document, which I consider reasonable and robust, that the proposed scheme would provide a good level of residential daylight amenity to future occupants' whilst avoiding undue impacts on the amenities of neighbouring properties.

8.4.13. In light of the above and having regard to the overall design and layout of the scheme, which in my opinion has had due regard to the residential amenities of both existing and future residents, I consider that a reduction in the benchmark clearance distance of 22m referenced in the SDCDP is acceptable in this instance.

8.4.14. ***Material Contravention***: - On the aforementioned issue of material contravention, I do not recommend that planning permission be refused on the basis that the proposed scheme does not accord with the standard for a minimum clearance distance of circa 22 metres is required between opposing windows set out in the SDCDP, instead I consider it reasonable in this instance to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended). My reasoning for this is based on the fact the proposed scheme in respect of separation distance between opposing windows serving habitable rooms at the rear or side of residential units above ground floor level accords with the minimum standard of 16m as set out in SPPR 1 of the 2024, Compact Settlement Guidelines and the fact that planning authorities and An Coimisiún Pleanála, are required under Section 28 of the Planning and Development Act 2000 (as amended) to apply specific planning policy requirements (SPPRs) stipulated under Section 28 Ministerial Guidelines.

<u>Housing Quality</u>

8.4.15. In terms of the quality of accommodation on offer, I have assessed the plans and particulars submitted in support of the application including the Housing Quality Assessment (updated at RFI stage) and I am satisfied on the basis of the information provided that all residential units meet or exceed the relevant minimum requirements in terms of unit size, floor area, ceiling height and internal storage. I note that all proposed units are either dual or triple aspect and that suitable arrangements have been made within the scheme for bike and bin storage. I further note that the proposed scheme, if permitted, would be subject to an Operational Waste Management Plan.

Creche:

8.4.16. The proposed creche facility, comprises a two-storey structure with a stated GFA of 475 sq. m and capacity for 107 children. This structure is located towards the northern end of the development, west of the central woodland feature and close to lands identified in the SDCDP for a school site. In this regard I note that the layout of the proposed scheme allows for a pedestrian connection to the school site, in the general vicinity of the creche. The creche is to be served by a parking area to the front (south) and side (West) and an amenity area to the rear (north) of c125 sq. m. The building is of a contemporary design and material finish that I consider appropriate for its intended use. On the size of the Crèche, regard is had to the provisions of the 2001 Childcare Facilities Guidelines and the Apartment Guidelines, which indicate that the proposed development (excluding 1-bed units) would generate a demand for c. 103 no. childcare places, the proposed facility is therefore adequately sized for the scheme. Overall, I have no objection to the location, scale or design of this structure. I note that the planning authority in their decision to grant permission included a condition (C. 16(b)) that the crèche be made available for use prior to occupation of 100no. residential units. I agree that it would be beneficial to future residents to have the creche facility operational at the early stages of the development, therefore, I would recommend a similar condition in the event that the Commission be of a mind to grant permission.

Conclusion: Design Strategy

8.4.17. Overall, I am of the opinion that the design and layout of the proposed LRD is well considered, that it would generally accord with the relevant development management standards set out in the SDCDP and Section 28 Guidance and that the proposed scheme would provide a good standard of residential amenity for future occupants. Furthermore, having considered the plans and particulars submitted in support of the application, which includes a Daylight and Sunlight Assessment, and having visited the site and surrounding area, I am satisfied that the general layout and design of the scheme has had due regard to existing properties in the vicinity and that it would not have a significant negative impact on the residential amenities of those properties.

8.5. **Open Space and Green Infrastructure:**

8.5.1. The provision of open space that is appropriately designed and located is described in the SDCDP as key element of high-quality residential environments. The SDCDP includes various policies, objectives and standards for private and semi-private /communal and public open space.

8.5.2. I note that concerns have been raised in the appeal regarding the quantum and quality of the public open proposed. It is contended that the proposed scheme would contravene the objectives of the SDCDP, notably *H8 Objective 1* which seeks ensure that public open space complies with the quantitative and qualitative standards set out in the SDCDP, *COS5 Objectives 12* which relates to the use of SuDS measures in areas of public open space and *COS5 Objective 17* which seeks to ensure that incidental areas of open space are designed out of a scheme and the fact that communal and public areas of open space are proposed as a single entity within no division / distinction between the two, is also referenced in the appeal.

Private Open Space:

8.5.3. In terms of private open space, '*H9 Objective 1*' of the SDCDP seeks to ensure that all private open spaces for houses and apartments / duplexes including balconies, patios, roof gardens and rear gardens are designed in accordance with the qualitative and quantitative standards set out in Chapter 12: Implementation and Monitoring.

8.5.4. Within the proposed scheme each house is provided with a private amenity area in the form of rear gardens while private open space for the proposed apartment units is provided in the form of ground floor terraces and upper floor balconies. Having reviewed the plans submitted, I am satisfied that the design and layout of the private amenity areas for both houses and apartments would generally accord with the qualitative standards set out in the SDCDP and would provide for an adequate level of privacy and amenity for residents.

8.5.5. The quantitative standards for private open space for houses and apartments are set out in Chapter 12, Tables 3.20 and 3.21 respectively. I have reviewed the plans and particulars submitted in support of the application, including the applicants Housing Quality Assessment (HQA) and I note that there are several cases where the private amenity area for houses does not meet with the quantitative standard set out in Table 3.20 of the SDCDP. The extent of deviation from this standard *(see table 8.5.1 below)* is I consider sufficient to be deemed a material contravention of the SDCDP. I have included in Table 8.5.1 below, the relevant minimum standards for private open space for houses and the range of garden sizes proposed within this scheme.

8.5.6. The minimum standard for private open space for apartments is set out in Table 3.21 of the SDCDP. The standards here align with those of the 2025 Apartment Guidelines. Again, having reviewed the applicants HQA I am satisfied that the quantitative standards for private open space for apartments is met or exceeded in all cases and that as such no material contravention issues arise.

8.5.7. ***Material Contravention***: On the aforementioned issue of material contravention, I do not recommend that planning permission be refused on the basis that the proposed scheme does not accord with the quantitative standard set out in Table 3.20 of the SDCDP, instead I consider it reasonable in this instance to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended). My reasoning for this is based on the fact the proposed scheme in respect of private open space provision meets with the quantitative standard set out under SPPR 2 of the 2024 Compact Settlement Guidelines and the fact that planning authorities and An Coimisiún Pleanála, are required under Section 28 of the Planning and Development Act 2000 (as amended)

to apply specific planning policy requirements (SPPRs) stipulated under Section 28 Ministerial Guidelines.

House Size	SDCDP	Compact Settlement Guidelines.	Proposed Scheme (Range)
1 bed	48 sq. m	20 sq. m	-
2 bed	55 sq. m	30 sq. m	30.1 to 45.7 sq. m
3 bed	60 sq. m	40 sq. m	40 to 131.7 sq. m
4 bed	70 sq. m	50 q. m	51.5 to 145.8 sq. m

Table 8.5.1 Minimum Standards for private open space for houses

Communal Open Space:

8.5.8. In addition to private open space the SDCDP under *H9 Objective 2* seeks to ensure that the design and layout of new apartments, or other schemes as appropriate, ensures access to high quality and integrated semi-private or communal open space that supports a range of active and passive uses.

8.5.9. The quantitative standard for communal open space is set out in *Table 3.21 Minimum Standards for Apartments* of the SDCDP and aligns with the standards set out in the 2025 Apartment Guidelines. As per the information submitted in support of the application and appeal the proposed scheme includes for the provision of 2,011 sq. m. of communal open space which would exactly meet the quantitative standard set out in table 3.21 of the SDCDP and Appendix 1 of the Apartment Guidelines. However, as noted in the grounds of appeal, communal and public open space areas within the scheme have been provided as a single entity with no division or delineation between the two. In my opinion this would materially contravene "*H11 Objective 1*" of the SDCDP which seeks to ensure a clear definition and delineation between private, semi-private (communal) and the public open spaces that serve residential development.

8.5.10. This matter is addressed by the applicant in their appeal response document. The case is made that due to the steep sloping topography across the application site,

the requirement for nature-based attenuation, and the desire for connectivity across public open spaces the separation of communal open space areas from public open space areas is impractical. They considered it more advantageous to combine the public and communal open space quantities required into larger more usable open areas of open space that can be enjoyed by all residents.

8.5.11. I have reviewed the plans and particulars submitted in support of this application, including the applicants "*Landscape Design Statement*". While I consider that that it would be technically feasible to dedicate areas of public open space within the scheme for 'communal' open space; I believe it would not be possible to do so without compromising the design, layout and functionality of the public open space as a whole. Therefore, I do not recommend that the proposed scheme be amended to satisfy the requirements of *H11 objective 1*, nor do I recommend that planning permission be refused on the basis of ***Material Contravention***. Instead, I consider it reasonable in this instance to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended). My opinion in this regard is based on the following:

- It is my opinion that the proposed scheme would deliver an overall high standard of residential amenity for future residents of the apartments and that the identified deficiency in terms of communal open space would not significantly compromise the quality of the scheme.
- The proposed scheme meets the quantitative standard for communal open space. In this regard I note that the applicants have provided the minimum quantitative standard for communal open space 2,011 sq. m. in addition to the requirement for public open space (as discussed further below).
- As proposed, all apartment blocks either directly adjoin or are within close proximity to, an area of public open space, thus ensuring that residents have easy access to an area of usable outdoor space.
- Most of the apartment blocks are arranged in a perimeter block fashion around an area of public open space. While these spaces would be accessible to members of the public, their arrangement creates a sense of enclosure that, as noted by the applicants, would foster a strong sense of ownership.

- Individually, each unit is well sized and would exceed the minimum overall apartment floor area standard stipulated in the Apartment Guidelines.
- All apartment unit are either dual or triple aspect, ensuring adequate levels of daylight/ sunlight, and all units are served by an area of private open space that either meets or exceeds the required standard.
- All apartment units are served by a dedicated communal storage facility for bikes and bins.

Public Open Space:

8.5.12. The relevant Policy, objectives and standards for public open space provision within this scheme are set out section 6.7.2; section 8.7 and section 12.6.10 of the SDCDP. In this regard I refer the Commission to *H8 Objective 1* which seeks to ensure that public open space in new residential developments complies with the quantitative and qualitative standards set out in Section 8.7 of Chapter 8: Community Infrastructure and Open Space and Chapter 12: Implementation and Monitoring.

8.5.13. Regarding the above, I note that the BOLAP (now expired) does include standards for public open space provision within the plan area, notably, Objective GI33 which states that public open space shall be provided at a minimum rate of 20% of development sites on the Lower Slope and Mid Slope Lands and 30% on the Upper Slope Lands. However, I am satisfied that the wording of the SDCDP is clear and unambiguous in its requirement that public open space in new residential developments comply with the quantitative and qualitative standards set out in the development plan.

8.5.14. The public open space strategy for the site is set out in the applicants "*Landscape Design Statement"* submitted with the application as updated under Landscape Drawings (no's LA100 to LA104 and LA600 to LA606) submitted at RFI Stage. The strategy proposes a network of spaces comprised of a linear park, central woodland corridor and a series of woodland gardens / pocket parks which are distributed amongst the residential blocks.

8.5.15. The linear park occupies the eastern portion of the site, commencing at the eastern site boundary where potential permeability links to the adjoining residential developments of White Pine and Stocking Wood Manor have been facilitated, and

extending centrally across the site connecting with the central woodland corridor. The linear park accommodates a significant level change which, in my opinion, has been successfully integrating into the scheme by way of appropriate hard and soft landscaping, a series of stepped and ramped pathways and strategically placed natural play areas, providing for both passive and active recreation and well as contributing to visual amenity.

8.5.16. The central Woodland Corridor currently comprises a double treeline, small stream and earth paths. This area (c.10m either side of the stream) will be maintained as a riparian buffer in accordance with SCDSP *GI3 Objective 3*. As proposed this area is to be enhanced with additional tree and woodland planting and a self-binding gravel path. The path is to be constructed on a web cell base using a non-dig approach to areas around trees to protect roots. The route will be further enhanced with seating, sculpture and opportunities for exercise. In my opinion the works proposed within the woodland corridor / riparian zone have been carefully considered and strike an appropriate balance between the delivery of a valuable amenity space and the protection of the natural environment.

8.5.17. Public open space at the western side of the development is to be provided in the form of woodland gardens and pocket parks. These areas are designed to respond to a depression in the landscape which is intended to capture rainwater for attenuation (detention basins). During low rainfall events, the water sill soak into the ground or be absorbed into the vegetation, thus remaining dry. Play in these areas is designed to be both formal and natural, with the grade changes used for children to roll on, rocks to explore and gravel paths to run along. These areas also incorporate an exercise area and seating terrace.

8.5.18. Public open space areas throughout the scheme are designed for both active and passive recreation incorporating multi-functional lawn spaces for informal and formal play, a multi-use games area, exercise stations and seating opportunities as well as biodiversity Interventions. In my opinion the open space strategy for the site would deliver a suitable amenity environment for users of all ages and abilities.

8.5.19. In addition, public open space areas within the scheme have been designed to incorporate several nature-based drainage features including detention basins and attenuation ponds. The appellants are concerned that the inclusion of these features

would undermine the amenity value of the public open space, however, I note that such proposals would accord with the provisions of the SDCDP which require under *GI4 Objective 3* multifunctional open space provision within new developments to include provision for ecology and sustainable water management which state under section *8.7.5 Quality of Public Open Space*, that sustainable water management in the form of features such as integrated constructed wetlands, ponds, swales and basins should be incorporated within public open spaces and add to the amenity and biodiversity value of the spaces. Further to the above, I note that the applicants' proposals for public open space and surface water drainage were assessed by South Dublin's Public Realm Team who, following an initial request for further information, cited no objection to the scheme.

Quantitative Standard for Public Open Space:

8.5.20. The overall standard for public open space in the SDCDP is 2.4 hectares per 1,000 population. Within that standard, there are specified percentages which must, as a minimum, be provided on site. In respect of new residential development on lands zoned RES-N', the minimum standard is 15% of the site area.

8.5.21. Using the calculation method outlined at Section 12.6.10 and COS5 Objective 6, the proposed development of 494 units would require an overall standard of 28,248 sq. m of public open space and a minimum on site requirement of 15,555 sq. m[2]. As per the information submitted as part of the applicants appeal response documentation (page. 28), the public open space provision for this LRD, is as follows:

	Quantum Sq. m	**Quantum %**
Total Open space	25,746 sq. m	24.8%
Net Public Open Space (excluding 2,011 sq. m of communal open space)	23,735 sq. m	23%

[2] *Calculation of Public Open space: 276no 1&2 bed x 1.5 sq. m = 414 persons and 218 no. 3&4 bed units x 3.5 persons – 763 no. persons x 24sq. m.*

Pond (permanent)	22, 174 sq. m	21%
Detention Basins (1 in 100- year storm)	3,172 sq. m	18%

Table 8.5.2 Proposed Public Open Space

8.5.22. The case is made in the grounds of appeal that the calculation for public open space should exclude:

- areas of communal open space
- lands on either side of the central stream which are to be maintained as a vegetated riparian buffer in accordance SCDSP Policy GI3 Objective 3.
- lands utilised for SuDS, having regard to Policy COS5 Objective 12 which seeks to ensure that proposed SuDS measures are only accepted as an element of public open space where they are natural in form and integrate well into the open space landscape supporting a wider amenity and biodiversity value.

  For clarity, I would like to note that the SuDS features proposed, comprising detention basins, attenuation ponds, swales, tree pits etc are natural in form and clearly integrate well into the open space and therefore in my view are fully compliant with this requirement.

8.5.23. Having considered the plans and particulars submitted in support of this application, I would be of the opinion that, the area of land that is required to meet the quantitative standard for communal open space, which equates to 2,011 sq. m, should be excluded from the calculation of public open space. However, I am satisfied that all remaining areas identified with the site for use as public open space, as detailed on the Landscape Drawings, No's LA-100 and LA-101 submitted by the applicant at RFI stage, including those areas designated as riparian buffer zones and lands utilised for SuDS (detention basins and attenuation ponds etc) , have been successfully integrated into the scheme and would support the amenity and biodiversity value of the site. In this regard, I note that the SDCDP states in *Section 8.7.5 Quality of Public Open Space* that sustainable water management in the form of features such as integrated constructed wetlands, ponds, swales and basins should be incorporated within public open spaces and add to the amenity and biodiversity value of the spaces.

8.5.24. In my opinion, the proposed scheme would accord with the requirements of the SDCDP including *COS5 Objective 12*, which seeks to ensure that proposed SuDS measures are only accepted as an element of public open space where they are natural in form and integrate well into the open space landscape supporting a wider amenity and biodiversity value. Therefore, I do not agree that these areas should be excluded from the calculation of public open space. Furthermore, I am satisfied that all proposed areas of public open space are visible from the public realm, and that all spaces function as either active or passive open space, as access to, or view of, nature and /or as a mechanism for surface water drainage. There are no incidental areas of open space within the scheme and as such the proposed would not contravene *COS5 Objective 17*.

8.5.25. As detailed in Table 8.5.2 above, the proposed scheme will deliver 23,735 sq. m of public open space (exclusive of communal open space) which equates to 23% of net site area, far exceeding the minimum standard of 15% of the site area. It may be of relevance to the Commission to note that this minimum standard would also be exceeded if the lands associated with the permanent natural drainage features (attenuation ponds) on site are omitted.

8.5.26. Notwithstanding the above, I accept that the proposal would fall short of the overall standard of 2.4 hectares per 1,000 population stipulated in the SDCDP. I calculate the shortfall to be in the region of 4,513sq.m.

8.5.27. *COS5 Objectives 4* and *5* of the SDCDP**,** permits the Council**,** in certain circumstances and at its sole discretion, to allow for an element of open space to be located off-site, where it exceeds the minimum on-site requirements or, to determine a financial contribution in lieu of all, or part of, the public open space requirement for a particular development.

8.5.28. I note that neither the Planning Authority or the Public Relam Team, in their assessment of the application raised concerns in relation to the overall quantum of public open space proposed nor did they require the applicant to provide additional open space off-site or to pay a finance contribution to address the shortfall. Regarding the latter, I note that in the absence of a supporting Development Contribution Scheme, both the planning authority and Commission are currently refrained from seeking a development contribution in lieu of public open space.

8.5.29. In light of the above, I consider that the proposed scheme would materially contravene, the provisions of the SDCDP in respect of the quantum of Public open space proposed (*H8 Objective 1* and *COS5 Objective 4*).

8.5.30. ***Material Contravention****:*, As previously stated, the proposed scheme does not meet the overall quantitative standards for public open space as set out in the SDCDP (*H8 Objective 1* and *COS5 Objective 4*) and that a material contravention can be considered to arise in this respect, I do not recommend that planning permission be refused on this basis, instead I consider it reasonable in this instance to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended). My opinion in this regard is based on the following:

- The quantum of public open proposed within the scheme well exceeds the minimum standard is 15% of the site area set out in the SDCDP and would offer a good standard of amenity to future residents.

- In my opinion, the public open space areas proposed within the scheme have been designed to complement the residential layout, are adequately sized and designed to cater for a range of active and passive recreational needs while also contributing to stormwater management and local habitat protection / creation.

- All public open space areas are well located so as to be functionally and / or visually accessible and all are well served in terms of passive surveillance.

- As demonstrated in the Social and Community Infrastructure Audit submitted in support of the application, the surrounding area is well served in terms of open space, amenity and recreation with a range of facilities within walking distance of the proposed development site, sufficient to support the recreational needs of existing and future residents of the area. Additionally, the site due to its location at the foothills of the Dublin Mountains, is well positioned to avail of recreational and amenity facilities on offer in the wider rural area.

8.5.31. In addition to the above, I note that while the quantum of public open space proposed within the scheme is less than the overall quantum of public open space required under the SDCDP, it does satisfy current Section 28 guidance (2024, Compact Settlement Guidelines) in respect of public open space provision and I note that the planning authority in their assessment of the application raised no issue regarding the quantum of public open space proposed.

8.5.32. Further to the above, I consider it relevant to note that the quantitative standards for public open space set out in the current SDCDP do not accord with Policy and Objective 5.1 of the Compact Settlement Guidelines 2024 which requires statutory development plans to include objectives relating to the provision of public open space in new residential developments and that the requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. The quantum of public open space proposed at 23% of the net site area, exceeds the upper limit set out in the guidelines. Therefore, I am satisfied that the public open space proposed, both in quality and quantity would provide an adequate level of amenity for future residents and that therefore a material contravention is justified.

Conclusion:

8.5.33. Overall, I am satisfied that the proposed residential units would be adequately served in terms of private, communal and public open space, sufficient to satisfy the amenity and recreational needs of future occupants.

8.6. Built Form

8.6.1. It is the opinion of the third-party appellant, as expressed in the grounds of appeal, that the proposed development due to its density, height, and scale would represent an overdevelopment of the site in a manner that would be out of character with the surrounding built environment. It is further contended that the scheme represents an inappropriate design response to the topography of the site, that it would be visually obtrusive when viewed from the adjoining residential areas and would fail to assimilate into the natural landscape.

8.6.2. I intend to address the issues raised in the appeal and other related issues under the following headings:

- Density
- Building Height
- Housing Mix
- Visual Impact
- Design Response to Topography

Density:

8.6.3. The density of proposed development is stated as 48dph. This figure is based on the number of residential units proposed (494) and a site area of 10.37 hectares.

8.6.4. Appendix B of the Compact Settlement Guidelines (2024) provides guidance on the calculation of net density. Table 1 of Appendix B states that areas of land that cannot be developed due to environmental sensitives, topographical constraints (i.e. steepness) and/or are subject to flooding should be excluded from the density calculation. In this regard, I note the requirement under SDCDP Policy GI13 Objective 3, to provide riparian buffers along all watercourses, which would include the streams that flow through and directly adjacent to the proposed development site. The designation of lands as a riparian buffer limits their development potential. However, having reviewed the plans and particulars submitted with the application and having visited the site, I am satisfied that the effected lands, as detailed on the Site Layout Plan (Drawing No. 23. 120. PD1003), have been successfully integrated into the proposed scheme, as open space and that these areas would contribute to the overall amenity value of the scheme, to the benefit of future residents. Therefore, I do not consider they should be omitted from the density calculation.

8.6.5. Appendix B also outlines that mixed use developments should exclude the % of non-residential uses in proportion to the net site area. The proposed development includes a creche with a stated floor area of 475 sq. m, which amounts to c1% of the gross floor area. The omission of this non-residential floor area does not alter the density of development proposed (48uph).

8.6.6. The SDCDP does not prescribe densities for the site instead it includes, in Appendix 10, a Building Height and Density Guide (BHDG) which contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height. I have reviewed the proposed LRD against the criteria listed in the BHDG (see Appendix D for details) and I am satisfied that the proposed scheme, at a density of 48uph, would meet with the provisions of the BHDG and would represent an appropriate density for this site.

8.6.7. Notwithstanding, as noted above, it is my opinion the that Objectives LUD1, LUD5, LUD6 and LUD7 of the expired BOLAP remain relevant under QDP14 SLO3 of the SDCDP. Objectives LUD1, LUD5, LUD6 and LUD7 of the BOLAP set out separate density standards for the three landscape category areas identified in the plan. The recommended densities vary from low to medium density depending on elevation, as per in the following table.

Landscape Area	***Net Average Density per Ha***
Lower Slope Lands	*32-38 dwellings*
Mid Slope Lands	*22-28 dwellings*
Upper Slope Lands	*12-18 dwellings*

Table 8.6.1 BOLAP Density Standards

8.6.8. The proposed development, with an average density across the site of c48uph, would exceed the density standards outlined in the BOLAP and as such could be construed as a material contravention of *SDCDP QDP14 SLO 3*. While I note that *SDCDP QDP14 SLO 3* does include the caveat 'having regard to ministerial guidelines', a degree of uncertainty remains regarding the intention of this SLO and how it is to be applied; therefore, I consider it appropriate to take a strictly precautionary approach, on the issue of material contravention. The matter of material contravention is discussed further below.

8.6.9. On the issue of density, the Sustainable Development and Compact Settlement Guidelines (2024) are relevant. These guidelines were introduced in 2024 following

the adoption of the BOLAP and the current SDCDP. The Guidelines in Section 3.3 set out a series of settlement and area types and recommends density ranges that should be applied to each. Table 3.1 identifies three area categories within Dublin City and Suburbs. The planning authority in their assessment of the application considered that the site falls under the category of City - Suburban/Urban Extension. Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. In my opinion, the proposed development site meets with the definition of an '*urban extension'* location.

8.6.10. It is a policy and objective of the Compact Settlement Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8). The density of development proposed at 48 dph would be at the lower end of the density range for an urban extension location.

8.6.11. In addition to the density ranges outlined in section 3.3 of the Guidelines, section 3.4 recommends that the ranges should be refined having regard to: (Step 1) Proximity and Accessibility to Services and Public Transport; and (Step 2) Considerations of Character, Amenity and the Natural Environment.

8.6.12. Regarding 'Step 1', the Guidelines outline that while densities within the recommended ranges will be acceptable, planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at intermediate locations and densities below the mid-density range at peripheral locations.

8.6.13. Further guidance on 'Accessibility' is outlined in Table 3.8 of the Guidelines wherein an 'Accessible Location' is defined as 'Lands within 500 metres (i.e. up to 5–6-minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services. In this regard, the appeal site is within 500 metres

(i.e. up to 5-6) minute walk of the 15 and 15B bus services to/from the city centre, which runs at a 10-minute peak hour frequency. Under Bus Connects the area will be served by two spine routes (A-Spine A1 and A-Spine A3) both of which will operate with a frequency of 12 minutes, Orbital Route S8 and by the '85' bus route, the latter operating every 10 minutes during peak hours. Accordingly, I am satisfied that the site would meet the definition of 'Accessible Location'. This indicates that the site would be suitable for densities at or above the mid-density range.

8.6.14. The Guidelines note that the approach to refining density should be informed by the capacity and wider network accessibility of public transport services at a node or interchange (number of options, capacity and peak hour frequency) and the journey time to significant destinations (e.g. city centre or significant employment location). The grounds of appeal include concerns on these matters, particularly relating to capacity and journey times to the city centre.

8.6.15. In this regard, the Guidelines outline that the NTA's Public Transport Accessibility Level (PTAL) tool will provide detail of public transport accessibility at settlement level and should be used to support the preparation of statutory development plans at a settlement level and in the consideration of individual applications.

8.6.16. The PTAL analysis combines the walk or cycle journey time to a Public Transport stop with the level of service at that stop. It gives an idea of how well connected an area is to Public Transport services based on a range of factors including: walk/cycle times to stops; different time periods; standard waiting times; and average waiting times (incorporating a 'reliability factor', which addresses third-party concerns about 'no shows'). Generally, an area will have a higher PTAL if:

- It is a short walk to the nearest station or stop,
- There are short waiting times,
- Multiple services passing the stop,
- A nearby major rail station

8.6.17. Having reviewed the PTAL tool, I note that the site is within an area of 'Medium Level of Service' during 7am to 8am period and within an area of both 'low' and 'medium' level service during the 8am to 9am period. Therefore, having regard to the

characteristics of the area, at the edge of the suburban area with a low to medium level of public transport service, it is my opinion that the site is more appropriately classified as '*Intermediate'* where densities closer to the mid-range should be encouraged.

8.6.18. Step 2 of the refining process requires an assessment of whether the quantum and scale of development can integrate successfully into the receiving environment. It goes on to state that new development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character, amenity or the natural environment.

8.6.19. I have considered the plans and particulars submitted in support of the application and I have visited the area. In my opinion, the proposed LRD comprises a medium density development that is not dissimilar in character or scale to the existing / emerging pattern of development in the area. Furthermore, I am of the opinion that the design strategy presented has had due regard to the sloping topography of the site, to the visual amenities of the area, to the amenities of neighbouring properties and to the preservation of the natural environment. The proposed development once completed would read as part of the established built-up area at this location and would contribute in a positive and proportionate way to the receiving environment.

8.6.20. In completing the two-step density refining process, it is my opinion, that the density of development proposed at c48uph, is relatively low for an urban extension location in Dublin. However, having regard to the location of the site at the edge of the built-up area, to the sloping topography of the site, to the prevailing and emerging pattern of residential development in the area, and the current and planned public transport services in the area, I am satisfied that the development of these lands for a med-density residential scheme as proposed is appropriate and justified and would accord with the provisions of the SDCDP and current ministerial guidelines.

8.6.21. ***Material Contravention*****:** As previously noted, the density of the proposed development, at c.48 uph, would materially contravene the density objectives for these lands as set out in the now expired BOLAP, namely *Objectives LUD1, LUD5, LUD6 and LUD7*. In my opinion these objectives remain relevant in the assessment of this LRD under the provisions of *SDCDP SLO - QDP14 SLO3*. While I note that *QDP14 SLO3* does include the caveat of *'having regard to ministerial guidelines'* and

notwithstanding my assessment and conclusions regarding compliance with the 2024 Compact Settlement Guidelines in respect of density, a degree of uncertainty exists regarding the intention of this SLO and how it is to be applied. Therefore, I consider it appropriate, in the abundance of caution, to deem the density of development, a material contravention of SDCDP SLO *QDP14 SLO3*. However, I do not recommend that planning permission be refused on the basis, instead I consider it reasonable in this instance to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended). My reasoning for this is based on the following:

- The density of the proposed scheme, would accord with the provisions of the Compact Settlement Guidelines 2024, and in particular Table 3.1 *Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs - City - Suburban/Urban Extension* where it is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).

- The density of the proposed scheme would meet with the provisions of South Dublin County's Building Height and Density Guide as set out in Appendix 10 of the SDCDP.

- The density of development proposed is appropriate for this site having regard to the location of the site at the edge of the built-up area and its sloping topography and having regard to the prevailing and emerging pattern of residential development in the area, and the current and planned public transport services in the area.

Building Height:

8.6.22. The proposed development ranges in height from 2 to 4 storeys. Existing residential development in the vicinity of the site comprises a mix of mainly semi-detached and

terraced houses ranging from 2-3 stories and duplexes / apartments reaching 3-4 storeys. In my opinion the proposed scheme is generally in keeping with prevailing building heights, albeit at a higher topography. Notwithstanding, as per the *QDP14 SLO3* of the SDCDP, the provisions of the now expired BOLAP, as they relate to steep topography lands of the RES-N zoned land, are relevant in the assessment of this application.

8.6.23. BOLAP *Objective LUD BF8* relates to building height and states that *development shall be no more than one storey at street level on the Upper Slope Lands, no more than two storeys at street level on the Mid Slope Lands and no more than three storeys on the Lower Slope Lands. New dwellings backing onto or adjacent to existing single storey dwellings should be no more than two storeys.*

8.6.24. Fig. 5.3 of the BOLAP illustrates the upper and mid slope lands within the proposed development site. Having considered the plans and particulars submitted in support of the application, it is evident that the proposed scheme, with heights ranging from 2 to 4 storeys above street level, would exceed the height limitations set out in BOLAP *Objective LUD BF8* and as such the height strategy presented could be construed as a material contravention of SDCDP *QDP14 SLO 3.* This matter is discussed below.

8.6.25. On the issue of building height, the relevant Ministerial Guidelines are the '*Urban Development and Building Height Guidelines*' (2018), hereafter referred to as the Building Height Guidelines. The Building Height Guidelines, under section 2.0 and SPPR1, prescribes against the provision of blanket numerical limitations on building height in statutory plans. Instead, the Guidelines, state that development plans must include the positive disposition towards appropriate assessment criteria that will enable proper consideration of development proposals for increased building height linked to the achievement of a greater density of development.

8.6.26. The Building Height Guidelines in section 3.0, note that newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include townhouses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards), delivering net densities, in the range of 35-50 dph. The Guidelines go on to state that development should include

an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods, that such development patterns are generally appropriate outside city centres and inner suburbs (i.e. at the suburban edges of towns and cities), for both infill and greenfield development and should not be subject to specific height restrictions. On this basis I consider the height limitations prescribed under *Objective LUD BF8* (see section 8.6.21 above) of the now expired BOLAP contrary to the provisions of the Building Height Guidelines.

8.6.27. Further to the above, I note that it is a specific planning policy requirement (SPPR4) of the Building Height Guidelines, that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines

2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and

3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

In my opinion, SPPR 4 and the overall provisions of the Building Height Guidelines, support, at least in principle, the building height strategy presented for this LRD.

8.6.28. The policy provisions and guidance set out the Urban Development and Building Height Guidelines (2018) were considered in the preparation of the current SDCDP. *SDCDP Policy QDP8* aims to adhere to the requirement of the Building Height Guidelines through the implementation of the '*Assessment Toolkit'* set out in Appendix 10: Building Height and Density Guide (BHDG). *QDP8 Objective 2* seeks to proactively consider increased building heights on lands zoned New Residential (Res-N) where it is clearly demonstrated by means of an urban design analysis carried out in accordance with the provisions of South Dublin County's Building Height and Density Guide, that it is contextually appropriate to do so.

8.6.29. The proposed scheme includes a mix of 2, 3 and 4 storey buildings which, albeit at a higher topography, is generally in keeping with the prevailing building height in the area and as per the Building Height Guidelines, is typical for new development at the suburban edges of towns and cities. Therefore, I do not consider that the proposal would result in 'increased' building heights. Notwithstanding, having regard to *Objective LUD BF8* of the BOLAP (now expired) and SDCDP *QDP14 SLO 3, the* concerns raised in the grounds of appeal, to the location of the site at the edge of the built-up area, to the topography of the site and to the change in ground level that exists between the proposed development site and the neighbouring residential development of Abbots Grove and Stocking Wood, I have assessed the proposed development against the criteria listed in the BHDG. I have included the results of my assessment in table format in Appendix C attached to this report.

8.6.30. Overall, I am satisfied that the building height strategy presented represents an appropriate design response for this site and that it would make a positive contribution to the area and to the urban environment in visual terms. The proposed scheme has had due regard to the topography of the site and its relationship with adjoining properties and land uses. The building heights proposed would be in accordance with national policy and guidance to support compact consolidated growth suburban edges of towns and cities and would satisfy the criteria set down under Section 3 of the Urban Development and Building Heights guidelines.

8.6.31. ***Material Contravention*****:** as previously noted, the proposed development ranging in height from 2 to 4 storeys across both the upper and mid slope lands as identified in fig. 5.3 of the BOLAP**,** would exceed the height limitations for those lands as set out under Objective LUD BF8 of the BOLAP. Therefore, the height strategy presented could be construed as a material contravention of SDCDP SLO QDP14 SLO 3. Given the degree of uncertainty that exists regarding the intention of this SLO and how it is to be applied, I consider it appropriate, in the abundance of caution, to deem the height strategy presented, a material contravention of SDCDP SLO QDP14 SLO3. However, I do not recommend that planning permission be refused on the basis, instead I consider it reasonable in this instance to recommend that the

Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended). My reasoning for this is based on the following:

- The proposed scheme includes a mix of 2, 3 and 4 storey buildings which is generally in keeping with the prevailing building height in the area. The Townscape and Visual Impact Assessment submitted with the application demonstrates that the site can accommodate the height and scale of development proposed without adverse impact on the visual amenities or character of the area. (see section 8.6.35 and Appendix D below).

- The height strategy presented would accord with the provisions of the Urban Development and Building Height Guidelines which state under section 3 that development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods, that such development patterns are generally appropriate outside city centres and inner suburbs (i.e. at the suburban edges of towns and cities), for both infill and greenfield development and should not be subject to specific height restrictions. It is a specific planning policy requirement (SPPR 4) of these guidelines, that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure: 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

- The height strategy presented would accord with the provisions of South Dublin County's Building Height and Density Guide as set out in Appendix 10 of the SDCDP (see appendix C below).

- As previously established that the density of development proposed at c. 48uph, is appropriate for this site having regard to the provisions of the 2024 Compact Settlement Guidelines which seek to achieve compact growth and ensure the

sustainable use of zoned and serviced lands. The height strategy proposed allows for the inclusion of duplex/low rise apartments within this scheme, which given the constraints of the site in terms of steep topography and the need to protect natural heritage, is necessary to achieve the density of development proposed.

Housing Mix:

8.6.32. In terms of housing mix, regard is had to *section 5.2.8* and *Policy QDP10* of the SDCDP which seeks to ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028. It is also a stated policy of the SDCDP (*H1 Objectives 12*) that proposals for residential development provide a minimum of 30% 3-bedroom units with a lesser provision acceptable in certain circumstances.

8.6.33. The mix of units proposed within this LRD is set out in Tables 2.2 and 2.3 above. In brief, the proposed scheme (as amended) provides for 108no. 1-bed units (22%), 168no. 2-beds (34%), 160no. 3-beds (32%) and 58no. 4-beds (12%). The proposal therefore meets the requirement for 30% 3-bed units under SDCPD *H1 Objective 12*. In my opinion the proposed scheme offers and appropriate mix of house type, size and tenure to meet the needs of the existing and future population of the area and I note that the planning authority raised no objection to the mix of units proposed.

8.6.34. Notwithstanding, given the provisions of SLO - *QDP14 / SLO3* of the Development Plan it is my opinion that *Objective LUD3* of the now expired LAP is relevant in the consideration of housing mix. *Objective LUD 3* states that the permissible dwelling mix shall yield a minimum of 90% or more houses and that apartment and duplex units are not permissible on the Upper Slopes of the Plan Lands. In my opinion, the requirement for a yield of 90% or more houses relates to the overall plan area and not specifically to steep topography lands within the RES-N zoning, and therefore I do not consider that this provision is relevant in the assessment of this application. However, as the proposed scheme includes apartment and duplex units on the upper slope lands within the development site, it does not comply with the provisions of *Objective LUD 3*. and would be a material contravention of SLO - *QDP14 / SLO3* of the SDCDP.

8.6.35. ***Material Contravention – Provision of apartment on upper slope lands***: On the issue of Material Contravention of *QDP14 / SLO3* of the SDCDP and BOLAP *Objective LUD3,* having considered the issue I do not recommend that planning permission be refused on this basis, instead I consider it reasonable in this instance to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended). My opinion in this regard is based on the following:

- As previously established that the density of development proposed at c. 48uph, is appropriate for this site having regard to the provisions of the 2024 Compact Settlement Guidelines which seek to achieve compact growth and ensure the sustainable use of zoned and serviced lands. The provision of apartment / duplex units within this scheme is necessary to achieve the density of development proposed.
- While it would be possible, in theory, to locate the apartment / duplex units on the mid or lower slope lands within the site, it would in my opinion be difficult to do so in a manner that does not detract from the residential amenities of neighbouring properties within Abbotts Grove and Stocking Wood, by way of overlooking, overbearing, overshadowing and / or visual intrusion.
- As proposed, the apartment/duplex units are located centrally within the site, removed from existing residential properties, where they provide passive surveillance over public areas (open space, roads, etc). In my opinion, this arrangement does not detract to any significant degree on the character of visual amenities of the area.

8.6.36. Further to the above, I refer the Commission back to *SPPR 4* of the Building Height Guidelines which in respect of the development of greenfield or edge of city/town locations for housing purposes, requires planning authorities to secure minimum densities, a greater mix of building heights and typologies and to avoid mono-type building typologies (e.g. two storey or own-door houses only). The proposed scheme as presented would accord with the requirements of SPPR 4.

Visual Impact:

8.6.37. In terms of visual impact, I note that Chapter 15 of the EIAR comprises a Townscape and Visual Impact Assessment (TVIA), the stated purpose of which is to identify and determine the likely impacts of the scheme on the receiving environment, in terms of both townscape character and visual amenity. The TVIA provides a summary of the existing setting and likely / anticipated effects on 17 no. representational viewpoints, with a 2km radius of the site. These viewpoints are illustrated in a series of verified photomontages. I have reviewed the viewpoints and photomontages submitted with the application and I have carried out an inspection of the area; I consider that the viewpoints and photomontages provided are sufficient for assessment purposes. The impact of the development on each of the 17no. viewpoints is summarised in table format in Appendix D attached to this report.

8.6.38. The photomontages indicate that the proposed development will alter the landscape fabric within the boundaries of the site; however, I do not anticipate that this alteration would rise to any significant negative townscape or visual impacts. In my opinion the proposed development once completed would read as part of the established built-up-area at this location and as such would not have a significant impact particularly in long distance views, including protected views designated within the SDCDP. As acknowledged in the conclusions of the TVIA, the proposed development will alter the outlook from existing residential properties / estates, replacing the open character of the lands with a new built form; however, this is to be expected in the context of a developing area which has been identified for new residential development in the SDCSP. In this regard it is noted that the surrounding area has undergone significant change in the last few decades, the proposed scheme should be considered within this context.

8.6.39. Overall, I am satisfied, that the height, scale, density and design of the development as proposed would not detract in any significant way from the visual amenities and character of this area.

Design Response to Site Topography:

8.6.40. The provisions of the BOLAP, including *Objectives GI18, GI19 and GI20*, seek to ensure that development within the plan area, responds to the contours and natural

drainage features of the development site and encourages the use of unique design solutions such as split-level housing as opposed to more intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls. The provisions of the BOLAP broadly align with those of the SDCDP which under *Policy H12* aims to ensure that development on lands with a steep and / or varying topography is designed and sited to minimise impacts on the natural slope of the site and under *Policy H12 Objective 2* aims to avoid the use of intrusive engineered solutions, such as cut and filled platforms, embankments or retaining walls on sites with steep or varying topography.

8.6.41. As illustrated in the layout plans and sections submitted with the application, the development of this site as proposed does involve elements of cut-and fill and the use of engineering solutions such as retaining structures. Notably, retaining gabion walls are proposed parallel to the site's southern boundary and along parts of the southern boundary of the liner park.

8.6.42. However, having reviewed the plans and particulars submitted with the application and having visited the site and surrounding area, I am of the opinion that such interventions would be necessary to support the sustainable development of these lands in a manner that maximises their development potential while also ensuring that the amenities of the area, surrounding properties and the natural environment are protected in so far as reasonably practicable.

8.6.43. As previously established, the density, height and scale of the proposed development is appropriate for this site. In my opinion, the design strategy presented is well considered and strikes an appropriate balance in terms of the delivery of a quality residential scheme, the protection of existing residential amenities and the preservation of the natural environment and, I am satisfied that the proposed scheme can be effectively assimilated into the landscape without undue impact on the character or visual amenities of the area.

8.6.44. In conclusion, it is my opinion that the design and layout of the scheme comprise an appropriate response to the natural topography of the site and that the use and extent of land reprofiling and retaining structures proposed is justified in this

instance. Furthermore, I am satisfied that the provisions of both the expired BOLAP (as they relate to *SDCDP QDP14 SLO 3*) and SDCDP in respect of steep topography and construction are sufficiently flexible that the issue of material contravention does not arise.

Conclusion: Built Form:

8.6.45. Overall, having regard to the location of the proposed development, the characteristics of the site and the prevailing pattern of residential development in the area, I am satisfied that the proposal represents an appropriate design response that is sympathetic in height, density and scale to its setting and that would not seriously detract from the visual amenities or character of the area. Furthermore, I am satisfied that the development of this site as proposed would accord with the provisions for the area as set out in the SDCDP.

8.7. Transportation and Parking:

8.7.1. As set out in section 7.1 above, the appellants have raised various concerns relating to transportation. In brief, the concerns raised in the appeal relate to the adequacy of the local road network and proposed site access to cater for the scale of development proposed, the lack of adequate public transport services in the area contributing to car dependency and increased parking demand, the lack of parking proposed within the scheme leading to overspill parking in adjoining residential estates and, deficiencies in the design of the internal pedestrian network contrary to the promotion of universal assess. I proposed to address these concerns and other related issues under the following headings:

- Adequacy of the Local Road Network.
- Capacity of the Local Road Network.
- Road Objective
- Pedestrian Infrastructure
- Public Transport

- Car Dependency.
- Parking provision.

8.7.2. The impact of the proposed development on roads and traffic is addressed in Chapter 13 pf the EIAR. This chapter is considered in section 9 of this report.

Adequacy of the Local Road Network:

8.7.3. The subject site is located to the south of the Stocking Avenue and east of Ballycullen Road. The Ballycullen Road facilitates access to the M50 at junction 12 Firhouse, via Saint Colmcille's Road, c1.5km northeast of the application site. Stocking Avenue is a two-way single carriageway road with a speed limit of 50km/h. It has a width of 7.5m and includes footpaths, cycle lanes and bus stops on either side. Primary intersections along Stocking Avenue are four-armed roundabouts.

8.7.4. Two vehicular accesses from Stocking Avenue are proposed to serve the LRD. The first is by way of an existing (partially constructed) spur road connection that currently provides access to c. 48 no. houses at Abbots Grove, the neighbouring residential development to the northeast. This road also provides access to undeveloped lands to the north of the site, identified for a School in the SDCDP**.** The design of the spur road incorporates an acute bend at its south end. The appellant is concerned that this bend would lead to cars exiting the site crossing over onto the incoming traffic lane. I have visited the site, and it is evident that this road was designed with the intention of serving the proposed development site. In my opinion, this road has been integrated effectively as part of the proposed scheme and its design, which includes footpaths on both sides, is sufficient to cater for residential traffic and its alignment would ensure reduced traffic speeds, contributing to traffic safety.

8.7.5. The second vehicular assess is proposed via the existing estate road serving Stocking Wood Drive. This proposal will alter the character of the Stocking Wood Drive from a cul-de-sac to a through road with increased traffic; however, the overall residential character of area will remain. I anticipate that the initial impact from this

character change will lessen over time and once residents become use to the new road layout. I note that the appellants are concerned that the existing parking layout along Stocking Wood Drive (spaces perpendicular to the carriageway) will lead to vehicles reversing into the access road creating potential safety conflicts; however, I note that this arrangement is not unusual in a residential setting and that it supports a slow speed environment.

8.7.6. Overall, I am satisfied that the design of the local road network is adequate to cater for additional residential traffic. I note that no issues or concerns regarding the proposed access arrangements were raised by the planning authority or the Roads Department of South Dublin County Council (SDCC) in their assessment of the application and that no significant deviation from the standards set out in DMURS was identified. As per the information contained in the application it is not intended that construction traffic access the site via Stocking Wood Drive. This was included as a condition by planning authority in their grant of permission and I would recommend to the Commission that similar condition be included in any grant of permission.

Capacity of the Local Road Network:

8.7.7. The impact of the proposed LRD on the surrounding environment and transportation network is assessed in the Traffic and Transport Assessment (TTA) submitted with the application. I note that the TTA considers the scheme as originally presented to the planning authority, i.e. 502 residential units and a childcare facility. I am satisfied that the amendments to the scheme at RFI stage, which included a reduction in the number of units to 494, are relatively minor and would not have a significant impact on the overall findings or conclusions of the TTA or other supporting documents. An updated Quality Audit was submitted at RFI stage.

8.7.8. The TTA examines the existing traffic and transportation conditions, including baseline traffic conditions and available sustainable modes of transport in the area. A 24-hour traffic survey was completed on 16th January 2025. The survey was conducted at the following 7no. junctions:

Junction	Description
J1	A signalised four-arm crossroad located at the intersection Killininny Road / Ballycullen Road / St. Colmcille's Way. Each arm has left turning slip lane.
J2	A four-arm roundabout located at the intersection of Old Ballycullen Road, Daletree Drive and Woodstown Avenue.
J3	A four-arm roundabout located at the intersection of Old Ballycullen Road, Hunters Road and Stocking Avenue.
J4	A four-arm roundabout located at the intersection of Stocking Avenue, Dalriada Avenue and Abbot's Grove. Dalriada Avenue and Abbot's Grove are accesses to residential areas.
J5	A four-arm roundabout located at the intersection of Stocking Avenue, Stocking Well and Stocking Wood Drive. Stocking Well and Stocking Wood Drive are accesses to residential areas.
J6	A four-arm roundabout located at the intersection of Stocking Avenue, White Pines Way and White Pines Park. White Pines Way and White Pines Park are accesses to residential areas.
J7	A three-arm roundabout located at the intersection of Stocking Avenue and R115 (Stocking Lane).

Table 8.7.1 Surveyed Junctions

8.7.9. The results of the traffic survey found that each junction exhibits different AM and PM peak times. For assessment purposes, it is assumed that the peak hours for all junctions coincide during the same AM and PM periods.

8.7.10. Section 7.1 of the TTA determines the overall number of trips that will likely be generated by the proposed development. Residential trip rates were calculated based on data from a previous application on site (ABP-310578-21) while TRICS data was used to determine trip rates for the proposed creche. The TTA estimates that the subject development will generate a total of 206 vehicular movements in the AM peak hour, between 08:00 – 09:00 and a total of 206 vehicular movements in the PM peak hour, between 17:00 – 18:00).

8.7.11. Permitted / proposed developments in the area are discussed in section 7.2 of the TTA. Trip generation calculations from approved planning permissions in effect at time of preparation of the TTA were considered. This includes consideration of the estimated 750 new housing units likely to be facilitated by the construction of the

main link street connecting Oldcourt Road at Gunny Hill to Bohernabreena Road, permitted under ABP Ref: 249367.

8.7.12. The 7no. surveyed junctions were then assessed for the proportion of generated development traffic against the existing background traffic. The impact of development traffic on Junctions 2, 3, 4, 5, 6 and 5 was shown to be above the TII threshold for further analysis (<5%). Therefore, capacity modelling of each of these 6 No. junctions was undertaken. The performance of the junctions has been analysed for the critical AM peak hour (08h00 to 09h00) for the following scenarios:

- Base Year: 2025
- Opening Year: 2030 (with and without development)
- Opening Year + 5: 2035 (with and without development)
- Opening Year + 10: 2045(with and without development)

8.7.13. The results show that all junctions would operate within their respective capacities for all scenarios assessed. For Junction 2, year 2045, both scenarios without and with the subject site, it is likely that drivers would experience some congestion problems during the PM peak hour. The highest RFC is 0.92 with a queue of 9.4 PCU and a delay of 29.63 seconds. The TTA notes that drivers will experience this situation over a short period of time.

8.7.14. I have considered the TTA, and I have no objection to the methodology used or assumptions made. I am satisfied that the traffic analysis results presented in this report demonstrate that the local road network can accommodate the volume of traffic likely to be generated by the proposed development and within the norms of an urban environment.

Road Objective:

8.7.15. It is an Objective of the SDCDP (SM4 Objective 7) to implement the six-year road programme set out under Table 7.5. This includes for the provision of various streets within the Ballycullen-Oldcourt LAP lands, the stated function of which is the formation of a strategic street network providing access throughout the site. SDCDP Map 10 indicates one such road proposal within the application site. As shown, this

road objective traverses west-east across the site, connecting Stocking Avenue via the existing spur road entrance to White Pines Park.

8.7.16. The proposed scheme does include for the provision of a link road through the site. As proposed, this road connects with Stocking Wood Drive to the north rather than to White Pines Park; however, the layout of the scheme does facilitate a pedestrian / cycle connection with White Pines Park. In my opinion, this arrangement is sufficient to meet the requirements of SDCDP Policy SM4 Objective 7 and Table 7.5, as it provides access through the site, albeit on a different vehicular route than set out in Map 10, and does not give rises to issues of material contravention.

8.7.17. Further to the above, I note that a vehicular connection to White Pine Park would necessitate the removal of mature trees and vegetation that define the boundary between the application site and White Pines, a crossing of the eastern stream and the loss of a small area of public open space within White Pines Park. This would lead to further disruption of the eastern ecological corridor, which is avoided under the current proposal. In any event I note, as per the information on file, the applicant does not have control over the necessary lands to facilitate access (vehicular or pedestrian) to White Pines.

Pedestrian Infrastructure

8.7.18. The proposed development has been designed with a network of interconnects footpaths providing permeability throughout the site to the surrounding area. All footpaths within the proposed development are 2.0m in width, exceeding the minimum recommended standard of 1.8m in DMURS.

8.7.19. I note the concerns raised in the appeal regarding the usability of parts of the proposed pedestrian network due to the inclusion of steps. The TTA acknowledges that, due to the existing topography on site, it has not been possible to design all areas as “access for all”. The TTA notes a level difference of over 3m in some areas and states that steps have been provided where necessary to ensure that these spaces are useable. It notes that alternative Part M compliant routes are available throughout the site for all users.

8.7.20. I have reviewed the plans submitted with the application and I am satisfied that the proposed scheme has been adequately designed to ensure accessibility and convenience for all users while maintaining the integrity of the natural landscape. In this regard, I note that scheme has been subject to a Road Safety Audit and Quality Audit incorporating a DMURS Street Design Audit, and Audits of Accessibility, Cycling, Walking and Road Safety.

8.7.21. Regarding the Accessibility Audit, I note that the Roads Department in their report to the planning authority (Aug. 25), highlighted two items relating to pedestrian connectivity (Items 6.8 and 6.9) that they were unable to assess as they did not have access to the relevant drawings. This issue was addressed by way of condition (condition 2(b)).

8.7.22. Items 6.8 and 6.9 of the Accessibility Audit relate to identified gaps in the pedestrian network. This issue has been addressed by the applicants in their appeal response document (pg.18-20) which includes extracts from the relevant drawings to demonstrate how pedestrian connectivity is achieved. I have reviewed this document and the relevant drawings, and I note that the applicant's response to Item 6.9 includes a proposal for a pedestrian crossing on the estate road to the east of proposed Apartment Block G. This crossing is proposed instead of continuing the footpath along the eastern side of the estate road at this location, as a section of the footpath would fall within the 10m riparian buffer zone. The applicants state that they would have no objection to providing full footpath connectivity along the eastern access road should the Commission find it acceptable.

8.7.23. Having considered the plans in more detail, I am satisfied that continuing the footpath along the eastern side of the access road would affect only a small area of land within the 10m buffer and given that this area directly adjoins a public road, any impact on the ecological sensitivities of this area would be minimal. Therefore, in the interests of pedestrian connectivity, I would recommend that the scheme be amended (by way of condition|) to include for a continuation in the footpath along the eastern side of the estate road, in lieu of the proposed pedestrian crossing.

Public Transport

8.7.24. As previously noted in the discussion under density, the proposed development is located in an area that is served by public transport. The site is with within 500 metres (i.e. up to 5–6-minute walk) of the 15 and 15B bus services to/from the city centre, which runs at a 10-minute peak hour frequency. Under Bus Connects the area will be served by two Spine Routes (A-Spine A1 and A- Spine A3) both with a frequency of 12 minutes, Orbital Route S8 and by the '85' bus route, the latter operating every 10 minutes during peak hours. The NTA's PTAL tool identified the site as within an area of '*medium level of service'* during 7am to 8am period and within an area of both '*low'* and '*medium'* level service during the 8am to 9am period. I consider this to be indicative of a good level of service for a suburban location.

8.7.25. In response to the issues raised in the grounds of appeal, the applicants have submitted a Public Transport Capacity Analysis. This Analysis comprises a review of existing public transport services, an assessment of the current modal split, an estimation of the likely public transport demand by future residents of the proposed site and an evaluation of available spare capacity. The analysis confirms that existing bus services have sufficient spare capacity to accommodate the demand generated by this development.

8.7.26. In light of the above, I do not agree with the contention of the appellants that the site is not accessible, as it is served by public transport in the form of bus services, that is sufficient to meet the future commuting demands of residents of the proposed development.

Car Dependency.

8.7.27. The proposed development site comprises an area of green field on the periphery of the built-up area of Dublin. The appellant is concerned that the development of these lands at the density / scale proposed would, due to their peripheral location and lack of adequate public transport services, contribute car dependency which would be contrary to the principle of compact growth.

8.7.28. Whilst I acknowledge that the proposed development site occupies a peripheral location and that the proposed scheme would essentially comprise a 'greenfield' development, I note that the lands in question are contiguous to the existing built-up area of Dublin, and that they directly adjoin the existing residential development of

Abbots Grove to the west, Stocking Wood to the north and White Pines to the east. If permitted, the proposed development would read as part of the established built-up area with existing and proposed developments benefiting from shared infrastructure and services, including the proposed childcare facility.

8.7.29. The proposal is for a medium density residential scheme that in my opinion, has been designed to respond appropriately to the constraints of the site, including its topography and to the prevailing pattern of development in the area. While existing development in the immediate vicinity of the site is predominantly residential, there are local amenities and services, such as the convenience retail store within the Whites Pine development, that would support the day-to-day needs of future residents.

8.7.30. The proposed development would be well connected with direct pedestrian /cycle linkages to Stocking Wood Avenue and Stocking Wood. The proposed scheme also facilitates possible future connections to the neighbouring estates of Abbots Grove, and Whites Pines and to the planned school site to the north. As previously demonstrated, the area is served by public transport which has been shown to be adequate in terms of both frequency and capacity to cater for the commuting needs of future residents.

8.7.31. The level of permeability and connectivity benefiting the site will encourage more sustainable modes of transport (walking, cycling, public transport) contributing to a reduction in car dependency. Furthermore, I note that a Travel Plan equivalent to a Mobility Management Plan, has been prepared for the proposed development. This Plan sets out a long-term strategy for reducing resident and visitor dependence on travel by car in favour of more active and sustainable modes of travel in line with current national and local policy. A Travel Plan Coordinator is to be appointed to oversee the implementation and management of the Plan.

8.7.32. In light of the above, it is my opinion the development of this site as proposed would support the sustainable development of these zoned and serviced lands in accordance with national and local planning policy and guidance.

Parking Provision.

8.7.33. The proposed scheme (as amended) includes for a total of 549 no carparking spaces. This includes 534 No. spaces for residential units (surface and under croft), and 15 No. spaces are proposed for the creche. The overall car-parking provision includes a total of 9 no. accessible car parking spaces and EV car parking spaces in the ratio of 20% of the total on-streetcar parking spaces.

8.7.34. The applicants have indicated in their response to the grounds of appeal (page. 33), that it would be possible to facilitate additional off-street parking for a number of housing units by providing a tandem arrangement (one car parked to the front of another) that would not impact upon the streetscape or cause car parking to become over dominant. This amendment would increase the overall quantum of car parking by 56 no. spaces to 590 no. spaces in total for residents. I have no objection in principle to this proposed amendment.

8.7.35. To determine the appropriate quantum of parking for this scheme, I refer first to the standards set out in the Section 12.7.4 and tables 12.25 and 12.26 of the SDCDP. Tables 12.25 and 12.26 set out '*Maximum'* Parking rates for non-residential and residential development. Parking rates are divided into two main categories, Zone 1 and Zone 2.

8.7.36. Zone 1 is the general rate applicable throughout the County and Zone 2 includes more restrictive rates for applications within town and village centres, lands zoned REGEN, and brownfield / infill sites within Dublin City and Suburbs settlement boundary within 400-500 metres of a high-quality public transport service (includes a train station, Luas station or bus stop with a high-quality service). I note that all parties agree that the car parking standards for Zone 1 are applicable in this instance.

8.7.37. The following table details the relevant parking standards for Zone 1 and a calculation of the maximum parking standard permissible for this development.

Dwelling type /Use	**Size**	**Zone 1 Standard – Space per unit**	**No. of units**	**Max- spaces permitted**
Apartment /	1-bed	1	108	108

Duplex	2-bed	1.25	151	188.75
	3-bed	1.5	46	69
House	2-bed	1.5	17	25.5
	3-bed	2	172	344
Total Residential				**735.25**
Creche	6-classroom	1 per classroom		6
Total Max.				**741.25**

Table 8.7.2 Parking Standards – Zone 1

8.7.38. As per the above, the quantum of car parking proposed for this scheme (549) falls below the maximum standard for Zone 1 as set out in the SDCDP 2022-2028.

8.7.39. I note from the information on file, that the applicants were advised by the Road Department of SDCC, at pre-planning stage, to provide a reduced parking standard of around 80% for this scheme. The quantum of parking proposed would equate to c74% of the maximum standard, this would increase to c.80% should the Commission support the applicants proposed amendment to increase off-street parking for houses. The Road Department of SDCC raised no objection to the quantum of parking proposed.

8.7.40. Notwithstanding, I note the concerns raised in the appeal regarding the quantum of parking proposed and the contention of the appellants that a reduction from the maximum parking standard is not justified in this instance.

8.7.41. The SDCDP, in section 12.7.4 supports a lower parking rate subject to the consideration of stated criteria (Refer to section 6.1.9 of this report for details). In my opinion the proposed development satisfactorily addresses these criteria, and I have no objection to the rate of parking proposed. My opinion in this regard is based on:

- The proximity of the site to public transport which has been shown to be sufficient in both frequency and capacity to cater for the proposed development. Local bus services provide connectivity to the services, employment and amenities within Rathfarnham, Rathgar, Rathmines and the city centre. Under BusConnects, the route 85 would provide a direct link from the site to Tallaght, (c. 5km to the

northwest) and its associated employment hubs (Tallaght Town Centre and Tallaght Hospital etc.).

- As demonstrated in the applicants Social and Community Infrastructure Audit the proposed development is within reasonable walking / cycle distance to a range of services and amenities, including a convenience retail store at Whites Pine, that would support the day-to-day needs of future residents.
- A Travel Plan / Mobility Management Plan has been submitted in support of the application. This document includes recommendations to encourage and support residents to travel sustainably.
- Parking for the crèche would be available for use outside of standard operating hours (evenings and weekends), when residential demand is higher.
- As demonstrated above, the local road network is sufficient in design and capacity to cater for increased traffic.

8.7.42. Having regard to the site's location within an emerging suburban area, its proximity to a public transport and to local services, I am satisfied that the provision of 549 no. spaces is acceptable in this instance and complies with the criteria set out in the Development Plan which allows for a reduced quantum of car parking below the maximum standards set out in Table 12.26 of the SDCDP 2022-2028. I am also satisfied that the parking strategy would accord with the provisions of the 2024 Compact Settlement Guidelines which supports reduced car parking ratios at all urban locations. Therefore, I have no objection to the level of parking provided for this LRD and I am satisfied that no material contravention issues arise.

Conclusion: Transportation

8.7.43. I have considered the information submitted in the application and appeal including the applicants TTA, Quality Audit and Mobility Management Plan in light of the issues raised in the appeal. I am satisfied that the local road network and transport infrastructure can safely and effectively accommodate the type, nature and volume of traffic likely generated by the proposed scheme and that parking strategy presented is appropriate for this site having regard to national and local planning policy and guidance.

8.8. **Drainage and Water Services:**

8.8.1. Concerns have been raised in the appeal regarding the design of the surface water drainage system for the site, in particular the excessive use of detention basis / attenuation ponds and the reliance upon underground attenuation. Additional concerns are raised regarding alleged inadequacies in public water infrastructure (water supply and foul water drainage) to cater for the proposed scheme.

Surface Water Drainage

8.8.2. It is an objective of the SDCDP, *IE3 Objective 2*, to maintain and enhance existing surface water drainage systems in the County and to require Sustainable Drainage Systems (SuDS) in new development in accordance with objectives set out in section 4.2.2 of this Plan including, where feasible, integrated constructed wetlands, at a local, district and County level, to control surface water outfall and protect water quality. Section 4.2.2 of the plan discusses 'Sustainable Water Management' covering Riparian Corridors and Sustainable Drainage Systems (SuDS). Section 4.2.2 refers to the guidance on the design, criteria and implementation of SuDS outlined in the Greater Dublin Strategic Drainage Study (GDSDS) and to SDCC's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022 which was developed to further inform developers and stakeholders in the implementation of SuDS.

8.8.3. The applicants' proposals for surface water drainage are outlined in the *Engineering Assessment Report* submitted with the application as updated by way of further information received on 22nd of August 2025. The subject site is split into 2 no. catchments for the purpose of surface water attenuation, the west catchment and the east catchment. Following attenuation, surface water from the northern part of the western catchment (referred to as north-west sub-catchment) will discharge to the existing public surface water sewer located in the spur road from Stocking Avenue. The remainder of the site will discharge to the stream that runs through the centre of the proposed development.

8.8.4. The proposed surface water drainage system for the development comprises a treatment train strategy that uses a range of SuDS features- permeable paving, raingardens, bio-retention tree pits, swales, green roofs and detention basins, to manage the quantity and quality of runoff at both source and site level. This system ensures that surface water is intercepted, conveyed, treated, and attenuated before reaching receiving systems.

8.8.5. The drainage system was amended at RFI stage to address safety concerns around the design of the detention basins (depth of water, boundary treatment etc) and to omit the use of petrol interceptors to treat run-off. The revised system is designed to ensure that all surface water from the proposed roads passes through at least one form of SuDS within the site prior to being discharged to the stream or public sewer.

8.8.6. Regarding the use of underground attenuation, the applicants have clarified in their response to the grounds of appeal that proposed surface water drainage design does not use traditional underground attenuation features such as tanks. They state that all surface water is to be dealt with above ground in keeping with SDCC's '*Sustainable Drainage Explanatory Design and Evaluation Guide' (2022)* but that it is necessary to use stone layers beneath the detention basins so that they can be used as play areas during low storm events. Stone layers are also required beneath permeable paving in car parking areas to provide additional attenuation storage below ground. It is further clarified that no surface water is to be conveyed directly into below-ground attenuation layer without first benefiting from the treatment through an upstream detention basin, swale, permeable paving or tree pit.

8.8.7. The proposed use of underground attenuation was considered by SDCC's Public Realm Team in their report to the planning authority (Oct.2025). In their opinion, there are mitigating factors to support the use of underground attenuation in this instance, notably the substantial amount of land in the center of the site (woodland corridor / riparian buffer) that is not available for SuDS. They note that all surface waters on site are to be treated through a natural SuDS feature and used as an amenity in the landscape and in the creation of habitats for biodiversity. They further note that the underground attenuation only comes into use after extreme rainfall events meaning that first flush events, which contain pollutants, are first treated and

then, if necessary, can overflow into attenuation areas under the detention basins. In their opinion this arrangement achieves compliance with all 4 pillars of SuDS as listed in the SDCC SuDS Guidance Document.

8.8.8. The applicants' proposals for surface water drainage were also considered by SDCC's Water Service Division who, following an initial request for further information, recommended that permission be granted subject to condition. Condition 3 of the planning authority's decision relates. Condition 3 requires further details of the surface water design to be agreed prior to the commencement of development. However, it would appear from the information on file that a number of the items raised under Condition 3 were addressed by the applicant at further information stage. Notably, Condition 3(a)(i) which refers to the water attenuation volume as under sized and Condition 3(a)(iii) which refers to an overestimate of the discharge rates for both the western and eastern catchments.

8.8.9. The applicants in their response to Item 3 of the further information request, refer to a meeting held with representatives of SDCDP (June 2025) at which time an error was identified in the spreadsheet used by SDCC in the calculation of attenuation required and the greenfield run-off rate. In accordance with the details provided, it was later confirmed by SDCC that greenfield run-off calculations and attenuation volumes provided as part of the planning submission were correct. Notwithstanding, it may be the case that some doubt remains over the calculation of the volume of attenuation required and in the greenfield run-off rates. In my opinion, these are issues of a technical nature that can be resolved by way of standard condition.

8.8.10. Overall, having considered the applicants proposals for surface water drainage, the reports of SDCC and the concerns of the third-party appellant, I am satisfied that the surface water strategy presented responds appropriately to the constraints of the site, including its topography, and would generally accord with the provisions of the SDCDP. I am further satisfied that no issues of material contravention arise in respect of surface water management.

Water supply and foul drainage:

8.8.11. In relation to water services, I note that Uisce Éireann, in their report to the planning authority, confirmed that a Confirmation of Feasibility (CoF) was issued to the applicant and that this document advised that both water and wastewater connections are feasible without upgrades. A copy of the CoF dated the 5th of March 2025 and a letter of design acceptance from Uisce Eireann issued on the 10th of April 2025 is appended to the applicants *Engineering Services Report*.

8.8.12. Regarding a connection to the public water supply, it was noted in the CoF that it will be necessary to install a bulk meter on the proposed 200mm ID connection main and that a new pressure reducing valve will be required on the existing 200mm main. In my opinion these are minor technical issues that can be addressed at connection agreement stage.

8.8.13. Regarding a connection to the public foul water network, the CoF notes that there two connection points are proposed, one via the existing Stocking Wood Estate and one via the existing 225mm gravity sewer on Abbot's Grove. It is further noted in the CoF that the existing wastewater network serving the Stocking Wood Estate has not yet been taken in charge by Uisce Éireann and that as such it will be necessary for the applicants to provide, at a connection application stage, written confirmation from the owner of the infrastructure that they have received a legal permission to connect to that infrastructure and that it adequate cater for the additional load. As previously discussed, the applicants have submitted a Legal Certificate which states that they have full legal rights to construct connections to and connect into the existing roads and services in the adjoining Stocking Wood development, to pass and repass over the roads and footpaths in Stocking Wood and to pass and run the services through all services in Stocking Wood. I consider this sufficient for planning assessment purposes. Any further requirements on this matter are, I consider, a matter for the applicant and Uisce Éireann at connection application stage.

8.8.14. On the issue of capacity, I note that no issues of concern were raised by Uisce Éireann in their CoF or in their report to the planning authority. I have consulted Uisce Éireann's on-line capacity registers which indicates that capacity is available in both water and wastewater services in the area to facilitate the development.

8.8.15. I am satisfied that the applicants' proposals for water supply and foul water drainage are acceptable and feasible subject to connection agreements with Uisce Eireann.

Conclusion: Drainage and Water Services.

8.8.16. Based on the information available and subject to condition, I am satisfied that the proposed scheme will be adequately serviced in terms of drainage, water supply and foul water drainage.

8.9. Impact on Groundwater and Surface Water Bodies:

8.9.1. The appeal submits that existing water bodies and the underlying aquifer pertaining to the site are at extremely high risk of pollution during both the construction and operational phases of the development and indicates conflicts with the Water Framework Directive and the provisions of SDCSP. Concerns are also raised regarding the proposed use of attenuation basins within areas of public open space in terms of infiltration and contamination pathways to the underlying aquifer in areas of extreme vulnerability.

8.9.2. The impact of the proposed development on Hydrology and Hydrogeology is addressed in Chapter 8 of the EIAR (as amended at RFI), this chapter is considered in section 9.10 of this report. Chapter 8 includes information on and consideration of the proposed development in term of the Water Framework Directive, I have dealt with this matter separately in section 10 and appendix E of this report. The application is also supported by a Natura Impact Assessment (NIA) which assesses the potential impact of the proposed development on designated European Sites at Dublin Bay due to the hydrological connection (surface water streams) that exist between those sites and the proposed development. The NIS is considered in more detail in Section 11 and Appendix A and B of this report.

8.9.3. The EIAR acknowledges that the site is underlain by a Locally Important Aquifer (that is Moderately Productive only in Local Zones), and that the groundwater vulnerability rating of the site ranges from Low to High. This is because the majority of the site is covered by moderate permeability subsoil which is at least 3m thick. These relatively deep glacial deposits will act as a protective cover to the underlying aquifer meaning that contaminants (should they exist) are unlikely to reach the bedrock and will

instead disperse with the glacial deposits and would remain localised to the source or would be removed as runoff during wet periods.

8.9.4. The site and surrounding localities are located within the Kilcullen Groundwater Body which is characterized as "*Good Status'* by the EPA. The assigned risk status is 'at risk' (Water Framework Directive, 3rd Cycle). Due to the nature of the proposed development involving near surface construction activities, the EIAR does not predict any significant impact on groundwater. The primary risk of groundwater at the site is identified as hydrocarbon spillage and leakage into excavations. I am satisfied that the pollution control and standard best practice measures outlined in the EIAR would be sufficient to ensure no significant impact on ground water bodies.

8.9.5. The EIAR identifies surface water as the main sensitive receptor. The design scheme presented includes a 10-metre buffer zone from all water courses to protect the integrity of the streams and their habitats. Chapter 8 of the EIAR, the Natura Impact Statement and the Construction Environmental Management Plan include mitigation measures which have been designed to ensure that the proposed development does not result in significant effects either in terms of the Habitats Directive or the Water Framework Directive.

8.9.6. Inland Fisheries Ireland (IFI) in their report to the planning authority (May 2025) note that there is potential for deleterious matter to enter watercourses, if appropriate site management procedures are not employed and that these pollutants, if not properly contained and managed, pose a temporary but significant risk to downstream water quality, including the Orlagh Stream and River Dodder, potentially affecting their compliance with the Water Framework Directive's requirements to achieve "good" ecological status. They recommend that all the proposed control, protection and mitigation measures outlined in the "Construction and Environmental Management Plan" are conditioned as part of any planning permission.

8.9.7. I have considered the information submitted in support of the application and appeal and the issues raised by the third-party appellants. I am satisfied that the information available is adequate for assessment purposes and given the baseline conditions outlined in Chapter 8 of the EIAR, and the nature of the development proposed that

a site-specific hydrogeological and aquifer vulnerability assessment or other assessment is not required. Furthermore, I am satisfied, based on the information available, that subject to adherence to the mitigation measures outlined in Chapter 8 of the EIAR, the NIS and CEMP, the proposed development is unlikely to have any significant impact on ground of surface waters. No material contravention issues have been identified.

8.10. **Other Matters**

Otters:

8.10.1. Concerns are raised in the appeal regarding the lack of an otter survey to support the assessment of the development on local ecological. In response, I note that no evidence has been presented to support the claim that the application site is used by otters. I note the statement of the project ecologists in their letter submitted as part of the applicants appeal response, that no otters or evidence of otters were noted during field surveys carried out under EIAR. I further note the opinion of Heritage Officer in their report to the planning authority that the shallow and narrow nature of the streams present on site is unlikely to support resident otter populations. On this basis, I am satisfied that an Otter survey is not required. The impact of the proposed development on Biodiversity is considered in Chapter 3 of the EIAR which is assessed in section 9 of this report.

Phasing:

8.10.2. As proposed, development is to be delivered in two phases. Phase 1 to the west of the central woodland feature and phase 2 to the east (I refer the Commission to drawing No. 23.120. PD2003). Condition 2(c) of the planning authority's grant of permission requires that the phasing plan be amended so that development commences on the eastern side of the site. From the information available on file, I believe that this amendment was introduced to facilitate greater ease of construction and to avoid construction traffic through Stocking Wood; however, this arrangement could delay the delivery of the creche which is located in the western side of the development. As previous noted, the planning authority also stipulated as part of the

phasing condition 16(b) that the creche be delivered prior to occupation of 100no. residential units, While I would in general support the early delivery of the crèche, to ensure that the childcare needs of future residents are met, I am aware that this stipulation would impact the phasing and delivery off units within the scheme. Therefore, should the Commission be of a mind to grant permission, I recommend that a revised phasing plan be submitted to and for the written agreement of the planning authority prior to the commencement of development and that this plan include for the timely delivery of the crèche.

Electricity Supply:

8.10.3. The appellants, in their grounds of appeal refer to an internal memo on the planning file that outlines the lack of electrical infrastructure design or capacity within the local or wider electrical network proposed as part of the proposed scheme. They contend that this issue was not adequately considered by the Council in making their decision.

8.10.4. I have reviewed the application documentation, and I believe the memo in question is an email sent by Redmond Analytical Management Services Ltd to the planning authority on the 26th of August 2025 commenting on the applicants' public lighting proposal. This email does not raise any capacity issues.

8.10.5. In response to the concerns raised in the appeal, the applicants have clarified that ESB networks do not engage with applicants on a site-by-site basis until planning permission has been granted. They state that the applicant has undertaken preliminary consultation with ESB networks and that no capacity issues were raised. I note that the planning authority in their decision to grant permission included a condition (C.20) that no dwelling be occupied until all services including energy supply for each dwelling unit has been completed and are operational. I consider this sufficient condition to address the issue raised in the appeal and I would recommend that a similar condition be included in a grant of permission should the Commission be of mind to grant permission.

Contribution in lieu of Community Floorspace:

8.10.6. It is an objective of the SDCDP, *COS3 Objective 2* to ensure the provision of new community centres in new and existing development areas. COS3 Objective 3, gives discretion to the Council to require residential or mixed used developments in new development areas to provide a pro rata contribution towards the provision of a community centre, in accordance with the standards set out in COS3 Objective 2 and in line with the Development Contribution Scheme. This issue was raised with the applicants at RFI stage at which time they agreed to the payment of financial contribution of €330, 000 (three hundred and thirty thousand euro) towards the delivery of a new community centre in the area. This was included by the planning authority as a condition of the grant of permission (Condition 27). I have no objection to the inclusion of this condition, and I note that the Commission included a similar condition (Condition 29) under the recently granted LRD development, ABP321419-24. In my opinion this arrangement satisfies the requirements of the SDCDP in respect of the provision of new community centres in new and existing development areas and that no material contravention issues arise.

8.11. **Material Contravention:**

8.11.1. I have assessed the plans and particulars submitted in support of this application and it is my opinion that the development of this site as proposed would materially contravene the provisions of the SDCDP in respect of:

- *Separation Distances***:** As discussed in section 8.4 above**,** the SDCDP in *Section 12.6.7 Residential Standards* sets out a requirement for a minimum clearance distance of circa 22 metres, between opposing windows. As the proposed scheme was designed to meet the current standards as set out in the 2024, Compact Settlement Guidelines, this 22m separation distance is not achieved in most cases. The extent of deviation from the SDCDP standard is I consider sufficient to be deemed a material contravention of the SDCDP.
- *Private Open space (quantitative standard): As discussed in section 8.5, H9 Objective 1* of the SDCDP seeks to ensure that all private open spaces for

houses and apartments / duplexes including balconies, patios, roof gardens and rear gardens are designed in accordance with the qualitative and quantitative standards set out in Chapter 12: Implementation and Monitoring. As discussed in section 8.5 above, the proposed scheme does not accord with the quantitative standard for private open space for houses as set out in Table 3.20 of Chapter 12 and table 8.5.1 above. The extent of the extent of deviation from this standard is I consider sufficient to be deemed a material contravention of the SDCDP.

- *Communal Open Space (qualitative standard)***:** *As discussed in section 8.5, H11 Objective 1* of the SDCDP seeks to ensure a clear definition and delineation between private, semi-private (communal) and the public open spaces that serve residential development. As proposed, communal and public open space areas within the scheme are provided as a single entity with no division or delineation between the two. I consider this arrangement to be a material contravention of *H11 Objective 1* of the SDCDP.
- *Public Open space***.** *As discussed in section 8.5 above, H8 Objective 1* of the SDCDP seeks to ensure that public open space in new residential developments complies with the quantitative and qualitative standards set out in Section 8.7 of Chapter 8: Community Infrastructure and Open Space and Chapter 12: Implementation and Monitoring. As set out in Section 8.7.1 and Table 8.2 of Chapter 8, the overall quantitative standard for public open space in the SDCDP is 2.4 hectares per 1,000 population. Within that standard, there are specified percentages which must, as a minimum, be provided on site. In respect of new residential development on lands zoned RES-N', the minimum standard is 15% of the site area. Using the calculation method outlined at Section 12.6.10 and COS5 Objective 6, the proposed development of 494 units would require an overall standard of 28,248 sq. m of public open space and a minimum on site requirement of 15,555 sq. m. As detailed in Table 8.5.2 above, the proposed scheme will deliver 23,735 sq. m of public open space (exclusive of communal open space) which equates to 23% of net site area, far exceeding the minimum standard of 15% of the site area. However, the proposal falls short of the overall standard of 2.4 hectares per 1,000 population stipulated in the SDCDP. I calculate the shortfall to be in

the region of 4,513sq.m. I consider this deviation from the overall quantitative standard for public open space sufficient to be deemed a material contravention of *H8 Objective 1* of the SDCDP.

8.11.2. In addition to the above, regard is had to Strategic Local Objective, QDP14 SLO3 of Chapter 5 Quality Design and Healthy Placemaking of the SDCDP which states that the provisions of the Ballycullen - Oldcourt Local Area Plan (2014) as extended, in respect of the steep topography in the lands zoned RES-N between Stocking Lane, Ballycullen Road and the M50 (Map 10) remain in force during the lifetime of this Plan having regard to ministerial guidelines. As noted in section 8.3 above, the SDCDP is not clear on what specific provisions of the now expired BOLAP are to remain in force to satisfy the requirements of QDP14 SLO3.

8.11.3. Having examined the plans and particulars submitted in support of the application and all other documentation on file, including all the submissions received in relation to the appeal and the reports of the local authority, and having regard to the provisions of both the SDCDP and the BOLAP, I am of the opinion that following objectives of the BOLAP, relating to density, building height and dwelling mix, could potentially remain in force and, as discussed in section 8.6 Built Form above, could result in a material contravention.

- Density: Objective LUD1, Objective LUD5, Objective LUD6 and Objective LUD7.
- Building Height: Objective BF8.
- Unit Mix: Objective LUD3.

8.11.4. Given the degree of uncertainty that exists regarding the intention of this SLO and how it is to be interpreted and applied, I consider it appropriate to take a precautionary approach on the issue of material contravention. On this basis, I deem the proposed scheme to be a material contravention of QDP14 / SLO 3 of the SDCDP as the scheme does not comply with Objective LUD1, Objective LUD5, Objective LUD6 and Objective LUD 7 (Density), Objective BF8 (Building Height), and Objective LUD3 (Unit Mix) of the now expired BOLAP.

8.11.5. Notwithstanding the above, I do not recommend that planning permission be refused for this scheme on the basis of material contravention, instead I consider it

reasonable to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended). My reasoning for this is set out in detail in the relevant sections of my assessment (sections 8.4, 8.5 and 8.6).

8.11.6. In brief, I am satisfied that the development of this site as proposed would deliver a good standard of residential amenity for future residents and would not seriously detract from the residential amenities of neighbouring properties or from the visual amenities of the area. Additionally, I am satisfied that the proposed scheme would allow for the development residential zoned lands in a manner that would accord with national and regional planning policy and current ministerial guidelines, including the relevant provisions of the Sustainable Residential development and Compact Settlement Guidelines 2024 and the Urban Development and Building Heights Guidelines for Planning Authorities (2018).

9.0 Environmental Impact Assessment

9.1. Statutory Provisions

9.1.1. Schedule 5, Part 2, Class 10. Infrastructure projects (b) (i), requires EIA for the construction of more than 500 dwelling units and Class 10 (b) (iv), requires EIA for 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.

9.1.2. The proposed Large Scale Residential Development (LRD) (as amended) comprises the construction of 494no. residential units, a creche and associated ancillary development on an area of c.10.36ha. An EIAR is therefore required as the LRD comprises urban development on a site area that exceeds the 10ha threshold in a built-up area for mandatory EIAR.

9.1.3. An EIAR was submitted with the application. An EIAR Addendum Report was submitted to SDCC as further information on the 22nd of August 2025. This

addendum report was prepared in response to the amendments made to the scheme at RFI stage. It includes the following updated chapters:

- Chapter 6 Biodiversity
- Chapter 7 Land, Soils and Geology
- Chapter 8 Hydrology, Hydrogeology and Drainage

The applicants state in their appeal response document that the purpose of this addendum document was to assist the competent authority in its Environmental Impact Assessment and that it was not intended to replace the EIAR originally submitted. the applicants also state that no changes were made to the report as part of the RFI response which would fundamentally alter the assessment made in the EIAR or its conclusions.

9.2. EIA Structure

9.2.1. This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

a) consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Commission, the reasoned conclusions of the Commission and the integration of the reasoned conclusion into the decision of the Commission, and

b) includes an examination, analysis and evaluation, by the Commission, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

9.2.2. Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

9.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

9.2.4. The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should they agree with the recommendation made.

9.3. **Issues Raised in Respect of EIA:**

9.3.1. The appellants, as stated in the grounds of appeal are concerned that the proposed EIAR has not been made in accordance with the EIA Directive (2011/92/EU and 2014/52/EU), European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, the European Communities (Environmental Impact Assessment) Regulations 1989-2006, Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended). In particular, concerns have been raised regarding the adequacy of the ecological information submitted as part of the LRD planning application and RFI response that have not been adequately updated during the application timeline.

9.3.2. It is contended that the addendum report submitted as part of the applicant's response to the request for further information on the 22nd of August fails to address the interaction and cumulative elements of the proposed changes.

9.3.3. It is contended that the schemes reliance on mitigation demonstrates that the proposal is fundamentally unsuitable for this steep, environmentally sensitive site.

9.3.4. Additionally, concerns are raised in the appeal regarding the density, height and scale of the development and the ability of the area to accommodate same, in terms of visual and residential amenity, traffic and public transport services, water services and other infrastructure. The potential impact of the proposed development on ground and surface waters and on local ecology is also raised. The lack of an otter survey to support the application is also raised as an issue in the appeal.

9.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

9.4.1. Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

Table 9.1 - Compliance with Article 94 and Schedule 6 of the Regulations 2001
Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).
A description of the proposed development is contained in Chapter 3 of the EIAR and includes details on location, residential unit mix and type, childcare facility, Public Open Space Provision, vehicular access, pedestrian linkages, car and cycle parking, bin storage, services and utilities and the construction programme / phasing of the scheme. The information was updated in Section 2.2 of the EIAR Addendum Report.

A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).
An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. Chapters 6 Biodiversity, 7 Land, Soils and Geology and 8 Hydrology, Hydrogeology and Drainage were updated as part of the EIAR Addendum Report. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).
The EIAR includes mitigation by design / avoidance, prevention, reduction and remedy / offsetting to address potential adverse effects identified in technical studies. These, mitigation measures and arrangements for monitoring, are summarised in Chapter 17 (Mitigation and Monitoring). Mitigation measures comprise standard good practices and site-specific measures and are largely capable of offsetting significant adverse effects identified in the EIAR.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).
A description of the alternatives considered is contained in Chapter 4 of the EIAR. The alternatives considered include, ‘do nothing’ scenario and alternative locations, alternative uses, alternative size and scale and alternative design and layout. The current proposal was deemed the most appropriate for the following reasons:

- The proposed land uses are fully in keeping with the lands use zoning objective applied by the South Dublin County Council Development Plan which has been subject to Strategic Environmental Assessment.
- The size and scale of the residential neighbourhood proposed is in keeping with the existing pattern of development in the area and makes efficient use of a zoned and serviced site in an urban area in keeping with national and regional planning policy.
- The design and layout take full account of environmental sensitives on site and enhances existing green infrastructure.

It was considered that all reasonable alternatives were considered and that there are no alternatives which would significantly reduce or further minimise environmental impacts.

I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Commission and in doing so the applicant has taken into account the potential impacts on the environment.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).

A description of the baseline environment and likely evolution in the absence of the development.

A description of the baseline environment is included in each technical chapter of the EIAR. Each technical chapter also considers the 'Do nothing' scenario.

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved

The methodology employed in carrying out the EIA, including the forecasting methods is set out in each of the individual chapters assessing the environmental

effects. The applicant has indicated in the different chapters, where difficulties have been encountered (technical or otherwise) in compiling the information to carry out EIA. I comment on these, where necessary in the technical assessment below and for the reasons stated, I am satisfied that forecasting methods are adequate in respect of likely effects on biodiversity etc..
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
This issue is addressed in Chapter 6 Population and Human Health, of the EIAR and in other various technical chapters of the EIAR. No significant risks are identified.
Article 94 (c) A summary of the information in non-technical language.
This information in included in Chapter 1 Non-Technical Summary. I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report
The references and sources used to inform the description, and the assessment of the potential environmental impact are set out at the end of each chapter. I consider the sources relied upon are generally appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report
A list of the consultants responsible for the preparation of each of the chapters in EIAR is set out in in Chapter 2 Legislative Context. Details of the expertise and qualifications of the person (s) involved in the preparation of each chapter is set out within that character. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas

Table 9.1 - Compliance with Article 94 and Schedule 6 of the Regulations 2001

Consultations:

9.4.2. The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices. Submissions have been received from statutory bodies and third parties and are considered in this report, in advance of decision making.

9.4.3. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development advance of decision making.

Compliance

9.4.4. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, the EIAR addendum Report and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

9.5. Assessment of Likely Significant Effects

9.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.
- Biodiversity.
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The vulnerability of the proposed development to risks of major accidents and/or disasters.
- The interaction between these factors.

9.5.2. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents,

including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal/application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

9.6. **Environmental Topic: Population and Human Health:**

Issues Raised:

9.7. Concerns are raised in the appeal regarding the density / scale of the development proposed, and the impact it and order permitted LRDs in the area, will have on existing services and amenities particular public transport services.

Examination of EIAR:

Context:

9.7.1. Chapter 5 of the EIAR deals with Population and Human Health. No changes to this chapter were introduced in the EIAR Addendum report submitted at RFI stage, and I am satisfied that the amendments to the project were not so significant as to fundamentally alter the assessment or conclusions of the EIAR on the issue of Population and Human Health.

9.7.2. This Chapter considers the principal receptors that may be potentially impacted by the construction and operational stage of the proposed development, there are existing residential developments located to the west, north and east of the subject site that bound the development area.

9.7.3. Environmental issues with the potential to impact on population and human health, such as air quality, traffic and transport, noise and vibration are addressed separately in the relevant chapters of the EIAR and, where relevant in the planning assessment set out in section 8 of this report.

9.7.4. The applicant's assessment on the topic of population and human health was undertaken in accordance with government and industry best practice guidelines. A Childcare Assessment, Schools Assessment and Social Infrastructure Audit were included with the application.

9.7.5. The assessment methodology includes a desk-based study of published reference documents such as the National Planning Framework, the Regional Spatial and Economic Strategy for the Eastern and Midland Region as well as the South Dublin County Development Plan as well as online databases by Central Statistics Office, CSO online interacting mapping and Census data as well as Pobal online services. Site visits were undertaken to appraise the location and likely and significant potential impact upon human receptors

9.7.6. No limitations are identified and are not evident in the assessment.

Baseline:

9.7.7. The baseline environment is described in section 5.3 of the EIAR. This comprises a description of the receiving environment, with a focus on land Use and settlement patterns; population and housing Supply, employment and commuting pattern; community infrastructure capacity and human health. The following points are noted:

- The immediate area can be described as suburban, featuring existing residential development to the west, north and east southwest and a village centre consisting of a Tesco and creche to the northeast at White Pines.
- Two of the areas main features are the M50 to the east and the Dodder River Valley to the west.
- The subject site is located within the area of Dublin City and Suburbs as defined in the Census 2022. The study area for the assessment of baseline population and housing consist of the two electoral divisions of Firhouse-Ballycullen and Firhouse Village. The population of the study area at the time of the 2022 Census was 22,776, representing an 11% increase since 2016.
- The subject site is located within the Neighbourhood of Templeogue, Walkinstown, Rathfarnham, Firhouse as identified and detailed at Appendix 12 of the South Dublin County Development Plan. This neighbourhood had a population of 78,166 in 2016 and is expected to grow by an additional 7,098

persons (9%) by 2028. In line with the Core Strategy Chapter 2, Table 11 of the Development Plan outlines that infill and new residential development within this area will facilitate approximately 11% of the County's housing growth. This equates to 1,677 new units over the lifetime of the plan.

- An examination of planning permissions granted for new houses and apartments in South Dublin County Council area from Q1 2022 to Q4 2024 indicates that 52% of units were houses (discounting one-off houses) and 48% were apartments.
- *Employment and Commuting Pattern*: Census 2022 analysis of the workforce within Dublin City and Suburbs records that 99.5% of the workforce in the study area work within Dublin City and Suburbs with the balance working in Swords, Co. Dublin. The average distance to the workplace is 9.3km.
- Data for the study area indicates 44% of workers confirmed working from home
- Travel to work, school or college patterns recorded by the Census 2022 indicate the journey time to work, school or college for the majority of population in the study area (61%) is between 14minutes and 45minutes, 20% of journeys taken under 15 minutes while only 11% take one hour and over.
- 62% of the population within the study area travel to work, school college or child by car (including passengers) while only 14% travel on foot. This is a higher percentage travelling by car and lower percentage travelling by foot than recorded for South Dublin. When travel to school, college or childcare is considered separately from travel to work, the number of people in the study area who travel by car decreases to 48% and travel by foot increases to 54%.
- *Community Infrastructure Capacity* - For day-to-day local needs the proposed development would have a Tesco within walking distance of the site and a Lidl supermarket within 1km to the west of the site. Tallaght town centre and core retail area is located c.4km to the northwest of the subject site. There are a number of both primary and post-primary schools located within the area. The application site is well connected to existing bus services
- *Human Health*: Census 2022 records the general health of the majority of population in the study area stated their health was very good (65%).

Potential Effects:

9.7.8. Likely effects of the development, as identified in the EIAR, are summarised in Table 9.3 below

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the do-nothing scenario, the proposed project would not occur, and the lands would remain undeveloped. Potential employment opportunities within the area would be lost and new housing would not be provided for the growing population. The do-nothing scenario is found to a disadvantage in terms of population and human health.
Construction	*Employment and Commuting Pattern:* It is estimated that approximately 120 direct jobs created during the construction phases, with additional "spin-off" economic and employment benefits also generated.
Operation	*Land Use and Settlement Pattern:* - The proposed project will change the land use from greenfield lands to a new residential neighbourhood. The site is surrounded by existing residential developments and associate road networks and community facilities. The lands are appropriately zoned and contiguous to the urban area. This is a permanent moderate effect but will be positive as it will consolidate the urban area. *Population and Housing Supply*: the proposal would accommodate a population of 1,456 persons (original 502 units scheme) and would assist in achieving housing target. This is seen as a moderate positive impact. Increased housing stock will have a permanent and positive impact on the housing stock levels and provide more apartments in an area dominated by traditional houses. *Employment and Commuting Pattern:* It is estimated that the creche could provide jobs for 20 members of staff *Community Infrastructure Capacity:* The overall impact of the proposed project is permanent moderate but positive in terms

	of the addition of a childcare facility and amenity space and will have slight to moderate impact on existing social infrastructure including schools. *Health*: - The proposed project will not result in any deterioration in human health to the existing population of the study area. This is demonstrated in the Chapters of this EIAR which relate to the environmental factors of landscape, biodiversity, archaeology, cultural heritage, air quality and climate, noise and vibration, water, land and soils, material assets including traffic and transport. The location and design of the development will also encourage walking/cycling and public transport use thus further contributing to public health and well-being
Decommissioning	N/A
Cumulative	The cumulative impacts of the proposed development have been considered with other approved projects in the area. the developments considered are identified on EIAR Fig.5.13 and Table 5.2). The primary source of potential cumulative impacts on human health would be during the construction phase in terms of air quality, noise and vibration and traffic.
Risk of Major Accidents and Disasters	None identified.

Table 9.7: Summary of Potential Effects: - Population and Human Health

Mitigation:

9.7.9. Mitigation measures proposed during the construction phase will ensure that impacts relating to noise, dust and air quality and traffic are minimal. Further details are outlined in the relevant section of this EIAR. No mitigation is required for the operational stage with regard to population and human health.

Residual Effects:

9.7.10. None predicted

Analysis, Evaluation and Assessment: Direct and Indirect Effects:

9.7.11. I have examined, analysed and evaluated Chapter 5 of the EIAR and all of the associated documentation and submissions on file in respect of population and human health. I have inspected the application site and the surrounding area. In addition, I have had regard to the policy outlined in the current development plan. I am satisfied that the applicants understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on population and human health, as a consequence of the development have been identified.

9.7.12. The proposed development would have an overall positive effect in terms of population and human health as it would help to consolidate the urban area, assist in achieving housing targets for the area, increased housing stock and unit mix, increased employment during both the construction and operational phase and the provision of additional childcare spaces and amenity spaces. The proposed scheme if permitted would also include the payment of development contributions towards community infrastructure and services in the area.

9.7.13. The application is accompanied by a Childcare Assessment, Schools Assessment and Social Infrastructure Audit. These documents demonstrate that the application site is adequately served in terms of social and community infrastructure to serve the proposed LRD. The proposed scheme includes a childcare facility with capacity for 107 childcare places and additional amenity areas.

9.7.14. Regarding the lack of adequate public transport services in the area, I have addressed this issue in detail in Section 8 of this report, and I am satisfied based on the information available, which includes a Public Transport Capacity Analysis submitted by the applicants as part of their appeal response documentation, that public transport services in the area are adequate in both frequency and capacity to cater for the anticipated demand from the proposed scheme.

9.7.15. It is noted that there are numerous inter-related environmental topics described in detail throughout the EIAR document which are of relevance to population and human health. During the construction and operational phases, noise, traffic, air (dust emissions), will be the key environmental factors that will have an impact on population and human health, and each topic will be addressed in further detail in my assessment of the individual chapters of the EIAR.

Conclusion:

9.7.16. Having regard to the examination of environmental information in respect of population and human health, in particular the EIAR and supplementary information provided by the applicant, the report of the planning authority the third-party appeal, I am satisfied that the proposed development would have no significant direct, indirect, or cumulative effect on population and human health.

9.8. **Environmental Topic: Biodiversity:**

Issues Raised:

9.8.1. No significant issues were raised by the planning authority on the issue of Biodiversity. The Heritage Officer in their report to the planning authority (Oct. 2025) noted the importance of the two streams and their associated linear woodland habitats and welcomed the 10m setbacks from the stream boundaries as an effort to reduce disturbance. In relation to mammals on site, the Heritage Officer noted the presence of bats and recommended conditions for their protection, including a requirement for additional bat surveys prior to commencement of development, 3 years annual monitoring and an evaluation of any proposed lighting in the vicinity of the green infrastructure corridors by a bat expert. The Heritage Officer also noted that badgers were not recorded and considered that the shallow and narrow nature of the streams is unlikely to support resident otter populations.

9.8.2. Concerns were raised in the grounds of appeal in relation to the ecological information submitted as part of the LRD, which is described as inadequate. The appeal notes the hydrological connection between the site and the rivers Owendoher and Dodder, and the ecological importance of these rivers. The lack of an Otter

survey was noted was also raised. Third parties to the application raised concerns regarding the impact of the proposed development on local ecology. Concerns were raised that the scale of clearance and development would result in significant habitat destruction, including the disruption of an ecological corridor, with negative consequences for birds, insects, and small mammals.

Examination of EIAR

Context

9.8.3. Chapter 6 of the EIAR addresses biodiversity. This Chapter was updated at RFI stage by way of unsolicited further information comprising a breeding bird survey taken during the summer season. A Bat and Badger Assessment and an Appropriate Assessment Screening Report were prepared as standalone documents. To avoid any repetition the potential impact on the designated sites is addressed in the AA section of this report. A full list of the plant species recorded from the study area is provided in Appendix I of Chapter 6 and photos of the site in Appendix II.

9.8.4. Chapter 6 comprises an Ecological Impact Assessment (EcIA) which addresses the potential ecological impacts that may occur in the future on the terrestrial and aquatic ecology at the application site and its surrounding environs as a result of the proposed development.

9.8.5. The Chapter outlines (inter alia) the legislative and policy context, assessment methodology, the receiving environment, the results of the desk and field studies, potential effects and mitigation, including biodiversity enhancement measures and monitoring.

9.8.6. The methodology included a desktop study of available data and field surveys. An initial visit to the site was undertaken on 26th of October 2017 when field notes, species lists and photographs were taken. Subsequent visits to the site were undertaken in May 2021 and October 2024 to update this work and to ascertain if any changes in the habitats on the site had arisen in the intervening time. The initial bat survey of the site was carried out in October 2017. Updated surveys were carried

out in September 2020 and October 2024. The methodology described in the EIAR pertains to the survey undertaken in October 2024, as the most recent and up to date survey.

9.8.7. The survey for the presence of badgers and other ground mammals within the site was undertaken on the 12th of November 2024. The area in question was checked for the presence of badgers within the site and the entire area of scrub and tree cover, and the open field were checked for any fresh signs of badgers. Each tree base, area of scrub and the field area were examined in sequence working in an approximately counterclockwise direction from the entrance. Typical signs sought in this assessment were badger setts, badger paw prints and tracks, scratch marks on walls or concrete, badger latrines and dung pits, badger snuffle holes and digging and badger hairs.

9.8.8. Two breeding bird surveys were carried out by Hugh Delaney, ornithologist on 20th June 2025 and 8th July 2025. The breeding bird surveys were conducted early in the day to optimize the species range recorded with this time coinciding with the maximal number of birds in song. Breeding indications specifically looked for on-site include birds singing or alarm calling, visible nest locations, nest building, birds provisioning food to young or a nest site, recently fledged young etc. All species noted on-site (including foraging over site) were recorded, with all breeding indications recorded.

9.8.9. The EIAR notes that there was no survey constraints associated with the assessment of vegetation or habitats within the application site, that all surveys were carried out at an optimal time and that no significant constraints were associated with the timing of the bat, badger or breeding bird surveys.

Baseline

9.8.10. The baseline (receiving) environment is described in section 6.4 of the EIAR. The following is noted:

Designated sites: - The EIAR identifies 15 Natura sites within a 15km radius of the site. A hydrological pathway between the proposed development site and 5no. sites in Dublin Bay is identified. The sites in question are South Dublin Bay SAC, South

Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, North Bull Island SPA and North-West Irish Sea SPA. The EIAR also identified 11no. pNHAs within a 10km radius.

Habitat and Flora: - No part of the site lies within any area that is designated for nature conservation purposes. The natural habitats within the study area are improved agricultural grassland habitats (GA1), hedgerows (WL1), treelines (WL2) and woodland. The dominant habitat type within the site is improved agricultural grassland habitats (GA1) which is of little biodiversity value. The woodland habitats within and adjacent to the eastern site perimeter are the most important ecological features within the site and these could be considered to be of medium - high local importance. They are also historical landscape features. The watercourses within the site are also important features as they are tributaries of the River Dodder. The ecological water quality in these streams and the surrounding areas is moderate, and this is unsatisfactory. The EIAR states that all proposed development works within the application site will take place on areas of low - high biodiversity value on a local level. The habitats present within the site are described and detailed on a habitat map (fig.6.9).

Rare and Protected Plant Species: There are no modern records for any plant species protected under the Flora Protection Order from within the 10km square (O1125 and O1225) of the proposed application site.

Invasive Species: - No non-native invasive species that are listed in Schedule Three of the Birds and Habitats Regulations (2011) were recorded from within the study area.

Mammals: Grey squirrels were found to be very active in the woodlands within and around the site. Tracks crossing the grass and over the streams were identified, and it was possible that these were caused by foxes or dogs. No signs of otters were observed on the site at any stage and no suitable riparian habitats within the site to support otters identified. The 2024 badger survey noted no badger signs within the site; while there is suitable badger habitat to the south of the site and a possibility that badgers may enter the site to feed, the EIAR is certain that the badgers are not breeding within the site. The main mammal evidence was sika deer, and deer were

seen during the bat and badger surveys. Signs or rabbit and rodents were also observed.

Bats: - bat activity on site is shown to have increased by 70.3% in the 2024 survey compared to the 2020 survey, however less bat species diversity was recorded with only 3 species recorded in 2024 and 2017 as opposed to 4 in 2020. No bat species were found roosting in the site. The four Bat species found feeding and commuting with the site are Common pipistrelle (Pipistrellus pipistrellus), Soprano pipistrelle (Pipistrellus pygmaeus), Leisler's bat (Nyctalus leisleri) and Natterer's bat (Myotis nattereri) (2020 only). The survey of trees for Bat Roost Potential noted that the trees with the highest potential were in the tree line in the centre of the site along the river. A number of trees in this woodland showed suitability for bat roosting, particularly the trees most central to the site.

Birds: - Over the course of two breeding bird surveys at the site 19no. bird species were recorded, namely: - Buzzard, Herring Gull, Woodpigeon, Swallow, House Martin, Dunnock, Robin, Song Thrush, Blackbird, Chiffchaff, Great Tit, Wren, Blue Tit, Long-tailed Tit, Magpie, Jackdaw, Starling, Chaffinch and Goldfinch. Six breeding species were noted to have likely bred on-site – Wren, Dunnock, Robin, Great Tit, Blue Tit and Blackbird. All six are green listed on Birdwatch Ireland's list of birds of conservation concern in Ireland (2020-2026). The EIAR also note a pair of Buzzard nesting on lands to the south of the site.

Amphibians, Reptiles and Insects: - No amphibians or reptiles were recorded on site; however, the EIAR considers it possible that the common frog occurs within the site. Few aerial invertebrates were observed on the day of the surveys as temperatures were cool. In suitable seasonal and climatic conditions, it is likely that a range of the most common invertebrates would occur.

Fish / Aquatic species: - The dominant taxon observed during field work sampling of the central stream was the amphipod Gammarus, which is relatively tolerant of organic pollution. As this species was dominant, an EPA Q rating of 3 was applied, indicating that this stream is of moderate ecological status.

Potential Effects

9.8.11. The EIAR identifies the potential for a range of environmental effects on Biodiversity. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.10 below.

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	No significant impacts identified. If the lands at Ballycullen were not developed, there would be no change to the natural landscape and ecology other than that caused by natural variation and trends or other anthropogenic impacts.
Construction	• Habitat Loss and Fragmentation: Development will result in the loss of grassland habitats which are of no ecological value. Therefore, there loss will be neutral. However, this will reduce the open space of the landscape, reducing the areas that currently allow for the free and unimpeded movement of mammals. 10 trees will be removed to facilitate the proposed development, including two ash trees, one elm and seven oaks. These trees consist of 0 no. category A trees, 7 no. category B, 1 no. category C trees and 2 no. category U trees. This fragmentation will have a permanent slight negative impact upon the biodiversity of the local area. Local populations of birds will also be affected as the availability of local nesting and feeding sites will be reduced, and if these trees are removed during bird nesting season, then loss of eggs and injury or death of fledglings could arise. In addition, small terrestrial mammals might be affected from habitat loss and fragmentation as they would use the woodland to commute and feed in safety. Bats that use the trees as roosting or hibernating sites might also be affected and the safe commuting corridor within the site would be fragmented.

	• Decreased water quality from polluted surface water discharges to streams. Predicted effect: short-term negative effect. • Disturbance: increase in human activity and noise on the site will be disruptive to local populations of birds and mammals. Bats will also be impacted upon due to roost loss (albeit that no roosts were evident in the bat assessment), disturbance from lighting, reduced feeding. Predicted effect: permanent moderately negative at worst.
Operation	• Disturbance to local wildlife – human activity will deter wildlife from the site, particularly mammals. There will also be a number of ongoing impacts upon the bats occurring within the site, including the interruption of commuting routes, the loss of foraging areas within or adjacent to lighting, reduced competitiveness • Landscaping – Inappropriate landscaping of the application site may inadvertently result in the introduction of non-native and invasive plant species. However, appropriate landscaping could also provide new beneficial habitats for wildlife if it is done with suitable trees and shrubs that provide nesting and foraging opportunities for birds. The management of the verges for wildlife would also be beneficial for local pollinators. • Decrease in Water Quality – During the operation of the site, pollution to the stream on site may occur due to run-off of silt and oil from hard surfaces.
Decommissioning	N/A
Cumulative	No significant cumulative impacts identified. The development of greenfield sites will reduce the open spaces and habitat availability of the Dublin City area as a whole, thereby cumulatively impacting on local bird and

	mammal populations. However, the creation of new areas of biodiversity within the application site and the retention and protection of treelines, will provide local ecological corridors and networks that will reduce the overall cumulative impact of this development in the Dublin City area.

Table 9.7 *Potential impacts – Biodiversity*

Mitigation

9.8.12. Mitigation measures are set out in Section 6.8 of the EIAR addendum report. Notable measures include the following: -

- Measures outlined in this Biodiversity Chapter of the EIAR and the NIS along with any other reports containing environmental mitigation measures, to be incorporated into a Construction and Environmental Management Plan and implemented.
- Construction best practice guidelines to be adhered to.
- Woodlands and hedgerows should be incorporated into the development in so far as possible.
- Protective barrier fencing erected prior to the commencement of site clearance works.
- Where possible, on-site vegetation to be cleared outside the nesting bird season (March to August inclusive).
- All trees within the site should be examined for the presence of bats prior to felling by a bat specialist.
- Lighting design and restrictions.
- Efficient construction practices and sequences to minimise soil erosion and potential pollution of local watercourses with soil and sediment.
- Existing grassed verges and vegetated areas around the perimeters of the site and along the watercourses should be retained where possible.
- Use of bat boxes
- SuDS measures.

- Biodiversity Enhancement Measures including the use green roof system which provide an opportunity for the creation of suitable habitats for pollinators, retention and proper management of natural verges and the use of native trees and shrubs.
- Monitoring: Any trees and bat boxes should be monitored once the development is operational.

Residual effects

9.8.13. It is considered that subject to mitigation, no significant negative residual impacts on the local ecology or on any designated nature conservation sites, are expected from the proposed works.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.8.14. I have examined, analysed and evaluated the information provided in Chapter 6 (as amended) and all the associated documents, and submissions on file in respect of biodiversity. I am satisfied that the applicant understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the development have been identified.

Habitat: I note that the no part of the site lies within any area that is designated for nature conservation purposes. The dominant habitat type within the site is improved agricultural grassland habitats (GA1) which is of little biodiversity value, I have no objection to the loss of this habitat. The most notable ecological features within this site are the woodland habitat and streams that bisect the site. Save for a section of the central stream / woodland that is to be removed to facilitate new road infrastructure (a box culvert bridge is proposed at this location), these features are to be retained and protected through the inclusion of 10m riparian buffers which have been incorporated into the scheme. As detailed in the Landscaping Design Statement submitted with the application, existing vegetation within these buffers zones is to be retained and enhanced with suitable species. The works proposed within the buffer zones consist of minor landscaping including the laying of a self-binding gravel paths which are to be constructed on a web cell base using a non-dig approach to areas

around tree roots. I have no objection to these works; however, I am of the opinion that lighting in and around this area should be carefully considered so as to ensure no adverse impact on bats and nocturnal mammals. I note the mitigation measures for lighting outlined in the EIAR. The final lighting design should be submitted to the planning authority for agreement prior to the commencement of development.

Regarding the section of the woodland area that is to be removed to facilitate the proposed development. I note that this is required to fulfil a road objective under the SDCDP. The works will require the removal of 10no. trees, which as per the Arboricultural Impact Assessment submitted with the application, comprise two ash trees, one elm and seven oaks. These trees consist of 0 no. category A trees, 7 no. category B, 1 no. category C trees and 2 no. category U trees. The EIAR anticipates that this fragmentation will have a permanent slight negative impact upon the biodiversity of the local area, affecting local birds, bats and mammals.

I note that in addition to the mitigation measures outlined in the EIAR and bat survey, the planning authority required, by way of condition (condition 5), the submission of a bio-diversity management plan for both construction and operational phases, I would recommend that a similar condition be included in the event that the Commission is minded to grant permission.

Birds: A number of bird species have been confirmed as breeding on the site, including buzzard, dunnock, robin, song thrush, blackbird, wren, blue tit and great tit. The EIAR recognises that other passerine species are also likely to breed on the site. The removal of trees would result in a reduction in the availability of local nesting and feeding sites and if trees are removed during bird nesting season, then loss of eggs and injury or death of fledglings could arise. The extent of tree removal proposed (10 no. trees) is not significant for a development of this site and I note that the plan is supported by a detailed landscaping plan that includes for additional tree planting. It is also proposed that the removal of mature vegetation, including trees, hedgerows and scrub, only be done outside of the bird nesting season (March-August). The site is not identified as an ex-situ site for any protected bird. Overall, subject to adherence to the proposed mitigation measures I am satisfied that the proposed scheme would not have a significant impact on the local conservation status of any of the bird species associated with the site.

Bats: The trees and hedgerows within and adjoining the site are used by commuting and foraging bats, which may be affected by the removal of trees and the fragmentation of the existing commuting corridor within the site. I am satisfied on the basis of the information provided within the EIAR and bat surveys, that the site is not currently utilised by roosting bats and that as such a derogation licence is not currently required. The bat survey prepared for this proposed development contains a number of recommendations to minimise potential impacts upon the bat species. These mitigation measures include:

- All trees within the site should be examined for the presence of bats prior to felling by a bat specialist.
- Should bats be noted in any tree that is earmarked for removal, a derogation license from NPWS must be sought. This can be done with the assistance of a bat ecologist
- The use of Bat boxes
- Lighting restrictions.

In addition to the mitigation measures outlined in the EIAR and bat survey, the planning authority required, by way of condition (condition 5), an evaluation of the proposed lighting in the vicinity of the green infrastructure corridors by a bat expect, with amendments where necessary to achieve maximum protection for bats, and 3 years of annual bat monitoring. I would support the inclusion of similar conditions should the Commission be of mind to grant permission. Regarding lighting in the vicinity of the green infrastructure corridors, I would recommend a condition that Artificial lighting be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting at Night).

Mammals: Habitat loss and fragmentation might affect small terrestrial mammals that currently use the woodland corridor to commute and feed in safety. However, similar habitats are widely available in the surrounding landscape and the long term the operational phase is likely to create replacement habitats for common mammalian species. I am satisfied that the impact would not be significant. I note that concerns were raised in the appeal regarding the lack of an otter survey. No evidence has been presented that the application site is used by otters, and as confirmed by the project

ecologists in their letter submitted as part of the applicants appeal response, no otters or evidence of otters were noted during field surveys carried out under EIAR. The heritage Officer in their report to the planning authority noted the shallow and narrow nature of the streams present on site and that they were unlikely to support resident otter populations. I would agree with this assessment, and I am satisfied that an Otter survey is not required.

Amphibians and Reptiles: From the information submitted, I am satisfied that the proposal would not have a significant impact on amphibians or reptiles. No mitigation measures are required.

Invasive Species: No invasive species were identified within the site as such no mitigation measures are required in this regard.

Conclusion: Direct and Indirect Effects

9.8.15. Having regard to the survey work carried out, the location of the site contiguous to the established built-up area, the design of the proposed development which includes features that may act to avoid or mitigate negative impacts on the local ecology and environment and best practice mitigation measures, and subject to a condition ensuring the provision of appropriate lighting with the woodland corridor, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on biodiversity as a result of the proposed development.

9.9. **Environmental Topic: Land, Soils and Geology:**

Issues Raised:

9.9.1. No significant issues were raised in the assessment of the application or in the appeal on the topic of land, soil and geology. The grounds of appeal note that reprofiling of the site though cut and fill that will require the use retaining structures and that excavation up to 5m may be required in some cases.

Examination of EIAR

Context

9.9.2. Chapter 7 of the EIAR, updated at RFI stage addresses the topic of land, soils and geology. Associated appendices: Trial Pit Logs (2006).

9.9.3. Chapter 7 comprises of an assessment of the likely impact of the proposed development on the soils and the geological environment as well as identifying proposed mitigation measures to minimise any impacts.

9.9.4. The assessment methodology includes a desk top study, and walkover surveys, geological mapping and site investigations. Walkover surveys, including geological mapping and investigations of the Site, were undertaken on 6th and 7th November 2024. Intrusive Site Investigations had previously been conducted across the site area on 21st September 2006, and on 16th February 2024. Site investigations s to address the Land, Soil and Geology section of the EIAR included the following:

- A total of 26 no. deep trial pits excavated inside the proposed LRD Site boundary, and 2 no. excavated just outside of it at the southeast, to determine the thickness and geomorphology of mineral subsoils overlying the site; Of these, 20 no. trial pits were dug in 2006, with a further 6 no. in 2024
- Measurement of flow in streams flanking the site and that running through the site (see following Chapter 8 Hydrology, Hydrogeology, Drainage); and
- Mineral subsoils were logged according to the British Standard BS: 5930 Subsoil Classification scheme.

9.9.5. No limitations or difficulties are identified and are not evident in the assessment.

<u>Baseline</u>

9.9.6. The baseline environment is described in section 7.3 of the EIAR. The following points are noted:

Site Description and Topography: - The Site is located in the northern foothills of the Dublin – Wicklow Mountains, in south central County Dublin. The site lies at ground surface elevations between approximately 106 and 126 mAOD. There are currently no buildings across any locality within the site confines.

Land and Land Use: - The Site comprises agricultural pastures. A narrow strip of broadleaf forestry also runs through the central portion of the site, from north to south.

Soils Geology (Topsoil): - The site is characterised by soils of Soil Association 38. This association includes soils which are dominated by grey, brown podzolic soils (75% of the land area of this category). These are deep, well drained, alkaline mineral soils. Within this association, the limestone-dominated subsoil is moderately permeable, and leaching of clay to the 'B' horizon has taken place. The remainder of the area of this soil's association is mapped as being underlain gley soils (25% of the area). Gleys are poorly drained mineral soils, which are generally of clay loam texture and are imperfectly to poorly drained. These soils are usually no more than 0.7m deep.

Subsoils Geology (Quaternary Geology): The walkover survey of the site noted that subsoil is present across the entirety of the site area, with no bedrock seen to outcrop at surface.

Site Investigations (Drilling and Trial Pitting): Bedrock was confirmed in 27 of the 28 trial pits excavated on the site. The depths to bedrock across the proposed LRD Site as a whole were found to be relatively deep, being a minimum of 0.4 m deep but a maximum of >4.4 m deep. Across the majority of the site, the till subsoil was found to be directly underlain by bedrock described as either schist or shale. In one trial pit (TP20, 2006) interbedded layers of sand and gravel were encountered at depth, between 1.3 m and 4.0 m below ground (and just above bedrock). The till deposits are typically comprised of slightly sandy gravelly clay, with some cobbles and boulders

Bedrock Geology: the subject site is underlain entirely by rocks of the Butter Mountain Formation (OABUTT). These were deposited during the Ordovician Period (485 to 444 million years ago).

Geological Resource Importance: The metasediment bedrock at the proposed LRD Site is classified as being of "Low" importance. The till subsoil deposits at the proposed LRD Site can also be classified as "Low" importance as the till is not designated as being a resource in this area and is also locally abundant in the general region.

Designated Site and Geological Heritage Sites: All designated sites and geological heritage sites are screened out for further assessment with regard land, soils and geology due to lack of potential direct effects. Indirect hydrological and

hydrogeological effects are assessed in Chapter 8 (Hydrology, Hydrogeology and Drainage).

Soil Contamination: There are no known areas of soil contamination on the proposed LRD Site. There are no licensed waste facilities on or within the immediate environs of the proposed LRD Site. There are no historic mines at or in the immediate vicinity of the proposed LRD Site that could potentially have contaminated tailings.

Economic Geology: The proposed LRD Site is located within an area mapped as being typically Low to Moderate in terms of crushed rock aggregate potential and with no potential for granular aggregate potential (i.e. potential for gravel reserves).

Geohazards: The GSI Landslide database (www.gsi.ie) does not record any historic landslides in the vicinity of the proposed LRD Site or in the surrounding lands. The probability of a landslide occurring at the proposed LRD Site is mainly Low, with a very small area of Moderately Low in the extreme southeastern corner of the site. As the proposed LRD Site is entirely underlain by mineral subsoil, and as there is no peat of any thickness, a site-specific, site scale Peat Stability Risk Assessment was not required.

9.9.7. The Characteristic of the proposed project are set out in section 7.4. the following points are noted:

- The proposed LRD Project construction will mainly involve removal of mineral soils and mineral subsoils for access roads, underground cabling and pipework, hardstanding areas, house, duplex and simplex foundations, a construction compound and drainage works.
- Approximately 27,665 m3 of material will be required as fill. This will be provided from within the site. There will be no requirement for the importation of any soil or subsoil / landscaping material.
- Some crushed rock for construction purposes will be sourced off-site from nearby commercial quarries.
- Generally during house construction, gravity foundations depths are expected to be between 0.3 m and 0.6 m deep, depending on ground conditions at each house locality.

- Approximately 57,116.5 m3 of spoil material will be exported off site to a licenced waste facility.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Land and Soils. Likely significant effects of the development, as identified in the EIAR, are summarised in the following Table.

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	No change or resulting impact if the development does not proceed.
Construction	*Land Take:* There will be loss of c10.1ha of agricultural land. No loss of forestry as it is proposed to retain the central woodland and hedgerow to the east of the site. *Potential Pre-mitigation Impact:* Negative, slight, direct, likely, permanent impact on land and land use *Extraction/excavation:* Excavation of soil, subsoil and bedrock will be required for construction. This will result in a permanent removal and relocation of in-situ soil and subsoil at most excavation locations Potential Pre-Mitigation Potential Effect: Negative, slight/moderate, direct, likely, permanent effect on soil, subsoil and bedrock due to excavation, relocation within the proposed LRD Project Site, and exportation off-site. *Contamination of Soil:* Accidental spillage during refuelling of construction plant with petroleum hydrocarbons is a pollution risk at the Site. The accumulation of small spills of fuels and lubricants during routine plant use can also be a significant pollution risk. Hydrocarbon has a high toxicity to humans, and all flora and fauna, including fish, and is persistent in the environment. Large spills or leaks have the potential to result in significant effects (i.e. contamination of soils and subsoils and

	pollution of the underlying bedrock aquifer) on the geological and water environment. Pre-Mitigation Potential Effect: Negative, slight, direct, short-term, unlikely effect on soil, subsoils and bedrock. *Erosion:* Soils and subsoils are at risk of erosion at the during the construction phase. There is a high likelihood of erosion of spoil during its excavation and during landscaping works. The main impacts associated with this aspect is to the water environment, and therefore this aspect is further assessed in detail in Chapter 8. The potential impacts on air are explored in Chapter 9. Pre-Mitigation Potential Effect: Negative, slight, direct, short-term, likely effect on soils and subsoils by erosion and wind action.
Operation	No significant effects
Decommissioning	N/A
Cumulative	Construction Phase The nature of the construction works within the proposed LRD Project Site mean that the effects on the land, soils and geology environment are restricted to the immediate areas of the construction works. The only cumulative effect of the proposed LRD Project with respect to the lands, soils and geology will be due to the potential removal and transport of material to a licensed waste facility, if required. The environmental effects of the placement of material within the licenced waste facility will have been previously assessed during the licensing process of this facility. There will be no further cumulative effects on the land, soils and geology environment during the construction phase of the proposed LRD Project. Operational Phase No cumulative effects during the operational phase identified.

Risk of Major Accidents and Disasters	No significant risks identified.

Table 9.8: Potential Impacts – Land, Soils and Geology

Mitigation

Mitigation measures are set out in Section 7.5.2 of the EIAR. These include:

- Proposed Mitigation Measures by Design:
    - As much of the soil, subsoil and bedrock as possible which will be removed during the construction phase will be localised to the proposed LRD Site infrastructure, compounds and access roads.
    - The proposed LRD Project has been designed to avoid, insofar as possible, sensitive habitats within the Site; and,
    - Construction of settlement ponds will be volume neutral, and all excess material will be used locally to form pond bunds and surrounding landscaping.
- A Construction Management Programme will be implemented by the Principal Contractor for the duration of the construction phase
- On-site re-fuelling will be undertaken using a double skinned bowser with spill kits kept on site for accidental leakages or spillages.
- Only designated trained operatives will be authorised to refuel plant on-site.
- Taps, nozzles or valves associated with refuelling equipment will be fitted with a lock system.
- All fuel storage areas will be bunded appropriately for the duration of the construction phase. All bunded areas will be fitted with a storm drainage system and an appropriate oil interceptor. Ancillary equipment such as hoses, pipes will be contained within the bunded area.
- Fuel, oil and chemical stores including tanks and drums will be regularly inspected for leaks and signs of damage.
- The electrical control building will be bunded appropriately to the volume of oils likely to be stored and to prevent leakage of any associated chemicals to groundwater or surface water. The bunded area will be fitted with a storm drainage system and an appropriate oil interceptor.

- The plant used during construction will be regularly inspected for leaks and fitness for purpose.
- Safety data sheets for all chemicals used will be kept on-site; and,
- An emergency response plan for the construction phase to deal with accidental spillages is contained within the Construction and Environmental Management Plan.
- The upper vegetative layer (where still present) of excavated soil will be stored with the vegetation part of the sod facing the right way up to encourage growth of plants and vegetation at the surface of the soil within the spoil repository areas.
- Re-seeding and spreading/planting will also be carried out in these areas
- Brash mats will be put in place to support vehicles on soft ground, reducing mineral soils erosion and avoiding the formation of rutted areas, in which surface water ponding can occur.
- Mitigation measures during the operational phase include the use of aggregate from authorised quarries for use in road and hardstand maintenance. Hydrocarbons from vehicles within the site confines will pass through the Sustainable Drainage System's detention basins which will clean water and expose potential hydrocarbons to sunlight, to allow the breakdown of same, within the proposed surface water drainage network.

Residual Effects

9.9.8. Subject to adherence to mitigation measures, it is considered that there would be no significant residual effects on land, soils and geology.

Analysis, Evaluation and Assessment: Direct and Indirect Effects.

9.9.9. I have examined, analysed and evaluated the information provided in Chapter 7 and all the associated documents, and submissions on file in respect of Land and Soils. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation measures in Section 7.5 to reduce any potential impacts.

9.9.10. I note that the proposed development will require a land take of approximately 10.1ha and will change the nature of the lands from undeveloped, agricultural lands to residential, and creche use. The impact of these works on the landscape and

visual amenity is discussed in chapter 10 of the EIAR and considered below. I further note that the development of these lands as proposed would accord with the zoning objectives for the area as set out in the SDCDP as discussed in section 8.3 of this report.

9.9.11. The development of this site as proposed will involve elements of cut-and fill and the use of engineering solutions such as retaining structures. Notably, retaining gabion walls are proposed parallel to the site's southern boundary and along parts of the southern boundary of the liner park. this is discussed in section 8.6 of this report.

Conclusion: Direct and Indirect Effects

9.9.12. Having regard to the site investigations carried out, the baseline environment and site-specific best practice mitigation measures including those contained in the Construction Environmental Management Plan (CEMP) and preliminary Resource Waste Management Plan (RWMP), to mitigate potential effects on land soil, and geological environment, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on lands, soils and geology as a result of the proposed development.

9.10. **Environmental Topic: Hydrology, Hydrogeology and Drainage:**

Issues Raised:

9.10.1. Concerns have been raised in the grounds of appeal regarding the potential impact of the proposed development on existing watercourses and the underlying aquifer from pollution during the construction and operational of the development. It is contended that no assessment has been provided of the potential impacts on the underlying aquifer, its recharge characteristics, or risks of contamination through areas of extreme vulnerability. Additional concerns are raised regarding the design of the applicant's surface water drainage strategy for the site, in particular, the use of underground attenuation and detention ponds. The proposed use of attenuation basins raises concerns regarding infiltration and contamination pathways to the

underlying aquifer in areas of extreme vulnerability. I have addressed these issues in section 8 above.

9.10.2. Inland Fisheries Ireland (IFI) in their report to the planning authority (May 2025) note that there is potential for deleterious matter to enter the watercourse traversing the site, including silt laden run-off, hydrocarbons etc, if appropriate site management procedures are not employed, particularly during the preparation and construction phases on-site. These pollutants, if not properly contained and managed, pose a temporary but significant risk to downstream water quality, including the Orlagh Stream and River Dodder, potentially affecting their compliance with the Water Framework Directive's requirements to achieve "good" ecological status. They recommend that all the proposed control, protection and mitigation measures outlined in the “Construction and Environmental Management Plan” are conditioned as part of any planning permission.

Examination of EIAR

Context

9.10.3. Chapter 8 of the EIAR, updated in Appendix E of the EIAR Addendum Report deals with the topic of Hydrology, Hydrogeology and Drainage. A site-specific flood risk assessment (SSFRA) and Natura Impact Assessment (NIS) have also been submitted as part of the application under separate cover.

9.10.4. Chapter 8 provides a baseline assessment of the environmental setting and project, in terms of Hydrology, Hydrogeology and Drainage, and discusses the potential likely and significant effects that the construction and operation of the project will have. Where required, appropriate mitigation measures to avoid any identified significant effects to Hydrology, Hydrogeology and Drainage (i.e. natural water resources) are recommended and the residual effects of the Proposed Project post-mitigation are assessed.

9.10.5. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes desk top study, walkover surveys, including geological/hydrological/hydrogeological baseline monitoring and site investigations, carried out on the 6th and 7th November 2024,

and 13th March 2025, and intrusive site investigations, including the digging of trial pits, on the 16th of February 2024.

9.10.6. No limitations are identified and are not evident in the assessment.

9.10.7. I note that Chapter 8 includes information on and consideration of the proposed development in term of the Water Framework Directive, for clarity, I have dealt with this matter separately in section 11 of this report.

Baseline:

9.10.8. The baseline environment is described in section 8.3 of the EIAR. The following points are of note:

Topography: The site lies at ground surface elevations between approximately 106 and 126 mAOD.

Water Balance: The average annual rainfall at the project site ranges from 921 to 1,017 mm/year. The mid-point between 921 and 1,017 mm/ year (1991 to 2020 data) i.e. 969 mm/year, was considered to be the most accurate estimate of average annual rainfall from the available sources. Actual Evaporation (AE) at the proposed LRD Site is estimated as 520.6 mm/year (which is 0.95 × PE). The effective rainfall (ER) represents the water available for runoff and groundwater recharge. The ER for the site is 448.4 mm/year. The annual recharge and runoff rates for the proposed site are estimated to be 197 mm/year and 251.4 mm/year respectively.

Regional and Local Hydrology: The Site is located in the regional River Liffey and Dublin Bay Catchment within Hydrometric Area 09 of the Eastern River Basin District (ERBD). At local level. the Site is in the Dodder_SC_010 surface water sub-catchment. The site drains to the River Dodder, which is located approximately 1.85 kilometres downstream (northwest) of the Site, via a number of stream tributaries.

Drainage Regime: The Site is drained by a network of 2 no. tributary streams (1st/2nd order) that flow northwards in the central portion of the site and along the site's eastern boundary.

Flood Risk: All potential vulnerable LRD infrastructure, including all dwelling houses and apartments, all roadways, and all ancillary site works are

located above the mapped 1000-year flood level and therefore all this infrastructure is located outside any potential flood zones.

Surface Water Quality: The existing streams within the site are not monitored by the EPA. EPA Q-rating data (https://www.catchments.ie/data) is available for the Mount Venus Road Tributary of the Owendoher River (1.2 kilometres southwest of the site) and the River Dodder at Friarstown (2.9 kilometres west-southwest of the site). Both of these sites have 'High' status river waters (Last sampling date was 1991 for both). Moving downstream along both rivers, the Q value reduces to 'Good' along the Owendoher at Edmondstown (sampled 2020), and at Oldbawn on the Dodder (sampled 2022), respectively.

Regional and Local Hydrology: The bedrock of the Butter Mountain Formation which underlies the site is classified by the GSI as a Locally Important Bedrock Aquifer – Bedrock that is Moderately Productive only in Local Zones.

Groundwater: The groundwater body beneath the site is identified as the Kilcullen Groundwater Body (IE_EA_G_003). Overall, groundwater flow directions within the GWB are reported to be towards the north, with all groundwater flowing towards and discharging to the River Liffey.

Site Hydrogeology: Trail pits excavated on site indicate groundwater levels generally at depths below 3 m – 4 m across the entire site.

Groundwater Body and Status: The subject site and the surrounding localities are located within the Kilcullen Groundwater Body which is categorised at 'Good Status' by the EPA, which is defined based on the quantitative status and chemical status of the GWB. The assigned risk status (WFD 3rd Cycle) is 'At Risk'. The main groundwater pressures are reportedly due to agriculture and other anthropogenic pressures.

River Water Body Status: The majority of the rivers and streams around the site are 'At Risk', with only the Dodder itself and some of Its tributaries 'Not at Risk' or under 'Review'.

Water Resources: The area is served by public mains water. There are no river waterbodies in the vicinity of the proposed LRD Site which are identified as Drinking Water Protected Areas (DWPAs).

Potential Effects:

9.10.9. The EIAR identifies the potential for a range of environmental effects on Hydrology. & Hydrogeology. Likely effects of the development, as identified in the EIAR, are summarised in the following Table.

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	No predicted impacts if the proposed development does not proceed.
Construction	Earthworks (Removal of Vegetation Cover, Excavations and 'Cut-and-Fill') can result in the release of suspended solids to surface watercourses and could result in an increase in the suspended sediment load, resulting in increased turbidity which in turn could affect the water quality and fish stocks of downstream water bodies. *Pre-Mitigation Potential Effect*: Indirect, negative, significant, long-term, likely effect on surface water quality Potential Impacts on Groundwater Levels During Excavations. *Pre-Mitigation Potential Effect:* Direct, negative, slight, brief, likely effect on local bedrock aquifers. No significant effects on the Kilcullen GWB will occur due to the small dewatering requirements. Potential Release of Hydrocarbons During Construction and Storage. Accidental spillage during refuelling of construction plant with petroleum hydrocarbons is a significant pollution risk to groundwater, surface water and associated ecosystems, and to terrestrial ecology. The accumulation of small spills of fuels and lubricants during routine plant use can also be a pollution risk. Hydrocarbon has a high toxicity to humans, and all flora and fauna, including fish, and is persistent in the environment. It is also a nutrient supply for adapted micro-organisms, which can rapidly deplete dissolved oxygen in waters, resulting in death of aquatic organisms.

	Pre-Mitigation Potential Effect: Indirect, negative, slight, short term, likely effect to local groundwater quality Groundwater and Surface Water Contamination from Wastewater Disposal. Wastewater management will be required for the proposed LRD Site construction (Proposed Project) and is therefore assessed herein. Release of effluent from domestic wastewater treatment systems has the potential to impact on groundwater and surface waters if site conditions are not suitable for an on-site percolation unit. *Pre mitigation Effect*: Indirect, negative, significant, temporary, unlikely effect to surface water quality. Indirect, negative, slight, temporary, unlikely effect to local groundwater. *Potential Hydrological Effects on Designated Sites:* *Pre-Mitigation Potential Effect: Indirect, negative, moderate, short-term, likely effect on the South Dublin Bay SAC and the Sandymount Strand / Tolka Estuary SPA* Effects of Construction Works on the WFD Status of Downstream Waterbodies Pre-Mitigation Potential Impact: Indirect, negative, slight, temporary, unlikely effect on river waterbody status. No effects on Kilcullen GWB WFD status will occur.
Operation	Removal of Vegetation Cover and Progressive Replacement of Natural Surface with Low Permeability Surfaces *Pre-Mitigation Potential Impact*: Negative, imperceptible, indirect, long-term, likely effect on all downstream surface water bodies Runoff Resulting in Suspended Solids Entrainment in Surface Waters. *Pre-Mitigation Potential Effect*: Negative, slight, indirect, temporary, likely effect on surface water quality.
Decommissioning	N/A
Cumulative	No significant effects envisioned

Risk of Major Accidents and Disasters	No significant risk identified.

Table 9.7: Potential Impacts – Hydrology, Hydrogeology and Drainage

Mitigation:

9.10.10. Mitigation and monitoring measures are set out in Section 8.5.2 of the EIAR. Notable measures include the following: -

Construction Phase:

- *Mitigation by Avoidance*: Avoid sensitive aquatic areas where possible during construction. A large setback distance from sensitive hydrological features is to be maintained to ensure that adequate room is maintained to allow proposed drainage mitigation measures to be properly installed and operated effectively.
- Adherence to a site-specific Construction and Environment Management Plan.
- Surface water runoff directed to on-site settlement ponds where measures will be implemented to capture and treat sediment laden runoff prior to discharge of surface water at a controlled rate.
- Weather conditions and typical seasonal weather variations will also be taken account of when planning stripping of topsoil and excavations with an objective of minimizing soil erosion.
- All oils, fuels, paints and other chemicals should be stored in a secure bunded hardstand area.
- Refuelling and servicing of construction machinery will take place in a designated hardstand area.
- Where possible, concrete batching will take place off site and wash down and wash out of concrete trucks will take place off site.
- Discharge from any vehicle wheel wash areas is to be directed to on-site settlement ponds.
- The construction compound would include adequate staff welfare facilities including foul drainage and potable water supply. Foul drainage discharge from the

construction compound will be tankered off site to a licensed facility until a connection to the public foul drainage network has been established.

- The construction compound's potable water supply shall be protected from contamination by any construction activities or materials.

Operational Phase:

- Surface water runoff from the site would be attenuated to the greenfield runoff rate as outlined in the Greater Dublin Strategic Drainage Study (GDSDS).
- Surface water discharge rates will be controlled by a Hydrobrake type vortex control device in conjunction with below ground attenuation storage.
- Implementation of SUDS measures. Detention basins, ponds, permeable paving, tree pits and swales will be used to collect runoff from access roads and hardstanding areas of the site.

Residual effects:

9.10.11. Subject to adherence to appropriate mitigation measures it is considered that there would be no residual effects**.**

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.10.12. I have examined, analysed and evaluated the information provided in Chapter 8 (as amended) and all the associated documents, and the issues raised in the third-party appeal in respect of Hydrology and Hydrology and Drainage. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation and monitoring measures in Section 6.9 to reduce any potential impacts. I am further satisfied that the assessment methodology outlined is adequate given the baseline condition and that no further assessments such as a site-specific hydrological and aquifer vulnerability assessment as suggested in the grounds of appeal, are required.

Regarding the potential risk to groundwater and aquifer vulnerability, the EIAR acknowledges that the site is underlain by a Locally Important Aquifer (that is Moderately Productive only in Local Zones), and that the groundwater vulnerability rating of the site ranges from Low to High. This is because the majority of the site is covered by moderate permeability subsoil which is at least 3m thick. These relatively deep glacial deposits will act as a protective cover to the underlying aquifer meaning that contaminants (should they exist) are unlikely to reach the bedrock and will instead disperse with the glacial deposits and would remain localised to the source or would be removed as runoff during wet periods. Due to the high to low groundwater vulnerability rating of the Site (and the absence of extensive areas of 'Extreme' groundwater vulnerability), and the poor surface water and bedrock aquifer interaction, the EIAR concludes that no special design requirements are needed to prevent the ingress of surface water into the groundwater system.

The site and surrounding localities are located within the Kilcullen Groundwater Body which is characterized as "*Good Status'* by the EPA. The assigned risk status is 'at risk' (Water Framework Directive, 3rd Cycle). Due to the nature of the proposed development involving near surface construction activities, the EIAR does not predict any significant impact on groundwater. The primary risk of groundwater at the site is identified as hydrocarbon spillage and leakage into excavations. I am satisfied that the pollution control and standard best practice measures outlined in the EIAR would be sufficient to ensure no significant impact on ground water bodies.

The EIAR identifies surface water as the main sensitive receptor. The design scheme presented includes a 10-metre buffer zone from all water courses to protect the integrity of the streams and their habitats. Chapter 8 of the EIAR, the Natura Impact Statement and the Construction Environmental Management Plan include mitigation measures which have been designed to ensure that the proposed development does not result in significant effects either in terms of the Habitats Directive or the Water Framework Directive. I note the recommendation of IFI that all the proposed control, protection and mitigation measures outlined in the "Construction and Environmental Management Plan" are conditioned as part of any planning permission and that a SuDS/Drainage Maintenance checklist be designed and submitted for approval by the Local Authority.

Conclusion: Direct and Indirect Effects

9.10.13. Having regard to the site investigations carried out, the baseline environment, the design of the surface water management system for the site and the site-specific best practice mitigation measures including those contained in the Construction Environmental Management Plan (CEMP), to mitigate potential effects on water, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on water as a result of the proposed development.

9.11. **Environmental Topic: Air Quality and Climate.**

Issues Raised:

9.11.1. No issues are raised in the appeal on the issue of air quality and climate. The Environmental Health Officer (EHO) in their Report to the planning authority (May 2025) recommended conditions on the control of dust.

Examination of EIAR:

Context:

9.11.2. Chapter 9 of the EIAR assesses the potential noise and vibration effects of the proposed LRD. No changes to this chapter were introduced in the EIAR Addendum report submitted at RFI stage, and I am satisfied that the amendments to the project were not so significant as to fundamentally alter the assessment or conclusions of the EIAR on the issue of Air Quality and Climate. Associated appendices include a Dust Minimisation Plan.

9.11.3. This chapter was prepared to identify and assess the potential air quality and climatic impacts associated with the proposed LRD. it includes:

- A comprehensive description of the existing air quality in the vicinity of the subject site.
- A description and assessment of how construction and the operation of the development may impact existing air quality.

- The mitigation measures that will be implemented to control and minimise the impact that the development may have on local ambient air quality and reduce the impact on the local microclimate.
- A description as to how the development will be constructed and operated in an environmentally sustainable manner.

9.11.4. The Assessment Methodology comprises a desk top study. The Chapter is based on best practice principal data sources, including legislation and guidelines. Sources include Climate Action and Low Carbon Development Act 2015 and The Guidelines for the Treatment of Air Quality During the Planning and Construction of National Road Schemes (2011).

9.11.5. No limitations or difficulties were encountered, and none are evident in the assessment.

Baseline:

9.11.6. The receiving environment is described in section 9.3. The following points are noted:

Baseline Environment/Context: The development area is located within a zone which includes a significant source of transportation related air emissions principally from the M50 Motorway, R113 and local road infrastructure. It is noted that there are no major sources of industrial air emissions within 3km of the site.

Existing Climate: The existing air quality environment is principally defined by traffic from the M50, R113 and the Ballycullen Road. Fuel combustion for space heating for commercial activities and residential developments also contributed to the ambient air quality.

Rainfall: Precipitation data from the Casement Aerodrome meteorological station for the period 2015-2024 indicates a mean annual total of about 756.90 mm. This is within the expected range for most of the eastern half of the Ireland which has between 750 mm and 1000 mm of rainfall in the year.

Temperature: The annual mean temperature at Casement Aerodrome (2015-2024) is 10.0ºC. Given the relatively close proximity of this meteorological station to the proposed development site, similar conditions would be observed.

Wind: Wind is of key importance for both the generation and dispersal of air pollutants. The predominant wind direction is westerly to south-westerly with predominately moderate wind speeds.

Air Quality: Air quality in the suburban Dublin area is generally good, with concentrations of the key pollutants generally well below the relevant limit values set out in Directive 2008/50/EC. However, the current pollutant concentrations at some monitoring sites are not in compliance with the 2030 limit values set out in Directive (EU) 2024/2881 and the clean air strategy. Further measures will be needed at a national scale to reduce air pollution in future years. The EPA have indicated that road transport emissions are contributing to increased levels of NO2 with the potential for breaches in the annual NO2 limit value in future years at locations within urban centres and roadside locations. In addition, burning of solid fuels for home heating is contributing to increased levels of particulate matter (PM10 and PM 2.5). The EPA predict that exceedances in the particulate matter limit values are likely in future years if burning of solid fuels for residential heating continues (EPA, 2024).

Significance: Based on published air quality data for the Zone A Dublin city area in the vicinity of the subject site together with site specific monitoring data, it may be concluded that the existing baseline air quality at the subject site may be characterised as being good with no exceedances of the Air Quality Regulations 2011 limit values of individual pollutants. The quality of existing air quality at the subject site must be maintained and improved where possible as a result of the proposed development to ensure that local human health and the ecological environment is not adversely affected.

Potential Effects:

9.11.7. Likely significant effects of the development, as identified in the EIAR, are summarised in the following table.

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	No significant effects identified

Construction	Air Quality: Dust emissions from construction activities Construction vehicles, generators etc., may give rise to CO2 and N2O emissions Construction traffic to and from the site shall result in a short-term increase in the volume of diesel fuelled HGVs along the local road network which will generate additional hydrocarbon and particulate emissions from the vehicle exhausts. Climate: During the construction phase, existing vegetated areas throughout the development site will be removed due to site clearance works and associated movement of construction traffic thus impacting the micro-climate. Whilst this will impact the evapotranspiration rates of vegetation, there will be no impact upon the moisture evaporation from the exposed soil. Therefore, there will be no significant impacts on microclimate. CO2 will be released into the atmosphere as a result of the movement of construction vehicles and use of plant. However, emissions associated with such activities will occur over a short-term period (c. 3 years) which will not result in an adverse impact on the local micro or the broader macro climate.
Operation	Air Quality The operational phase of the proposed development will result in a slight, long-term impact on local air quality primarily as a result of the requirements of new buildings to be heated and with the increased traffic movements associated with the development. Increased traffic - The am and pm peak traffic movements will not result in an adverse impact on local air quality at any of the junctions and it is predicted that the impact of car engine exhaust emissions will have a negligible impact on local ambient air quality. Climate: No significant effects envisioned.

Decommissioning	N/A
Cumulative	No significant effects identified. There is potential for a short term slight negative cumulative impact associated with the construction phase of the proposed development on ambient air quality and climate primarily as a result of the use of diesel to fuel construction plant and equipment

Table 9.11 Potential Effects Air Quality and Climate

Mitigating Measures:

9.11.8. Mitigation and management measures are set out in Section 9.7 of the EIAR. Notable measures include the following: -

Air Quality – Construction Phase

- Adherence to the measures outlined in the Dust Minimisation Plan
- The specification and circulation of a dust management plan for the site and the identification of persons responsible for managing dust control and any potential issues.
- The development of a documented system for managing site practices with regard to dust control
- The development of a means by which the performance of the dust management plan can be monitored and assessed.
- The specification of effective measures to deal with any complaints received.

Climate – Construction Phase

- Avoid unnecessary vehicle movements and manoeuvring and limit speeds on site so as to minimise the generation of airborne dust.
- Use of rubble chutes and receptor skips during construction activities.
- During dry periods, dust emissions from heavily trafficked locations (on and off site) will be controlled by spraying surfaces with water and wetting agents.

- Hard surface roads will be swept to remove mud and aggregate materials from their surface while any unsurfaced roads will be restricted to essential site traffic only.
- Re-suspension in the air of spillages material from trucks entering or leaving the site will be prevented by limiting the speed of vehicles within the site to 10kmh and by use of a mechanical road sweeper.
- The overloading of tipper trucks exiting the site shall not be permitted.
- Aggregates will be transported to and from the site in covered trucks.
- A programme of air quality monitoring shall be implemented at the site boundaries for the duration of construction phase activities to ensure that the air quality standards relating to dust deposition and PM10 are not exceeded. Where levels exceed specified air quality limit values, dust generating activities shall immediately cease and alternative working methods shall be implemented.

Mitigation Measures - Operational Phase

The operational phase mitigation by design measures to minimise the impact of the development on air quality and climate include:

- Thermally efficient glazing systems on all units
- Mechanical Ventilation and Heat Recovery (MVHR) systems or equivalent installed in new buildings.
- Thermal insulation of walls and roof voids of all unit
- A combination of technologies to ensure energy consumption in line with Part L 2022 requirements will include air source heat pumps and/or an alternative heating system such as gas boilers with PV panels for renewable energy.
- Inclusion of electric car charging points to encourage electric vehicle ownership

Residual Effects

9.11.9. No significant residual effects. The proposed development will result in some impacts to climate through the release of GHGs. The proposed development has

proposed best practice mitigation measures and is committing to reducing climate impacts where feasible. 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. In relation to climate change vulnerability, it has been assessed that there are no significant risks to the proposed development as a result of climate change. The residual effect of climate change on the proposed development is considered direct, long-term, negative, and imperceptible, which is overall not significant in EIA terms.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.11.10. I have examined, analysed and evaluated Chapter 9 of the EIAR and the associated appendices. Overall, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides a suitably comprehensive range of mitigation measures to reduce any potential impacts.

Conclusion: Direct and Indirect Effects

9.11.11. Having regard to the examination of the environmental information contained within Chapter 9 it is considered that due to the residential nature of the development the predicted GHG figures are not significant in the context of the sectoral emissions ceilings, therefore I consider that there is no potential for significant environmental effects on climate.

9.12. **Environmental Topic: Noise and Vibration.**

Issues Raised:

9.12.1. No issues are raised in the appeal on the issue of noise and vibration. The Environmental Health Officer (EHO) in their Report to the planning authority (May 2025) recommended conditions on the control of noise.

Examination of EIAR:

Context:

9.12.2. Chapter 10 of the EIAR assesses the potential noise and vibration effects of the proposed LRD. No changes to this chapter were introduced in the EIAR Addendum

report submitted at RFI stage, and I am satisfied that the amendments to the project were not so significant as to fundamentally alter the assessment or conclusions of the EIAR on the issue of Noise and Vibration.

9.12.3. The assessment includes a description of the receiving ambient noise climate in the vicinity of the subject site and an assessment of the potential during both the short-term construction phase and the long-term operational phase on its surrounding environment. Also included is an assessment of direct, indirect and cumulative noise and vibration impacts on the surrounding environment and assessment of noise from existing sources inward on the development. The assessment has been undertaken with reference to the most appropriate guidance documents relating to environmental noise and vibration.

9.12.4. The assessment methodology includes a desk top study and baseline monitoring. Environmental noise surveys were conducted at the site in order to quantify the existing noise environment. These surveys were conducted in general accordance with ISO 1996: 2017: Acoustics – Description, measurement and assessment of environmental noise.

9.12.5. No difficulties or limitations are identified and are not evident in the assessment.

Baseline:

9.12.6. The baseline environment was quantified by undertaking environmental noise surveys, the results of which are presented in section 10.4. The baseline noise surveys determined that the noise environment was largely dominated by traffic on the adjoining road network and M50 and residential noise from neighbouring residential developments (dogs barking, gardening activities, children playing etc).

9.12.7. The results of the environmental noise survey study suggest the noise environment will not require additional constraints to be imposed on the proposed project outside of the normal criteria applicable to a development of the scale and nature of that proposed. Daytime average noise levels from the baseline noise survey range from 50 - 53dB LAeq and the night-time levels ranged from 43 - 47dB LAeq across the proposed development site. These figures are in the low-risk area based on the ProPG guidelines.

9.12.8. There are several residential receptors located surrounding the proposed development to the north, east and west. The proposed development site is surrounded by existing residential housing estates. Review of the baseline noise survey, available noise mapping and the threshold values indicates that the appropriate daytime noise criteria for construction noise are as follows:

- Residential receptors 65 dB LAeq,T
- Commercial/industrial receptors 75 dB LAeq,T

A night-time threshold is not included as construction work will not be taking place at night.

Potential Effects:

9.12.9. Likely significant effects of the development, as identified in the EIAR, are summarised in the following table:

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	No significant effects envisioned.
Construction	*Noise* • Construction related activities including plant (excavators, lifting equipment, compressors and generators) and rock breaking. • Construction Traffic and mobile plant *Vibration* • Construction related activities, including groundbreaking and rock breaking.
Operation	*Noise* • Additional vehicular traffic on public roads. • Mechanical plant noise. • Residential: The noise impact of the residential aspect of the development on the receiving environment will be slight. It will be limited to internal vehicle movements entering and exiting

	the under-croft carpark, and residents using the public open space. • Creche The opening hours of the creche is expected to be from 7am – 7pm Monday to Friday. No early morning noise associated with the creche is expected before 7am. The noise of children playing in any environment is regarded as a natural aspect of life in any area of a development. *Vibration* No significant effects envisioned.
Decommissioning	N/A
Cumulative	*Construction*: In the event that construction activities at nearby sites are taking place concurrently with the construction of the proposed development, there is potential for cumulative noise impacts to occur. *Operation*: permitted developments have the potential to generate additional traffic on the roads in the local area. These additional vehicle movements have been considered in the traffic assessment. The cumulative impact of this source is determined to be imperceptible and long term

Table 9.12: Summary of Potential Effects: Noise and Vibration

Mitigation:

9.12.10. Mitigation measures are set out in section 10.9 of the EIAR.

Construction: Noise and vibration control measures during construction will accord with best practice measures set out in BS 5228 (2009 +A1 2014) Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 and 2, including, but not limited to:-

- *Selection of quiet plant.*
- *Control of noise at source*: Site compounds will be located in excess of 30m from noise sensitive receptors within the site constraints. The installation of an acoustic exhaust and /or maintaining enclosure panels closed during operation can reduce noise levels by up to 10 dB. Mobile plant will be switched off when not in use and not left idling. Demountable enclosures can

also be used to screen operatives using hand tools and will be moved around site as necessary. All items of plant should be subject to regular maintenance.

- *Screening*: Construction site hoarding will be constructed around the site boundaries as standard. In addition, careful planning of the site layout will also be considered. The placement of site buildings such as offices and stores will be used, where feasible, to provide noise screening when placed between the source and the receiver.
- *Liaison with the public*: - a designated Environmental Liaison Officer (CLO) will be appointed to liaise with the public site during construction works. Any noise complaints will be logged and followed up in a prompt fashion by the CLO. In addition, prior to particularly noisy construction activity, the CLO will inform the nearest noise sensitive locations of the time and expected duration of the noisy works.
- *Monitoring*: - Where required, construction noise monitoring will be undertaken at periodic sample periods at the nearest noise sensitive locations to the development works to check compliance with the construction noise criterion.

Operational Phase: No mitigation required.

Residual Effects

9.12.11. No residual impacts are anticipated.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.12.12. I have examined, analysed and evaluated Chapter 10 of the EIAR and the submissions on file in respect of noise and vibration. I am satisfied that the applicant's understanding of the baseline environment, by way of desktop and environmental noise surveys, is comprehensive and that the key impacts in respect of likely effects due to increased noise and / or vibration, as a consequence of the development have been identified.

9.12.13. I am satisfied, on the basis of the information contained in Chapter 10, that subject to proposed mitigation, no significant noise or vibration impacts during construction or operation will arise and that effects from increase in traffic during construction and operational phases of the proposed development will not be significant.

Conclusion: Direct and Indirect Effects

9.12.14. Having regard to the examination of environmental information in respect of Noise and Vibration, in particular the EIAR and the report of the planning authority I am satisfied that subject development will not give rise to significant direct, indirect, or cumulative effects on Noise or Vibration.

9.13. **Environmental Topic: Material Assets - Waste.**

Issues Raised:

9.13.1. No significant issues raised in the appeal or in the assessment of the application on the topic of waste.

Examination of EIAR:

Context:

9.13.2. Chapter 11 of the EIAR deals with the topic of waste management. No significant changes to this chapter were introduced in the EIAR Addendum report submitted at RFI stage, and I am satisfied that no changes were made to the project at that stage that would fundamentally alter the assessment or conclusions of the EIAR on the issue of waste.

9.13.3. This chapter evaluates the likely impacts, if any, which the proposed development may have on Material Assets (related to waste management) as defined in the EIA Directive (Directive 2011/92/EU as amended by Directive 2014/52/EU) and the Environmental Protection Agency (EPA) Guidelines on the information to be contained in Environmental Impact Assessment Reports (2022).

9.13.4. In terms of difficulties encountered, this Chapter concludes by stating that until final materials and detailed construction methodologies have been confirmed, it is difficult to predict with a high level of accuracy the construction waste that will be generated from the proposed works as the exact materials and quantities may be subject to some degree of change and variation during the construction process. The ultimate selection of waste contractors and waste facilities would be subject to appropriate selection criteria proximity, competency, capacity and serviceability. The waste facilities selected will ultimately be selected to minimise the environmental impacts on the surrounding environment.

9.13.5. A site-specific Resource Waste Management Plan (RWMP) has been included with the application. This document sets out waste generated during the excavation and construction phases of the proposed development is to be addressed. A separate Operational Waste Management Plan (OWMP) has been prepared for the operational phase of the proposed Development and is included with the application.

Baseline:

9.13.6. The subject site is a greenfield site and does not currently generate a waste. South Dublin County Council (SDCC) is the Local Authority responsible for setting and administering waste management activities in the area, which is governed by the requirements set out in the Eastern-Midlands Region (EMR) Waste Management Plan 2015-2021.

Potential Effects

9.13.7. The EIAR identifies the potential for a range of environmental effects on Waste. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.12 below.

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	No significant effects envisioned.
Construction	Waste will be produced from surplus materials, packaging and oversupply. c. 63,000m3 of soil will be removed during the excavation phase

	Waste will also be generated from construction workers and the site office. Improper management / storage of waste would lead to litter and/or pollution issues at the Development Site and in adjacent areas. The use of non-permitted waste contractors or unauthorised waste facilities could give rise to inappropriate management of waste, resulting in indirect negative environmental impacts, including pollution
Operation	The operational phase of the LRD would generate waste. The EIAR estimates 97,650 l/week of residential waste and 854.30 l/week of commercial waste (creche). Improper, or a lack of, waste management during the operational phase would be a diversion from the priorities of the waste hierarchy which would lead to small volumes of waste being sent unnecessarily to landfill. If waste material is not managed and stored correctly, it is likely to lead to litter or pollution issues at the Development Site and in adjacent areas
Cumulative	In the event that the proposed development along with the surrounding developments do not appropriately manage waste during the construction / operation phase, the potential effect will be short-term, significant and negative.

Mitigation:

9.13.8. Section 11.7 outlines the measures that will be employed in order to reduce the amount of waste produced, manage the wastes generated responsibly and handle the waste in such a manner as to minimise the effects on the environment.

9.13.9. Construction mitigation measures include compliance with the Resource and Waste Management Plan (RWMP) which would be updated by the appointed contractor,

building materials would be chosen to minimise waste, on site segregation of waste materials, re-use of left-over building materials, appropriate storage of waste materials, staff training and all waste leaving the site would be recorded and transported by a permitted contractor. Mitigation measures would ensure that the waste arising from the construction phase of the development is dealt with in compliance with the provisions of the Waste Management Act 1996, as amended, associated Regulations and the Litter Pollution Act 1997, and the NWMPCE 2023. It will also ensure optimum levels of waste reduction, reuse, recycling and recovery are achieved and will promote more sustainable consumption of resources.

9.13.10. It is recommended that the management of waste during the construction phase should be monitored to ensure compliance with relevant requirements, and effective implementation of the RWMP including maintenance of waste documentation.

9.13.11. Operational Waste Management would be in carried out in accordance with the provisions of the Operational Waste Management Plan (OWMP) to ensure a high level of recycling, reuse and recovery at the development. All recyclable materials will be segregated at source to reduce waste contractor costs and ensure maximum diversion of materials from landfill thus achieving the targets set out in the NWMPCE (2023), Waste Action Plan for a Circular Economy – Waste Management Policy in Ireland and the SDCC waste byelaws.

9.13.12. These mitigation measures would ensure the waste arising from the development is dealt with in compliance with the provisions of the Waste Management Act 1996, as amended, associated Regulations, the Litter Pollution Act 1997, the NWMPCE (2023) and the SDCC Waste Byelaws. It will also ensure optimum levels of waste reduction, reuse, recycling and recovery are achieved

9.13.13. It is recommended that the management of waste during the operational phase should be monitored to ensure effective implementation of the of the mitigation measures.

Residual Effects

9.13.14. It is predicted that with the implementation of the RWMP and the OWMP no significant residual impacts in relation to material assets (waste management) will arise.

Analysis, Evaluation and Assessment: Direct and Indirect Effects:

9.13.15. I have examined, analysed and evaluated the information provided in Chapter 11 and all the associated documents, and submissions on file in respect of Waste Management. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation and monitoring measures in Section 11.7 to reduce any potential impacts.

9.13.16. During the construction and demolition phase waste material would be produced from surplus materials and packaging, this is broken down into waste that would be reused, recycled / recovered and disposed of. Preliminary excavation volume calculations indicate that approximately 57,117 m3 of soil will need to be removed during the excavation phase. This estimate includes the removal of the topsoil, and the balancing of cut and fill volumes within the site. To provide a robust estimation, the EIAR assumes that an additional 10% of soil will need to be removed from the site during the excavation phase, this equates to a total of 63,000 m3. Waste material is to be classified as hazardous or non-hazardous prior to removal off site. In the event of hazardous material being encountered, it will be transported for treatment/recovery or exported abroad for disposal in suitable facilities. While the volume of anticipated construction waste is significant, I am satisfied that subject to the implementation of the mitigation measures, the potential effect of construction waste is not significant.

9.13.17. During the operational phase, waste will be generated from the residents and users of the Creche. All waste would be collected by licensed contractors and transported to permitted facilities. The implementation of the Operational Waste Management Plan will work to ensure that waste is managed in accordance with the waste hierarchy. I am satisfied that subject to the implementation of mitigation measures the potential effect of operational waste is not significant.

Conclusion

9.13.18. Having regard to the examination of environmental information in respect of Material Assets – Waste Management, in particular the EIAR, the report of the planning authority and the submissions on file, I am satisfied that identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect, and cumulative effects on Waste.

9.14. Environmental Topic: Material Assets – Utilities

Issues Raised

9.14.1. Concerns raised in the appeal regarding the adequacy of water connection and electricity infrastructure cater for the proposed LRD. Regarding water services connections it is alleged that the Confirmation of Feasibility (CoF) issued by Uisce Eireann raises a number of pertinent constraints that were not adequately considered in the assessment or decision of the planning authority. It is also noted that the CoF does not address the issues of capacity. In relation to electricity supply, the appeal refers to the lack of a letter from ESB and the failure of the applicant to submit an electrical infrastructure design for the scheme. I have addressed these issues in section 8 of this report.

9.14.2. No specific concerns were raised by the planning authority in their assessment of the application.

Examination of the EIAR

Context

9.14.3. Chapter 12 of the EIAR addresses Material Assets – Utilities. No significant changes to this chapter were introduced in the EIAR Addendum report submitted at RFI stage, and I am satisfied that no changes were made to the project at that stage that would fundamentally alter the assessment or conclusions of the EIAR on the issue of utilities.

9.14.4. The chapter assesses the potential impacts of the proposed development on utilities which include water supply, foul sewerage, electricity, gas and telecommunications. An Engineering Assessment Report is provided under separate cover. Appended to this document is:

- Appendix A - Uisce Éireann Confirmation of Feasibility (400 units)
- Appendix B. Uisce Éireann Confirmation of Feasibility (506 units)
- Appendix F. Uisce Éireann Statement of Design Acceptance

9.14.5. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes a desktop study investigating existing services, infrastructure, and utilities serving the development area, site inspection / walkover and the submission of a Pre-Connection Enquiry Application to Uisce Eireann. No limitations are identified and are not evident in the assessment.

Baseline

9.15. The baseline environment is described in section 12.1 of the EIAR. The following points are noted:

- *Water Supply:* - There is an existing 200mm diameter watermain laid within the spur road at Abbots Grove which has been extended up to the boundary of the subject site and is intended to serve the subject site. There is also an existing 160mm diameter watermain within the Stocking Wood development which is extended up to the site boundary.
- *Foul Sewerage* – There is an existing 225mm diameter foul sewer constructed in the spur road adjacent to Abbot Grove development on the west side of the site. This 225mm sewer connects to an existing 450mm diameter sewer north of Stocking Avenue. There are existing foul sewers within the Stocking Wood development which are not shown on the Uisce Eireann records (assumed to be not taking in charge). These sewers have been CCTV surveyed by the applicant who has rights to connect into them.
- *Electrical Supply:* - ESB Networks were contacted and an existing ESB network map for the area surrounding the proposed development obtained, (refer to Figure 12-1 ESB Network Map). ESB infrastructure, both under and overground, exists on and in the immediate vicinity of site.

- *Existing Gas Networks Map:* Gas Networks Ireland were contacted and an existing gas network map for the area surrounding the proposed Masterplan development obtained (refer to Figure 12-2: Gas Network Map). There are existing gas pipes in the vicinity of the site, with adjacent residential developments being served by gas. Gas Networks Ireland maps also indicate that a provision may have been left continuation of the gas network into the site, with a small section of pipe indicated within the proposed development site.
- *Telecommunications:* - Eir & Virgin were contacted and their existing network maps for the area surrounding the proposed development obtained. These maps indicate that there are existing Eir and virgin services adjacent to the proposed development.

Potential Effects

- The EIAR identifies the potential for a range of environmental effects on Site Services. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.14 below.

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	No significant effects envisioned.
Construction	No significant effects envisioned. *Water Supply:* - The construction of the proposed development has the potential to cause a **slight, adverse, temporary**, impact on the receiving water supply network, as follows • There is a risk of contamination of the existing water supply during construction of the development when the connection of the trunk watermain to the public water supply is being made. • There is a risk of damage to watermain fittings due to high pressure in the existing watermain. • There will be a minor water demand for site offices.

	• There is a possibility of a temporary increase in traffic due to deliveries of materials and other construction-related traffic. • There is a risk of damage to existing buried utilities during excavations works resulting in temporary loss of supply to existing properties. • The proposed development will not give rise to any significant long-term adverse impact. Negative impacts during the construction phase will be short term only. *Foul network*: The construction of the proposed development has the potential to cause a **slight, adverse, temporary** impact on the receiving foul network as follows: • There is a risk of the ingress of ground/surface water to the foul water network. • There is a risk of damage to existing buried utilities during excavations works resulting in temporary loss of supply to existing properties. • There is a possibility of a temporary increase in traffic due to deliveries of materials and other construction-related traffic. • There will be some disruption to traffic during construction works on the public road. • Cross-connection between foul and surface water pipes on-site. *Electricity, Gas & Telecommunications:* The construction of the proposed development has the potential to cause a **slight, adverse, temporary,** on receiving the electricity, gas and telecommunication networks: • The relocation or diversions of the existing overhead ESB lines may lead to loss of connectivity to and/or interruption of the supply from the electrical grid to the surrounding areas

	• The potential loss of connection to the Gas Networks Ireland infrastructure during construction (gas services are not proposed for the proposed scheme). • potential loss of connection to the Telecommunications infrastructure while carrying out works to provide service connections
Operation	No significant effects envisioned. *Water Supply:* The proposed development has the potential to cause a **slight, adverse, temporary** impact on the receiving water supply network due to the increased demand for water following occupation. *Foul network:* the proposed development has the potential to cause a slight, adverse, temporary, residual impact on the receiving foul network as follows: • Blockages may occur within the pipe network, and the wastewater could become septic. • Foul water could be connected to the surface water drainage network on-site. • Increased flows to the wastewater network and the wastewater treatment plant. *Electricity, Gas & Telecommunications:* the proposed development has the potential to cause a slight, adverse, temporary, residual impact on receiving the electricity, gas and telecommunication networks. • The impact on the power supply network would be the requirement for an Electrical Diversified Load of 3.0 MW which will be split over up to 8no ESB sub-stations located throughout the scheme. • There will be no increase in demand for gas as a result of the Phase 2 development and there will be no impact on existing consumers. • The impact on the telecommunications network would be to increase the demand on the existing network.

Cumulative	No significant effects envisioned.

Table 9.14 Potential Impacts

Mitigation

9.15.1. Mitigation measures are set out in Section 12.5. Construction phase mitigation measures include

- Additional survey works to confirm the location of existing services using service records, GPR surveys and slit trenches to ensure that their position is accurately identified before excavation works commence.
- All water mains will be cleaned, sterilised and tested to the satisfaction of the Uisce Eireann/Local Authority before connection
- All connections to the public water main will be carried out under the supervision of the Uisce Eireann/Local Authority.
- Foul water pipes to be laid with sufficient falls to ensure self-cleansing velocity.
- Foul pipes will be carefully laid to minimise the potential for cross-connections.
- All works will be carried out in accordance with ESB Networks methods and standards. Live connections to the existing electricity network will only be made by ESB Networks
- Gas Networks Ireland will take full responsibility for the installation/diversion/removal of the gas pipework within the site. All work will be carried by specialist sub-contractors with specific training for working on gas main networks.
- All works will be carried out in accordance with Eir & Virgin Media methods and standards. Live connections to the existing electricity network will only be made by Eir & Virgin Media

Operational Phase mitigation measures include

- Annual inspection of the foul network.

Residual Impacts

9.15.2. With the implementation of mitigation measures, the residual impacts on Utilities during the construction phase will be short term and slight and long-term and neutral during the operation phase.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.15.3. I have examined, analysed and evaluated Chapter 12 of the EIAR and all of the associated documentation and submissions on file in respect of material assets - utilities.

9.15.4. Having regard to the nature, the application documentation and the associated appendix, it is considered that the Chapter adequately demonstrates an understanding of the potential impact of the proposed development on material assets- utilities and I am satisfied that the subject development will not give rise to significant direct, indirect, or cumulative effects.

9.15.5. Regarding water service connections, a Pre-Connection Enquiry form was submitted to Uisce Éireann on 06/12/2024 for 505 No. houses and 1 No. creche. A COF was received from Uisce Éireann on 05/03/2025 which confirmed that the water connection is feasible without infrastructure upgrades. In addition, design proposals for the development were submitted to Uisce Éireann and a Statement of Design Acceptance was received on 10th of April 2025. In this regard I am satisfied that connection to both water supply and foul water drainage infrastructure in the area is feasible, subject to agreement with Uisce Éireann. This can be addressed by way of standard condition should the Commission be of mind to grant permission.

9.15.6. On the issue of capacity, I note that no issues of concern were raised by Uisce Éireann in their CoF or in their report to the planning authority. I have consulted Uisce Éireann's on-line capacity registers which indicates that capacity is available in both water and wastewater services in the area to facilitate the development. This is I consider sufficient for assessment purposes.

9.15.7. Regarding electricity supply, the EIAR confirms that ESB Networks were contended and that ESB infrastructure, both under and overground, exists on and in the immediate vicinity of site. It is intended that the existing overground infrastructure internal to the sites be undergrounded as part of the development works. The EIAR also confirms that detailed design will be undertaken at the appropriate stage as ESB networks will only engage in this regard on projects that have received a grant

of planning permission. I agree with the approach taken by the applicant in this regard.

Conclusion

9.15.8. Having regard to the examination of environmental information in respect of Material Assets – Utilities in particular the EIAR the report of the planning authority and the submissions I am satisfied that the proposed development would have no significant direct, indirect, or cumulative effect on Site Services.

9.16. **Environmental Topic: Material Assets – Roads and Traffic.**

Issues Raised

9.16.1. A number of concerns are raised in the grounds of appeal on the issues of traffic and transport, these issues are considered in section 8 of this report can be summarised as follows:

- The adequacy of the location road network to accommodate the likely volume of traffic generated by the proposed scheme
- The adequacy of public transport infrastructure in the area
- The quantum (under provision) of parking proposed.

The above issues are considered in section 8 of this report.

Examination of the EIAR

Context

9.16.2. Chapter 13 of the EIAR addresses roads and traffic. No changes to this chapter were introduced in the EIAR Addendum report submitted at RFI stage, and I am satisfied that the amendments to the project at RFI were not so significant as to fundamentally alter the assessment or conclusions of the EIAR on the issue of Traffic and Transport.

9.16.3. Chapter 13 assesses the potential impact of the proposed residential development during both construction and operational phases, on the surrounding area regarding vehicular, pedestrian and cycle access. This chapter outlines the methodology employed, the receiving environment at the application site and its surroundings, the characteristics of the proposal in terms of physical infrastructure, the potential impact that proposals of this kind would be likely to produce, the predicted impact of the

proposal on the local road network, and the mitigation measures required to prevent, reduce or offset any significant adverse effects.

9.16.4. The assessment methodology includes desk top studies, site visits and consultation with South Dublin County Council Engineers. The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR and none have been identified. The application documentation includes a Traffic and Transport Assessment Report, Travel Plan (Mobility Management Plan), DMURS Statement of Consistency and Stage 1 Quality Audit have been submitted with the application under separate cover. A Public Transport Capacity Analysis was submitted as part of the applicants appeal response documentation.

Baseline:

9.16.5. The baseline environment is described in section 13.4 of the EIAR. The following points are noted:

- The subject site is situated in Woodtown, Ballycullen, to the south-west of junction 12 of the M50 motorway and is zoned RES-N under the SDCDP.
- The subject site is served by way of the established existing road infrastructure, with two proposed accesses of Stocking Avenue.
- Stocking Avenue is a two-way single lane carriageway with footpaths, dedicated cycle lanes, street lighting and bus stops on both sides. This road has a speed limit of 50kmph.
- At present the area is served by four bus routes with stops on Stocking Wood Avenue, within 250m of the site. Routes 15, 15B and 49N are operated by Dublin Bus while Route SD4 is operated by Local Link Kildare. Routes 15 and 15B operate at a frequency of 10-15 minutes during peak hours with Route 15 operating 24 hours. The EIAR notes that under BusConnects, the area will be served by Spine Route A1 with a frequency of 12 minutes, Orbital Bus Route S8 and route 85 will also serve the area, with Route 85 linking the area with Tallaght Red Line Luas. The Tallaght Red Line Luas is currently within the 25-cycle catchment of the site. It is of relevance to note that revisions to the BusConnects programme in 2025 (following the submission of the application), introduced an additional Spine Route (A3) towards Dublin.

- The surrounding area has a well-connected pedestrian network. The network of footpath in the immediate vicinity of the site is currently identified as safe and comfortable for all users, with dedicated pedestrian crossings, dropped kerbs and tactile pavement provided.
- Figure 13.6 details the 10-minute, 15-minute and 25-minute walking catchments areas. It illustrates the presence of grocery stores within the 10-minute walking isochrone, while the Bloomfield Hospital and other medical centres are within a 15-minute walk distance. Additionally, several primary schools are located within the 25-minute walk catchment area.
- The area is also well served in terms of cycling infrastructure. Figure 13.8 illustrates that the subject site is situated in close proximity to significant business, industrial and retail parks that fall within the 25-minute cycling catchment area.
- A new street linking Oldcourt Road at Gunny Hill and Bohernabreena Road is planned to the west of the site (granted under, ABP 249367). Part of this new link street is currently construction as part of the permitted LRD ABP:321419-24.

Potential Effects

9.16.6. Likely significant effects of the development, as identified in the EIAR, are summarised in the following table.

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	Baseline traffic flows would remain the same.
Construction	Impacts from construction traffic including heavy goods vehicles. It is estimated that HGV movements during the excavation phase will vary between 45 No. and 55 No. trips per day during the excavation phase. It is assumed that the HGV trips will occur between 8:30 and 16:30 The general workforce is expected to be approximately 120 No. people per day, rising to 150 No. people at peak times. Given the location of the subject site and considering the

	worst-case scenario, it is estimated that approximately 50% of the workforce will travel to/from the site by private car. This 50% includes people who travel alone, people who share their car with other co-workers, and company vans. As a result, it is estimated that the site will attract/generate between 60-75 No. car trips to the construction site during the morning and evening. It is assumed that the workforces will arrive to the site before 8:00 AM and will leave the construction site after 17:00. All construction traffic flows to/from the site during both phases will be off Stocking Avenue via an existing spur road. It will not be permitted to use Stocking Wood Drive to access the site.
Operation	No significant effects envisioned.
Cumulative	No significant effects envisioned.

Table 9.15: Summary of Potential Effects: Roads and Traffic

Mitigation

9.16.7. Mitigation Measures are provided in Section 13.6 of the EIAR. Mitigating measures for the construction stage include a detailed Construction Traffic Management Plan, including measures to minimise nuisance, site control measures and a Construction Stage Mobility Plan. Measures for the operational stage include a Mobility Management Plan with particular emphasis on walking, cycling, car sharing and car park management.

Residual Impacts

9.16.8. Some residual impacts are predicted for the construction stage, but these will temporary and will be minimised with the implementation of the mitigating measures proposed, including close monitoring of construction traffic.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.16.9. I have examined, analysed and evaluated Chapter 13 of the EIAR, all of the associated documentation and submissions on file in respect of Traffic and Transport. I am satisfied that the applicants understanding of the baseline environment is comprehensive and that the key impacts in respect of likely effects on Traffic and Transport, as a consequence of the development have been identified.

Parties to the appeal have raise issues in respect of Traffic and Transport, these issues are addressed in detail in Section 8 above. The following is noted:

Regarding the adequacy of the location road network. The proposal comprises a mid-density residential scheme on zoned and serviced land. The proposed development will result in an increase in traffic on the public road network; however, I am satisfied based on the information including trip generation figures detailed in Chapter 13 of the EIAR and Traffic and Transport Assessment, the local road network can accommodate the volume of traffic likely to be generated by the proposed development and within the norms of an urban environment.

Regarding the adequacy of the existing public transport services: the proposed development is located in an area that is served by public transport. The site is with within 500 metres (i.e. up to 5–6-minute walk) of the 15 and 15B bus services to/from the city centre, which runs at a 10-minute peak hour frequency. Under Bus Connects the area will be served by two Spine Routes (A-Spine A1 and A- Spine A3) both with a frequency of 12 minutes, Orbital Route S8 and by the '85' bus route, the latter operating every 10 minutes during peak hours. The NTA's PTAL tool identified the site as within an area of '*medium level of service'* during 7am to 8am period and within an area of both '*low'* and '*medium'* level service during the 8am to 9am period. I consider this to be indicative of a good level of service for a suburban location. The Public Transport Capacity Analysis submitted with the application demonstrates that there is sufficient capacity in existing bus services to accommodate the demand generated by this development.

Regarding the quantum of parking proposed, While the quantum of parking proposed within the scheme is relatively low, the provision of parking below the maximum standard is supported by national and local policy and by the findings and conclusions of the applicant's mobility management plan. Impacts arising will be mitigated though measures which support the use of more sustainable modes of transport which in turn contribute to a reduction in car dependency.

Conclusion

9.16.10. Having regard to the examination of environmental information in respect of Material Assets – Roads and Traffic, in particular the EIAR, and the submitted Traffic

and Transport Assessment and Travel Plan (Mobility Management Plan), the reports of the planning authority and the appeal submissions and my assessment of this topic, as set out in Section 8 above, I am satisfied that impacts predicted to arise in relation to traffic and transportation would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation/monitoring measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative environmental impacts in terms of roads and traffic.

9.17. **Environmental Topic: Cultural Heritage:**

Issues Raised

9.17.1. No significant issues were raised by the planning authority in their assessment of the application in respect of Cultural Heritage and / or Archaeology. No issues have been raised in the grounds of appeal in respect of Cultural Heritage and / or Archaeology.

Examination of EIAR

Context

9.17.2. Chapter 14 of the EIAR deals with Cultural Heritage including Archaeology. No changes to this chapter were introduced in the EIAR Addendum report submitted at RFI stage, and I am satisfied that the amendments to the project were not so significant as to fundamentally alter the assessment or conclusions of the EIAR on the issue of Cultural Heritage and Archaeology.

9.17.3. Chapter 14 details an archaeological, architectural and cultural heritage assessment undertaken in advance of the application. The study determines, as far as reasonably possible from existing records, the nature of the archaeological, architectural and cultural heritage resource in and within the vicinity of the development area using appropriate methods of study. The study area is defined as an area measuring 250m from the proposed development area. The assessment methodology includes desktop research, field inspection, geophysical survey and

consultation with consultation with the South Dublin County Council Planning Department. There were no difficulties encountered during the compilation of this assessment.

9.17.4. There were no difficulties encountered during the compilation of this assessment.

Baseline

9.17.5. The EIAR includes a description of the receiving environment, the following points are noted:

- The proposed development area is currently a greenfield site bounded by housing developments along Stocking Avenue to the north and west, Stocking Lane to the east and green fields to the south.
- There is one recorded archaeological site within 250m of the site, St Colmcille's Well (DU022-028), a holy well, located c. 200m to the southwest of the proposed development (Figure 14.2). This site is also listed as a protected structure in the South Dublin Development Plan (RPS 362).
- There are four protected structures located within 250m of the proposed development area. The closest is a stone cross (RPS 360), located within an open field c. 147m to the southwest (Figure 14.3). The four protected structures are also listed within the NIAH. There are no ACAs within the vicinity of the proposed development.
- Archaeological excavations along the route of Stocking Avenue between 50m and 300m north of the proposed development (all under Bennett 2004:0632, Licence Nos. 04E0940) and to the north and south of Hunters Road (Licence Nos. 02E0640, 02E0641, 02E0190, 02E1373, 03E0770, 03E1474 and 03E1475) revealed settlement and burial evidence, kilns and fulacht fia dating from the Neolithic through to the medieval period. There have been no previous archaeological investigations within the development area itself.
- geophysical survey has been carried out under licence 21R0017 in March 2021 within the area of the proposed development but did not conclusively identify any archaeological features, with the exception of three short linear anomalies that were tentatively interpreted as potentially archaeological in nature. Similarly, a field inspection failed to identify any sites or structures of archaeological or

architectural heritage merit in or within the immediate vicinity of the proposed development area.

- Analysis of cartographic sources and aerial photography has shown the proposed development within an agricultural landscape throughout the post-medieval period, with little or no changes to the proposed development area itself. The eastern field of the proposed development area lies within the former demesne landscape associated with Woodtown Manor (RPS 363). The immediate landscape has been increasingly developed throughout recent decades. No previously unknown features of archaeological significance were definitively identified.

Potential Effects:

9.17.6. Likely significant effects of the development, as identified in the EIAR, are summarised in the following table

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	No significant effects envisioned
Construction	*Archaeology:* The results of the overall assessment and geophysical survey indicate that there are no significant archaeological remains within the proposed development area. However, it remains possible that ground disturbances during construction have the potential to impact on small or isolated archaeological features that have the potential to survive within the site with no surface expression. *Architectural Heritage:* No predicted effects on the designated architectural heritage. *Cultural Heritage:* The development of the eastern section of part of the demesne associated with Woodtown Manor will result in a direct moderate negative impact on the former demesne. The landscape is not maintained as an active demesne and has been partially subsumed into an arable landscape, bordered by modern residential development. As such the significance of effect has been determined to be slight.

Operation	*Archaeology:* No significant effects envisioned. *Architectural Heritage*: No significant effects envisioned. *Cultural Heritage:* No significant effects envisioned.
Decommissioning	N/A
Cumulative	No significant effects envisioned.

Table 9.16: Summary of Potential Effects: Cultural Heritage and Archaeology

Mitigation

9.17.7. Section 14.7 details mitigation measures. These include:

- A programme of archaeological testing will be carried out across the development area, prior to the commencement of construction. This will be undertaken under licence from the DoHLGH. Dependant on the results of the assessment, further mitigation may be required, such as preservation in situ or by record or archaeological monitoring. Any further mitigation will require approval from the National Monuments Service of the DoHLGH.
- A full written and photographic record will be made of the section of former demesne to be impacted upon and its surrounding environs. This will be incorporated into the overall report produced to detail the results of archaeological testing.

Residual Impacts/Monitoring –

9.17.8. With the implementation of the mitigating measures no significant residual impacts upon the archaeological, architectural or cultural heritage resource are predicted. The EIAR notes that the recommended mitigation measures would also function as a monitoring system to allow the further assessment of the scale of the predicted impacts and the effectiveness of the recommended mitigation measures.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.17.9. I have examined, analysed and evaluated the information provided in Chapter 14 and all the associated documents, and submissions on file in respect of

Archaeology, Architectural Heritage and Cultural Heritage. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts.

Archaeology: There are no known archaeological features within the site or immediately adjacent to the site. To mitigate against the risk to unknown archaeological features the EIAR recommends a programme of archaeological testing. I am satisfied that this mitigation measure would ensure that any features uncovered could be preservation in situ or by recorded, subject to the agreement of the planning authority.

Architectural Heritage: There are no structures of architectural within or in the immediate vicinity of the site. Therefore, I am satisfied that the proposed development would not have a significant impact on architectural heritage.

Cultural Heritage: The proposed development is located within a former demesne landscape associated with Woodtown House/Manor (Protected structure - RPS 363) and to the northeast of a smaller demesne associated with Orlagh House (Protected structure - RPS 374). Oldcourt House was located c. 720m to the west. Woodtown Manor survives c. 240m to the south of the proposed development and Orlagh House is now a college c. 925m to the southwest. Historical mapping indicates that the eastern field of the proposed development site was located within the demesne landscape associated with Woodtown Manor. The development of the eastern section of part of the demesne associated with Woodtown Manor is expected to result in a direct moderate negative impact on the former demesne. The EIAR notes that the landscape is not maintained as an active demesne and has been partially subsumed into an arable landscape, bordered by modern residential development. As such the significance of effect has been determined to be slight. It is proposed to provide a full written and photographic record of this section of the former demesne and its surrounding environments prior to the construction of the proposed development. I am satisfied that subject to the proposed mitigation measure the impact of the proposed development would not be significant. I am further satisfied that the proposed scheme would not have a significant impact on other cultural heritage features in the wider area including but not limited to Orlagh House and the Hellfire Club, 2km to the south.

Conclusion

9.17.10. Having regard to the examination of environmental information in respect of Archaeology, Architectural Heritage and Cultural Heritage, in particular the EIAR, the report of the planning authority and the grounds of appeal I am satisfied that subject development will not give rise to significant direct, indirect, or cumulative effects on Archaeology, Architectural Heritage or Cultural Heritage.

9.18. **Environmental Topic: Landscape and Visual.**

Issues Raised:

9.18.1. No significant issues were raised in the planning authority's assessment of the application in respect of landscape and / or visual impact. Concerns are raised in the grounds of appeal in relation to the impact of the proposed development, by virtue of its density, height and scale on the character and visual amenities of the area. It is contended that the proposal would result in a visually obtrusive development when viewed from adjoining residential areas.

Context

9.18.2. Chapter 15 of the EIAR which deals with landscape and visual. No significant changes to this chapter were introduced in the EIAR Addendum report which was submitted at RFI stage, and I am satisfied that no changes were made to the project at RFI stage that would fundamentally alter the assessment or conclusions of the EIAR on the issue of Landscape and Visual Impact.

9.18.3. Chapter 15 of the EIAR comprises a Townscape and Visual Impact Assessment (TVIA) the stated purpose of which is to identify and determine the likely impacts of the scheme on the receiving environment, in terms of both townscape character and visual amenity. The methodology for the TVIA is based on the primary best practice document, the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) (LI/IEMA, 2013).

9.18.4. In identifying the study area it was determined, due to the combined influence of natural topography and screening elements in the site's wider urban context that the site is not readily visible from many locations beyond the immediate locality. The

identified study area focuses on the townscape within approximately 2km of the development, mainly due to its scale, location and nature and, contains locations from where the development will be most visible. Beyond this distance, the EIAR states the proposed development is not likely to give rise to significant townscape or visual impacts. The study area is illustrated in Figure 2.

9.18.5. The TVIA is supported by 17no. verified photomontages (Appendix 15.1 – LVIA Photomontages) which illustrate how the proposed development would appear from a variety of locations in the surrounding townscape. Photomontages are a 'photo-real' depiction of the scheme within the view, utilising a rendered three-dimensional model of the development, which has been geo-referenced to allow accurate placement and scale. For each viewpoint, the existing view is presented, alongside a version that contains the proposed development. In photomontages where the proposed development is not clearly discernible, an outline view has been produced to illustrate where the proposed development lies relative to intervening screening. I am satisfied that the applicants submitted photomontages provide a reasonable representation of how the proposed development would appear to allow for a full assessment of the potential impact.

9.18.6. This Chapter concludes there were no difficulties encounter and none have been identified. I have no objection to the methodology used

Baseline

9.18.7. Baseline data is set out in section 15.5 of the EIAR. This section presents the existing townscape and visual context against which any changes brought about by the proposed development are assessed. The Townscape baseline is described in relation to the features and characteristics of the site and its wider urban context, and presented within published descriptions of character, and understood from site visits.

9.18.8. The proposed development occupies approximately c. 10.35 hectares of residential zoned land, at the transitional edge between urban expansion and the rural foothills of the Dublin Mountains. The site lies within Landscape Character Area referred as 'River Dodder and Glenasmole Valley' which is described in the SDCDP as '*highly scenic'*. Currently in agricultural use, the land is characterized by gently undulating

terrain and a well-established network of mature hedgerows that subdivide the field pattern, along with a small patch of woodland that crosses the site. The site forms part of Dublin's suburban periphery, with its northern boundary adjoining established housing, comparable in scale to the proposed scheme.

9.18.9. The topography across the site is moderately undulating, with a gradual increase in elevation from approximately 106m AOD at the northern boundary to around 126m AOD at its highest point. This 23m elevation change reflects the site's position within the lower slopes of a broader upland landscape that becomes progressively steeper further south.

9.18.10. Beyond the site, the landform rises towards a series of prominent upland features within the Dublin Mountains, which include the Hell Fire Club on Montpelier Hill. The study area features a range of local parks, open spaces, and sporting facilities, including Knocklyon Park GAA pitches (approx. 525m north). It also contains several archaeological and architectural landmarks, including the Woodtown Manor: country house (approx. 180m south),

9.18.11. The SDCDP identifies five scenic views within the study area. The closest of these is located approximately 590m north of the site, facing away from the proposed development, and offers views of the Dublin Mountains. Another view, situated about 540m to the south along the R113, looks toward the site and captures a broad downhill vista over Dublin City. A third view, approximately 560m to the southwest, is directed toward existing woodland areas and does not face the proposed development. The designated scenic views beyond 1km include a downhill vista of the Dublin cityscape, located approximately 1.9km southwest of the site, which does not face the proposed development. The final designated scenic view in the study area is oriented towards Montpelier Hill and the Dublin Mountains Way, situated about 1.8km south of the site.

9.18.12. Following consideration of the baseline data, the landscape sensitivity of the site and its immediate urban edge landscape context was deemed to be Medium-Low.

Potential Effects

9.18.13. Likely significant effects of the development, as identified in the EIAR, are summarised in the following table.

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	No significant effects identified.
Construction	*Landscape*: - Potential visual impacts are related to temporary works, site activity, and vehicular movement within and around the subject site. Construction phase effects will be at their greatest when the main building structures emerge above the surrounding existing buildings but remains veiled in the temporary clutter of scaffolding and dust/debris sheets. Predicted Effect: Moderate / Negative dissipating to Slight / Negative beyond 500m of the site. *Visual Impact:* - Visual effects will arise as a result of the highly visible construction-related plant, views of fencing/hoarding, site lighting and temporary structures, and movement associated with the intensity of activity at the site. They will also relate to the emergence of the partially completed structures draped in dust sheets and scaffolding and surrounded by tower cranes. As a result of the layers of vegetation in the landscape, much of the ground-level activity on the site will be screened or partially screened, which will moderate the degree to which it affects views The expected visual impact is expected to be moderate / negative
Operation	*Landscape*: - Change to the fabric of the landscape due to the presence of new dwelling houses and associated infrastructure and landscaping, adding to the intensity of the built development to this area of urban fringe when considered against its former agricultural use. The intensity of the built environment is moderated by the open space interspersed through the development and is consistent with other residential development along the urban edge

	Predicted Effect: moderate. Visual Impact: - Visual effects of the development will inherently vary from location to location. From many locations in the wider townscape, the built form is either not visible or only forms a minor component in the overall view. The most notable visual influence relates to views experienced from the immediate area of townscape. Loss of rural outlook and sense of openness Predicted Effect: Moderate-slight at highest. *Note:* Refer to Appendix D of this report for summary of Operational Phase Visual Effects
Decommissioning	N/A
Cumulative	No significant negative cumulative effects identified.

Table 9.16: Summary of Potential Effects: Landscape and Visual Amenity

Mitigation

9.18.14. Section 15.7 of the EIAR addresses mitigation. Other than those features and characteristics of the development proposal that have been embedded into the design of the scheme, no specific townscape and visual mitigation measures have been deemed necessary at either construction or operational phases. Other than standard best practice construction management measures, no mitigation measures have been deemed necessary to reduce the anticipated construction phase townscape/visual effects. Standard best practice measures include for site hoarding that will screen ground level clutter and activity from view.

Residual effects

9.18.15. With the implementation of the mitigating measures no significant residual impacts upon the townscape are expected.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.18.16. I have examined, analysed and evaluated Chapter 15 of the EIAR, the associated Verified Views Photomontages. I have inspected the site and the

surrounding area. I also had regard to relevant policy and objectives of the South Dublin County Development Plan 2022-2028. I am satisfied that the applicants understanding of the baseline environment is comprehensive and that the key impacts in respect of likely effects on the landscape and visual amenity of the area, as a consequence of the development have been identified.

9.18.17. I note that issues were raised in the grounds of appeal regarding the impact of the proposed development, by virtue of its density, height and scale on the character and visual amenities of the area and that it was contended that the proposal would result in a visually obtrusive development when viewed from adjoining residential areas. As discussed in section 8 of this report, I am satisfied that the density, height and scale of the development is appropriate for this location and is consistent with the prevailing pattern and character of development in the area.

9.18.18. The proposed development will alter the landscape fabric within the boundaries of the site; however, I do not anticipate that this alteration would rise to any significant negative townscape or visual impacts. In my opinion the proposed development once completed would read as part of the established built-up-area at this location and as such would not have a significant impact particularly in long distance views, including protected views designated within the SDCDP. The proposed development will alter the outlook from existing residential properties / estates, replacing the open character of the lands with a new built form; however, this is to be expected in the context of a developing area which has been identified for new residential development in the SDCSP. In this regard it is noted that the surrounding area has undergone significant change in the last few decades, the proposed scheme should be considered within this context.

Conclusion: Direct and Indirect Effects

9.18.19. The proposed development comprises the extension of the established urban area at the periphery of Dublin City on residentially zoned lands, therefore, changes to the landscape and views would not be out of character or unexpected. Having regard to the examination of environmental information in respect of Landscape and Visual, including photomontages, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on landscape or visual amenity as a result of the proposed development.

9.19. **Environmental Topic: The vulnerability of the proposed development to risks of major accidents and/or disasters.**

9.19.1. No issues have been raised by any party to the appeal/application in respect of major accidents and disasters. This issue is addressed in Chapter 5 of the EIAR and is considered under various topic throughout the EIAR. No significant risks are identified.

9.19.2. Having regard to the location of the site, the nature and design of the development proposed and standard construction methods I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on the potential for Major Accidents and Disasters as a result of the proposed development.

9.20. **Interactions:**

9.20.1. Chapter 15, section 15.4 provides a summary of interactions which is set out in matrix format. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis.

9.20.2. The development is concluded in the EIAR to have no significant negative impacts when mitigation measures are incorporated. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

9.21. **Cumulative Impacts**:

9.21.1. Each individual chapter provides an assessment of the cumulative impact of the development. I am satisfied that the EIAR has adequately addressed the cumulative impact.

9.21.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the South Dublin County Development Plan 2022-2028 which has been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of SDCDP, and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the provisions of the SDCDP and national policy. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is, therefore, concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

9.22. **Schedule of Mitigation Measures:**

Chapter 17 provides a summary of the recommended mitigation measures and monitoring.

9.23. **Reasoned Conclusion:**

9.23.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submission from the planning authority, prescribed bodies and appellants in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows**:**

9.23.2. ***Population and Human Health*****:** Positive socioeconomic effects on population and human health associated with increased employment and demand for services during the construction phase, the consolidation of the urban area, the availability of

additional housing and a childcare facility when complete and the provision of public open space areas

9.23.3. ***Biodiversity***: - Construction stage would result in the loss and / or damage of trees and habitat, particularly at the pint of the road crossing of the central stream / woodland, however, this would be compensated by additional planting, and the protection of existing habitats were feasible, notably the provision of 10m riparian buffers along water courses. Direct / indirect effects from the disturbance and/or displacement of fauna during construction and operational stage, would be mitigated by further pre-comment surveys, a suite of appropriate construction phase management (included in a Construction and Environmental Management Plan), lighting design, existing and proposed landscaping, the appropriate timing of works and various enhancement measures including the provision of bat boxes

9.23.4. ***Land, Soil, Water, Air and Climate: -*** Loss of land and soil, which would be replaced by appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.

Impacts on groundwater and surface water quality, would be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan, and by the implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures.

Potential effects arising from noise and vibration during construction which will be mitigated by appropriate construction management measures. Potential effects on air during construction which will be mitigated by a dust management plan, including a monitoring programme.

9.23.5. ***Material Assets, Cultural Heritage and the Landscape:*** Potential effects on **waste** management during construction and operation will be mitigated by a Construction and Environmental Management Plan, a Construction Demolition Waste Management Plan and an Operational Waste Management Plan

Potential for moderate short-term negative impacts in terms of **construction traffic** will be mitigated as part of a Construction and Environmental Management Plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design.

The development will provided additional critical mass to support existing public transport services and bus routes.

The site is not highly visible from the surrounding area and is not located within any sensitive landscape. Having regard to the surrounding context of the existing facility and adjacent residential uses, the proposed development would have no significant direct or indirect effects on the landscape, visual amenity of the area or on any protected view

Archaeology and Architectural Heritage would be mitigated by landscaping/design and the conducting of pre-construction testing, given the location of the site adjacent to an urban area no significant adverse direct, indirect or cumulative effects are likely to arise.

9.23.6. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual EIAR chapters are satisfactory to enable the likely significant direct environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments.

10.0 **Water Framework Directive**

10.1.1. The purpose of the Water Framework Directive (WFD) is to protect and enhance all waters as well as water dependent wildlife and habitats, with the aim to achieve 'good' water quality status for all waters subject to the WFD and to mitigate against the risk of a decline in the water body quality and quantity status.

10.1.2. The Water Framework Directive is considered in Chapter 8, Hydrology, Hydrogeology and Drainage of the EIAR submitted with the application. I have assessed the proposed development having regard to the information provided in the EIAR and publicly available information on '*catchments.ie'* when considering the objectives as set out in Article 4 of the Water Framework Directive to protect and, where necessary, restore surface and ground waterbodies in order to reach good

status, meaning both good chemical and good ecological, and to prevent deterioration.

10.1.3. Concerns have been raised in the grounds of appeal regarding the potential impact of the proposed development on existing watercourses and the underlying aquifer from pollution during the construction and operation of the development. It is contended that no assessment has been provided of the potential impacts on the underlying aquifer, its recharge characteristics, or risks of contamination through areas of extreme vulnerability. Additional concerns are raised regarding the design of the applicant's surface water drainage strategy for the site, in particular, the use of underground attenuation and detention ponds. The proposed use of attenuation basins raises concerns regarding infiltration and contamination pathways to the underlying aquifer in areas of extreme vulnerability. These concerns are addressed in section 8 above.

10.1.4. The site of the proposed development is located within the Liffey River and Dublin Bay Catchment and the Dodder_SC_010 surface water sub catchment. The Site lies within the DODDER_040 sub basin which is classified as having "Moderate" status and 'at risk'. The site is situated on the Kilcullen groundwater body which is classified as having "Good" status and 'at risk'.

10.1.5. The site is drained by a network of 2 no. tributary streams (1st/2nd order) that flow northwards in the central portion of the site and along the Site's eastern boundary. These two streams merge together at the northeastern corner of the Knocklyon Wilderness and Wetland Park, to the north of the proposed site and just south of the M50, where the stream becomes culverted beneath housing estates north of the M50 in Scholarstown. Neither of these streams are mapped or monitored by the EPA. The closest mapped surface water body is a third tributary stream located c40m to the west of the site. This stream flows northwards along the Ballycullen Road is culverted and disappears subsurface at the entrance to the Abbots Grove Park Housing Development and continues to flow beneath surface through a wide swathe of housing developments and 'Made' ground in Ballycullen, Firhouse and Knocklyon.

10.1.6. As per the information provided in the EIAR, due to the high to low groundwater vulnerability rating of the site (and the absence of bedrock at or near surface and thus 'Extreme' groundwater vulnerability across the sites), the potential to negatively affect the WFD status of the Kilcullen GWB is very low, even in the absence of mitigation. Without mitigation the proposed construction works do have the potential to adversely impact on surface water quality which may negatively impact on the WFD status of downstream surface waterbodies. The EIAR identifies the potential effect on river waterbody status as indirect, negative, slight, temporary, unlikely. During operation, and in the absence of mitigation, the scheme is predicted to have negative, slight, indirect, temporary, likely effect on surface water quality.

10.1.7. The design avoidance and mitigation measures outlined in the EIAR, including the implementation of SuDS in accordance with the GDSDS and the construction mitigation measures, will ensure the protection of surface water quality and flows in all downstream receiving watercourses. The proposed mitigation measures are designed to ensure that surface water runoff from the site will be equivalent to baseline conditions and therefore will have no potential impact on the status, ecology or hydromorphology of downstream waters. The residual effect of the proposal is negative, imperceptible, indirect, short-term, unlikely impact on down gradient rivers, water quality, and dependent ecosystems. No effects on the status of the Kilcullen GWB will occur.

10.1.8. I have assessed the proposal having regard to the objectives as set out in Article 4 of the Water Framework Directive to protect and, where necessary, restore surface and ground waterbodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that there is no conceivable risk to any surface and/or ground waterbodies.

The reason for this conclusion is as follows:

- Chapter 8 of the EIAR (as amended) submitted by the applicant, including baseline data collected in relation to the hydrogeology for the site.
- The nature and location of the development

- The design of the proposal and mitigation measures proposed

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives.

11.0 Appropriate Assessment

11.1. In screening the need for Appropriate Assessment, it was determined that, in the absence of mitigation, the proposed development could result in significant effects on North Dublin Bay SAC, (Site Code: 000206); South Dublin Bay SAC, (Site Code: 000210); North Bull Island SPA, (Site Code: 004004); South Dublin Bay and River Tolka Estuary SPA, (Site Code: 004024) and North-west Irish Sea SPA, (Site Code: 004236) in view of their conservation objectives and the Appropriate Assessment under the provisions of Section 177U was required.

11.2. Following an examination, analysis and evaluation of the NIS all associated material submitted (see appendix B) I consider that adverse effects on site integrity of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North-west Irish Sea SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

11.3. My conclusion is based on the following:

- The nature and scale of the proposed development, distant hydrological connections to European Sites and the dilution effect,
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North-west Irish Sea SPA.

- Effectiveness of mitigation measures proposed in the Natura Impact Statement, the Outline Construction & Environmental Management Plan, and the Ecological Impact Assessment.
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

12.0 **Recommendation**

Having regard to the foregoing assessments, I recommend that permission be granted for the proposed development, subject to conditions, and for the reasons and considerations set out in the following Draft Order.

13.0 **Reasons and Considerations:**

Having regard to:

(a) Policies and objectives set out in the National Planning Framework 2040 and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.

(b) Policies and objectives set out in the South Dublin County Development Plan 2022-2028, including the zoning objectives for the subject site, and the permitted uses therein.

(c) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness

(d) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024.

(e) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2025.

(f) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018

(g) Childcare Facilities, Guidelines for Planning Authorities, 2001.

(h) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019.

(i) The Climate Action Plan 2025 prepared by the Government of Ireland

(j) The objectives and targets of the National Biodiversity Plan 2023-2030

(k) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009.

(l) The nature, scale and design of the proposed development.

(m) The existing pattern of development in the area.

(n) the availability of physical, social and community infrastructure and services in the area, including public transport services

(o) the submissions received.

(p) The grounds of appeal

(q) The reports from the Planning Authority.

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would not seriously impact the archaeological or natural heritage value of the site, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience.

The proposed development would be in accordance with the relevant provisions of the South Dublin County Development Plan 2022-2028, as varied, save for the development standard in respect of separation distances which requires a minimum clearance distance of circa 22 metres is required between opposing windows; H9 Objective 1 and Table 3.20 relating to quantitative standards for private open space for houses; H8 Objective 1 and COS5 Objective 4 relating to quantitative standard for Public Open Space; H11 Objective relating to the provision of Communal Open Space and SLO - QDP14 SLO3 relating to the provisions of the expired Ballycullen -

Oldcourt Local Area Plan (2014 as extended) (BOLAP), in respect of the steep topography in the lands zoned RES-N between Stocking Lane, Ballycullen Road and the M50.

Nevertheless, having regard to the overall design quality of the proposed residential scheme and the quality public open space proposed in terms of its design, layout and location and having regard to the relevant provisions of the Sustainable Residential development and Compact Settlement Guidelines 2024, including the consistency of the proposed development with the relevant Specific Planning Policy Requirements therein (SPPRs 1 and 2), and to the relevant provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) including the consistency of the proposed development with the relevant Specific Planning Policy Requirements therein (SPPRs 3 and 4), and noting the legislative obligation under Section 34 of the Planning and Development Act 2000, as amended, for both a planning authority and The Commission to apply SPPRs instead of the provisions of the development plan where the SPPRs differ from those provisions and having regard to the clear, reasoned assessment of the overall scheme by the planning authority, it is considered that the proposed scheme would deliver a high standard of residential amenity to future occupants.

Therefore, in light of the above and having regard to the urgent need for housing supply to facilitate increased population growth and compact growth in accordance with the National Planning Framework First Revision (April 2025), is considered having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), that the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

14.0 Recommended Draft Order

14.1. **Appeal** by Ballyboden Tidy Town CLG against the decision made on the 15th of October 2025 by South Dublin County Council to grant permission to Lagan Homes Ballycullen Limited

14.2. **Proposed Development**

The proposed development will consist of 502 no. residential units (108no. 1-bed, 170no. 2-bed, 162 no. 3-bed; 62 no. 4-bed) comprising 197no. 2 storey houses (terraced/semi-detached/detached) (19no. 2-bed, 116no. 3-bed; 62no. 4-bed) and 28no. 3 and 4 storey simplex/duplex apartment blocks providing 305no. apartments (108no. 1-bed apartments, 151no. 2-bed apartments, 46no. 3-bed apartments). The proposed development also includes a creche (c.475sq.m), public open space, car parking (surface/under croft), bicycle parking, bicycle storage structures and lockers, bin stores, and 8no. ESB substations. Vehicular access to be provided from the existing spur road connection to Stocking Avenue to the west of the site, and via Stocking Wood Drive to the east of the site (with relocation of existing ESB substation and associated works to the existing hammerhead). Additional pedestrian only routes will be provided into Abbot's Grove Park and Stocking Wood Copse with future connections provided for into Stocking Wood Manor, White Pines Park and the future school site to the north of the application site. The proposed development includes all associated site development works (including site reprofiling, retaining structures and downing of ESB overhead lines), landscaping, boundary treatments and services provision the lands are located to the east of Abbots Grove Park, south-east of Abbots Grove Avenue, south of Stocking Avenue and Stocking Wood estate and west of White Pines Park.

14.3. **Decision**

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

14.4. **Reasons and Considerations**

In making its decision, the Commission had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

(a) Policies and objectives set out in the National Planning Framework 2040 and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.

(b) Policies and objectives set out in the South Dublin County Development Plan 2022-2028, including the zoning objectives for the subject site, and the permitted uses therein.

(c) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness

(d) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024.

(e) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2025.

(f) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018

(g) Childcare Facilities, Guidelines for Planning Authorities, 2001.

(h) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019.

(i) The Climate Action Plan 2025 prepared by the Government of Ireland

(j) The objectives and targets of the National Biodiversity Plan 2023-2030

(k) The Planning System and Flood Risk Management Guidelines for Planning

Authorities (including the associated Technical Appendices), 2009.

(l) The nature, scale and design of the proposed development.

(m) The existing pattern of development in the area.

(n) the availability of physical, social and community infrastructure and services in the area, including public transport services

(o) the submissions received.

(p) The grounds of appeal

(q) The reports from the Planning Authority

(r) The report of the Planning Inspector.

14.5. **Environmental Impact Assessment (EIA):**

14.5.1. The Commission completed an environmental impact assessment of the proposed development, taking into account:

(a) The nature, scale, location and extent of the proposed development,

(b) The environmental impact assessment report and associated documentation submitted with the application,

(c) The submissions from the planning authority, applicant, third parties and prescribed bodies in the course of the application; and

(d) The report of the Planning Inspector's.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Having regard to the examination of environmental information contained above, and in particular in the EIAR and supplementary information provided by the applicant, and the submissions form the planning authority, prescribed bodies and the third-party appellant, the Commission considered and agreed with the Inspector's

reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are:

Population and Human Health: Positive socioeconomic effects on population and human health associated with increased employment and demand for services during the construction phase, the consolidation of the urban area, the availability of additional housing and a childcare facility when complete and the provision of public open space areas

Biodiversity: - Construction stage would result in the loss and / or damage of trees and habitat, particularly at the pint of the road crossing of the central stream / woodland, however, this would be compensated by additional planting, and the protection of existing habitats were feasible, notably the provision of 10m riparian buffers along water courses. Direct / indirect effects from the disturbance and/or displacement of fauna during construction and operational stage, would be mitigated by further pre-comment surveys, a suite of appropriate construction phase management (included in a Construction and Environmental Management Plan), lighting design, existing and proposed landscaping, the appropriate timing of works and various enhancement measures including the provision of bat boxes

Land, Soil, Water, Air and Climate: - Loss of land and soil, which would be replaced by appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.

Impacts on groundwater and surface water quality, would be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan, and by the implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures.

Potential effects arising from noise and vibration during construction which will be mitigated by appropriate construction management measures. Potential effects on air during construction which will be mitigated by a dust management plan, including a monitoring programme.

Material Assets, Cultural Heritage and the Landscape: Potential effects on waste management during construction and operation will be mitigated by a Construction and Environmental Management Plan, and an Operational Waste Management Plan

Potential for short-term negative impacts in terms of construction traffic will be mitigated as part of a Construction and Environmental Management Plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design. The development will provided additional critical mass to support existing public transport services and bus routes.

The site is not highly visible from the surrounding area and is not located within any sensitive landscape. Having regard to the surrounding context of the existing facility and adjacent residential uses, the proposed development would have no significant direct or indirect effects on the landscape, visual amenity of the area or on any protected view

Archaeology and Architectural Heritage would be mitigated by landscaping/design and the conducting of pre-construction testing, given the location of the site adjacent to an urban area no significant adverse direct, indirect or cumulative effects are likely to arise.

14.5.2. The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

14.6. **Appropriate Assessment Stage 1**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the documents submitted with the planning application and appeal including the Appropriate Assessment Screening Report, the Inspector's Report, and the submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that it is not possible to exclude

that the proposed development alone will give rise to significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North-west Irish Sea SPA, in view of the sites' Conservation Objectives, and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is, therefore, required.

14.7. Appropriate Assessment Stage 2

The Commission considered the Natura Impact Statement submitted by the applicant and all other relevant documentation on the file and completed an Appropriate Assessment (Stage 2) of the implications of the project on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North-west Irish Sea SPA, in view of the sites' Conservation Objectives. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. The Commission concluded that the project, individually or in combination with other plans or projects, would not adversely affect the integrity of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North-west Irish Sea SPA, in view of the sites' Conservation Objectives and qualifying interests. This conclusion is based on the following:

- The nature and scale of the proposed development, distant hydrological connections to European Sites and the dilution effect,
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North-west Irish Sea SPA.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement, the Outline Construction & Environmental Management Plan, and the Ecological Impact Assessment.

- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

14.8. Conclusions on Proper Planning and Sustainable Development

14.8.1. The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would not seriously impact the archaeological or natural heritage value of the site, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience.

14.8.2. The proposed development would be in accordance with the relevant provisions of the South Dublin County Development Plan 2022-2028, as varied, save for the development standard in respect of separation distances which requires a minimum clearance distance of circa 22 metres is required between opposing windows; H9 Objective 1 and Table 3.20 relating to quantitative standards for private open space for houses; H8 Objective 1 and COS5 Objective 4 relating to quantitative standard for Public Open Space; H11 Objective relating to the provision of Communal Open Space and SLO - QDP14 SLO3 relating to the provisions of the expired Ballycullen - Oldcourt Local Area Plan (2014 as extended) (BOLAP), in respect of the steep topography in the lands zoned RES-N between Stocking Lane, Ballycullen Road and the M50.

14.8.3. Nevertheless, having regard to the overall design quality of the proposed residential scheme and the quality public open space proposed in terms of its design, layout and location and having regard to the relevant provisions of the Sustainable Residential development and Compact Settlement Guidelines 2024, including the consistency of the proposed development with the relevant Specific Planning Policy Requirements therein (SPPRs 1 and 2), and to the relevant provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) including the consistency of the proposed development with the relevant Specific

Planning Policy Requirements therein (SPPRs 3 and 4), and noting the legislative obligation under Section 34 of the Planning and Development Act 2000, as amended, for both a planning authority and The Commission to apply SPPRs instead of the provisions of the development plan where the SPPRs differ from those provisions and having regard to the clear, reasoned assessment of the overall scheme by the planning authority, it is considered that the proposed scheme would deliver a high standard of residential amenity to future occupants.

14.8.4. Therefore, in light of the above and having regard to the urgent need for housing supply to facilitate increased population growth and compact growth in accordance with the National Planning Framework First Revision (April 2025), is considered having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), that the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.8.5. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

15.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the planning authority on the 22nd day of August 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in

accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The development hereby permitted shall contain 494 no. residential units. Each residential unit shall be used and occupied as a single unit for residential purposes and shall not be sub-divided or used for any commercial purpose (including short-term letting) without a separate planning permission.

   Reason: In the interest of clarity and to ensure the maintenance of a residential community

3. The mitigation and monitoring measures contained in the submitted Environmental Impact Assessment Report (EIAR), received by the Planning Authority on 24th of April 2025, as amended by the EIAR Addendum Report Received by the Planning Authority on the 22nd day of August 2025 shall be implemented.

   Reason: To protect the environment.

4. The mitigation measures contained in the submitted Natura Impact Statement (NIS), received by the planning authority on the 22nd day of August 2025, shall be implemented.

   Reason: To protect the integrity of European Sites.

5. Three (3) years of annual Bat monitoring shall be undertaken by an Ecologist or other suitably qualified professional with bat expertise, to evaluate the effectiveness or otherwise of the mitigation measures undertaken to protect bats availing of the linear green infrastructure corridors. Any amendments required to

adjust effectiveness of bat protection measures will be proposed and agreed in conjunction with the Heritage Officer of South Dublin County Council.

Reason: For the protection of bats, a protected species.

6. Prior to the commencement of development, the applicants shall submit to and for the written agreement of the planning authority, a Biodiversity Management Plan for both construction and operational phases of the development. this plan shall be prepared by a suitably qualified Ecologist.

   Reason: To protect Biodiversity.

7. All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation incident or impact on protected habitats or species, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period.

   Reason: To ensure compliance with mitigation measures and to protect biodiversity.

8. The proposed development shall be amended so that the footpath serving the internal estate road to the east of Block G is continued along the eastern side of the estate road in lieu of the proposed road crossing.

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

   Reason: In the interests of pedestrian connectivity.

9. The development shall be carried out on a phased basis. Prior to the commencement of development, the phasing scheme for the development inclusive of all associated infrastructure shall be submitted for the written agreement of the Planning Authority. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority. The phasing plan shall include for the timely delivery of the proposed Creche facility in line with the requirements of Condition 10 of this grant of permission.

   Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

10. Unless otherwise agreed in writing with the Planning Authority, no more than 100 no. residential units hereby permitted shall be made available for occupation prior to the completion and operation of the childcare facility.

    Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

11. Prior to the commencement of development, the following shall be submitted to an agreed in writing with the planning authority:

    (a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings and creche.
    (b) Details of any advertisements / signage relating to the creche facility.

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

12. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers,

shall be provided in accordance with the agreed scheme. The proposed names 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 place names for new residential areas

13. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.

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

14. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit full details for the collection and disposal of surface water from the site for the written agreement of the planning authority.

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

15. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

16. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

    Reason: In the interest of amenity and public safety.

17. Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting at Night). A lighting plan shall be submitted to and agreed with the planning authority for approval, prior to commencement of development.

    Reason: To minimise disturbance-related impacts on protected species

18. The **internal road network** serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs 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).

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

19. All roads and footpaths and cycleways shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a drawing [a revised taking in charge drawing] which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

20. (a) All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.

    (b) 5% of vehicular parking spaces shall be for mobility impaired users.

    Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

    Reason: In the interest of sustainable transportation.

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays 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

22. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted EIAR and NIS for the application.
    A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

23. Construction operations during the hours of darkness shall be kept to a minimum. If construction lighting is required during the bat activity period (April to September), lighting shall be directed away from all woodland/trees/hedgerow habitat that is to be retained. Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting at Night).

    Reason: To minimise disturbance-related impacts on protected species.

24. (a) Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Construction Traffic Management Plan (CTMP) for the construction phase of the development for the written agreement of the planning authority. The TMP shall incorporate details of the road network to be used by construction traffic including oversized loads, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed CTMP shall be implemented in full during the course of construction of the development.

    (b) No construction traffic shall travel through the adjoining Stocking Wood Development.

    Reason: In the interest of traffic safety and convenience and residential amenity

25. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained

as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development

26. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [within each house plot and/or 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.

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

27. The site shall be landscaped in accordance with the plans and particulars, including the Landscape Design Statement, lodged with the application and as amended by the further plans and particulars received by the planning authority on the 22nd day of August 2025 and shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

28. No dwelling unit shall be occupied until all services (drainage, water supply, electricity and / or other energy supply, public lighting and roads) for each dwelling unit have been completed and are operational.

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

29. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, [communal refuse/bin storage] and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

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

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

30. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.

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

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

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

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

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

32. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance

until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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

33. Prior to commencement of development, the developer shall pay to the Planning Authority a financial contribution of €330, 000 (three hundred and thirty thousand euro) towards the delivery of a new community centre in the area. The financial contribution is in lieu of the provision of community floorspace on-site.

Reason: To provide for community floorspace in accordance with Policy COS 3, Objective COS3 Objective 1, Objective 2 and Objective 3 of the South Dublin County Development Plan 2022 - 2028.

34. 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.

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.

Lucy Roche
Planning Inspector

23rd February 2026

Appendix A - Screening for Appropriate Assessment - Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development is described in Section 2 of this report. In brief, the project is a large-scale residential development in the townland of Woodtown, Ballycullen, Dublin 16. The lands are located to the east of Abbots Grove Park, south-east of Abbots Grove Avenue, south of Stocking Avenue and Stocking Wood estate, and west of White Pines Park. The LRD (as amended) comprises 494 residential units with creche, public open space, car parking, bicycle parking, bicycle storage structures and lockers, bin stores, and 8 ESB substations. It is proposed to connect the scheme to existing water supply and foul water infrastructure in the area. The submitted confirmation of feasibility from Uisce Éireann outlines that network connection can be facilitated without upgrades. The proposed surface water drainage network has been designed to comply with the GDSDS Regional Drainage Policies Volume 2, for New Developments. It is proposed that the surface water runoff for the development will be intercepted, collected, slowed, and attenuated through the use nature-based rainwater management and sustainable urban drainage systems (SuDS). The SuDS for this subject site are permeable paving below parking spaces, Rain gardens and bio-retention tree pits within strategically located landscaped areas, above-ground detention basins located in open green space areas, green roof systems on duplex/apartment blocks, roadside swales and a filter drain and hydrobrakes fitted downstream of the attenuation area basins. Petrol interceptors are not proposed as part of the proposed SUDS design. All surface water from the proposed roads will pass through at least one forms of SUDS prior to being discharged to the stream or public sewer
Brief description of development site characteristics and potential impact mechanisms	The site is a greenfield site with a stated area of c10.36ha. The main land uses surrounding the site include the residential and amenity areas to the north and east of the site, whilst agriculture is the main land use to the south of the site.

	As detailed in the NIS submitted with the application, no part of the site lies within any area that is designated for nature conservation purposes. All proposed development works within the application site will take place on areas of low - high biodiversity value on a local level. The natural habitats within the study area are limited and mainly consist of improved agricultural grassland habitats (GA1), hedgerows (WL1), treelines (WL2) and woodland. The dominant habitat is improved agriculture. The most notable ecological feature within the application site is identified as the Oak-Birch-Holly Woodland that bisects the site from north to south. Although this habitat has a limited ground flora and non-native tree species are common (beech), this habitat is a valuable ecological feature in the site, and it is considered to be of medium/higher biodiversity value on a local level. Both in its own right and as it provides an important ecological corridor for birds, bats and other mammals. There are two small streams within the application site – one on the eastern side of the woodland within the site and there is also one on the eastern site boundary. These streams are both narrow and shallow and both have an accumulation of sediment and leaf detritus. All watercourses can be considered to be of high ecological value and locally / regionally important. Both stream flow in a northerly direction. These streams are not mapped by the EPA, but it is likely that they are eventual tributaries of the Orlagh Stream, which is a tributary of the Dodder. The confluence of the Orlagh Stream and the River Dodder is 2km north of the application site.
Screening report	Yes (Section 3 of the NIS)
Natura Impact Statement	Yes
Relevant submissions	Concerns raised in the appeal regarding the potential impact of the proposed development of the integrity of watercourse on site which provides a hydrological connection between the proposed development site and Natura 2000 sites.
The application documentation includes a bat and badger assessment.	

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

[List European sites within **zone of influence** of project in Table and **refer** to approach taken in the AA Screening Report as relevant- there is no requirement to include long list of irrelevant sites.

European Site **(code)**	**Qualifying interests**[1] **Link to conservation objectives (NPWS, date)**	**Distance from proposed development (km)**	**Ecological connections**[2]	**Consider further in screening**[3] **Y/N**
Glenasmole Valley SAC (Site Code 001209)	As per NPWS: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001209.pdf	3km SW	None	No
Wicklow Mountains SAC (Site Code 002122)	As per NPWS https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002122.pdf	3.9km SE	None	No
South Dublin Bay SAC (Site Code 00210)	As per NPWS https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf	8.9km NE	Distant hydrological connection via water course	Yes
Knocksink Wood SAC (Site Code 00725)	As per NPWS https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000725.pdf	9.3km NE	None	No

Ballyman Glen SAC (Site Code: 000713)	• Petrifying springs with tufa formation • Alkaline fens	12.3km S	None	No
North Dublin Bay SAC (site Code 000206)	As per NPWS	13.6km NE	Distant hydrological connection via water course	Yes
Rockabill to Dalkey Island (site Code SAC 003000)	• Reefs • Phocoena phocoena (Harbour Porpoise)	14.9km E	None	No
Wicklow Mountains SPA (Site Code 004040)	As per NPWS https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004040.pdf	4.1km south	None	No
South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)	As per NPWS	10km NE	Distant hydrological connection via water course	Yes
North Bull Island SPA (Site Code 004006)	As per NPWS	136km NE	Distant hydrological connection via water course	Yes
North-West Irish Sea SPA (Site Code 004236)	As per NPWS https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004236.pdf	13.8km NE	Distant hydrological connection via water course	Yes

Poulaphouca Reservoir SPA (site Code 004063)	• Greylag goose Anser anser • Lesser black-backed gull Larus fuscus	14.7km SW	None	No
Dalkey Island SPA 004172	• Roseate Tern (Sterna dougallii) • Common Tern (Sterna hirundo) • Arctic Tern (Sterna paradisaea)	14.6km E	None	No

The proposed development site at Ballycullen is hydrologically connected to the five Natura 2000 sites associated with Inner Dublin Bay, i.e., South Dublin Bay / River Tolka Estuary SPA, the South Dublin Bay SAC, North Bull Island SPA, the North-West Irish Sea SPA and North Dublin Bay SAC. This hydrological connectivity is provided via the watercourses that are on site which eventually lead to the River Dodder, which flows into Dublin Bay near Ringsend. These sites are approximately 16km downstream of the application site. Given this hydrological separation distance, significant negative effects upon these sites are unlikely but cannot be ruled out with certainty.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

[From the AA Screening Report or the Inspector's own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking the following into account:

(a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).

(b) Are there any design or standard practice measures proposed that would reduce the risk of impacts on surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?

(c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

AA Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*

Qualifying interests		
	Impacts	**Effects**
Site 1: South Dublin Bay SAC (Site Code 00210) QI list: • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Embryonic shifting dunes [2110]	Direct: None Indirect: • Low risk of contaminated surface water reaching sensitive receptors during construction and operational phases. • Wastewater will be routed to the Ringsend WWTP which discharges to the Liffey Estuary and then Dublin Bay.	Surface water drainage will be directed to the public system and to the central stream on the site. This stream connects to the River Dodder, which flows into Dublin Bay near Ringsend. It is considered that, out of an abundance of caution, and in the absence of mitigation, there is the potential for contaminated surface water runoff to enter the streams on site with the potential for downstream impacts on the qualifying interests of designated sites (SPA and SAC) at Dublin Bay. In addition, there is an indirect hydrological pathway to designated sites (SPA and SAC) at Dublin Bay via foul water drainage. Foul wastewater will be directed to an existing public foul network, which in turn discharges to Ringsend WwTP for treatment. Foul wastewater will be treated along this network and as a result no significant effects on SAC/SPA are likely from this indirect hydrological pathway. Given the separation distance and intervening involved across a substantial urban environment, no significant noise, dust or vibration impacts are foreseen.
Likelihood of significant effects from proposed development (alone):		**Yes**
If No, is there likelihood of significant effects occurring in combination with other plans or projects?		
Possibility of significant effects (alone) in view of the conservation objectives of the site*		
	Impacts	**Effects**
Site 2: **North Dublin Bay SAC** **(site Code 000206)**	As Above	As Above

QI list: • Mudflats and sandflats not covered by seawater at low tide • Annual vegetation of drift lines • Salicornia and other annuals colonising mud and sand • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) • Mediterranean salt meadows (Juncetalia maritimi) • Embryonic shifting dunes • Shifting dunes along the shoreline with Ammophila arenaria (white dunes) • Fixed coastal dunes with herbaceous vegetation (grey dunes) • Humid dune slacks [2190] • Petalwort (Petalophyllum ralfsii)		
Likelihood of significant effects from proposed development (alone):		**Yes**
If No, is there likelihood of significant effects occurring in combination with other plans or projects?		
	Impacts	**Effects**
Site 3: **South Dublin Bay and River Tolka Estuary SPA** **(Site Code 004024)** <u>QI list</u> • Light-bellied Brent Goose (Branta bernicla hrota)	As Above	As Above

• Oystercatcher (Haematopus ostralegus) • Ringed Plover (Charadrius hiaticula) • Grey Plover (Pluvialis squatarola) • Knot (Calidris canutus) • Sanderling (Calidris alba) • Dunlin (Calidris alpina) • Bar-tailed Godwit (Limosa lapponica) • Redshank (Tringa totanus) [A162] • Black-headed Gull (Chroicocephalus ridibundus) • Roseate Tern (Sterna dougallii • Common Tern (Sterna hirundo) • Arctic Tern (Sterna paradisaea) • Wetland and Waterbirds [A999]		
Likelihood of significant effects from proposed development (alone):		**Yes**
If No, is there likelihood of significant effects occurring in combination with other plans or projects?		
	Impacts	**Effects**
Site 4: **North Bull Island SPA** **(Site Code 004006)** QI list • Light-bellied Brent Goose (Branta bernicla hrota) • Shelduck (Tadorna tadorna) • Teal (Anas crecca) • Pintail (Anas acuta) • Shoveler (Anas clypeata) • Oystercatcher (Haematopus ostralegus)	As Above	As Above

• Golden Plover (Pluvialis apricaria) • Grey Plover (Pluvialis squatarola) • Knot (Calidris canutus) • Sanderling (Calidris alba) • Dunlin (Calidris alpina) • Black-tailed Godwit (Limosa limosa) • Bar-tailed Godwit (Limosa lapponica) • Curlew (Numenius arquata) • Redshank (Tringa totanus) • Turnstone (Arenaria interpres) • Black-headed Gull (Chroicocephalus ridibundus) • Wetland and Waterbirds		
Likelihood of significant effects from proposed development (alone):		**Yes**
If No, is there likelihood of significant effects occurring in combination with other plans or projects?		
	Impacts	**Effects**
Site 5: **North-West Irish Sea SPA** **(Site Code 004236)** QI list • Common Scoter (Melanitta nigra) • Red-throated Diver (Gavia stellata) • Great Northern Diver (Gavia immer) • Fulmar (Fulmarus glacialis) • Manx Shearwater (Puffinus puffinus) • Shag (Phalacrocorax aristotelis) • Cormorant (Phalacrocorax carbo) • Little Gull (Larus minutus)	As Above	As Above

• Kittiwake (Rissa tridactyla) • Black-headed Gull (Chroicocephalus ridibundus) • Common Gull (Larus canus) • Lesser Black-backed Gull (Larus fuscus) • Herring Gull (Larus argentatus) • Great Black-backed Gull (Larus marinus) • Little Tern (Sterna albifrons) • Roseate Tern (Sterna dougallii) • Common Tern (Sterna hirundo) • Arctic Tern (Sterna paradisaea) • Puffin (Fratercula arctica) • Razorbill (Alca torda) • Guillemot (Uria aalge)		

Likelihood of significant effects from proposed development (alone):	**Yes**
If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the following European Sites:

- North Dublin Bay SAC, (Site Code: 000206)
- South Dublin Bay SAC, (Site Code: 000210)
- North Bull Island SPA, (Site Code: 004004)
- South Dublin Bay and River Tolka Estuary SPA, (Site Code: 004024)
- North-west Irish Sea SPA, (Site Code: 004236)

Appendix B - Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed LRD in view of the relevant conservation objectives of the following European Sites based on scientific information provided by the applicant: • North Dublin Bay SAC, (Site Code: 000206) • South Dublin Bay SAC, (Site Code: 000210) • North Bull Island SPA, (Site Code: 004004) • South Dublin Bay and River Tolka Estuary SPA, (Site Code: 004024) • North-west Irish Sea SPA, (Site Code: 004236) The information relied upon includes the following: • Natura Impact Statement (NIS)(updated at RFI Stage) • National Parks and Wildlife Service Conservation Objectives Supporting Document (July 2012) and related publications. • Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009). • Managing Natura 2000 sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Commission, 2019).

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations:

Inland Fisheries Ireland (IFI) in their report to the planning authority noted the potential for deleterious matter (silt laden run-off, hydrocarbons etc) to enter the watercourse, if appropriate site management procedures are not employed, particularly during the preparation and construction phases on-site. These pollutants, if not properly contained and managed, pose a temporary but significant risk to downstream water quality, including the Orlagh Stream and River Dodder, potentially affecting their compliance with the Water Framework Directive's requirements to achieve "good" ecological status. IFI recommended that all the proposed control, protection and mitigation measures outlined in the “Construction and Environmental Management Plan” are conditioned as part of any planning permission. IFI raised concerns regarding the lack of appropriate maintenance on approved drainage infrastructure, such as interceptors, attenuation tanks, attenuation basins etc on developments post construction phase. They notes that all drainage infrastructure require regular inspection and maintenance to function as they were designed to do so, otherwise they can increase the risk of flooding and a deterioration in water quality in both the surface and ground sources.

Third Parties -concerns raised regarding the impacts of the proposed development on the water quality of streams within the site which are connected to designated sites at Dublin Bay.

North Dublin Bay SAC, (Site Code: 000206), South Dublin Bay SAC, (Site Code: 000210), North Bull Island SPA, (Site Code: 004004)
South Dublin Bay and River Tolka Estuary SPA, (Site Code: 004024), North-west Irish Sea SPA, (Site Code: 004236)
Summary of Key issues that could give rise to adverse effects (from screening stage):

- Water quality degradation (construction and operational phases)

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
North Dublin Bay SAC, (Site Code: 000206)		**Similar for all noted SPA's / SAC's**	
Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition defined by, inter alia: Maintaining the extent of the Mytilus edulis-dominated community, subject to natural processes. Conserving the high quality of the Mytilus edulis dominated community. Conserving the following community types in a natural condition: Fine sand to sandy mud with Pygospio elegans and Crangon crangon community complex; Fine sand with Spio martinensis community complex.	Potential Effects: Low risk of contaminated surface water reaching sensitive receptors during construction and operational phases.	A detailed list of mitigation measures is set out in Section 5 of the NIS. These include measures to ensure the protection of water quality at both construction and operational phases Construction Phase Measure include: - Efficient construction practices and sequences should be employed on site, and this will minimise soil erosion and potential pollution of local watercourses with soil and sediment. - Unnecessary clearance of vegetation should be avoided - Existing grassed verges and vegetated areas around the perimeters of the site and along the watercourses retained where possible. - Supplemental planting and careful management of these areas will increase the biodiversity value of the site in the future. - Works within the site should be avoided during periods of heavy rainfall.
Annual vegetation of drift lines [1210]	To restore the favourable conservation condition defined by, inter alia, No decline, or change in habitat distribution; Maintain the natural circulation of sediment and organic matter, without any physical obstructions; Maintain the range of coastal habitats; Maintain the presence of species-poor communities with typical species		
Salicornia and other annuals colonising mud and sand [1310]	To restore the favourable conservation condition defined by, inter alia: No decline, or change in habitat distribution, Maintain or where necessary restore the natural circulation of sediment and organic matter, without any physical obstructions;		

Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	To maintain / restore the favourable conservation condition defined by, inter alia, No decline, or change in habitat distribution, Maintain the natural circulation of sediment and organic matter, without any physical obstructions;		- Compliance with best practice documents - strict controls of erosion, sediment generation and other pollutants associated with the construction process implemented, including the provision of attenuation measures, silt traps or geotextile curtains to reduce and intercept sediment release into any local watercourses - The construction team must implement the following specific mitigation measures and these measures should be incorporated into a Construction and Environment Management Plan. - CEMP to include measures to prevent the release of hydrocarbons, aggregates, polluting chemicals, sediment and silt and contaminated waters into water course on site. - Surface waters from the construction site managed using a system of temporary on-site attenuation features, and these should be fitted with silt barrier devices such as silt fences or silt busters. - Silt fences and berms should be installed prior to the commencement of construction on site. Silt fences to be monitored and
Mediterranean salt meadows (Juncetalia maritimi) [1410]	To maintain the favourable conservation condition defined by, inter alia, No decline, or change in habitat distribution, Maintain / restore the natural circulation of sediment and organic matter, without any physical obstructions;		
Embryonic shifting dunes [2110]	To restore the favourable conservation condition defined by, inter alia, No decline, or change in habitat distribution, Maintain the natural circulation of sediment and organic matter, without any physical obstructions; Maintain the range of coastal habitats		
Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]	To restore the favourable conservation condition defined by, inter alia, No decline, or change in habitat distribution, Maintain the natural circulation of sediment and organic matter, without any physical obstructions; Maintain the range of coastal habitats		
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	To restore the favourable conservation condition defined by, inter alia, No decline, or change in habitat distribution, Maintain the natural circulation of sediment and organic matter, without any physical obstructions; Maintain the range of coastal habitats		
Humid dune slacks [2190]	To restore the favourable conservation condition defined by, inter alia, No decline or change in habitat distribution; Maintain the		

	natural circulation of sediment and organic matter, without any physical obstructions Maintain natural hydrological regime; Maintain the range of coastal habitats		maintained and inspected after period of heavy rainfall. - Discharge water generated during laying of concrete should be removed off site for treatment and disposal - Best practice concrete / aggregate management measures to be employed. Operational Phase Measures Include: - Use of SUDS on the site. - Hydrocarbons from vehicles within the site confines will pass through the SUDS detention basins which will clean water and expose potential hydrocarbons to sunlight, to allow the breakdown of same, within the proposed surface water drainage network.
Petalwort (Petalophyllum ralfsii) [1395]	To maintain the favourable conservation condition defined by, inter alia, no deline in population or area of habitat; Maintain hydrological conditions so that substrate is kept moist and damp throughout the year, but not subject to prolonged inundation by flooding in winter; Maintain open, low vegetation with a high percentage of bryophytes (small acrocarps and liverwort turf) and bare ground		
South Dublin Bay SAC: (Site Code: 000210)			
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition defined by, inter alia, Habitat Area – Stable or increasing. Community Extent – Maintain community. Community Structure - Conserve the high-quality community. Community distribution - Conserve in a natural condition.		

Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]			
North Bull Island SPA, (Site Code: 004004)			
• Light-bellied Brent Goose • Shelduck • Teal • Pintail • Oystercatcher • Golden Plover • Grey Plover • Knot • Sanderling • Dunlin • Black-tailed Godwit • Bar-tailed Godwit • Curlew • Redshank • Turnstone • Black-headed Gull • Shoveler	To maintain the favourable conservation condition defined by, inter alia: Population trend – Stable or increasing. Distribution - No significant decrease in the range, timing or intensity of use of areas.		
Wetlands	To maintain the favourable conservation condition defined by, inter alia: Habitat area: stable		

South Dublin Bay and River Tolka Estuary SPA, (Site Code: 004024)			
Light-bellied Brent Goose • Oystercatcher • Ringed Plover • Knot • Sanderling • Dunlin • Bar-tailed Godwit • Redshank • Black-headed Gull	To maintain the favourable conservation condition defined by, inter alia: Population trend – Stable or increasing. Distribution - No significant decrease in the range, timing or intensity of use of areas.		
Grey Plover	Proposed for removal		
Roseate Tern Arctic Tern	To maintain the favourable conservation condition defined by, inter alia: Passage population – No significant decline. Distribution – No significant decline. Prey biomass available – No significant decline. Barriers to connectivity – No significant increase. Disturbance at roosting site – No adverse effect		
Common Tern	To maintain the favourable conservation condition defined by, inter alia: No significant decline in Breeding population abundance, Productivity rate, Passage population, Distribution,		

	Prey biomass available. No significant increase in barriers to connectivity. Disturbance – No adverse effects		
Wetlands	Habitat Area – Stable		
North-west Irish Sea SPA, (Site Code: 004236)			
• Red-throated Diver • Great Northern Diver • Common Scoter • Black-headed Gull Common Gull • Great Black-backed Gull • Little Gull	To maintain the favourable conservation condition defined by, inter alia: Non-breeding population size – no significant decline Spatial distribution: Sufficient number of locations, area, and availability of suitable habitat to support the population Forage spatial distribution, extent and abundance: Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		
• Fulmar • Herring Gull • Kittiwake	To restore the favourable conservation condition defined by, inter alia: Population size: stable or increasing. Spatial distribution: Sufficient number of locations, area, and availability of suitable habitat to support the population Forage spatial distribution, extent and abundance: Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		
• Manx Shearwate	To maintain the favourable conservation condition defined by, inter alia:		

• Lesser Black-backed Gull • Roseate Tern • Common Tern • Arctic Tern • Little Tern • Guillemot • Razorbill	Breeding population size: No significant decline Spatial distribution: Sufficient number of locations, area, and availability of suitable habitat to support the population Forage spatial distribution, extent and abundance: Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		
• Cormorant • Shag • Puffin	To restore the favourable conservation condition defined by, inter alia: Breeding population size: stable or increasing Spatial distribution: Sufficient number of locations, area, and availability of suitable habitat to support the population Forage spatial distribution, extent and abundance: Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target		
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.			
Assessment of issues that could give rise to adverse effects view of conservation objectives			
<u>Water quality degradation</u>			

There is a significant separation distance (c. 16km) between the proposed development site at Ballycullen and the closest part of any of the Dublin Bay Natura 2000 sites, which offers potential for significant dilution of any potential pollutants. Furthermore, I consider that the size and transitional nature of the Liffey Estuary / Dublin Bay provides further significant capacity to assimilate/dilute any potential pollution. In any case, having regard to the above and the nature of the proposed development, I am satisfied that the application includes a suitably comprehensive range of mitigation measures. The measures relate to the construction and operational stages, and I am satisfied that they will ensure that any emissions to surface water will not affect the downstream water quality at Dublin Bay. Accordingly, the mitigation measures are adequate to ensure that the integrity of any of the Dublin Bay Natura 2000 sites will not be affected.

All Mitigation measures are captured in planning condition number 4 recommended above.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS. Having reviewed the NIS submitted with this application, and mitigation and monitoring measures proposed, I am satisfied that no significant residual effects will remain post the application of mitigation measures

Findings and conclusions

The applicant's NIS determined that following the implementation of mitigation measures, the proposed works do not have the potential to significantly affect the conservation objectives or qualifying interests of the South Dublin Bay / River Tolka Estuary SPA, the South Dublin Bay SAC, North Bull Island SPA and North Dublin Bay SAC. The integrity of these sites will not be adversely affected.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects. The proposed development will not affect the attainment of the conservation objectives of the North Dublin Bay SAC, (Site Code: 000206), South Dublin Bay SAC, (Site Code: 000210), North Bull Island SPA, (Site Code: 004004).
South Dublin Bay and River Tolka Estuary SPA, (Site Code: 004024), North-west Irish Sea SPA, (Site Code: 004236)

Reasonable scientific doubt: I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity: The proposed development will not affect the attainment of the Conservation objectives of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North-west Irish Sea SPA. Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

Appendix C – Assessment of Building Height		
Theme	**Yes / No**	**Comment**
CONTEXT Is the site well served by public transport with high capacity, frequent service and good links to other modes of public transport by which it links to the wider city and region?	Yes	At present the site is served by four bus routes with stops on Stocking Wood Avenue, within 250m of the site. Routes 15, 15B and 49N are operated by Dublin Bus while Route SD4 is operated by Local Link Kildare. Routes 15 and 15B operate at a frequency of 10-15 minutes during peak hours with Route 15 operating 24 hours. I have reviewed the NTA's Public Transport Accessibility Level (PTAL) tool which indicates that the area is currently served by a low to medium level public transport service. The applicants Public Transport Capacity Analysis submitted in response to the grounds of appeal indicates that there is sufficient capacity within public transport services to meet the commuting needs of future residents of the scheme. Under BusConnects, the area will be served by two Spine Routes with a frequency of 12 minutes. Orbital Bus Route S8 and route 85 will also serve the area, with Route 85 linking the area with Tallaght Red Line Luas. The Tallaght Red Line Luas is currently within the 25-cycle catchment of the site.
Has the proposal adopted an approach to urban intensification proportionate to its setting?	Yes	The proposal is for a mid-density scheme that is typical for suburban / edge of city locations. The development of this site for residential use as proposed would help to consolidate this built-up area. The design and layout of the scheme is similar to the established pattern of development in the area. I am satisfied that the design approach is proportionate to its setting.
Is the increased height proposed required for density?	Yes	The proposed scheme provides for density of 48uph, which is at the lower end of the density range for this location. The density is achieved by providing a range of heights and unit types (houses and apartments) within the scheme. The height of development proposed (2-4 storey) is not dissimilar to prevailing building heights at this location.

SETTING How does the proposal respond positively to its surroundings?		The subject site is bounded by existing residential development to the north, west and east. The proposed scheme responds well to the topography of the site and its relationship with neighbouring properties. The lower 2-storey dwellings are arranged around the perimeter of the site, so that they are back-to-back or back to side with existing dwellings and provide a suitable transition with the adjoining uphill rural lands to the south. Taller 3-4 storey buildings are located centrally within the site and at site entrances. The design and layout of buildings ensure no undie impact in terms of overlooking, overbearing or loss of light.
Are there specific issues of character, topography or visual impact to which the proposal should respond?	Yes	The proposed development site is characterised by the peripheral location and sloping topography. The scheme responds well to the site topography. There is a c. 20m level difference between the highest point in the southeast portion of the site to the lowest point in the northwest portion of the site. This elevation change reflects the site's position within the lower slopes of a broader upland landscape that becomes progressively steeper further south. There is a notable shift in ground level at the boundaries between Abbots Grove and Stocking Wood which is address by way of design and layout. A bespoke house type (F) with a finished floor level of 1.5m below the road level has been introduced along the northern boundary. The taller (3-4 storey) element has been located centrally within the scheme.
How does the proposal make a positive contribution to its context?	-	The form, massing and height of the unis/blocks, the relationship between the units/blocks and areas of open spaces results in a high quality and coherent urban scheme that would have a significant positive impact on the consolidation of the urban environment and the visual amenities of this area.

CONNECTIONS Do proposals incorporate new streets to facilitate new links at the local level or improve existing streets and links to local amenities? How does the proposed layout respond to existing streetscape and patterns of development and how are increased heights located in relation to these patterns?	Yes	There is an objective on Land Use Zoning Map 10 of the SDCDP to provide a road through the site with the stated function for the formation of a strategic street network providing access throughout the site. The proposed layout includes a road which connects the existing spur road from Stocking Wood Avenue at the western end of the development with the estate road in Stocking Wood Drive to the east. the road does not connect with the White Pines estate at the eastern site boundary as envisioned in the SDCDP however, the scheme does facilitate future pedestrian connectivity at this point. There is also potential to provide connectivity to Abbots Grove and School Site to the north. The proposed development ranges in height from 2 to 4 storeys. Existing residential development in the vicinity of the site comprises a mix of mainly semi-detached and terraced houses ranging from 2-3 stories in height. Higher 3-4 storey duplexes / apartments are also a feature of the area. Within the scheme, the lower 2 storey houses have been arranged around the perimeter of the site, adjacent to existing dwelling and the southern site boundary. Taller buildings are located centrally within the site, removed from existing dwellings.
INCLUSIVITY Does the proposal provide equitable, people-friendly streets, spaces and uses? Are routes appropriately scaled and properly located within the urban environment to encourage	Yes Yes	The scheme incorporates pedestrian routes along the internal road network and through the areas of public open space. Due to the topography of the site some paths require steps; however, these are secondary routes and universal access is available throughout the site. All routes are appropriately scaled and would allow for pedestrian access within and through the site. The scheme includes pedestrian access to Stocking Wood Avenue and the Stocking Wood estates and facilitates additional connections to White Pines and Abbotts Grove.

maximum use by as many people as possible?		
VARIETY Does the form of development at higher densities proposed complement or compete with existing built form and local variations of height? Does the increased height proposed facilitate and encourage a wider mix of uses in the development?	Yes Yes	The proposed development represents an extension to the existing built environment. The proposal is not dissimilar to the existing built form or the height / density of existing development in the area. The proposed scheme incorporates residential and childcare uses in accordance with the RES-N zoning objective. The proposed development would increase the number and mix of residential units available in the area. The proposed creche use would also be available to the wider area.
EFFICIENCY Is the proposed increase in height enabling the optimal use of the land at a sustainable density?	Yes	The proposed site is located at the edge of the urban area and is zoned and serviced. The lands are somewhat constrained due to their topography. The density of development proposed at 48uph, is at the lower end of the density range for this location in accordance with the standards outlined in the Compact Settlement Guidelines. The provision of 3-4 storey apartment blocks would be required to achieve this density.
DISTINCTIVENESS How does the development preserve, complement or	-	The subject site is a greenfield site at the urban area and would represent an extension to the existing built-up area. It is my opinion that the development of this site would consolidate and enhance the

enhance the character of the area and contribute in a positive manner to the visual setting or built heritage of the area?		emerging suburban character.
LAYOUT Is the overall layout making use of forms of development appropriate to higher densities?	Yes	The proposed scheme incorporates a variety of building types and scales and areas of public open space in response to the characteristics of the site.
PUBLIC REALM How safe, secure and enjoyable are the public areas adjacent to higher buildings, and how has the human scale been taken into account?	-	The scheme has a maximum height of 4 storeys (top storey set back to reduce mass and scale). The massing and scale of the blocks ensures that the areas of public open space receive adequate daylight and sunlight. All areas of public open space are passively overlooked by the proposed residential units.
ADAPTABILITY Are the buildings and layouts designed to accommodate future change?	Yes	The majority of housing plots are of sufficient scale to accommodate future extension. Some terraced houses have been designed to facilitate attic conversion while internal layouts allow for interior alterations.
PRIVACY AND AMENITY Has the proposal addressed recognised potential impacts of increased height and densities?	Yes	The design and layout of the scheme is well considered in terms of minimising impacts of overlooking, overbearing and loss of light. All units will received adequate levels of daylight / sunlight.

PARKING Has parking been considered from a people-first perspective?	Yes	All car parking is provided at surface / undercoft level. The quantum of parking within the scheme has been minimised avoiding overdominance of surface parking. Adequate facilities for bicycle parking and storage are provided.
DETAILED DESIGN Have external material finishes and assembly been well considered?	Yes	As per the plans images submitted the external materials would predominately comprise a mix of brick and render. Details to be agreed in advance of works.
Has the relationship between street width and building height been considered?	Yes	The scheme comprises a suburban residential estate. Building height is not excessive for this suburban location. Road widths accord with DMURS.

Appendix D: Visual Impact Assessment - Summary of Operational Phase Visual Effects

Also see Table 7 of applicants Townscape and Visal Impact Assessment (EIAR Chapter 15)

No.	Location	Sensitivity	Description and Magnitude of Visual impact	Significance
VP1	View from Stocking Wood Park at Woodtown	Medium-Low	Proposed apartment blocks would be partially visible in this view. While the scale of the buildings is comparable with the adjacent 2-2 ½ storey houses, the roofline introduces a slightly different profile. The new built form will replace the open rural character and change the outlook from existing residential properties / estates. The development increases-built intensity in this area. The new blocks are prominent, marking a shift in the visual character and density of this part of the residential area. Nevertheless, the inclusion of semi-mature trees helps mitigate the visual impact, softening the overall effect. The magnitude of visual impact is deemed to be Medium, with a Negative quality, given the consideration	Slight-imperceptible/ Neutral/ Long-term
VP2	View from local road (Abbots Grove Park) at Ballycullen	Medium-Low	The introduction of new dwellings, while consistent in scale with the surrounding residential context, creates a noticeable change in the view. This development introduces a new layer of built form, transforming the urban fringe streetscape into a more consistent urbanised setting, altering the visual connection to the open, rural landscape. The scale and architectural form is sympathetic to the immediate context and there is no sense of overbearing or overlooking from the proposed dwellings	Moderate-slight/ Neutral-Negative/ Long-term

			On balance, the magnitude of visual impact is deemed as Medium, with a slightly negative quality i.e. Neutral Negative.	
VP3	View from local road (Abbots Grove Park) at Oldcourt	Medium-Low	Situated directly at the termination of the cul-de-sac, the new development alters spatial character by confining views within the cul-de-sac. The scheme exhibits a scale and form that aligns with the established residential character of the streetscape in terms of building height and massing and is of a high-quality finish. There is not a sense of overbearing or overlooking from the proposed dwellings which are consistent with the underlying zoning objective and therefore, not an unexpected feature. On balance, the magnitude of visual impact is deemed as Medium, with a slightly negative quality i.e. Neutral-Negative. .	Moderate/ Neutral-Negative/ Long-term
VP4	View from The Rock Meadow Park at Scholarstown (	High-Medium	Visibility of the proposed development is highly restricted by intervening vegetation, which also represents a worst-case in the photomontages being during winter months with bare trees. Some small sections of the development are visible as such the intensity of the development at this location will increase. While the character and composition of the view would be altered to some degree, the development sites at the base of the rural upland slopes and reads as part of the urban edge of the city. The magnitude of visual impact is deemed Low. The quality of the effect is deemed marginally negative i.e. **Neutral-Negative**.	Moderate – slight / Neutral – negative / long-term
VP5	View from Woodstown	Medium-Low	The proposed development will not be visible due to the intervening built environment; thus, the magnitude of visual impact is Negligible by default	Imperceptible/ Neutral/ Longterm

	Meadow park at Ballycullen			
VP6	View from local road (Stocking Well) at Woodtown	Medium-low	The proposed development is partially visible in the middle distance, situated beyond the existing residential buildings and rising above intervening vegetation and structures through a gap in the built profile. The development will add to the established built form; however, its visual prominence is minimised by substantial screening from existing vegetation and a scale that generally aligns with the surrounding residential context. On balance, the magnitude of visual impact is deemed as Low, with a Neutral quality	Slight/Neutral /Long-term
VP7	View from local road (Ballycullen Rd) at Oldcourt.	Low	The proposed development will not be visible from here due to the intervening vegetation; thus, the magnitude of visual impact is Negligible by default.	Imperceptible/ Neutral/ Longterm
VP8	View from local road (Stocking Wood Dr) at Woodtown.	Medium-low	The introduction of new apartment buildings creates a noticeable change in the view, particularly in the middle ground where it encloses the scene and occupies the open agricultural fields to the south. This development sits on a slightly elevated terrain in comparison to the other surrounding developments and introduces a new layer of built architectural form, contributing to a more urbanised setting and altering the visual connection to the previously more open, sloping rural landscape. Nonetheless, the modest height apartment blocks do not contribute unduly to a sense of overbearing or overlooking of the foreground residential area. The scale and architectural form are generally sympathetic to the immediate context and terraces uphill with strong permeability	Moderate – slight / Neutral – negative / long-term

			between buildings with the open areas generously landscaped. Although the rural fringe qualities of this view have been diminished, the form and function of the proposed development is consistent with the underlying zoning objective and therefore, not an unexpected feature. Overall, the visual impact is deemed to be High-Medium, with a marginally Negative quality.	
VP9	View from R113 at Motorway (M50) Overhead Bridge	Low	The proposed development will not be visible from here due to the intervening terrain and vegetation; thus, the magnitude of visual impact is Negligible by default	Imperceptible/ Neutral/ Longterm
VP10	View from R115 at Newtown	Medium-low	The proposed development will not be visible from here due to the intervening terrain and vegetation; thus, the magnitude of visual impact is Negligible by default.	Imperceptible/ Neutral/ Longterm
VP11	View from local road (Woodstown Rise) at Ballycullen (	Medium-low	The proposed residential development introduces discreet, but noticeable changes to the existing view, particularly beyond the end of the housing estate in the middle distance where alterations to the rural views and building massing are apparent rising above the intervening vegetation and buildings. While mature trees and intervening vegetation offer visual screening, the increase in building intensity and volume will be discernible. Furthermore, the development, situated on slightly elevated terrain compared to its surroundings, impacts views towards the Dublin Mountains beyond, resulting in a partial obstruction of the rural foothills, though still allowing views of	Slight / Neutral -Negative / Long Term

			the hills in the background. The magnitude of visual impact is deemed as Low, with a Neutral to marginally Negative quality.	
VP12	View from 'Forest Loop' trail, Hell Fire Club & Massy's Estate	High-Medium	The proposed development will be visible from this location but would read as part of the established built environment. Given the elevation and the expansive nature of these views, the development is not considered to notably alter the character or composition of the scene. The magnitude of the visual impact is deemed-negligible, with the quality of the impact deemed to be Neutral.	Slight-imperceptible/ Neutral/ Long-term
Vp13	View from local road (White Pines Park) at Woodtown (	Medium-low	The proposed development will alter the view from Whites Pines Park but not markedly so. The degree of visibility will be much less during summer months when the intervening trees are in-leaf Although its scale is consistent with nearby residential developments, the placement of dwellings on a lower site result in them having a subordinate scale to foreground structures. The magnitude of visual impact is deemed as Medium-low, with a marginally Negative quality.	Moderate-slight/ Neutral-Negative/ Long-term
Vp14	View from local road (Stocking Wood Rise) at Woodtown	Medium-low	Proposed apartment blocks will be partially visible in short-range views, rising prominently above intervening vegetation. The development will contribute to the continuity of the built environment, but will blocks views of the rural area The design and architectural treatment quality prevent it from appearing overly bulky, despite its slightly elevated position relative to the surrounding residential houses. Although the rural fringe qualities of this view have been diminished, the form and function of the proposed development is consistent with the underlying zoning objective and therefore, not an unexpected feature. Overall, the magnitude of visual impact is deemed as Medium, with a marginally Negative quality.	Moderate-slight/ Neutral-Negative/ Long-term

Vp15	View from local road (Abbot's grove Avenue) at Ballycullen	Medium-low	The view is similar to VP14 but observed from a closer distance. Impacts are similar to VP 14. The magnitude of visual impact is deemed to be Medium, with a Negative quality.	Moderate-slight/ Negative/ Long-term
Vp16	View from R115 at Woodtown	Medium-low	The proposed development will not be visible from here due to the intervening terrain and vegetation; thus, the magnitude of visual impact is Negligible by default.	Imperceptible/ Neutral/ Longterm
VP17	View from Stocking Avenue roundabout at Ballycullen	Medium-low	The proposed development, clearly visible beyond the existing residential buildings and roundabout, introduces a new residential estate of varying heights into the midground beyond an open field that will remain in agricultural use (for the time being) and across the intersection. The nearest apartment structure and surroundings two storey dwellings rise at a prominent scale, obscuring views of some of the agricultural fields currently in view, thereby altering the previously open visual connection with the surrounding landscape and contributing to a more continuous built environment. The development diminishes the sense of openness to the semi-rural landscape beyond, replacing it with an increased scale and intensity of development that is nonetheless of a characteristic form in this scene. On balance, the magnitude of visual impact is deemed as High Medium, with a Negative quality due to the loss of views toward the more open rural landscape albeit in a manner that is consistent with the underlying zooming objective.	Moderate / Negative/ Long-term

Appendix E - WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
ACP ref. no.	**323859**	**Townland, address**	
Description of project		The LRD (as amended) comprises 494 residential units with creche, public open space, car parking, bicycle parking, bicycle storage structures and lockers, bin stores, and 8 ESB substations. The proposed LRD Project construction will mainly involve removal of soils and mineral subsoils for access roads, underground cabling and pipework, hardstanding areas, house, duplex and simplex foundations, a construction compound and drainage works. Crushed rock for construction purposes will be sourced off-site from nearby commercial quarries. A road crossing is proposed across the central stream	
Brief site description, relevant to WFD Screening,		• The Site is located in the northern foothills of the Dublin – Wicklow Mountains, in the townland of Woodtown, in south central County Dublin. • The site lies at ground surface elevations between approximately 106 and 126 mAOD, • The existing Abbott's Grove and Stocking Wood housing developments are immediately adjacent at the northwest and northeast of the site, respectively • The site itself is made up of two long, west-southwest to east-northeast oriented fields • The site itself is comprised completely of agricultural pasture, with a narrow band of broadleaf forestry running north to south through the central portion of the site and bounding the two component fields, and a mature hedgerow / treeline along the eastern	

	boundary. Both of these belts of trees and shrubs are incised by shallow stream channels. Pockets of scrub vegetation also occur at the northeastern extreme of the site, and the site is bounded by fences and walls elsewhere. • The proposed Site is drained by a network of 2 no. tributary streams (1st/2nd order) that flow northwards in the central portion of the Site and along the Site's eastern boundary. These two streams merge together at the northeastern corner of the Knocklyon Wilderness and Wetland Park, to the north of the Site and just south of the M50, where the stream becomes culverted beneath housing estates north of the M50 in Scholarstown. A third stream also flows northwards along the Ballycullen Road, but outside the site, and approximately 40 m west of the site boundary, a deep drainage ditch (1 m to 1.5 m deep) conduits runoff from the western portion of the site towards this and runs along the proposed LRD Site's western boundary. • The Site is located in the regional River Liffey and Dublin Bay Catchment and in the Dodder_SC_010 surface water sub catchment. The proposed LRD Site drains to the River Dodder, which is located approximately 1.85 kilometres downstream (northwest) of the Site, via a number of stream tributaries. • A Flood Risk Assessment was included in the planning application. All potential vulnerable LRD infrastructure, including all dwelling houses and apartments, and all ancillary site works are located above the mapped 1000-year flood level and therefore all this infrastructure is located outside any potential flood zones. (Flood Zone C). • trial pits testing indicates that groundwater levels across the entire Site area are generally at depths below 3 m – 4 m

	• the depth-to-bedrock at Site is interpreted to be at least 3 m thick by the GSI, increasing to 5 m and eventually to 10 m at the western extremity of the site. the design of the proposed LRD ensures no deep excavations into the bedrock across the site.
Proposed surface water details	The proposed surface water drainage network has been designed to comply with the GDSDS Regional Drainage Policies Volume 2, for New Developments. It is proposed that the surface water runoff for the development will be intercepted, collected, slowed, and attenuated through the use nature-based rainwater management and sustainable urban drainage systems (SuDS). The SuDS for this subject site are permeable paving below parking spaces, Rain gardens and bio-retention tree pits within strategically located landscaped areas, above-ground detention basins located in open green space areas, green roof systems on duplex/apartment blocks, roadside swales and a filter drain and hydrobrakes fitted downstream of the attenuation area basins. Petrol interceptors are not proposed as part of the proposed SUDS design. All surface water from the proposed roads will pass through at least one forms of SUDS prior to being discharged to the stream or public sewer
Proposed water supply source & available capacity	Public mains connection. A Confirmation of Feasibility Letter from Uisce Éireann (April 2025) indicates that a connection to the existing water supply network is feasible without infrastructure upgrade.
Proposed wastewater treatment system & available **capacity, other issues**	Public mains connection. A Confirmation of Feasibility Letter from Uisce Éireann (April 2025) outlines that a connection to the existing foul network is feasible without infrastructure upgrade.
Others?	Inland Fisheries Ireland (IFI) in their report to the planning authority (May 2025) note that there is potential for deleterious matter entering the watercourse, including silt laden if appropriate site management procedures are not employed, particularly during the preparation and construction phases on-site. These pollutants, if not properly contained and managed, pose a temporary but significant risk to downstream water quality, including the Orlagh Stream and River Dodder, potentially affecting their compliance with the Water Framework Directive's requirements to

	achieve "good" ecological status. They recommend that all the proposed control, protection and mitigation measures outlined in the “Construction and Environmental Management Plan” are conditioned as part of any planning permission.

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	c.40m (nearest point)	Dodder_040	Moderate	At risk	Hydromorphology UR	Drainage and surface water discharge routes.
Groundwater waterbody	Underlying site	Kilcullen IE_EA_G_003	Good	At Risk	Agriculture and other anthropogenic pressures	Drainage

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.	Surface	Dodder_040	Surface Water run off	Siltation, pH (concrete), hydrocarbon spillages	Standard Construction Measures / Conditions including adherence with CEMP. 10m buffer from onsite watercourses maintained	No	Screened out
2.	Ground	Kilcullen IE_EA_G_003	Drainage	hydrocarbon spillage and leakages into excavations.	Standard Construction Measures / Conditions including adherence with CEMP.	No	Screened out

OPERATIONAL PHASE							
3.	Surface	Dodder_040	Surface water discharge / run off	Hydrocarbon Spillages	Surface water management plan	No	Screened out
4.	Ground	Kilcullen IE_EA_G_003	Drainage	hydrocarbon spillage.	Surface water management plan	No	Screened out
DECOMMISSIONING PHASE N/A							

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