Inspector's Report

ACP-324263-26

Development	Large-Scale Residential Development (LRD) : 120 apartment units within 2 blocks from 4 to 6 storeys with associated works.
Location	Lands adjacent to Riverside Cottage, Kilgobbin Road, Stepaside, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	LRD25A/0729/WEB
Applicant(s)	Kilgobbin Apartment Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third
Appellant(s)	Mark & Lyn Kennedy Judi & Simon Pleats & Others Sandyford Hall Residents Associations
Observer(s)	None.

Date of Site Inspection	03/07/2026
Inspector	Darragh Ryan

1.0 Site Location and Description

1.1. The proposed site is a greenfield site located off the Kilgobbin Road. “Riverside Cottage” is located alongside its western site boundary. The site is located 16km from Dublin city centre, 850m from Gallops Luas stop, 600m east of Belarmine Village Centre and Plaza, 800m west of Leopardstown Village Centre Shopping Mall.

1.2. The subject site is bounded to the south by the Kilgobbin Castle and tower ruin, to the east by Kilgobbin Road, to the west by the Belarmin Vale residential development and neighbourhood centre and Sandyford Hall residential development to the north. The site is also bounded by two separate primary schools (Gael Scoil Thaobh Na Coille Primary School and Stepaside Educate Together National School). It is proposed to provide a new vehicular access onto Belarmine Vale to the west of the site.

1.3. The site is a greenfield site which is relatively flat. A drainage ditch runs to the north of the site that runs into Ballyorgan Stream. There is extensive mature treeline to the north and east of the site that separates the site from Sandyford Hall. The surrounding area to the subject site is mainly residential, featuring mostly 1- and 2-story houses. In addition to these homes, the area includes several greenspaces, parks, and open areas. The stated area of the site is 1.21ha.

2.0 Proposed Development

2.1. Permission is sought for a large scale residential development including the following works:

- 120 no apartment units within 2 block ranging in height from 4 to 6 storeys
- Block A consisting of 44 units, Block B consisting of 76 units. All units to be provided with terraces and balconies
- Public Open Space & Play Area
- 54 Car Parking Spaces
- 273 Bicycle spaces, 3 motorcycle spaces
- Bin waste store/bulky goods stores/ plant room at ground floor level
- 1 no. detached ESB substation and 1 no. detached

The proposed development will also provide for all associated site development and infrastructural works including foul and surface water drainage, roads, footpaths, landscaping, boundary treatment, public lighting and a pedestrian and cycling pathway connecting Belarmine Vale and Kilgobbin Road. Vehicular access to the development will be from Belarmine Vale.

Site Area	1.2193ha (0.78 ha zoned residential) (0.43ha zoned open space)
Units	120
Dual Aspect	53%
Density	98.4units/ hectare
Net Density Residential Zoned Land	167.8 units/hectare
Building Heights	4-5 Storeys (Block A), 5-6 Storeys Block B
Car Parking Spaces	54
Bicycle Parking Spaces	273
Plot Ratio	0.87
Site Coverage	18%
Total Community Amenity Space	852sqm (7%)
Public Open Space (Zoning Objective A)	2387sqm (19.6%)
Public Open Space (Zoning Objective F)	3698sqm (30.3%)

The following is a list of accompanying documentation submitted with the LRD:

- Planning Report and Statement of Consistency
- Statement of Response to LRD Opinion

- Educational Audit
- Design Statement
- Architectural Drawings
- Landscape Design Report
- Tree Assessment Summary
- Engineering Services Report
- Traffic and Transport Assessment
- Site Specific Flood Risk Assessment
- DMURS statement of consistency
- Construction Environmental Management Plan
- Resource & Construction Waste Management Plan
- Appropriate Assessment Screening
- Energy & Sustainability Statement
- Public Lighting Report
- Archaeology Assessment

3.0 Planning Authority Decision

3.1. The planning authority issued a Decision to grant permission subject to 62 conditions .

3.1.1. Conditions

- C4 – The existing stile located adjacent to the gate on the southeastern boundary of the site onto Kilgobbin Road shall be retained in situ and shall not be removed or altered without the prior written agreement of the planning authority.
- C8 – the proposed east-west pedestrian and cycle link and pedestrian/cycle link in the north end of the site boundary with Sandyford Hall close shall be constructed and completed to taking in charge standards.

- C9 – the applicant shall submit revised drawings and details which demonstrates required pedestrian link to Sandyford Hall.
- C17 – The applicant to provide updated attenuation and hydraulic modelling that includes a minimum allowance for 20% for climate change.
- C19 – the applicant to submit site specific construction stage details and communally accessible maintenance arrangements for the proposed development, including attenuations system, green roofs SuDs measures, headwall details and culvert details.
- C32 – the applicant shall lodge a tree bond with the local authority as a security for tree protection purposes.
- 39 – All measures set out within the Ecological Impact Assessment report and landscape strategy, and Aborcultural Assessment report shall be implemented in full.
- C42 – Trees identified to be felled shall only be permitted once agreed with DLR Parks and Biodiversity.
- C54 – Part V.
- C55 – Archaeological mitigation measures associated with Riverside Cottage.
- C57 – C60 – Financial Contributions.
- C61 – Bonds.

3.2. Planning Authority Reports

3.2.1. There are two Planning Reports on file. The assessment of the planning officer in the 1st planning report can be summarised as follows:

- Residential development of 120 apartments is permitted in principle under zoning Objective A.
- There are no residential units within lands zoned “F” with access road and pedestrian /cycle link identified on these lands- which is permitted within the development plan.
- Demolition of small shed considered acceptable.

- Density of 98 units per ha considered acceptable.
- The planning authority is generally satisfied with building height and layout
- In terms of visual impact, it is considered that the proposed development will result in an element of overbearing on neighbouring properties however will not alter existing character of the area.
- The applicant to request through further information concerns in relation to overlooking between properties within the apartment buildings- privacy screens.
- Noise survey during construction phase required through FI
- Daylight/Sunlight analysis deemed acceptable
- Housing Apartment/ Design Standards generally met in all aspects with respect to Dev Plan requirements and Design Standards for New Apartment Guidelines 2025.
- The quantum of open space complies with Development Plan
- Children's play area acceptable in principle
- Taking in Charge – needs clarification through FI
- The applicant to provide further information to provide part of the communal open space at ground floor level up to 70%
- Landscaping plan deemed acceptable
- Shortcomings in the ecological report submitted a revised report to be submitted.
- The proposal should not cause undue impact on character of protected structures
- Heritage – the proposal will have an impact on archaeological material, the applicant to implement mitigation measures as outlined in the archaeological impact assessment.
- The omission of childcare facility does not conflict with policy requirements and is therefore considered acceptable.

- Regarding permeability and in keeping with report of transportation section the applicant through FI to submit a continuous pedestrian/cycle link to the northern boundary.
- Proposed number of car parking spaces & cycle parking spaces considered acceptable
- Traffic Management Plan shall be sought through further information
- Flood Risk Assessment shall be sought through further information
- Part V- agreement

3.2.2. Upon receipt of further information, the planning authority made an assessment of same and recommended conditions as outlined above.

3.2.3. Other Technical Reports

- Infrastructure & Climate Change Department

  1st report – public lighting to be redesigned further information sought

  2nd report recommend a grant of permission subject to conditions

- Parks & Landscape Services

  1st report further information sought for revised location of substation, revised surface treatment for pathways, retention of trees within Riparian Zone, revised landscape plan

  2nd report recommends the following:

  Riparian Zone -The Parks and landscape section feel it unnecessary to fell the trees located at the stream to facilitate the proposed development. Tree numbers 54,55,56,G57,58,59,60,H62, and 63, which are all category C trees, including one Category B tree play a pivotal role in improving water quality, temperature,biodiversity, water supply and reduce flood intensity and ecosystem disruption. Retaining these trees would be highly desirable.

  Public Open Space.- The Parks and landscape section would have concerns whether the Public Open Space (POS) will be taken in charge by DLRCOCO or be under communal open space. We would recommend that the pedestrian path on the South of the proposed site be considered communal open space

and not POS.Therefore, this Department would recommend that the applicant adjust the orientation of both Block A and B to retain the trees on the West of the site and retain the trees in the riparian zone.

- Health Officer

  1st report recommends further information for a baseline noise survey

  2nd report recommends grant of permission subject to conditions

- Housing Department

  Recommends grant of permission subject to conditions

- Transportation Planning Section

  1st report recommends further information with respect to overspill car parking, taking in charge detail, further details with respect to footpath and connectivity, site layout to address road design concerns, provision of carparking during construction phase.

  2nd report recommends grant of permission subject to conditions

- Environmental Enforcement Department

  Recommends grant of permission subject to condition recommended with respect to waste management

- Conservation Officer

  1st report recommends further information for architectural impact assessment, photomontages and protection of views from Kilgobbin Castle.

  2nd report recommends grant of permission subject to conditions

- Municipal Services Department

  1st report recommends further information with regard to flood risk assessment and alteration to site levels, clarification in relation to foul and water supply

  2nd report recommends grant of permission subject to conditions

- Consultant Ecologist

1st report recommends further information with respect to CEMP, Outdoor lighting report, revised landscape design and associated plans, request for revised Ecological Impact Assessment

2nd report recommends grant of permission subject to conditions

3.3. Prescribed Bodies

3.3.1. Department of Housing Local Government & Heritage

- Recommends archaeological mitigation & conditions with respect to same

3.3.2. Uisce Eireann

- Conditions recommended

3.4. Third Party Observations

There were 34 submissions received on file. Many of the issues raised are also raised within the grounds of appeal. The submissions can be summarised thematically as follows:

- Height Scale and Density

  4-6 storey blocks are excessive in height with a visual dominance over adjacent protected structures

- Residential Amenity

  Loss of privacy and overlooking concerns

- Traffic, Parking and Road Safety

  The sole access via Balermine Vale considered unsafe. Only 54 car parking space for 120 units will risk overspill of parking

- Infrastructure & Services

  Local schools, creches and public transport , Luas and Busses are over capacity. Absence of a childcare facility from the site.

- Flood Risk & Damage

Site includes flood zones with a past history of flood events, there are concerns in relation to past flood events

- Heritage & Archaeology

  Proximity to Kilgobbin Castle and medieval settlement

- Open Space & Landscaping

  Public & communal open space considered limited

- Construction phase Impacts

  Anticipated noise, dust and traffic disruption

4.0 Planning History

- Reg. Ref. ACP321937-25 - This application is currently live on the site and was registered 27th February 2025 for development consisting of flood defences at key locations along the Carrickmines and Shanganagh rivers. A decision on this application is pending at the time of lodging this LRD application. It is noted that while the proposed LRD application is not dependent on the flood relief scheme, the provision of the flood relief scheme would benefit the proposed residential development, and both developments can be brought forward at the same time.
- Reg. Ref. (ABP-303695-19) D18A/0074– By Order dated 16th July 2019, An Bord Pleanála granted planning permission to William & Douglas Richardson for a development comprising the demolition of the existing dwelling and the construction of 4 no. residential blocks ranging in height from 2 to 4 storeys, accommodating 43 no. residential duplex and apartment units, all with balconies or terraces (9 no. 1-bed, 19 no. 2-bed, 15 no. 3-bed) with vehicular access from Belarmine to the west and a pedestrian/cycle connection to Kilgobbin Road to the east.
- Reg Ref. (PL06D.217333) D05A/1000– By Order dated 10th July 2007, An Board Pleanála granted planning permission to Douglas & William Richardson for a development comprising of 8 no. detached dwellings (7 no. three storey, five bed units; 1 no. two storey, four bed unit); and 26 no. apartments (20 no.

2 bed and 6 no. three bed units) in a single three and four storey block with feature corner element.

5.0 Policy Context

5.1 Dun Laoghaire Rathdown Development Plan (2022 – 2028)

Draft Variation 1 has been prepared and adopted on 26th Apirl 2026 to respond to the recent changes in National planning policy, namely the publication of the NPF – First revision and the publication of the following Section 28 Ministerial Guidelines including the NPF Implementation; Apartment Guidelines 2025 and the Compact Guidelines 2024.

The Variation addresses specific, immediate policy updates that are needed in the short term and proposes changes to a number of sections in the Written statement inclusion Chapter 2 – Core Strategy, Policy objectives included in Chapters 4, 5 and 8, various sections of the development management, land use zoning and specific local objective chapters in addition to Appendix 13, 15 and 16. It also includes for an amendment boundary to the LAP for Dundrum. The variation also adopts the Apartment Guidelines 2025 and the Compact Guidelines 2024.

5.1.1. Under the Dún Laoghaire Rathdown County Development Plan 2022-2028, the subject site is under two different zoning designations, Objective A and Objective F. The central and eastern sections of the site are zoned Objective 'A', the zoning vision objective for which is states as "to provide residential development and improve residential amenity while protecting the existing residential amenities", while the rest of the site is zoned under Objective 'F', the zoning vision objective for which is states as "to preserve and provide for open space with ancillary active recreational amenities"

The most relevant CDP policy and objectives include:

5.1.2. <u>Chapter 4: Neighbourhood – People, Homes and Place</u>

- **Policy Objective PHP18: Residential Density** It is a Policy Objective to: Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites

having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.

Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

- Policy Objective PHP19: Existing Housing Stock – Adaptation: It is a Policy Objective to:

  Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.

  Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

- **Policy Objective PHP20: Protection of Existing Residential Amenity**: It is a Policy Objective to Ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

  On all developments with height proposals greater than 4 storeys the applicant should provide a height compliance report indicating how the proposal conforms to the relevant Building Height Performance Based Criteria "At District/Neighbourhood/Street level" as set out in Table 5.1 in Appendix 5.

- Policy Objective PHP27: Housing Mix It is a Policy Objective to

  *Encourage the establishment of sustainable residential **c**ommunities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.*

- Policy Objective PHP35 Healthy Placemaking

- Policy Objective PHP40: Shared Space Layouts

- Policy Objective PHP42: Building Design & Height It is a Policy Objective to:

- Encourage high quality design of all new development.

  Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5.

5.1.3. Chapter 5 Transport and Mobility

- Policy Objective T19: Carparking Standards It is a Policy Objective to Manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5.
- p. 116 states: In addition, it is a Long Term Objective of the Council to retain Kilgobbin Road, between Ballyogan Road and Kilgobbin Lane as an attractive 'country' road.

5.1.4. Chapter 8 Green Infrastructure and Biodiversity

- Policy Objective GIB 2
- Policy Objective GIB 5
- Policy Objective GIB25: Hedgerows
- Policy Objective GIB29: Nature Based Solutions

5.1.5. Chapter 9: Open Space Parks & Recreation

- Policy Objective OSR7: Trees, Woodland and Forestry
- p. 187 The Council will also seek to preserve trees, groups of trees and/or woodlands that form significant features in the landscape, and/or are important in setting the character, amenity, or ecology of an area. As part of this Plan, the Council Parks Department carried out a comprehensive review of the tree symbols on the 14 County Development Plan Maps (see also Section 12.8.11 Existing Trees and Hedgerows).

5.1.6. Chapter 10 Environmental Infrastructure and Flood Risk

- Policy Objective EI6**:** Sustainable Drainage Systems

5.1.7. Chapter 11 Heritage and Conservation

- Policy Objective HER 8: Work to Protected Structures

ii) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht….

iv) Ensure that any development…affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.

v) Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected….

viii) Protect the curtilage of protected structures and refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.

ix) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

5.1.8. Appendix 5 – Building Height Strategy

- Policy Objective BHS 1- Increased Height : Generally supports the consideration of increased height in Major Town centres and in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area. (NP0 35, SPPR 1& 3).
- Policy Objective BHS 2 – Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan: Generally promotes and supports proposed heights as set out in any approved statutory Local Area Plans
- Both BHS 1 and BHS 3 state that there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above on the basis of placemaking. In those instances, any such proposals must

be assessed in accordance with the performance based criteria set out in Table 5.1.

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

5.1.9. Chapter 12 of Dún Laoghaire-Rathdown County Development Plan 2022-2028 sets out the development management standards for development within the county.

- 12.1.1.1 Pre-Planning Consultation
- 12.1.1.2 Design Statement
- 12.1.2.2 Appropriate Assessment
- 12.3.2.4 Childcare Facilities
- Policy Objective PHP6 addresses the provision of childcare facilities within Dún Laoghaire Rathdown:

  "Encourage the provision of appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities across the County. In general, at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs".

- 12.3.3.1 Residential Size and Mix

  "Objective PHP27: It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes, and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA."

- Policy Objective PHP42: Building Design & Height states that:

  "It is a Policy Objective to: Encourage high quality design of all new development. Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF)."

- 4.3.1.1 Policy Objective PHP18 - Residential Density - Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.
- 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity:
- Policy Objective T1: Integration of Land Use and Transport Policies highlights the importance of ensuring land use and zoning are aligned in a manner which ensures sustainable development in a manner which supports the modal shift
- 12.8.3 Open Space Quantity for Residential Development – Table 12.8 - 15% of site area
- 12.8.3.2 Communal Open Space – Table 12.9 – Minimum Area per unit
- 12.8.3.3 Private Open Space – Table 12.11 Balconies / Winter Gardens: Minimum Private Open Space Standards for Apartment Development
- 12.8.7.1 Separation Distances – A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments.
- 12.10.1 Flood Risk Management Section 12.10 of the current County Development Plan notes that any proposal must have regard to Appendix 15 Strategic Flood Risk Assessment, 'the Planning System and Flood Risk Management' Guidelines for Planning Authorities' DEHLG (2009) and DECLG Circular PL2/2014' and that the 'Flood Zone maps accompanying this Plan and Appendix 15 should be consulted at Pre-Planning stage and/or prior to lodgement of planning applications.

  Northern Boundary of the site is located in Flood Zone A & B. Residential element of the site is on lands Zoned C.

5.2 National/Regional Plans/Policies

5.1.10. The key provisions of the national planning policy, including Section 28 Guidelines, as it relates to the proposed development are now set out in the following sections. The key national policy and guidance documents of relevance include:

5.1.11. The **National Planning Framework 2040** includes objective NPO11 to favour development that can encourage more people to live or work in existing settlements; NPO13 which is that planning standards in urban areas should be based on performance criteria; NPO 27 which is to ensure the integration of safe and convenient alternatives to the car into the design of communities; NPO 35 to increase residential density in settlements, including increased building heights; NPO 54 to reduce our carbon footprint by integrating climate action into the planning system; and NPO 64 to improve air quality through supporting public transport, cycling and walking as more favourable modes of transport than the private car.

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

Aims 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.

5.1.13. 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.

5.1.14. 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.

5.1.15. **The Guidelines for Planning Authorities on Urban Development and Building Heights**, 2018, include a statement that it is Government policy to support increased building height and density in locations with good public transport accessibility in SPPR1. Section 3.2 sets out criteria at the scale of the city/town, district/neighbourhood/street, and site/building for development proposals to satisfy after which permission may be granted even in contravention of a limit in a development plan under SPPR3 of those guidelines.

5.1.16. Planning Design Standards for Apartments, Guidelines for Planning Authorities (2025)

These set national planning policy and guidance in relation to the planning and development of apartment schemes. Fulfilling commitments set out in the NPF will require a substantial increase in housing output of all types, and in particular the delivery of apartments at central and accessible urban locations. The overall purpose of the Guidelines is to strike an effective regulatory balance, ensuring that apartment development meets the needs of society in terms of standards and quality, while promoting an increased level of output overall.

The Guidelines include seven Specific Planning Policy Requirements (SPPR).

5.1.17. **The Guidelines for Planning Authorities on Flood Risk Management** issued in 2009 sets out three flood risk zones – Zone A, where there is a high probability of flooding; Zone B where there is a moderate probability of flooding and Zone C where there is a low probability. Residential development is categorised as a highly vulnerable form of development which is usually appropriate only in Zone C. It may be justified in other zones following test for plan making and development

management set out in box 4.1 and box 5.1 of the guidelines. The latter test requires that the land has been zoned for the particular use and has been subjected to an appropriate flood risk assessment.

5.1.18. **The Departments of Education and the Environment and Local Government issued a Code of Practice on the Provision of Schools and the Planning System** in 2008. It states that the Department of Education will consult with planning authorities at an early stage of plan preparation regarding the approach to schools provision an in assessing specific land requirements for schools and the suitability of particular sites.

5.4 Natural Heritage Designations

Wicklow Mountains SPA c.5.2 km

South Dublin Bay and River Tolka Estuary SPA c. 5.5km

Dalkey island SPA c. 8.2 km

Wicklow Mountains SAC 5.9km

South Dublin Bay SAC c. 5.5km

Rockabill to Dalkey Island SAC c 8.2km

Knocksink Wood SAC c. 5 km

Ballyman Glen SAC c. 6.4km

Bray Head SAC 10 km

Fitzsimons Wood pNHA c. 1.7km

Dingle Glen pNHA c 2.6km

6.0 The Appeal

6.1. There are three third party appeals on file against the decision of Dun Laoghaire Rathdown County Council to grant permission. The appellants are from Sandyford Hall Drive and Sandyford Hall Close estates to the north of the site. There is an additional appeal on site from residents of Kilgobbin House and Thornberry on the Kilgobbin Road to the east of the site. As there is an overlap in

the issues raised within the appeals, I consider it appropriate that the Grounds of Appeal are organised thematically and summarised as follows:

6.1.1. Flood Zone – The appellants submit that the site is located in a known flood plain, identified as Flood Zone A and B on the geological and hydrological maps. Historical and more recent evidence from actual weather events,

DLRC have granted permission without detailed drawings and proposals to deal with the flood risk, as outlined their application conditions.

The Minister of state Kevin Moran told local authorities specifically to stop zoning land in flood prone area. Permission for development should be granted without details of flood risk attenuation being submitted in advance.

An LRD on this floodplain contradicts national and local policy including the Planning system and flood risk management guidelines and DLR County Development Plan policy objective CC15 justification risk.

The appellants are not satisfied with the information provided by the applicant. There are queries over the appropriateness of the planning authority to defer to compliance conditions in relation to site drainage to resolve fundamental matters of flood risk and site drainage.

6.1.2. Scale, Height and Overdevelopment/ Design- it is stated that the proposal is a significant overdevelopment of the site and not in accordance with Policy Objective PHP -19 with respect to context-sensitive development. The proposal would compromise views to and from Kilgobbin Castle. The height of the proposed buildings are not in accordance with Appendix 5 of the Development Plan.

The design proposal is completely out of keeping for the area which is surrounded by low density development. It will be seriously injurious the visual and residential amenities of the area. The abrupt transition in terms of height and scale from the rear of Riverside Cottage cannot be considered acceptable. There is no subtlety to the proposed design and no attempt to assimilate into its sensitive receiving environment.

The proposed development fails to achieve an acceptable or appropriate transitional treatment between objective Zones A an F having regard to the intensity of the

proposed development and the environmental, residential and landscape sensitivities of the receiving context

6.1.3. Heritage & Archaeological Impact – The proposed massing and urban form would visually and physically overpower the heritage landscape, contrary to policy objective HER12 of the DLR Development Plan.

There is no effort to respect the unique character of the protected building abutting Kilgobbin Road in the immediate environs of the site and the opportunity to preserve the well-recognised historical context of Kilgobbin Castle. The Development Plan objectives include HER1, Her2 and HER 7 which seek to maximise historical, archaeological features to be preserved for local communities

6.1.4. Access, Traffic and Road Safety – Access to the site is via Belmarine housing estate which is directly adjacent to two schools. There is no suitable area for construction staff parking in the area and the risk pedestrians from construction staff parking in the area and the risk to pedestrians from construction traffic needs to be addressed properly.

6.1.5. Ecology and Environmental Impact -The site and surrounding lands provide habitat for bats, badgers, deer, newts and other wildlife, forming part of a vital ecological corridor linking Clay Farm Eco Park through Kilgobbin to Fitzsimons Wood. The proposal would sever that corridor and destroy permeable greenfield land essential for natural drainage and biodiversity. A liner park or wildlife corridor should instead be protected and enhanced on the northern and eastern boundaries to maintain ecological continuity.

The applicant failed to confirm the original baseline ecological significance the site at initial application stage. Upon receipt of further information the Planning Authority accepted a mitigation led and management dependent approach in circumstances where the ecological sensitivity of the site had not been resolved. There were also short comings in relation to survey work carried out by the applicant in relation to the Common Frog, in this regard the council relied on pre-construction amphibian surveys and other post permission biodiversity mitigation programmes. This is contrary to best practice and inconsistent with precautionary approach.

The proposed development has failed to adopt a sufficiently design-led approach to the retention and protection of mature riparian vegetation and natural capital.

6.1.6. Climate Change & Sustainability - Given the increased intensity of rainfall and storm events, it is environmentally irresponsible to introduce underground car parks, extensive hard surfacing and large impermeable building footprints on a site of acknowledged flood risk. The proposal undermines the Council own Climate Resilience objectives and contributes to long-term environmental vulnerability rather than sustainable development.

6.1.7. Parking and Pedestrian access to Sandyford Hall Close – The pedestrian walkway through Sandyford Hall Close is a clear attempt by DLRCC to mitigate the problems caused by lack of parking places in the proposal. 55 carpark space for 120 apartments with 283 occupants is not realistic, the only place for residents and visitors to park will be in Sandyford Hall. The estate is currently experiencing increased on street parking from another local development with inadequate parking. The increased traffic this will bring both in parking and school drop offs will have a devasting effect on the safety and wellbeing of the residents of Sandyford Hall Close a very small street of 12 houses occupied mainly by families with children.

6.1.8. The carparking provision does not align with SPPR3 of the Sustainable Residential and Compact Settlement Guidelines. Appropriate Carparking provision in accordance with Table 12.5 of the development plan is 143 car parking spaces. As per table 3.8 of the Sustainable Residential Development the site is located within an intermediate or peripheral location this requires reclassification of site location and a greater number of car parking spaces.

6.1.9. The road to access the site is substandard in terms of width and alignment. Its pedestrian provision is very poor with only a narrow footpath on one side and there is no cycling infrastructure or room for any. It's a heavily trafficked road during morning and peak hours and a traffic hazard for pedestrians and cyclists

6.1.10. The pedestrian and cycle connection is proposed between Sandyford Hall Close and the proposed development. This connection would traverse lands forming part of the private residential curtilages of no's 9 and 14 Sandyford Hall Close. There is no consent to provide this linkage.

6.1.11. Validity of Application/Question mark over LRD? – A significant portion of the site in on lands zoned F, the proposal includes vehicular access to the site plus provision of foul and surface water drainage, bicycle parking and other residential facilities. It is

submitted the delivery of these services on open space lands is for the residential use and therefore should be considered residential uses. It follows that the proposal cannot be considered under the LRD application and the application should be returned to the applicant. Part of the land is not owned by the applicant, and the landowner has not provided a letter of consent for this portion of the site. There is discrepancies within the red line boundary of the site and previous application on site under D18A/0074. This raises concerns over the validity of the application.

6.1.12. Density - The density of the development is grossly excessive and materially contravenes the density range for this location and stipulated within Table 3.1 of the Sustainable Residential and Compact Settlement Guidelines.

In assessing ABP320493-24 at Oldtown House, Kilgobbin Road considered the site and City- Suburban Urban Extension per the Compact Settlement Guidelines applied a density range of 40 – 80 dph.

The density of 98 units per ha as applied by the planning authority is flawed for 2 reasons. It assesses gross and not net density. Secondly the planning authority considers the site to be City-Urban neighbourhood as it is within 1km of a transport node or interchange. This is not correct as per previous assessment under ABP 320493-24.

6.1.13. Residential amenity – the proposal will result in significant overlooking of appellants property. The applicant is entirely dependent on the existing boundary treatment to prevent excessive overlooking and loss of private from the upper-level apartments in Block B. Block B is a storey building of 76 units with 32 no balconies above ground level directly facing into appellants property and rear garden resulting in a serious loss of private amenity.

6.1.14. The proposal includes a substantial playground that would abut the appellants property. The playground which is required to serve the future residents of the proposal should be located on the residential zoned land within the site. The playground will cause a significant noise disturbance due to high volumes of children. It will be used by adolescences at nighttime becoming an obvious location for anti-social behaviour.

It is set out that No 14 and No 17 Sandyford Hall will experience direct unobstructed views into private residential areas.

6.1.15. Systematic Identification of Design Conflicts - There is an overreliance on mitigation and compensatory measures throughout the application which indicates that the proposed density and scale of development is incompatible with the inherent constraints and transitional character of the site.

At application stage there were deficiencies identified by the various departments in the local authority within the development, this underlines the unsuitability of the site for development.

The scheme depends on extensive and interlocking structure of mitigation measures

There is a functional overloading of the site in terms of trying to achieve everything, which is not possible with the densities proposed. The site also functions as a riparian ecological corridor, flood plain, suburban transition zone and permeability corridor.

6.1.16. Communal Open Space – the applicant has achieved only a superficial technical compliance with the planning authority's further information request with respect to communal open space provision. The applicant has engineered a mathematical compliance with communal open space while retaining a predominantly roof-based amenity strategy contrary to the intent of the plan. The proposal is inconsistent with Section 12.8.5.4 of the DRCDP.

6.2. Applicant Response

The applicant has submitted a response to the grounds of appeal that directly addresses each point made by the appellants. The response of applicant can be summarised as follows:

Flood Risk/ Surface Water Management – The applicant acknowledges that portions of the wider site are located within Flood Zones A & B but remains consistent that all of the buildings for the proposed development are only located within flood Zone C. Flood risk and drainage matters have been comprehensively assessed throughout the design and planning process. A site specific flood risk assessment has also been carried out that confirms the proposed development is not at risk of flooding.

Heritage and Archaeological Impact –it is submitted that the proposed development has been carefully designed and assessed to ensure that it does not adversely affect any archaeological or heritage features in the vicinity of the site.

Direct/Unobstructed Views into private residential amenity areas – it is submitted that the submitted daylight/sunlight analysis confirms that the proposal will have a negligible impact on amenity of neighbouring properties in the terms of loss of light. The proposal exceeds all minimum separation standards as set out within the SPPR's Sustainable Residential and Compact Settlement guidelines 2024.

Noise/Dust and Vibration during Construction phase – the applicant highlights that the preliminary construction and waste demolition management plan are preliminary only. The final construction management plan will address any and all issues in relation to construction methodology to manage noise/dust and vibration during the construction process.

Ecology & Environmental – the applicant asserts that ecology sensitivity of the site has been fully recognised throughout the design process. The proposed development has been fully designed to ensure appropriate mitigation, protection and enhancement measures are incorporated. The implementation of pre-construction ecological checks is a recognised and widely accepted approach to confirming the site conditions immediately prior to works commencing. The amphibian survey carried out on the 4th of February 2026 and the common frog was not observed on site. Due to site location a precautionary approach was taken to ensure previously unidentified ecological features are accounted for.

Transitional Zone, Scale Interface & Overdevelopment - The design team has meticulously considered the relationship between the two zoning objectives that apply within the site and has developed a scheme that appropriately accommodates both designations within zoning objectives. The presence of two zoning objectives has been embraced as an opportunity to deliver a sustainable and balanced sustainable development response.

Communal Open Space – the green roof systems are not independent structural elements of the buildings, but a final design specification and installation are integrated into the detailed construction and delivery phase of the development. The proposed development significantly exceeds the minimum communal open space

requirements. The proposal provides for 476sqm at ground floor level which exceeds the 70% of the minimum open space provision to be located at ground floor level.

Interconnecting Walk & Cycle Way – the applicant is in control of lands up to the boundary and can only deliver infrastructure up to the boundary. Connections cannot be provided without appropriate consents of the third parties.

Parking Access, Transport – The proposed car parking provision is consistent with national, regional and local planning policy and does not materially contravene the development plan or NPF. The development has been designed to strike a balance between mobility needs, placemaking, environmental objectives and efficient use of land. The proposed parking provision supports this approach by avoiding excessive land allocation to private vehicle storage.

6.3. Planning Authority Response

- There are no new issues brought up within the grounds of appeal that would justify a change of opinion on the new development

6.4. Observations

- None

6.5. Further Responses

- None

7.0 EIA Screening - Request for Information Under Article 73A (1) (a)

7.1.1. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

The proposed development comprises the construction of 120 residential units on a greenfield site of 1.2ha, adjacent to other zoned lands. The site is located on zoned lands adjacent to Kilgobbin Road, Stepaside, Dublin 18.

7.1.2. Background: On 27 July 2026, the High Court (Humphreys J) announced its intention to refer a question to the Court of Justice of the European Union regarding the EIA preliminary examination procedure ([2026] IEHC 517).

The question relates to the preliminary examination procedure set out in Article 109 of the Planning and Development Regulations 2001 (as amended). The intended question will ask the CJEU for clarity on whether the preliminary examination procedure set out in Article 109 is precluded by Article 4(3) of the EIA Directive. The legal question will be determined by the European Court in due course.

In response to the proposed reference to the CJEU, the Commission has decided that in relevant housing cases currently before the Commission, that Schedule 7A information shall be sought in order for a formal EIA Screening determination to be made.

7.1.3. Following a review of the application documentation, including the information relating to EIA screening, I considered that further information was required from the applicant to inform my assessment of the proposed development. Accordingly, a request for further information was issued on 28th August 2026 pursuant to Article 73A(1)(a) of the Planning and Development Regulations 2001 (as amended), seeking the information specified in Schedule 7A of those Regulations.

7.1.4. A response to the request for further information was received by the Commission on 14th September 2026. The response included information submitted pursuant to Schedule 7A. This information, together with the other application documentation and submissions received, has informed my EIA screening assessment, as set out in Appendix 2 of this report.

7.1.5. Submissions received in relation to further information submission:

<u>Eoin McGuinn, Chairperson of Sandyford Hall Residents' Association</u>.

The submission raises concerns regarding the accuracy of the EIA Screening Report, the description of the site's accessibility and the adequacy of the

assessment of construction impacts on immediately adjoining residential properties. 2026-10-ResponseToACPonEIAdocument_v3.pdf

7.1.6. The association questions the distances quoted between the site and surrounding amenities, particularly Leopardstown Village Centre Shopping Mall. It states that its measurements indicate a straight-line distance of approximately 1.03km and a walking distance of approximately 1.7km, compared with the distance of 800m identified in the screening report. It also identifies differences between the stated and measured distances to the Gallops Luas stop. It submits that the report does not consistently distinguish between walking and straight-line distances and requests that the Commission verify whether the site's accessibility has been accurately represented.

7.1.7. The principal concerns relate to construction noise, vibration, dust, temporary loss of privacy, construction traffic, excavation and potential structural impacts on adjoining properties. The submission identifies distances between existing residences and the proposed construction boundary of approximately 3.12m at No. 17 Sandyford Hall Drive, 4.74m at No. 9 Sandyford Hall Close and 7.36m at No. 14 Sandyford Hall Close. Having regard to this proximity, it requests confirmation that excavation, ground stability, vibration and potential damage to neighbouring properties have been adequately assessed. The implications for residents working from home are also highlighted.

7.1.8. The association requests a more detailed identification of the sources, intensity and duration of construction noise and dust, together with site-specific mitigation and arrangements for monitoring and reporting. It also seeks confirmation that the drainage and flood-risk assessments adequately address heavy rainfall, excavation and potential impacts on adjoining properties, and that cumulative effects with nearby developments have been considered, particularly in relation to traffic, noise, dust and drainage.

7.1.9. It submits that the temporary nature of construction effects does not, in itself, establish that such effects would be insignificant. Further assessment is requested where material information is absent or uncertainty remains. Should permission be granted, the association requests specific and enforceable conditions addressing construction hours, noise, dust and vibration monitoring, boundary screening,

construction traffic, site cleanliness and complaints procedures. Independent environmental monitoring by an external consultancy is advocated.

7.1.10. Judi and Simon Pleass and Drs. Sylvia and Julian Dockeray

7.1.11. A submission dated 23rd October 2026 has been received from Kiaran O'Malley & Co. Ltd., on behalf of Judi and Simon Pleass, Thornberry, and Drs. Sylvia and Julian Dockeray, Kilgobbin House. The submission contends that the EIA Screening Report relies on generalised statements, provides insufficient project-specific information and inadequately considers the potential effects on the setting of Kilgobbin Castle and the wider historic environment

7.1.12. The observers question the presentation of the development statistics and the extent of development proposed on lands zoned for open space. They interpret the information in the report as indicating that approximately 15.5% of the open-space-zoned lands would be developed or would not remain in open-space use. They contend that calculating site coverage and plot ratio across the entire site, rather than the residentially zoned portion, understates the intensity of development. They dispute the description of the site as appropriately zoned for the proposal and submit that residential development on Objective F lands would materially contravene the open space zoning objective.

7.1.13. In relation to cumulative effects, the submission states that two of the three applications identified in the screening report have lapsed. It contends that the description of the proposed flood relief scheme, reference ABP-321937-25, is incomplete and does not explain that part of that scheme overlaps the appeal site. In particular, proposed construction compound C would occupy open-space lands within the appeal site, north of Thornberry. The observers refer to the flood scheme's identification of a risk of flooding within construction compounds and the consequent potential release of pollutants. They submit that the associated cumulative implications for water, biodiversity and human health have not been adequately addressed in the residential development's screening report.

7.1.14. The submission identifies deficiencies in the description of natural resource use, including land, soil, aggregates and water. It seeks estimated quantities of construction materials and water demand and a clearer account of the permanent loss of open-space land. It also criticises the absence of information on the types

and quantities of construction waste and the management of operational waste. The consideration of construction nuisance is regarded as overly general, particularly regarding noise, vibration, dust, construction traffic and disruption on Kilgobbin Road. References to existing buildings on the site are disputed.

7.1.15. Particular emphasis is placed on the historical and archaeological sensitivity of Kilgobbin. The observers refer to Kilgobbin Castle, the church and graveyard, surrounding protected structures and their curtilages, and the surviving medieval and Georgian character of the area. They submit that the absence of visible archaeological remains does not establish that archaeological effects would not arise. The height, mass and appearance of the proposed blocks are considered likely to detract significantly from the setting of Kilgobbin Castle and the wider historic settlement.

7.1.16. The observers conclude that the screening report does not adequately describe the development or its potential environmental effects. Their principal concerns relate to permanent effects on cultural heritage, the loss of zoned open space, an alleged material contravention of the zoning objective and overdevelopment of the residentially zoned lands. They request that the Commission set aside the applicant's screening conclusions and require an Environmental Impact Assessment before determining the appeals.

7.1.17. Mark and Lyn Kennedy

A submission dated 22nd October 2026 has been received from Mark and Lyn Kennedy, No. 12 Sandyford Hall Close. The observers acknowledge that the development falls below the thresholds for mandatory EIA but contend that its scale, height, massing and sensitive location give rise to a requirement for an EIAR. They describe the site as a greenfield site within a low-density suburban and historic village setting, adjoining existing housing, schools and historic features. Downey EIA Screening observatons_Mark&LynKennedy.pdf

The submission raises concerns regarding flood risk and the relationship between the proposed development and the Carrickmines flood relief scheme. The observers state that the site includes lands within Flood Zones A and B and contend that the development should not rely on a flood relief scheme whose delivery and funding have not been secured. They question whether the implications of the underground

car park and associated deep excavation, both during construction and following completion, have been adequately assessed. They consider that raising finished floor levels does not, of itself, address these concerns.

7.1.18. The observers question the treatment of the Objective A and Objective F lands and state that the screening report's site mapping does not clearly distinguish between the zoning areas. They contend that excessive reliance is placed on roof gardens to meet open space, play and SuDS requirements. They describe the roof garden as creating an effective seventh level and submit that the proximity of the apartment blocks to the open-space-zoned lands would adversely affect their character. The description of the site as part of a built-up urban area is disputed.

7.1.19. Concerns are raised regarding overbearing effects, overlooking, overshadowing and loss of light to adjoining houses and gardens. The observers consider that the screening report understates the effects on the receiving population and that the proposal represents a substantial increase in scale over previously permitted developments. They also object to the proposed pedestrian connection to Sandyford Hall Close, citing potential overspill parking associated with what they consider insufficient on-site parking, together with increased pedestrian, cycle, scooter, delivery and visitor movements through adjoining estates.

7.1.20. The submission highlights the historical and archaeological importance of Kilgobbin, including the tower house, historic houses, church and cemetery, possible medieval battlefield associations and earthworks potentially associated with the Pale Ditch. It contends that the development would irreversibly alter the character of the area and adversely affect the setting of its historic features.

7.1.21. Construction access from Kilgobbin Road is also questioned, having regard to the narrow road, bends and the manoeuvring requirements of articulated vehicles. The observers identify potential risks to stone walls and stepped entrance features, which they describe as protected structures. They dispute a reference in the screening report to an existing warehouse and logistics use generating HGV traffic, stating that the site is undeveloped greenfield land.

7.1.22. The observers request that the Commission undertake its own independent screening assessment and conclude that an EIAR is required. While acknowledging the need for housing, they consider the proposed scale and form inappropriate to the

site and likely to result in significant and lasting effects on the community and environment.

7.1.23. I have had regard to the submissions received in response to the Schedule 7A information and the concerns raised regarding the potential environmental effects of the proposed development. A number of the matters raised, including flood risk, the provision and use of open space, and the distances to public transport and surrounding amenities, are addressed in the main body of my assessment under the relevant headings. These matters have also been considered, insofar as they are relevant to the likelihood of significant effects on the environment, in my EIA screening assessment. The proposed development falls below the applicable thresholds for mandatory EIA set out in Schedule 5, Part 2, Class 10(b) of the Planning and Development Regulations 2001 (as amended) and therefore constitutes sub-threshold development. Notwithstanding this, a formal EIA screening determination has been carried out, as set out in Appendix 2 of this report, having regard to the information specified in Schedule 7A, the criteria set out in Schedule 7 and the submissions received. It is determined therein that the proposed development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment Report is not required.

8.0 **Assessment**

8.1.1. I note that the planning authority undertook a comprehensive assessment of the proposed development and concluded that it would comply with the relevant sections of the Dun Laoghaire Rathdown DLRCDP 2022-2028, the Design Standards for Apartments, Guidelines for Planning Authorities (2025) and Sustainable and Residential Compact Settlement Guidelines for Planning Authorities and in so doing would offer future residents a high level of residential amenity. Following a review of all the documentation available to me including the floor plans, the housing and apartment quality assessment, statement of consistency, the Planning Officer's assessments and the Architectural Design Statement and all other submitted supporting documentation. I would note that the submitted Statement of Consistency is prepared in accordance with the Design Standards for New Apartments, Guidelines for Planning Authorities 2025. All the apartments in the proposed development exceed

the minimum floor area set out in SPPR 3 by at least 14%. Apartment floor to ceiling heights meet and in many cases exceed 2.7m, while floor to ceiling heights in upper floors are 3.15m. In addition to good quality room sizes, I note that a large number of units are provided with storage space in excess of the minimum required. The proposed apartments are served with private amenity space in the form of balconies and comply with minimum requirements.

8.2. Having examined the application details and all other documentation on file, including all of 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:

- Zoning and Principle of Development
- Open Space
- Density
- Design, Layout & Building Height
- Residential Amenity of Existing Properties
- Flood Risk/Surface Drainage Water Strategy
- Ecology/ Riparian Corridor
- Architectural Heritage/ Impact on Local Heritage and Historical Sites
- Car Parking
- Traffic, Transportion & Movement
- Other Issues

8.3. <u>Principle of Development – Site Zonings.</u>

8.3.1. The appeal site extends to approximately 1.61 hectares and is located across two zoning objectives under the Dún Laoghaire-Rathdown County Development Plan 2022–2028. The majority of the site is zoned Objective A (.78ha)– 'To provide residential development and improve residential amenity while protecting the existing residential amenities'. The remainder of the site is zoned Objective F (.43ha) – 'To preserve and provide for open space with ancillary active recreational amenities.

8.3.2. The proposed apartment blocks are located wholly within the lands zoned Objective A. The majority of the proposed open space (communal and public), including 2,386.6 square metres, representing approximately 19.72% of the site area, together with the proposed car parking and bicycle parking provision, is also located within the residentially zoned lands. Having regard to the Objective A zoning designation, I consider that the principle of residential development on this part of the site to be acceptable. The proposal provides for a residential use which is consistent with the primary purpose of the zoning objective and would contribute to the provision of additional housing within the established urban area.

8.3.3. The remainder of the site, extending to approximately 3,698 square metres, is zoned Objective F. The applicant proposes to provide a vehicular access, pedestrian/cycle connection from Belmarine to Kilgobbin Road and general open space on the Open space zoning. The issue of providing vehicular access and pedestrian/cycle routes through open space provision shall be dealt within section 8.4 of this report. However, I note the principle use of the open space provision will be retained for the use as open space.

8.3.4. I have also had regard to the overall policy context of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, which seeks to support the consolidation of the established urban area, promote sustainable patterns of development and facilitate increased residential development in appropriate locations. The subject lands are located within the existing built-up area and are served by existing urban infrastructure and public transport facilities. The development of the site for residential purposes would therefore accord with the broader objectives of the Development Plan relating to the efficient use of serviced urban land and the consolidation of the existing settlement pattern. The proposed development is also consistent with the national and regional policy framework supporting compact urban growth. In particular, National Policy Objective 7 of the National Planning Framework – First Revision supports the promotion of compact growth within existing settlements, while National Policy Objective 9 supports the consolidation and regeneration of existing urban areas. National Policy Objective 45 also supports increased residential densities in appropriate locations.

8.3.5. At regional level, Regional Policy Objective 3.2 of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019–2031 promotes compact

growth and consolidation within settlements, while Regional Policy Objective 3.3 supports the development of infill and brownfield lands within existing urban areas.

8.3.6. Accordingly, having regard to the zoning of the site, the location of the proposed residential development wholly within the Objective A lands, the retention of the principal function of the Objective F lands as open space I am satisfied that the proposed development is acceptable in principle and is consistent with the relevant provisions of the Dún Laoghaire-Rathdown County Development Plan 2022–2028. I therefore consider that the principle of the proposed development accords with the proper planning and sustainable development of the area.

8.4. Open Space

8.4.1. All appellants on file have raised concerns in relation to various aspect of the open space zoning. The issues raised can be summarised as follows:

- the proposed vehicular access road, together with associated pedestrian and cycle infrastructure, would constitute an inappropriate form of development within lands designated on open space zoning
- The Communal open space for the apartments is considered inadequate. The communal open space at roof level is far in exceedance of the allowed standards set out within the CDP.
- The Public Open Space provision is overly reliant on the delivery of same on Open Space Zoned Lands F.
- The proposed play area to the southeastern corner of the site will have a significant impact on amenity of neighbouring properties, in particular dwelling known as Thornberry.

8.4.2. I consider it appropriate that I address all issues of open space in one section. For the purposes of clarity, I have broken issues raised in relation to open space provision into specific subheadings.

8.4.3. Vehicular Access Road & Pedestrian/ Cycle Access

Appellants on file have raised concerns that the provision of a vehicular access road together with pedestrian/cycle access through the Open Space zoning is contrary to

the Zoning Objective F for the southern and eastern portion of the site. Vehicular access to the site is via the southwest corner of the site via Belmarine Vale.

Table 13.1.19 of Zoning Objective F of the County Development Plan states the following with respect to open space provision that "Carparks" are "open for consideration." Its further stated that where lands zoned F are to be developed then "*Not more than 40% of the land in terms of the built form and surface car parking combined shall be developed upon*. While the above zoning objective does not specifically mention access roads, I consider it reasonable based on Table 13.1.19 that the zoning objective which allows for carparking also allows for an access road. The access road serving the site is to be located on open space lands to the south of the site.

8.4.4. The total area of open space zoning is 0.4393. The total area of vehicular access that overlaps with open space zoning is a total of 0.0278sqm. This equates to 6.3% of total available open space zoning. The access road is limited to the south east corner of the site and takes over a limited portion of the open space only. In this regard, I consider that the provision of the vehicular access road is acceptable in the context of the Open Space Zoning for the south of the site

8.4.5. The applicant has provided a pedestrian/cycle connectivity that joins the vehicular access road and brings a connection across the south of the site to Kilgobbin Road. Dun Laoghaire Rathdown County Development sets out Specific Local Objective 81 applies to the subject lands and seeks:

"To ensure the provision of a combined pedestrian footpath/cycleway connection between Belarmine and Kilgobbin Road to improve the overall local permeability and to facilitate direct access from new residential communities to the Luas Line B1 public transport corridor."

In my opinion, the proposed provision of pedestrian and cycle access through the site is consistent with the broader objective of improving permeability and providing connections between existing and future residential communities and the Luas public transport corridor. The proposed access infrastructure would facilitate a direct pedestrian/cycle connection between the residentially zoned portion of the site and Kilgobbin Road and would contribute to the implementation of the permeability objective identified under Specific Local Objective 81. The total area of

pedestrian/cycle paths that overlaps with open space zoning is a total of 0.0417sqm. This equates to 12.1% of total available open space zoning.

8.4.6. The total area of open space zoning that will be taken up by the road, pedestrian and bicycle infrastructure shall be 18.4%. In this regard, I consider the flexibility permitted within the zoning objective which allows for carparking spaces, would naturally allow for an access road. The proposal is incompliance with Zoning Objective F which states that no more than 40% of the open space area shall be taken over by car parking or infrastructure. The level of open space to be developed for the purposes of access road and pedestrian and cycle connectivity is not greater than 40% in accordance with the requirements of the objective. The primary function of the Objective F lands would remain as open space. The proposal retains a substantial area of open space within this part of the site, while also incorporating a children's play area and associated landscape treatment.

In this regard, I do not consider that the provision of vehicle access infrastructure through the Objective F lands would in itself, undermine the primary purpose of the zoning objective. Rather, the proposed vehicular access forms part of a wider permeability objective while facilitating the residential development with vehicle connectivity. The provision of a pedestrian/cycle connection which is specifically supported by Specific Local Objective 81 provides connectivity via Belmarine and Kilgobbin Road. I am therefore satisfied that the proposed arrangement represents an appropriate balance between the protection and provision of open space and the delivery of the connectivity objective identified for the lands.

8.4.7. Communal Open Space

8.4.8. Appellants have raised concerns regarding the proposed communal open space provision. It is stated the provision of communal open spaces at roof level exceeds development plan standards. It's further stated that quantity of public open space is over reliant on zoning objective F zoning. It is submitted that these areas should not be regarded as communal open space and that the proposal therefore fails to provide adequate amenity for future residents. Concerns are also raised in relation to the location of the playground in close proximity to residential development.

8.4.9. Regarding Communal Open Space - The applicant submits that the green roof areas are integrated into the overall architectural and landscape design of the development

and perform multiple functions, including biodiversity enhancement, Sustainable Drainage Systems (SuDS) and visual amenity. The applicant further states that the communal open space provision significantly exceeds the minimum standards required under the County Development Plan.

8.4.10. I have had regard to Section 12.8 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, together with Table12.9, which set out the quantitative and qualitative standards for communal open space within apartment developments. Section 12.8.3.2 states communal open space is for the exclusive use of the residents of the development and should be accessible, secure, and usable outdoor space which is inclusive and suitable for use by those with young children and for less mobile older persons. Whilst an element of roof garden may be acceptable, the full quantum of communal open space should not take the form of being solely roof gardens. Section 12.8.5.4 states that consideration of the use of roof gardens as communal open space shall be on a case-by-case basis and will not normally be acceptable on a site where there is scope to provide communal open space at grade, as roof gardens do not provide the same standard of amenity particularly to young children. Consideration must also be given to the overall design, layout, and location of the roof garden, including its height. For larger apartment schemes more than 50 units no more than 30% of the communal open space shall be provided by way of a roof garden.

8.4.11. Based on Table 12.9 of the CDP, the proposed development is required to provide 678 sq.m of communal open space. The drawings provided by the applicant provides a total of 1,332.6 sq.m of communal open space, substantially exceeding the minimum Development Plan requirement. I further note that approximately 476 sq.m of this provision is located at ground level. 476sqm of the required 678sqm equates to 70.2% of communal open space requirement at ground floor level. I consider the applicant has provided the quantity of communal open space requirement at ground floor level in accordance with Section 12.8.3.2 and 12.8.5.4 of the CDP. While I note concerns of appellants in relation to location of some of the communal open space provision, I do not consider the development proposal is reliant on communal open space at roof level. The applicant has stated another function of the green roof function is provide additional integrated SuDs measures for the site. I consider the proposal exceeds the minimum communal open space requirements of the

development plan, provides substantial publicly accessible communal open space at ground level and incorporates high-quality landscaping and delivers a range of recreational and biodiversity benefits consistent with the objectives of the county development plan.

8.4.12. The Planning Design Standards for New Apartments Guidelines 2025 sets out communal open space requirements for apartment buildings. In this regard, I note that the standards in the Development Plan and Apartment Guidelines are identical. I am therefore satisfied the proposed quantity of communal open space meets the requirements laid out in Appendix 1 of Planning Design Standards for New Apartments Guidelines 2025.

8.4.13. Regarding the Design Criteria for communal open space, I note Section 12.8.3.2 of the Development Management Standards of the CDP to be the informing guideline. It states that Communal open space is for the exclusive use of the residents of the development and should be accessible, secure, and usable outdoor space which is inclusive and suitable for use by those with young children and for less mobile older persons. I note that the communal open space at ground level within the scheme is located to the rear of apartment blocks and legible as a communal open space away from other public open spaces. The northwest corner of the site features a play area within the communal area for 2–6-year-olds. The communal areas are easily accessible and predominantly at a single level within easy access of communal areas of the apartment blocks. The landscaping strategy is incorporated into these communal areas, creating high quality useable spaces that are distinct from other areas within the development. I am satisfied that the communal open space provision in this instance complies with Section 12.8.3.2 and Table 12.9 of the CDP in terms of quantity and quality.

8.4.14. Public Open Space –

8.4.15. Appellants on file have raised concerns regarding the reliance of the proposed development on lands zoned Objective F – Open Space to achieve the required public open space provision. Concerns have been raised that a significant proportion of the proposed public open space is located outside the lands zoned Objective A – Residential and therefore should not be relied upon as part of the open space calculation for the residential development.

8.4.16. I have considered this matter and do not agree with the appellants in this regard. Section 12.8.3.1 and Table 12.9 of the Dún Laoghaire-Rathdown county development plan set out the requirements for public open space provision within residential developments. These provisions require that residential developments designate a minimum of 15% of the site area for public open space provision. The proposed development incorporates approximately 5,286 sq.m of publicly accessible open space. This comprises 1,588 sq.m located within lands zoned Objective A – Residential, with the remaining approximately 3,698 sq.m located within lands zoned Objective F – Open Space.

8.4.17. Having regard to the requirements of Section 12.8.3.1 and Table 12.9 of the County Development Plan, I note that the provision of 1,588 sq.m of public open space within the residentially zoned lands equates to approximately 20.3% of the Objective A – Residential zoned lands. Accordingly, the residential element of the proposal independently exceeds the Development Plan requirement for a minimum 15% public open space provision. I am satisfied that the proposal complies with the quantitative requirements of Section 12.8.3.1 and Table 12.9 of the County Development Plan and that the development is not reliant on lands zoned Objective F – Open Space to achieve the required level of public open space provision.

8.4.18. The additional approximately 3,698 sq.m of open space located within Objective F – Open Space forms part of the wider open space network associated with the site. I note that these lands are not proposed to accommodate any built development and are primarily retained as accessible open space. The only elements located within these lands relate to the provision of pedestrian and vehicular connections, as detailed separately under Sections 8.3.3 and 8.3.4 of this report.

8.4.19. Quality and Function of Public Open Space

In addition to quantitative requirements, Section 12.8.3.1 of the County Development Plan requires that public open space is appropriately designed, accessible and contributes positively to the amenity of residents and the wider area. I consider that the proposed open space provision provides a suitable range of functions, including areas for passive recreation, landscape enhancement, pedestrian connectivity and biodiversity enhancement. The open space areas incorporate retained landscaping, additional planting, pedestrian routes and opportunities for informal recreation. The

location of the Objective F – Open Space lands at the southern and western portions of the site also contributes to the wider green infrastructure network and provides a transition between the developed area and the adjoining lands. Accordingly, having regard to both the quantity and quality of open space proposed, I consider that the development satisfies the objectives and requirements of Section 12.8.3.1 of the county development plan.

8.4.20. Compact Settlement Guidelines

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) also provide guidance in relation to public open space provision within residential developments. The Guidelines seek to ensure that new residential developments provide sufficient, well-designed and appropriately located public open spaces that contribute to the creation of attractive, healthy and sustainable neighbourhoods. The Guidelines identify that public open space should be considered in terms of both quantity and quality, including its accessibility, usability, integration with the surrounding development, landscape value and contribution to residential amenity. In terms of quantity, I note that the proposed development provides approximately 5,286 sq.m of publicly accessible open space. This exceeds the minimum 15% public open space requirement identified within the Compact Settlement Guidelines 2024. Furthermore, when considering only the residentially zoned lands, the proposal provides approximately 1,588 sq.m of public open space within Objective A lands, equating to approximately 20.3% provision. Therefore, the proposal exceeds the relevant quantitative standards irrespective of the additional open space provided within the Objective F lands.

8.4.21. Quality and Function of Public Open Space

In relation to quality, I consider that the proposed open space areas are appropriately distributed across the site and provide a combination of formal and informal recreation opportunities. The layout incorporates accessible open spaces, pedestrian permeability, landscaping measures and areas capable of supporting passive recreation and nature-based amenities. The retention and incorporation of the Objective F – Open Space lands also provides additional landscape and amenity benefits by maintaining a significant area free from built development. The inclusion

of these lands within the wider open space strategy does not, in my view, diminish the quality of the open space provision associated with the residential development.

8.4.22. I acknowledge the concerns raised by appellants regarding the reliance on Objective F lands; however, having regard to the level of open space independently provided within the Objective A residential lands, together with the additional amenity value provided by the Objective F lands, I consider that the overall open space strategy is appropriate.

8.4.23. Having regard to the requirements of Section 12.8.3.1 and Table 12.9 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, and the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024, I am satisfied that the proposed development provides an appropriate quantity and quality of public open space.

8.4.24. The proposal exceeds the required minimum quantitative standards, with approximately 1,588 sq.m of public open space located within Objective A – Residential lands representing approximately 20.3% provision, in addition to the approximately 3,698 sq.m of publicly accessible open space located within Objective F – Open Space lands. I therefore consider that the concerns raised by appellants regarding the reliance on Objective F lands are not substantiated and that the proposed public open space provision is acceptable in terms of policy compliance, accessibility, amenity value and overall site design.

8.4.25. Play Facilities

The proposed development includes two children's play areas. In addition to the primary communal play area (2-6 year olds) located within the internal residential layout, the proposal includes a second "natural play area" located towards the south-eastern boundary of the site, adjacent to the pedestrian and cycle connection onto Kilgobbin Road. This area is stated to be intended to provide a nature-based play facility for future residents and the wider public for an age group of 6-12 year olds.

8.4.26. Concerns have been raised by the appellants regarding the location and design of this southern play area, particularly in relation to the adjoining residential property known as Thornberry. The appellants contend that the play area, being publicly accessible, would give rise to security concerns for the occupants of Thornberry.

Concerns have also been raised that the proposed 1.4 metre high Deerpark heritage railing along the boundary could potentially be used as a climbing feature to gain access into the adjoining property.

8.4.27. Development Plan Policy Context

Section 12.8.9 of the county development plan sets out requirements relating to play facilities within apartment and residential developments. The development plan requires that play facilities are provided in accordance with the principles set out in the Department of Children and Youth Affairs document “Ready Steady Play Policy” (2019). Section 12.8.5.1 of the County Development Plan provides further guidance in relation to public open space and play facilities. It states that playgrounds located within public open spaces should be carefully sited within residential areas to ensure that they are:

- easily accessible;
- appropriately integrated into the surrounding open space network;
- overlooked by dwellings where possible; and
- designed and located in a manner that does not give rise to undue nuisance or impacts on the residential amenities of adjoining properties.

The development plan further includes Policy Objective OSR13: Play Facilities and Nature-Based Play, which seeks:

“To support the provision of structured and unstructured play areas with appropriate equipment and facilities, incorporating and facilitating Nature-based Play.”

8.4.28. I note that the development plan supports the provision of both formal and informal play opportunities, including nature-based play, and does not prescribe a specific numerical requirement or fixed quantum of play space required for individual developments. Rather, the emphasis is placed on the appropriate provision, design, accessibility and siting of play facilities within residential schemes. In this regard, while the provision of a natural play area is supported in principle by the development plan, the location of such facilities must have regard to the requirements that they are appropriately integrated into the residential environment and located where they can benefit from an appropriate level of passive surveillance and avoid undue impacts on adjoining residential amenities.

8.4.29. The applicant has provided two separate play areas within the overall development. The primary communal play area is located within the internal residential layout to the north-east of the site. This area is located within the residential scheme and benefits from a relationship with surrounding apartment blocks and communal spaces. In my view, this location is consistent with Section 12.8.5.1. development plan objective that play facilities should be integrated into residential areas and benefit from passive surveillance and ease of access.

8.4.30. The second play area, which is the subject of appellant concerns, is located within lands zoned Objective F – Open Space towards the southern boundary of the site. I note that this area is physically separated from the main residential blocks and is not directly overlooked by any apartment building or residential unit within the development. The play area due to its isolation from apartment blocks may give rise to nuisance to external adjacent properties.

8.4.31. The applicant states that this area is intended to function as a “natural play area” for children aged between 6 and 12 years. The play space is enclosed by a gated chestnut pale fence and hedgerow planting, with additional tree planting proposed along the southern boundary. The nearest existing dwelling within Thornberry is separated from the proposed play area by mature dense hedging and trees, with an indicated separation distance of approximately 12 metres.

8.4.32. I do not consider that the proposed play area would, in itself, result in a significant adverse impact on the residential amenity of Thornberry by reason of overlooking or direct visual intrusion. However, I acknowledge the appellants’ concerns regarding the location of a publicly accessible play facility immediately adjoining an existing residential boundary. The southern play area is not overlooked by the proposed apartment blocks and is located adjacent to a pedestrian and cycle access point onto Kilgobbin Road. In my view, these factors raise legitimate considerations regarding passive surveillance, safety and the appropriate siting of play facilities. In my view, the proposed play area does not meet requirements of Section 12.8.5.1 of the county development plan. A revised location for its inclusion could be accommodated elsewhere on the site.

8.4.33. Design Standards for New Apartment Guidelines 2025

The provision of play facilities is also addressed under Section 4.4 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2025). The Guidelines require that apartment developments provide appropriately designed play spaces as follows:

- small play spaces of approximately 85–100 square metres for the specific needs of toddlers and children up to six years of age, including suitable play equipment, seating for parents/guardians and located within sight of the apartment building, where a scheme includes 25 or more units with two or more bedrooms; and
- play areas of approximately 200–400 square metres for older children and young teenagers where a scheme includes 100 or more apartments with two or more bedrooms.

8.4.34. The Guidelines recognise that the location and design of play areas are important considerations in ensuring that they contribute positively to residential amenity. They state that landscape design and orientation can significantly enhance the amenity value of play areas. However, they also acknowledge that poorly located play areas, particularly those removed from residential supervision, can give rise to potential residential amenity concerns.

8.4.35. In the context of the proposed development, I consider the internal communal play area located within the residential scheme satisfies the general principles of the Apartment Guidelines, being located within the residential layout and capable of being overlooked by surrounding development. The additional southern natural play area exceeds the minimum requirement in terms of the overall provision of play space; however, its location does not align as closely with the siting principles outlined within the Apartment Guidelines. Specifically, it is removed from the apartment blocks, is not directly overlooked by residential units and is located adjacent to a public pedestrian route.

8.4.36. Having considered the provisions of the Dún Laoghaire-Rathdown CDP 2022–2028 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2025), I consider that the principle of providing nature-based play facilities is acceptable and supported by Development Plan Policy Objective OSR13. I do not consider that the provision of play facilities, or the

quantum of play space proposed, represents a substantive concern. The development provides an appropriately located communal play facility within the residential area which satisfies the requirements of the Development Plan and Apartment Guidelines. However, having regard to the specific location of the southern play area, its separation from the apartment blocks, the absence of direct overlooking, its proximity to a pedestrian access point and the concerns raised by third parties regarding security and passive surveillance, I consider that this element of the proposal could be improved. In my view, the most appropriate location for the additional play facility would be within a more centralised location within the development, where it can be integrated with the residential layout, benefit from increased passive surveillance and provide a more appropriate relationship with surrounding residential development. I consider that sufficient open space is available within the site to facilitate such a relocation without adversely affecting the overall landscape strategy or open space provision.

8.4.37. Accordingly, should the Commission be minded to grant permission, I recommend that a condition be attached requiring the relocation of the southern natural play area to a more central location within the development. Such a location could be accommodated either within lands zoned Objective A – Residential or Objective F – Open Space, subject to detailed design and agreement with the Planning Authority. Subject to such a condition, I consider that the proposed development would provide an acceptable level of play provision and that the issue does not constitute a substantive reason for refusal of permission.

8.4.38. In conclusion, having regard to the detailed information submitted by the applicant in relation to the provision of communal open space, public open space and children's play facilities, together with my assessment of the proposal against the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2025), I am satisfied that the proposed development generally accords with the relevant policy objectives and design standards relating to the quantity, quality, accessibility and functionality of open space.

8.5. Density

8.5.1. All appellants raised concerns regarding the density of the proposed development, which was considered to be excessive, contrary to national and local policy objectives and would result in overdevelopment of the site with consequent adverse impacts on the established residential area. The appellants further contend that the density calculation relied upon by the Planning Authority is incorrect, on the basis that it is calculated over the entire red-line site area rather than the residentially zoned lands alone. It is submitted that, if the density were calculated only over the residentially zoned lands, the resulting density would be approximately 167 units per hectare. The density stated by the applicant and planning authority is 98 units per hectare taken over Residential Zoned Lands A and Open Space Lands F.

8.5.2. Density Calculation

In order to address issues of correct density I consider it necessary to address the correct process for calculating density as set out in the Development Plan and Compact Settlement Guidelines. The Planning Authority assessed the density having regard to the overall site area within the red-line boundary i.e across the residential zoning A and Open Space Zoning F and calculated the proposed density at 98 units per hectare. Section 12.3.3.2 of the CDP states that density should be determined with reference to “Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (2020), (2025). The Compact Settlement Guidelines 2024 (CPG), which encourage higher densities in accessible and central locations, were published following the adoption of the current Development Plan for the area, and have replaced the Sustainable Residential Development Guidelines 2009. These have been adopted through variation 1 of the County Development Plan in April 2026.

Appendix B of the Compact Settlement Guidelines sets out methodology that should be used in the calculation of residential density.

The net site area used for the calculation includes the following:

- Local Streets as defined by Section 3.2.1 DMURS.
- Private and semi-private open space.

- Car parking, bicycle parking and other storage areas.
- Local parks such as neighbourhood and pocket parks or squares and plaza's
- All areas of incidental open space and landscaping

I note that there is no reference to calculating densities across various zonings however the guidelines state a density calculation must be made considering the total area accommodating the development including roads, open space and local parks. Apart from the vehicular access to the site, the applicant has provided local streets, carparking, cycle parking and open space provision for the site all within the Residentially Zoned Land. Based on zoning objective F open space lands, residential development is not "open for consideration" on these lands, Therefore I consider it appropriate to assess density based on Residential Zoned lands only. The total area zoned residential is 0.78ha. The proposal includes for 120 units. Therefore, the nett density of the site on residentially zoned lands is 167.8 units per hectare.

8.5.3. Dun Laoghaire Rathdown County Development Plan

The Core Strategy states that development will be concentrated in the built-up footprint of the County in order to achieve compact growth and that this will be in the form of higher residential densities. Policy Objective PHP 18 seeks to increase residential housing supply and promote compact growth through consolidation of infill/brownfield sites having regard to proximity and accessibility considerations, and is worded as follows:

> Policy Objective PHP 18 - Residential Density – To increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

8.5.4. The County Development Plan provides for minimum densities based on the Sustainable Residential Development Guidelines 2009 of 50dph in central and

accessible areas and 35dph elsewhere. These Guidelines have since been replaced by the Compact Settlement Guidelines (CSG), the Development Plan has been varied and adopted on 21st April 2026 to adopt the Sustainable residential and Compact Settlement Guidelines 2024. Notwithstanding this, maximum densities are not prescribed in the Development Plan. Section 12.3.3.2 – Residential Density seeks to optimise the density of development in response to the type of site, location and accessibility to public transport. Policy Objective PHP19 and Section 12.3.7.7 encourages the development of infill sites, which must respect the height and massing of existing development.Section 4.3.1 requires that higher densities be provided (min. of 50 dph) at suitable locations within existing built-up areas. These locations include sites within 1km/10-minute walking time of a rail station, Luas line or Core QBC, and/or within 500m (5 min. walking time) of a Bus Priority Route, and/or 1km/10-minute walking time of a Town or District Centre.

8.5.5. I note that the site of the proposed development is located close (900m) to two Luas Stops known as the Gallops and Glencairn. Bus Services including Service 44,47 and 118 are 100m from the site. These routes serve Belmarine, Stepaside through Ringsend to Pearse Street, from Enniskerry village through O' Connell Street to DCU and from Kiltiernan village through Donnybrook to Eden Quay. The area will benefit with greater public transport options in the future with Bus Connects projects. These include, Other City Bound Routes, new services operating into Dublin City Centre, such as the no. 86, 87and 88. All of the above bus stops and Luas Stops are within 900m of the proposed site or a 10 minute walk.

In addition to the above, there are a wide range of facilities within 5-10 minutes' walk of the site including pharmacies, GPs, dental services, schools, pubs, restaurants, parks etc. The area is also very well served in terms of access to educational facilities (UCD and Smurfitt Business School, 4 no. secondary schools and 7 no. primary schools) and employment facilities including hospitals, commercial offices, retail and restaurant uses. I would refer the Commission to the series of annotated aerial photographs of the area within the Community and Social Infrastructure Audit (September 2025).

I consider that the proposed density of 167units per hectare would be consistent with the Section 4.3.1 of the County Development Plan and in accordance with wider policy objectives to increase housing density through consolidation of an infill

site, given the high levels of accessibility of the site, provided that the design respects the residential amenity and character of surrounding lands. However, as noted previously, the Compact Settlement Guidelines 2024, which encourage higher densities in accessible and central locations, were published following the adoption of the current Development Plan for the area, and have replaced the Sustainable Residential Development Guidelines 2009. The P.A. has adopted Variation No. 1 in April 2026 to the Dun Laoghaire Rathdown CDP (2022-2028), which is intended to address the increased densities and other matters recommended in the guidelines.

8.5.6. Sustainable Residential Development and Compact Settlement Guidelines (2024)

The grounds of appeal strongly dispute the location of the site within the 'City-Urban Neighbourhood' area as set out in the 'Compact Settlement Guidelines' (with a density range of 50-250dph) on the grounds that it is not located convenient to a high-frequency public transport 'node or interchange' and is not a 'key urban centre', with a density range of 40-80dph, as it is described as a 'low-density suburb'. The appellants place considerable emphasis on a recent decision by An Coimisiún Pleanála in ABP-320493-24 at Oldtown House, Kilgobbin Road, where the site was considered within the City–Suburban/Urban Extension category for the purposes of the Compact Settlement Guidelines and a density range of 40–80 units per hectare was applied. The site referenced by the appellants is approximately 100m south of the proposed site.

8.5.7. The intention of the CSG is that planning authorities would vary their Development Plans so that the policies would accord with the guidance in the NPF and the CSG which prioritise compact growth. As such, the CSG policies and objectives are intended as 'a tool to guide the appropriate scale of development at different locations, rather than a prescriptive methodology' (3.2). The approach involves in the first instance, the identification of the type of area involved (density band) with the associated density range, (Section 3.3 and Table 3.1). Once this has been determined, the approach requires that the density be refined within this density range according to considerations of firstly, 'proximity and accessibility to services and public transport' and secondly, considerations of 'local character, amenity and natural environment'.

8.5.8. Establishing the density range- the planning authority has determined that the site falls within the City-Urban Neighbourhood density band (recommended density of 50-250dph). Table 3.1 of the CSG describes such areas as being 'highly accessible urban locations with good access to employment, education, institutional uses and public transport.' One of the categories is (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8). Thus, to qualify as a City-Urban Neighbourhood, the area needs to be one with a diverse range of uses/services and have a high level of accessibility to both services and to high-quality public transport. This contrasts with the 'City-Suburban' areas which are described as lower density, car-oriented residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st centuries, and the 'Urban Extension' areas which are largely greenfield sites at the edge of the built-up areas. The Kilgobbin Road/ Stepaside area within which the site is located is a long-established suburban area which dates back to the early 19th Century. Initially, Kilgobbin Road and the surrounding area comprised mainly large, detached houses set within substantial landscaped grounds and gradually became characterised by development with a more diverse range of architecture and increased density. It has evolved over the years into a neighbourhood with a considerable range of uses falling between Belmarine Village Centre and Plaza and 800 meters west of Leopardstown Village Centre Shopping Mall.

8.5.9. I have outlined the wide range of facilities and high-quality public transport available in the area in Section 8.5.5 above. It is noted that the site is within a 3-minute walk to Belmarine Village and 7-8 minute walk to Leopardstown Shopping Mall. In addition, UCD and Stillorgan is accessible from bus stop 47, which is 100m from the site. St. Vincent's Hospital, St. Michael's Hospital and Blackrock Clinic are all within easy reach by public or transport. The area is also served by high-quality and high-frequency public transport in the form of the Luas Green line with Glencairn Station and Gallops Station. Having carried out a site inspection and having walked to the relevant Luas stops I am satisfied that these high frequency public transport links are within easy walking distance to the site. I also note submission of the applicant which includes a "walking map" that indicates that the site is within 900m of the Gallops Luas Stop. On this basis, I consider that the site falls within a City – Urban Neighbourhood area and not a City - Suburban area/ Urban Extension area. Thus,

the appropriate density range, as set out in the Compact Settlement Guidelines is 50-250dph.

8.5.10. When refining the density within this range, I note that the CSG recommends a tiered approach (3.4.1), in terms of considerations of 'accessibility and proximity' to services and public transport. Thus, for sites at the most 'central and accessible locations' within the neighbourhood, densities at or above the mid-range (125dph) are encouraged, for sites at 'Intermediate locations', densities closer to the mid-range are encouraged and at the more 'peripheral locations', densities below the mid-range are encouraged. Definitions are provided in Table 3.8, which include –

- High-Capacity Transport Node or Interchange – Lands within 1km walking distance of an existing or planned high-capacity urban public transport node or interchange, namely, an interchange or node that includes DART, high frequency Commuter Rail, light rail or Metrolink or locations within 500m walking distance of an existing/planned BusConnects Core Bus Corridor stop. Density at nodes/interchanges – highest densities should be applied at the node or interchange and decrease with distance.
- Accessible location – Lands within 500 metres (5-6 mins walk) of existing or planned high frequency (10 min, peak hour frequency) urban bus service.
- Intermediate Location – Lands within 500-1000 metres (10–12-minute walk) of existing or planned high frequency (10-minute peak hour frequency) urban bus services and Lands within 500 metres of a reasonably frequent (minimum 15-minute peak hour frequency) urban bus service.
- Peripheral – Lands that do not meet the proximity or accessibility criteria detailed above.

On this basis, I consider the site to be located within an "intermediate location in that the site is one that is located within 1km of a high-capacity public transport node or interchange as it is located c.900m from The Gallops Luas Stop. The site is also located within1 minute or 100m of bus stops 44, 47 & 118 which serve Luas Stops, UCD, Stillorgan and City Centre. As such, I consider a density of 167.8 units per hectare would be acceptable in terms of the proximity and accessibility criteria.

8.5.11. The appellants have argued that the site is not located within 1km of 'node' or 'interchange' based on a previous assessment of a development 85m south of the site known as Old Town. It is set out that An Coimisiún Pleanála under reference number ABP 320493-24 considered the site at Oldtown to be a "City – Suburban Extension" as set out in table 3.1 of the Compact Settlement Guidelines. The appellant sets out that there is no material difference between the sites and available infrastructure therefore Dun Laoghaire Rathdown County Council is in error to assess the density based on an "accessible location". As set out in above sections, having visited the site and walked to the Gallops Luas Stop, I consider the site to be no more than 900m from the public transport node which is within acceptable walking distance as recommended under Section 3.1 of the Compact Settlement Guidelines. The site at Oldtown is further south of the site and I note outside of the 1000m distance from the Luas Green line. The applicant has submitted an analysis through the creation of a "walking distance map", I note the site at Oldtown is considered to be outside the 1000m to the transport node. I consider that the "accessible location" to be the correct analysis for the site in this regard.

8.5.12. The second consideration in refining density relates to the local character, amenity and the natural environment to ensure that the quantum and scale of the proposed development can successfully integrate into the receiving environment. The appellants believe that the proposed development does not respond positively to the surrounding development and that it would result in a negative impact on the character of the area, the historic character of the site and area, the amenities of the properties in the vicinity and the natural environment. Many of these issues will be addressed in detail in the following sections. However, at this juncture, it is necessary to consider these issues in respect of the appropriateness of the overall density of the proposed scheme. The characteristics of the local area include the prevailing density and architectural styles, the historical character of the site and area and the vegetative cover.

8.5.13. The appellants set out that the prevailing density is low with predominantly two-storey detached and semi-detached houses, many of which are of historic importance with several Protected Structures. Although this is a true reflection of many of the larger and older properties along Kilgobbin Road, there has been a considerable level of infill development over the years with increasing density,

particularly in more recent times. The site bounds residential estate Sandyford Hall immediately to the North of the site, Belmarine View residential estate is the south and Kilgobbin Grove residential estate which consist of a mix of two and three storey houses. Immediately west of the site are two substantial schools including Gaelscoil Thaobh na Coille and Stepaside Educate Together which are institutional buildings with substantial footprints, heights, mass and bulk. Although there are several Protected Structures in the general vicinity, the area is not a designated Architectural Conservation Area. A considerable level of tree cover from the original large gardens has been retained throughout the area which helps to create a leafy and green environment within which the built elements are nestled. There are several more modern housing estates adjoining the western, southern and eastern boundaries, but these are well screened by the mature trees along the boundaries. A full assessment of impact on Protected Structures, Cultural Heritage and Visual Impact are set out in section 8.10.

8.5.14. I consider the site to be relatively secluded from adjoining school uses and residential development owing to the unique setting and standalone nature of the site. The site comprises a large grassland area with a dense perimeter of mature tree lines. The open space zoning (.43ha) that surrounds the site to the south and east offers an additional buffer from surrounding uses. The northern boundary has the benefit of a Riparian Corridor and extensive tree cover including Kilgobbin Stream which is to be retained in full as part of the site landscape strategy. The landscape strategy includes for a full schedule of planting to provide an increased buffer from surrounding uses. The proposed development would introduce two apartment blocks ranging from 4 to 6 storey's within the centre of the site and setback from all site boundaries. Owing to the nature of the site, the open space zoning and layout of two apartment blocks in the centre of the site, I consider the site capable of accommodating a higher density than that prevailing in the surrounding area.

8.5.15. In conclusion, having regard to the policies and objectives of the current CDP and of the CSG as set out above, I consider that the site is capable of accommodating a higher density than that prevailing in the surrounding area. The site is located in a highly accessible area with excellent access to a wide range of services and to high-quality public transport and is, therefore, suited to increased densities. However,

there are several constraints on the site including the need for sensitive management of the historical relationship with Protected Structures. Notwithstanding this, it is considered that the relatively secluded nature of the site together with the extensive vegetative screening around the perimeter would enable a development with a higher density to be accommodated, provided that the design, scale, height and massing of the buildings would adequately respect the character and residential amenities of the surrounding lands. These matters will be considered further in the following sections. It is, therefore, considered that the proposed density of c.168dph is appropriate.

8.6. Design, Layout and Building Height

8.6.1. Appeal grounds and third-party submissions raise concerns regarding the design, and height of the proposed development. It is submitted that the proposal would be out of character with the established pattern of development, disproportionate in scale, overly dominant and visually obtrusive. The appellants have set out that the proposal is incongruous with the local area which is more rural in character than suburban. Concerns are also raised regarding the potential impact of the proposed apartment blocks on the visual and residential amenities of surrounding properties.

In considering these issues, I have reviewed the application and appeal documentation, including the Design Strategy, Landscape Visual Impact Assessment, submitted plans, elevations and cross-sections, photomontages and CGI material, the planning history of the site, the pre-planning consultations and Large-scale Residential Development Opinion of the Planning Authority and the relevant policy framework.

8.6.2. Layout & design – Although not raised as a specific ground of appeal, I consider it is appropriate to provide a context for the development and provide a description of the development in terms of layout.

8.6.3. The proposed development is organised around two principal apartment blocks positioned on either side of a new internal access street extending in a broadly north-south direction through the centre of the site. This internal street forms the primary organising element of the development and provides access to the proposed buildings, parking areas and communal open spaces.

The western apartment block A is positioned centrally within the site running west to east, fronting the new internal street to the south while presenting an active frontage to the south-west. The building is generally rectangular in form and encloses a substantial internal communal courtyard at podium level. Surface parking is located to the north of the building adjacent to the northern site boundary, while areas of communal landscaping and children's play space are provided immediately north-west of the block. A pedestrian and cycle connection is provided from the western side of the development linking directly to Kilgobbin Road, thereby improving permeability through the site.

8.6.4. The eastern apartment block B is located centrally within the eastern portion of the site and similarly fronts onto pedestrian/cycle link. The building is arranged around a central landscaped communal courtyard and incorporates additional communal open space to its east. Surface parking is provided along the northern edge of the building adjacent to the internal road. The eastern block is set back from the eastern site boundary by substantial landscaped areas incorporating existing and proposed tree planting together with a Sustainable Urban Drainage System (SuDS) attenuation basin located immediately to the south-east of the building.

8.6.5. Block A 4 to 5 storeys has a maximum height of 17.6 metres, while Block B 5 to 6 storeys has a maximum height of approximately 19.7 metres. Block A is separated from the Sandyford Hall residential estate to the north by existing mature vegetation and Kilgobbin Stream. The nearest identified properties are no 14 Sandyford Hall Drive & 17 Sandyford Hall Close are 30 metres from the proposed apartment building. Block B is located towards the eastern part of the site and is 29 metres from Riverside Cottage, with a separation distance of approximately 48 metres from the Sandyford Hall Close estate to the north. I note the separation distances exceed the minimum standard of 22m as set out within the Dun Laoighre Rathdown County Development Plan.

8.6.6. Vehicular access to the development is taken from Belarmine Vale to the south-east, where a new entrance provides access to the internal road network. The internal street extends northwards before terminating adjacent to the northern boundary and incorporates parallel parking, visitor parking and turning facilities. The layout provides clear separation between vehicular circulation and pedestrian routes, with

footpaths provided throughout the development linking all apartment entrances, communal facilities and open spaces.

8.6.7. A secondary pedestrian and cycle connection is provided between the western boundary and Kilgobbin Road, creating an important permeability link between Belarmine Vale and Kilgobbin Road in accordance with the relevant Specific Local Objective SLO 81 contained within the Dún Laoghaire-Rathdown County Development Plan. This route also provides improved connectivity to surrounding residential areas, local schools and the wider active travel network.

8.6.8. Open space is distributed throughout the development in the form of both communal and public open space. Each apartment block incorporates a central landscaped communal courtyard providing private amenity space for residents. In addition, a significant public open space is located to the west of the site, creating a focal point within the scheme and providing passive recreational opportunities. A children's play area is positioned towards the north-western corner of the site adjacent to the western apartment block, while a second play space is located adjacent to the south-eastern boundary beside the principal pedestrian entrance. A further linear landscaped corridor extends along the southern boundary adjoining Kilgobbin Road, incorporating retained trees, new planting and pedestrian routes which soften the interface with the adjoining public road. (An assessment of Open space has been provided under Section 8.3 of this report).

8.6.9. The relationship between the proposed development and adjoining properties has been carefully considered through the provision of landscaped setback distances around the site perimeter. Along the northern boundary, the apartment blocks are separated from existing residential properties by surface parking, internal roads, landscaping and retained vegetation. To the east, extensive open space, tree planting and the SuDS basin provide a generous buffer between the proposed eastern apartment block and Kilgobbin House. Along the southern boundary, the buildings are set back behind landscaped open space and existing vegetation adjacent to Kilgobbin Road, while the western boundary incorporates additional planting and a pedestrian connection which assists in integrating the development into the surrounding urban structure. Section 12.3.5 of the Dun Laoghaire Rathdown County Development Plan sets out Development Management Standards for apartment developments. I note that the proposed layout provides all necessary

separation distances and reaches necessary parameters in terms of open space provision, carparking and SuDs. The layout as provided is responsive to site surroundings and seeks to provide a balance between density, residential amenity and visual amenity as required by Section 12.3.5 of the CDP. (Carparking and SuDs measures will all be addressed within separate sections of this report.)

8.6.10. Design

8.6.11. The proposed apartment blocks adopt a contemporary architectural style, characterised by simple geometric forms, clean lines and a restrained use of materials. The building exhibits a strong horizontal emphasis through the use of continuous brickwork at the lower levels, contrasted by darker vertical cladding elements which provide visual articulation and break the overall façade into a series of legible bays. The principal elevational treatment comprises a light buff brick finish to the primary wall planes, complemented by dark metal cladding framing projecting balconies and circulation cores. Extensive glazing, including full-height window openings and generous balcony doors, contributes to a contemporary appearance while promoting natural daylight penetration into the residential units. The recessed upper storey, finished predominantly in darker materials, reduces the perceived height and bulk of the building and assists in integrating the development within its surrounding context. The façade demonstrates a well-balanced composition, with regular window proportions and vertically aligned openings creating rhythm and order. Balconies are carefully integrated into the overall design, with a combination of recessed and projecting elements adding depth, shadow and visual interest to the elevation while avoiding excessive projection or clutter. A centrally expressed entrance and circulation core, identified through increased glazing and contrasting materials, provides a clear focal point and reinforces legibility within the building.

8.6.12. While the appellants consider the design proposal to be inappropriate to the local area, I consider the proposal exhibits a number of positive design attributes:

- The building successfully breaks down its overall scale through the articulation of distinct bays, varied materials and recessed upper floor accommodation, thereby reducing its apparent massing.

- The use of high-quality facing brick as the predominant material provides visual permanence and durability, while darker cladding elements introduce contrast and contemporary detailing.
- The recessed fifth floor represents good urban design practice by reducing the visual dominance of the upper level and improving the building's proportions.
- The consistent alignment of window openings and balconies creates a coherent and disciplined façade composition.
- Generous glazing and private balconies contribute positively to residential amenity, passive surveillance and the activation of the building elevation.
- The building demonstrates an appropriate balance between repetition and variation, creating visual interest without unnecessary complexity.
- The combination of projecting and recessed balcony elements generates depth and shadow, avoiding a flat or monolithic appearance.

The clearly defined entrance and vertical circulation core improve legibility and provide an identifiable focal point within the elevation. I consider the design of the proposed scheme has sufficient regard to Section 12.3.7 in relation to infill residential schemes. The scheme creates an attractive urban form with thoughtful massing and high quality finishes that complies with Section 4.4.1 of the County Development Plan.

8.6.13. Overall, I consider the proposed apartment block represents a well-composed contemporary residential building that employs a restrained material palette, thoughtful massing, and careful façade articulation to create an attractive urban form. Such an approach would generally accords with Section 4.4.1 of the County Development Plan with respect to design and placemaking and the objectives of the Sustainable Urban Housing: Design Standards for New Apartments and the Urban Design Manual, which encourage high-quality architecture, articulated building forms, durable materials, and strong residential amenity.

8.6.14. The design and layout of the proposed development was assessed by the P.A. against the Design Criteria of the Development Plan, (pages 44-43 of the Planner's report). It was concluded that while the development is of increased scale relative to the local context, the overall design and layout of the proposal was considered to be

positive in that it utilised the existing topography and natural boundaries to absorb some of the additional building height. The proposed design and layout was therefore considered to be generally acceptable in response to this site and surrounding built form.

8.6.15. I would generally agree with these conclusions regarding the layout and design. It is considered that the proposed design strategy embraces and maximises the positive attributes of the site, such as the riparian corridor, the mature treelines around the perimeter, and permeability through the site. It is further considered that the design of the development which locates the tallest elements in the centre and the generous setbacks from boundaries, combine to demonstrate a sensitive approach to the difference in scale on the surrounding lands and would help to integrate the development into the neighbouring context. The proposed layout and design response to the surrounding context is, therefore, considered appropriate. Overall, the proposed layout & design demonstrates a coherent and legible site structure, with the apartment blocks framing a central street and series of interconnected open spaces. The development successfully integrates vehicular access, pedestrian permeability, communal amenity space and landscape infrastructure while maintaining appropriate separation from adjoining residential properties and reinforcing the existing movement network surrounding the site.

8.6.16. Height –

8.6.17. The Urban Development and Building Heights Guidelines (2018) promotes development plan policy which supports increased building height and density in locations with good transport accessibility. The Building Height Guidelines state that there is a presumption in favour of increased building height in city cores and in locations with good public transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings that are taller than the prevailing heights (Section 3.2). As discussed in previous sections of my report, it is considered that the site is located in an area with good accessibility to services, facilities and high-quality public transport.

8.6.18. The Dun Laoghaire Rathdown County Development Plan 2022-2028 addresses building height in Policy Objectives PHP42, BHS1 and in the Building Height Strategy (BHS) in Appendix 5 of the Plan. Policy PHP42 encourages high quality

design and requires new development to comply with the BHS (App.5). The Building Height Strategy was prepared having regard to the Building Height Guidelines (2018).

8.6.19. Policy Objective BHS1 - Increased Height supports consideration of increased building heights at appropriate locations including, inter alia, suitable areas which are well served by public transport links (within 1km/10 min. walk of DART station, LUAS stop or QBC stop or 500m of Bus Priority route), provided that proposals ensure a balance between the reasonable protection of amenities and environmental sensitivities, protection of residential amenity and established character of the area.

8.6.20. The CDP Building Height Strategy (Table 5.1) incorporates the Development Management Criteria (3.2) of the Government's Building Height Guidelines. The applicant has addressed the performance criteria in the Statement of Consistency submitted with the application. The assessment against these performance-based criteria (and County-specific criteria) is also set out at pages 46-56 of the Planner's Report. It was concluded that the site is located in an area that is well served by public transport as set out in BHS1 and that it has the potential to accommodate 'taller buildings' (i.e. 2 storeys above prevailing height). The P.A. was generally satisfied that the proposed development responds well to its surrounding context due to the separation distances to existing dwellings, retention of the riparian corridor and standalone nature of the site. It was concluded that the visual impact of the development would be largely contained within the immediate surroundings of the site and that the proposed buildings would not result in undue impacts on the residential amenity of adjoining properties.

8.6.21. I am satisfied that the policies and objectives set out in the national planning guidance on building height and the CDP Building Height Strategy generally support development proposals of increased height and 'taller buildings' at this location, subject to compliance with the performance criteria in Table 5.1 of CDP. Furthermore, I consider that neither the policy guidance at national or local level establishes a maximum limit of building height or density for this site.

8.6.22. Table 5.1 (Appendix 5) of the CDP sets out a set of Performance Criteria against which the proposed development is now assessed.

Criteria for All Such Proposals	Proposed Developments Compliance
At County Level	
a. Proposal assists in securing objectives of the NPF in terms of focusing development in key urban centres, fulfilling targets in relation to brownfield, infill development and delivering compact growth.	I consider the proposed density of 167dph would help to create a significant increase in accommodation within the area of Kilgobbin, helping to focus development within this Urban Neighbourhood (one of the key urban neighbourhoods of the NPF). The proposed development aims to address the following NPF Policy Objectives; nos. 7, 20, 37, 43 and 45. The proposed development is located on an underutilised green field site within Kilgobbin, a large suburban town within south Dublin, helping to provide compact development within the urban footprint of a key urban centre of Dublin.
Site must be well served by public transport – i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route – with high capacity, frequent	The site is located within a highly connected location, just off Kilgobbin Road and Ballyogan Road and the M50 motorway linking the area to the City Centre by car. Bus stops in the immediate area are served regularly by bus routes including the 44, 47 and 118. The site is also located within an 900-metre walking distance of

	the Gallops LUAS Stop, connecting it to the wider area of Dublin.
Proposal must successfully integrate into/enhance the character and public realm of the area, having regard to topography, cultural context, setting of key landmarks. In relation to character and public realm the proposal may enclose a street or cross roads or public transport interchange to the benefit of the legibility, appearance or character of the area.	As discussed in section 8.6 above, I consider that the design and layout responds positively to the surrounding context by siting the tallest elements in the centre, by tapering the height of the blocks towards the eastern and western boundaries, by setting the apartment blocks back from the site boundaries and by retaining/replacing the substantial and robust vegetative screening along the perimeters of the site. The public realm would be enhanced by the opening up of the underutilised site to the public with access to high-quality landscaped open spaces which retain the character of the site. I am satisfied that this would result in successful integration into the character of the area and enhancement of the public realm.
Views and Prospects	The Protected Structures that are close to the subject site are Kilgobbin Castle, Castle Lodge, Oldtown House and Thornberry. The development will not disturb views to any of these structures. This is achieved through

	maintaining the existing treeline along the southern boundary, adequate separation distances and stepping of building heights. Digital Dimensions prepared CGIs and verified views of the proposed development which provide more detailed information regarding the future views created by the proposed development. The Architectural Heritage Impact Assessment and Archaeological Impact Assessment reports that are submitted as part of the application, confirm that the proposed development will not adversely impact any protected views or Kilgobbin Castle.
Infrastructural Capacity	The site is identified as Tier 1 lands in the Core Strategy of the CDP. Infrastructural capacity has been confirmed by Uisce Eireann in respect of wastewater infrastructure (connection is feasible) and water supply (connection is feasible subject to upgrade, which is proposed as part of this development). The Traffic and Transport Report has also confirmed that there is capacity within the Luas and Bus services in the area.

At District/Neighbourhood/ Street Level	
Response to natural and built environment and positive contribution to neighbourhood/streetscape and Demonstrate compliance with 12 criteria in Urban Design Manual (SRDG 2009)	**Urban Design criteria** Context – it will contribute to the neighbourhood and streetscape by opening up a private and underutilised site to the public, delivering public open spaces, playground and childcare facilities. Connectivity – The proposal will open up a backland site to the public. It would provide for pedestrian/cycle connectivity with the site, permeability within the site and potential future connectivity to adjoining development. The site is also well connected to local services and employment facilities. Inclusivity – the proposal would add diversity to the existing housing stock and provide open space / permeability for the wider area, connecting Belmarine with Kilgobbin Road. Includes Part V units and all units are designed for universal access. Variety – Provides for a suitable mix of apartments including 1, 2 and 3 bedroom units. Efficiency – The proposal would result in an intensification of an

	underutilised site with a higher density which would represent a more efficient use of serviced and accessible land. The buildings are designed with an intention to achieve mZEB status. It also includes SUDs drainage principles and suitable waste recycling proposals. Distinctiveness – the design, layout and built form would represent a new and innovative architectural approach in the area. It would harness the positive attributes of the site to create a distinctive development with an increased density and scale, set within a landscaped parkland setting. The development includes a network of attractive interlinked open spaces and pathways would provide a high-quality public open space for both residents and the local community. Layout – the layout utilises the site's natural assets such as the mature tree belts on the perimeter, the sloping topography help integrate a density of increased height and scale into a lower density neighbourhood. The layout positively responds to the

	surrounding development by means of the massing of the buildings, the tapering of building height towards the site boundaries and the generous setbacks with the retained and enhanced mature vegetative screening. Public realm – the proposal would contribute to the public realm by providing access to this underutilised site which would include public amenities in the form of high-quality landscaped open spaces. The vehicular access to the site is very limited due to the siting of the entrance to the basement parking close to the site entrance, which will facilitate the creation of attractive and secure pedestrian open spaces designed for meeting, sitting, walking and active and passive recreation. Adaptability – the proposed apartments would be universally accessible and exceed the minimum size standards in the Apartment Guidelines, making the layouts flexible and adaptable to future uses and occupants. Privacy and amenity – the proposed apartments would be provided with suitable standards of

	private amenity space, with a high level of dual aspect and outlook over landscaped spaces. The separation distances between blocks and adjoining development exceed the minimum requirements. The P.A. had raised some concerns regarding overlooking between some apartment types and dwellings within Sandyford Hall Close this was satisfactorily addressed in the RFI Parking – the proposed parking is contained at surface level with spaces to the rear of apartments. The level of car parking within the development is 56 carparking spaces. This is considered further below under Section 8.11. Detailed Design – the contemporary design of the buildings is considered to be appropriate to this site, and the use of light tone materials will help to integrate the buildings into the surrounding context as it would emulate the palette of materials associated with historic stone and rendered buildings prevalent in the area.

Built form – avoid long uninterrupted walls and monolithic forms	The apartment blocks are not monolithic as the elevations are sufficiently articulated and the buildings are separated by a reasonably sized landscaped open space. The design of the blocks provides for variety though modulation of the height, the use of projecting balconies and terraces along the facades and staggered building lines. In addition, the facades are designed with a visual gradation of the brick and render to break down the verticality of the elevations.
Materials	The palette of materials, based on a relatively light tone of brick with rendered bands, is considered to be appropriate to the site context. The use of a lighter tone helps to reduce the visual impact from adjoining residential properties and represents a high-quality finish which is considered suited to the architectural quality of the surrounding area. The high quality of the materials and long-term maintenance benefits are highlighted in the Building Lifecycle Report which accompanied the planning application.

Enhance urban design context for public spaces, thoroughfares and water frontage	The proposed network of interconnected open space areas, which retain the established riparian corridor to the norths of the site, creates a new public realm which is both distinctive and functional. The design and layout of the outdoor space areas help to create a pleasant series of landscaped thoroughfares together with a variety of sitting out areas for both passive and active recreation. The provision of a variety of play areas for different age groups, as well as the circuitous pedestrian route with enclosed walkway to the south add further dimensions to the character of the open space.
Legibility	The site is currently isolated and well screened from the neighbourhood, with the primary vehicular access through Belmarine Vale. It is proposed to upgrade the entrance and access driveway from Belmarine Vale. This would improve the legibility of the site with the wider area. The legibility of the internal site layout would also be improved by the enhanced landscaping and open space areas including the visual links between the protected structure and the

	linear open space area, via the pond and re-landscaped gardens.
Mix of uses and building typologies	The mix of residential units, comprising 1, 2, 3 bed apartments, would add to the building/dwelling typologies in the area. The provision of a varied range of high-quality open spaces would also add to the amenity value of the neighbourhood.
Enclosure of streets and spaces	Although the site is an infill site with no road frontage and little opportunity to provide for enclosure of streets, it is considered that the internal streets that would be created would be appropriately enclosed. The proposed areas of open space, which also act as pedestrian thoroughfares, would also be adequately overlooked and benefit from passive surveillance.
Urban grain with meaningful levels of human contact	Landscaping is designed to encourage active engagement with the different character areas, and the circuitous pathways encourage movement through the site. The design and layout of the buildings provide for excellent levels of overlooking of external courtyards and open space areas. The proposed apartment blocks also include an internal residential

	amenity space which would facilitate informal gatherings. In addition, the varied nature and character of the open space areas with a mix of formally arranged courtyard gardens, landscaped thoroughfares and a meandering walkway and a series of sub-spaces for sitting out and gathering would allow for meaningful human contact and an attractive and secure public realm.
Positively contribute to character and identity of neighbourhood	The character of the area comprises mainly low to high density development of varying architectural styles with a high number of large dwellings on substantial plots. There has been much infill development over the years with increased density, particularly in the lands to the south of Kilgobbin Road, Belarmarine to the west. However, the prevalence of mature landscaping and high level of tree cover has been retained. The proposal is considered to respond positively to the surrounding established development by reason of the design, layout and retention of the screening effect of the mature tree lines. The LVIA concluded that although some adjoining properties

	would experience a noticeable change, only a limited element of the development would be visible from outside the site and from a small number of locations. The proposed development would introduce a new and distinctive development of high architectural and landscape quality which would make a positive contribution to the character and identity of the area.
Respect the built and landscaped form and amenity of neighbouring sites	The minimum separation distances of 22m (CPD) and 16m (SPPR1 – CSG) have been achieved and exceeded. The positioning of the apartment blocks in the centre of the site allows for the retention of a significant amount of the existing mature treelines along the boundaries, which will be further enhanced by additional infill planting, which will assist with screening the development. The siting of the taller elements, away from the boundaries, and tapering of building heights will help to assimilate the development and help with the transition in scale between the site and Kilgobbin Castle. The design and layout have had due regard to minimising the effects of overlooking, overshadowing and visual amenity

	of adjoining properties. No adjacent properties will experience overshadowing. I am satisfied that the proposed development would respect the built form and amenity of neighbouring properties.
At Site Building Scale	
Maximise access to daylight, ventilation, views and minimise overshadowing	the Daylight and Sunlight Effects and Internal Daylight Reports submitted with the application indicate that there would be no significant impact on future occupants or adjoining residential properties. The proposed residential units exceed the minimum size and aspect requirements. The majority of units are designed to be dual aspect (63%) and/or where single aspect, are south-facing and most apartments overlook high quality open space. The apartments will comply with Part F of Building Regs (ventilation), and the layout maximises access to natural daylight and sunlight.
Comply with BRE guidance and where non-compliance, provide rationale and proposed compensatory measures	As outlined within the statement of consistency and Building Life Cycle Report the proposal meets all standards in relation to compliance.

Ensure no adverse impact on residential amenity of adjoining properties	See section 8.7 below which addresses residential amenity of adjoining properties
No negative impact on ACA or setting of Protected Structure	Site is not located within or adjacent to an ACA. The applicant has provided an Architectural Impact Assessment which outlines that the design proposals will not significantly impact adjacent protected structures. No views from protected structures will be terminated as a result of the proposed development.
Carbon emissions	The application was accompanied by a Sustainability and Energy Statement and a Lifecycle Report which provide details of the manner in which the proposed development would minimise embodied carbon and operational GHG emissions during the construction phase and over the lifetime of the development.
County Specific Criteria	
Coastal Character	Given the distance from the coast and nature of the intervening lands, I have no concerns.
Mountain Landscape	No likely impacts on mountain landscapes due to distance and intervening landscapes.

Specific Requirements	Pre-application requirements have been addressed
Microclimatic Impacts	No impact anticipated
Flight lines	The proposed development is not located within a sensitive area in terms of bird flight paths. The building heights are relatively limited in respect of migratory flight paths. No impacts anticipated.
Telecommunication channels	No impacts anticipated.
Safe air navigation	No impacts anticipated.
Environmental impact assessments	The application was accompanied by an AA Screening Report, an EIA Screening Report and Ecological Impact Assessment. Please see Sections 9.0 and 10.0 below and associated Appendices to this report.
Place Making	The proposal provides a high-quality development with a distinctive sense of place as the design and layout maximises the positive attributes of the site, contributes to an enhanced public realm and provides permeability from Belmarine Vale to Kilgobbin Road.

Conclusion

8.6.23. In conclusion, I consider that the proposed development is acceptable in terms of its overall design, layout and building height. It is consistent with the Building Height Strategy in the CDP and performs well in terms of the criteria in Table 5.1, as

outlined above. I would concur with the planning authority's view that the site is one which could accommodate taller buildings and that the design and layout responds well to the surrounding context, primarily as a result of the beneficial use of the site topography and proposed building height modulation towards the boundaries, combined with the generous set back distances and retention and enhancement of the mature vegetative screening along the perimeter of the site.

8.7. Landscape and Visual Impact

8.7.1. The grounds of appeal raise concerns regarding the density, scale and height of the development which were considered excessive relative to the prevailing scale and character of the area and would, therefore, have an adverse impact on the historic architectural character and the visual amenity of the area. The appellants believe that the proposed development would result in a monolithic structure which would be an incongruous and obtrusive feature in the landscape. It is submitted that the visual receptors have a high susceptibility to change and that the area has a lower capacity to absorb such change.

8.7.2. The applicant has submitted a series of photomontages and CGIs which aid the understanding of the likely impacts on the landscape and visual amenities of the area. I consider that the viewpoints reflect a range of different locations at varying distances from the site and include a reasonable representation of receptors. I note that the P.A. was also satisfied with the range of viewpoints and considered that they accurately represented the views presented.

8.7.3. I agree with the appellants views that the character of the area is generally of a lower scale and density than that of the proposed development particularly along Kilgobbin Road. The proposal would introduce a significantly higher density development comprising taller buildings. This would inevitably result in a degree of change to the local landscape. However, the character of the area is somewhat varied in terms of architectural styles and building typologies as it has evolved over many decades. Furthermore, I would not accept that it is uniformly 2-storeys on large detached plots as have been suggested by some of the appellants. There are some original and older buildings which mainly comprise substantial single detached 2-storey dwellings set within generous landscaped gardens with high stone walls, mainly along

Kilgobbin Road, however I note the extensive development immediately abutting the site at Belmarine and Sandyford Hall Close.

8.7.4. From my observations on site, I also note that the character of the area is mixed in terms of uses with , community (two primary schools), commercial (Belmarine town centre and Leopardstown Town Plaza) and residential uses scattered throughout the area. In addition, the overall area has maintained a significant degree of greenery and tree cover, which helps the varying styles of architecture and building typologies to be readily assimilated into the character of the area. I consider, therefore, that the landscape (or townscape) character of the area can be described as a built-up area with a diverse architectural character and varied nature of streetscapes, with a limited range of intervisibility due to the topography, the built form and the extensive tree cover both within private gardens and on the public streets. These factors provide for a significant degree of enclosure which would limit visibility of the proposed development from the surrounding townscape. Thus, I am not convinced that the landscape/townscape of the area is so homogenous or open in character that it is incapable of absorbing some degree of change.

8.7.5. The photomontages indicate that although there would be a noticeable change to the existing urban environment, only a limited element of the proposed development would be visible outside the site and from a small number of locations. This in my view is largely due to the nature and location of the surrounding existing development including the high level of tree cover in the area together with the prevalence of mature gardens with established vegetation. The lack of a road frontage to the site and the extensive boundary screening by mature treelines is generally found to generally result in glimpsed rather than direct views. These factors, together with the design and layout as discussed above, combine to minimise the degree to which views of the proposed development would be available from the surrounding area. In my opinion the number of adjoining properties with moderate negative long-term visual impacts is very limited and that most views from adjacent properties would be likely to be glimpsed rather than direct views.

8.7.6. The photomontages provided takes representative views from six locations as follows:

8.7.7. View 1: Belmarine Vale to the immediate west of the site; location where school meets the proposed site. Considered that there will be an impact at this location but a positive one where the transition between zonal boundaries is most stark. The visual impact of the proposal adjacent to educational uses would not be considered negative. I agree with this assessment the development such as the one prospoed would be a positive impact in the context of Belmarine Vale and would remove the industrial look of the current arrangement of the boundaries associated with the access to the site.

8.7.8. View 2 & 3 taken from Sandyford Close Hall and Sandyford Close Drive to the northwest and north of site. The photomontages indicate that although screened to a degree there would be a level of visual impact locally. The proposed development would result in a moderate, negative impact from these locations. I consider that this would result in a localised impact only and would be limited to the sites closest to the development. I would accept, however, that in terms of impact on visual amenity, residential receptors in their own homes would represent a more sensitive receptor than users of the public realm and there is likely to be a greater resistance to change. However owing to the site zoning and infill nature of development a degree of change is inevitable at a local level. I do not consider the visual impact although moderate locally would be significantly detrimental to the amenities of the area.

8.7.9. View 4 taken from the east of site at Kilgobbin Road (at the entrance to dwelling known as Kilgobbin House, Kilgobbin Road Stepaside- objector to the proposal). I consider the view taken from this perspective to be representative of the level of screening on site and the buffer between the existing dwelling on Kilgobbin Road and the proposed site to be representative of the ground situation. I consider there would be a moderate, negative impact however I consider the impact would be localised only. In terms of the visual impact from the perspective of the residents of this dwelling, I do consider it within the bounds of acceptance for an urban site with sufficient mitigating circumstances such as setbacks and mature screening.

8.7.10. View 5 taken from the east of the site from Kilgobbin Road and property known as Riverside and proposed pedestrian entrance to the site. I consider the visual impact from the perspective of this property to be the most significant at this location. The contrasts in height between the 6 storey elements and single storey is noticeable. However, I consider the setback mitigates the impact to a significant degree with the

potential for the proposed landscaping to buffer the impact from significant negative to moderate negative impact overtime. I consider the impact to be significant but only at this point on Kilgobbin Road. I consider the long-term impact from this location to be acceptable in the context of an urban infill site where a degree of change is expected on zoned lands.

8.7.11. View 6 – taken from the southeast of the development towards Kilgobbin Castle. I consider the view taken from this perspective to be representative of the level of screening on site and the buffer between the existing dwelling on Kilgobbin Road and the proposed site to be representative of the ground situation. I consider there would be a moderate, negative impact however I consider the impact would be localised only. Architectural and Cultural Heirtage Impacts will be assessed in greater detail within Section 8.10 below. I consider the impact from this location to be acceptable in the context of an urban infill site where a degree of change is expected on zoned lands.

8.7.12. As outlined above in Section 8.5 and in the assessment of the performance criteria (Table 5.1), I consider that the design and layout of the proposed development has responded positively to the surrounding adjoining development, mainly due to the building setback from boundaries and the degree of intervening mature screening. Furthermore, it is considered that the modulation of the taller buildings with the highest elements set back, combined with the generous set back distances from these boundaries and the proposals to retain and enhance the existing mature tree line screening along the perimeter of the site, would allow the buildings to be more readily absorbed into the local townscape and would significantly reduce the visual impact on adjoining properties.

8.7.13. With regard to being monolithic, it is considered that the proposed U- shaped footprints of the apartment blocks, with the internal courtyards, together with the generous separation distance between the two blocks, enables the volume and mass of the buildings to be substantially reduced which would help to reduce the potential impacts of the increased scale on adjoining lands. I further consider that the articulation of the elevations, the use of a light tone of brick and of projecting glazed balconies, combine with the siting and design to reduce the building mass. I do not accept, therefore, that the proposed development would be unduly oppressive or overbearing when viewed from the adjoining properties and consider that the design

and layout, as outlined above, would help to successfully integrate the taller buildings into the local area.

8.7.14. Conclusion - The P.A. concluded that notwithstanding the visual impact on some of the closest neighbours, the lands are zoned for residential purposes and there is an objective to secure higher residential densities in proximity to public transport nodes, and as such, the proposed development is consistent with emerging trends and policy objectives. I would generally agree with this conclusion, but also consider that the proposed development, which would introduce new high density residential accommodation of an much greater scale, would also provide a development of high-quality architecture on an underutilised infill site in a built-up area, whilst retaining much of the existing parkland setting and would also make a positive contribution to the character and identity of the neighbourhood, with a significantly enhanced landscaped public realm for the community to enjoy. The proposed development would not, therefore, result in an adverse impact on the architectural character or visual amenity of the area and would make a positive contribution to the townscape character and would create a distinctive sense of place.

8.8. Residential Amenity of Existing Properties

8.8.1. Concerns have been raised by appellants and observers regarding the potential impact of the proposed development on the residential amenities of surrounding properties. In particular, concerns relate to overlooking, overshadowing, overbearing impact and construction-related disturbance.

8.8.2. Existing Residential Amenity

8.8.3. The grounds of appeal include concerns relating to negative impacts on the existing amenity of neighbouring properties due to overbearance/adverse visual impacts, and overlooking and loss of privacy and for all residents surrounding the site, nuisance from construction phase activities. The appellants consider that the proposed development, due to its excessive density, height and scale on an infill site, would not sufficiently protect the residential amenity of neighbouring properties. It is set out that the proposed development would lead to unobstructed views into bedrooms and living spaces of No 17 Sandyford Hall Drive and No 14 Sandyford Hall Close

8.8.4. The zoning objective for Objective A is to provide residential development and improve residential amenity while protecting the existing residential amenities. Policy

PHP18 seeks to increase housing supply and promote compact growth by consolidating infill sites in accessible locations and encouraging higher densities, provided that a balance is achieved between protecting existing residential amenities and the established character of the area and the need to provide for high quality sustainable residential development. Policy PHP20 seeks to protect the residential amenities of the existing homes in the built-up area where they are adjacent to higher density and greater height infill development. Section 12.3.7.7 requires that new infill development shall respect the height and massing of existing residential units and retain the physical character of the area. The main purpose of these policies is that, in line with national policy objective, the CDP encourages the provision of new housing at increased residential densities, particularly in areas with high levels of accessibility, including the use of underutilised infill sites, but provided that the existing residential amenities of neighbouring sites are respected and protected.

8.8.5. I have addressed the issues of increased density, building height and massing in the preceding sections (8.4and 8.5), where it was concluded that the proposed development responds positively and sensitively to the surrounding established development by reason of the design and layout of the development and the utilisation of the positive attributes of the site. It was concluded that the site is located in a highly accessible location and could accommodate taller buildings and that the design and layout, with retention of screening vegetation, generous setbacks and building height modulation towards the boundaries. To avoid repetition, I would refer the Commission to these sections of my report.

8.8.6. The main issues arising from potential impacts of the proposed development on residential amenity of properties in the vicinity of the site are overbearance/visual impact, overlooking and loss of privacy, and disturbance during the construction period.

8.8.7. <u>Overlooking, Overbearance and visual amenity</u>

8.8.8. In respect of overbearance and visual amenity, the issue has been addressed at section 8.5 of my report, where it was concluded that the proposed development would not result in an adverse impact on the architectural character or visual amenities of the area and would make a positive contribution to the townscape

character. It was further considered that due to the limited visibility of the site in the overall area, together with the design and layout with generous separation distances, height modulation towards the boundaries, the materiality and articulation of the elevations and the retention of vegetative screening, the proposed development would not be monolithic or unduly overbearing.

8.8.9. I note the planning authority through the original request for further information raised concerns in relation to potential for overlooking between apartment units and neighbouring properties, including potential for overlooking communal roof green space. The applicant submitted revised proposals including screening on the balconies to limit potential for overlooking. The detailed landscaping strategy was also accepted as a key mitigation factor in limiting overlooking.

8.8.10. The following proposed separation distances from the proposed apartment units to adjacent residential developments are shown in the on the Proposed Site Layout Plan (Drawing No. PL 101). The below gives an indication of distances from residents and potential for overlooking:

- 26 Sandyford Hall Drive – 35.92 meters
- 17 Sandyford Hall Drive – 31 meters
- 14 Sandyford Hall Close – 31.4 meters
- 9 Sandyford Hall Close – 45.9 meters
- Kilgobbin House, Kilgobbin Drive – 37.1 meters (distance from boundary)
- Stepaside Cottage Kilgobbin Road – 30.5 meters
- Thornberry, Kilgobbin Road – 42.6 meters

8.8.11. It can be seen that all of these separation distances exceed, and most are considerably greater than, 22 metres (the CDP requirement). All of the distances exceed the 16m separation distance required by SPPR 1 of the CSG. Regarding specific concerns in relation to no 17 Sandyford Hall Drive and 14 Sandyford Hall Close, I do not consider that the proposed development will give rise to unobstructed views into habitable rooms and rear gardens. I consider the distances between apartments and existing dwellings to be significant at 31 meters. The intervening and retained boundary screening is also significant in conjunction with a

proposed planting schedule as submitted. Regarding concerns from residents of Kilgobbin House and Thornberry, I also note separation distances exceed standards as set out in CDP and CSG. I note the presence of Riparian Corridor on the boundary with Kilgobbin House to the north east which shall be retained in full and open space between this boundary and Kilgobbin House. Thornberry along the south eastern boundary shall be retained in full and a buffer of planting proposed. In my view I consider that where a grant of permission is recommended a condition shall be attached regarding retention of boundaries in perpetuity and to fulfil all proposed landscaping prior to occupation of any apartment.

8.8.12. Potential overlooking from roof gardens open space

8.8.13. I also note the submitted Sunlight and Daylight Assessment Report which accompanied the application and provided a comprehensive assessment of the likely effects of the proposed development on access to sunlight and daylight at adjoining/nearby properties, using the BRE 209 (2022) Guidelines. It is noted that the BRE 209 2022 edition was referenced in the Compact Settlement Guidelines (2024), the apartment Guidelines (2025) and the current Dun Laoghaire Rathdown CDP (2022-2028). The report identifies only two properties with potential for loss of light into habitable rooms as a result of the proposal at No 17 Sandyford Hall Drive and No 14 Sandyford Hall Close. The detailed assessment concludes all windows retain a VSC in excess of 27% or are not reduced below 80% of the existing VSC value and any potential loss of daylight light will be minimal. Any reduction in available daylight from the proposed development will be negligible and meets the recommendations of the BRE guidelines BR209:2022. An assessment of sunlight to amenity areas into neighbouring properties was also provided which concluded that, all the private amenity space to the surrounding properties were assessed for sunlight in accordance with the recommendations set out in BR209:2022. On the 21st March, all the amenity spaces will retain 2 hours sunlight over 50% of the area or will not be reduced below 80% of the existing levels. The proposed development meets the recommendations of the BRE guidelines (2022). I consider the above assessment provided not only demonstrates the low impact of the development in terms of loss of light and potential overshadowing but also setback of the development from site boundaries. The above assessment in addition to other

design elements illustrates that the proposal will have limited overbearing impact on neighbouring properties.

8.8.14. On balance I consider that having regard to the nature of the site and character of the surrounding built-up area, combined with the proposed design approach, the proposed development would not be overbearing, give rise to excessive overlooking or have an adverse impact on the visual amenities of adjoining properties or of properties in the surrounding area. I consider the design proposal as set out strikes a balance between increased densities, open space provision and residential amenity. The proposal therefore accords with Policy Objective PHP20 which seeks to protect the residential amenities of the existing homes in the built-up area where they are adjacent to higher density and greater height infill development

8.8.15. Construction phase

8.8.16. A number of observers have raised concerns regarding the potential impacts of construction noise, dust and vibration on the amenities of adjoining residential properties. In response, the applicant has submitted a Construction Environmental Management Plan (CEMP) which sets out a range of mitigation measures designed to minimise noise emissions during the construction phase. I note Section 12.9 of the Development Management Chapter of the Dun Laoghaire Rathdown CDP sets out that Construction management plans shall be provided to address issues such as traffic management, hours of working, delivery times, prevention of noise and dust, reinstatement of roadway lining and signing, repair of damage to footways and grass verges and the accommodation of worker parking within the development curtilage

8.8.17. The CEMP proposes that construction activities will be confined to standard daytime working hours, 7.00am to 7.00pm Monday to Friday and 8.00am to 2.00pm Saturdays as set out in Section 12.9.5 of the CDP. The plan sets out that there will be no operation of noise-generating plant outside these hours except in exceptional circumstances and subject to the prior agreement of the Planning Authority. Maximum permissible construction noise levels are specified with reference to BS 5228:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites, together with the Environmental Noise Regulations. Where monitored noise levels exceed the prescribed thresholds, the contractor will

be required to review construction activities and implement additional mitigation measures.

8.8.18. The CEMP also provides for a baseline noise survey to be undertaken prior to the commencement of development to establish existing ambient noise levels. During construction, noise monitoring will be undertaken on an ongoing basis to verify compliance with the specified limits. In addition, the CEMP requires the use of modern, well-maintained plant fitted with effective silencers, the selection of quieter equipment where practicable, the location of stationary plant away from sensitive residential receptors insofar as practicable, the use of acoustic screening where required and the adoption of off-site prefabrication where feasible to reduce on-site construction activity.

The CDP does not specify noise levels for construction activity but Section 12.9 seeks to adopt current best practice for the control and management of same.Having regard to the detailed mitigation measures proposed, together with the requirement for ongoing monitoring and adaptive management should exceedances occur, I am satisfied that the proposed measures represent current best practice for the management of construction noise in accordance with Section 12.9 of the CDP. While temporary increases in noise levels will inevitably arise during certain stages of construction, I consider that the proposed mitigation measures are sufficient to ensure that impacts on neighbouring residential properties will be temporary, localised and maintained within acceptable limits.

8.8.19. Construction Vibration

Concerns have also been raised regarding potential vibration impacts arising from construction activities.

The CEMP provides that all construction works will be undertaken in accordance with BS 5228 and that vibration levels will generally be maintained below a peak particle velocity (PPV) of 1.0 mm/sec. Where exceptional activities, such as rock breaking, are likely to generate higher vibration levels, the Planning Authority and nearby residents will be notified in advance, together with details of the anticipated duration of the works. The mitigation strategy also includes the use of task-specific plant and machinery, regular maintenance of equipment, switching off engines when not in use, locating vibration-generating activities as far as practicable from sensitive

receptors, employing off-site fabrication where possible and providing temporary screening where appropriate.

8.8.20. In my opinion, the adoption of recognised industry standards together with clearly defined vibration thresholds, advance notification procedures and the implementation of best practice construction methods provides an appropriate framework for managing vibration impacts. While short-term vibration may arise during isolated construction activities, I am satisfied that the proposed measures are capable of minimising potential impacts on adjoining residential properties to an acceptable level.

8.8.21. Air Quality and Dust

Third-party submissions also express concern regarding dust generation and its potential impact on residential amenity.

The CEMP contains a comprehensive Dust Management Plan which incorporates a range of preventative and responsive mitigation measures. These include the careful siting of construction activities and stockpiles away from sensitive receptors where practicable, the erection of dust screens or barriers where necessary, the regular damping down of exposed surfaces during dry weather, the use of water bowsers and water spray systems to suppress airborne dust, and the covering of skips and stockpiles.The document further provides for strict management of construction traffic through a site speed limit of 20 km/h, regular cleaning of site access roads using water-assisted road sweepers, prevention of mud tracking onto the public road network, and the prompt removal of dust-generating materials from the site. Toolbox talks and staff training are also proposed to ensure ongoing compliance with dust control procedures, while a complaints register will be maintained to allow any issues raised by neighbouring residents to be investigated and addressed promptly.

8.8.22. The proposed dust mitigation measures reflect established best practice for developments of this scale and include both preventative measures and ongoing monitoring throughout the construction period. In particular, the combination of active dust suppression, road cleaning, traffic management, weather-responsive site management and complaint monitoring provides a robust framework for minimising dust emissions.

Having regard to the nature of the proposed development, the proximity of existing residential properties and the comprehensive mitigation measures outlined within the CEMP, I am satisfied that the potential for significant dust nuisance can be effectively controlled throughout the construction period.

In conclusion

8.8.23. Having considered the concerns raised by third parties, together with the submitted Construction Environmental Management Plan and the additional information provided by the applicant, I am satisfied that appropriate mitigation measures have been incorporated to address construction-related noise, vibration and dust impacts. The proposed mitigation measures are detailed, are based on recognised national and international standards and provide for monitoring, adaptive management and corrective action where necessary. While some temporary disturbance is inevitable during the construction of a residential development of this scale, I consider that the anticipated impacts will be localised, temporary and capable of being effectively managed through the implementation of the Construction Environmental Management Plan and compliance with appropriate planning conditions. Accordingly, I am satisfied that the proposal adequately safeguards the amenities of adjoining residential properties during the construction phase and is consistent with Policy PHP20 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, which seeks to protect existing residential amenity from unacceptable environmental impacts arising from development.

8.9. Flood Risk/Surface Water Drainage Strategy

8.9.1. Concerns have been raised by the appellants regarding the potential flood risk associated with the proposed development. The appellants state the site is located in Flood Zone A & B. In particular, reference has been made to previous flooding events that have occurred on the site, supported by photographs submitted with the appeal documentation. Concerns have also been raised regarding the potential for the development to increase flood risk to adjoining lands and properties. The applicant submitted a Site-Specific Flood Risk Assessment (SSFRA) as part of the application documentation. The Planning Authority considered the submitted assessment and surface water drainage strategy and concluded that the proposed residential development would not be at significant risk of flooding and that the

development would not result in an unacceptable increase in flood risk to adjoining properties. I note that the northern most boundary of the site at the point of Ballyorgan Stream is located within Flood Zone A & B. The remainder of the development is located in Flood Zone C.

8.9.2. As part of the appeal, the applicant has reiterated the conclusions of the SSFRA. The assessment was prepared by Molony Millar Consulting Civil and Structural Engineers and surface water strategy was updated following a request for further information from the Planning Authority. The updated details included revised attenuation proposals, updated catchment calculations, hydrological calculations and additional information regarding the proposed swales and surface water management measures.

8.9.3. I have had regard to the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government and the OPW in 2009, together with the relevant provisions of Appendix 15 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028. The Flood Risk Guidelines require a risk-based and sequential approach to the assessment of development proposals. Residential development is classified as highly vulnerable development. Such development is generally considered appropriate within Flood Zone C, while the development of highly vulnerable uses within Flood Zones A and B requires the application of the Justification Test.

8.9.4. The submitted SSFRA identifies the principal potential source of flood risk affecting the site as fluvial flooding associated with the Ballyorgan Stream to the north of the site. The flood extents associated with the stream are concentrated towards the northern part of the site. The proposed apartment blocks are located outside the identified Flood Zones A and B and within Flood Zone C. Only portions of the northern boundary of the site are located within flood zone A & B and encompasses small areas of open space, internal roadways and carparking. The proposed access roads and car parking areas are classified as water-compatible development under the Flood Risk Guidelines. The submitted assessment has considered the relationship between the proposed layout, the existing floodplain and the requirement to avoid increasing flood risk elsewhere.

8.9.5. Having regard to the submitted flood modelling and the proposed site layout, I am satisfied that the proposed apartment buildings are located outside the identified areas of flood risk. I further note that the proposed development has been designed having regard to the predicted flood levels and incorporates appropriate finished floor levels and freeboard. The submitted assessment indicates that the proposed finished floor levels have been designed with a minimum freeboard of approximately 300mm above the predicted flood levels associated with the relevant flood scenarios. The building structures are also located outside the identified 0.1% Annual Exceedance Probability (AEP) flood extents.

8.9.6. The external roads and car parking areas located towards the northern part of the site have generally been designed at or below existing ground levels. This approach is intended to avoid a material reduction in existing floodplain storage capacity. I acknowledge that the northern portion of the site and certain external areas may remain subject to flood risk, particularly during a 1% AEP fluvial flood event. However, the Flood Risk Guidelines distinguish between the acceptability of flood risk for different types of development. In this case, the highly vulnerable residential buildings are located within Flood Zone C, while the external access and parking areas are water-compatible development.

I consider that this approach is consistent with the sequential approach required under the Flood Risk Guidelines.

I have also had regard to the potential impact of climate change on future flood risk. The Climate Action Plan 2025 recognises the need to adapt to the potential impacts of climate change and to incorporate long-term resilience into the planning and design of development. The OPW's Climate Change Sectoral Adaptation Plan for Flood Risk Management identifies the need to account for projected increases in extreme rainfall and river flood flows when assessing future flood risk. The 2019 Flood Risk Management Climate Change Sectoral Adaptation Plan provides allowances for future flood scenarios, including a mid-range future scenario incorporating an allowance of 20% for peak flood flows and extreme rainfall depths and a high-end future scenario incorporating an allowance of 30%.

I note that the applicant has not specifically applied the 30% high-end future scenario allowance to all elements of the development. I do not consider this issue to be

substantive to the overall assessment as the flood risk areas (Flood Zone A & B) of the site are confined to the northern boundary only, which will not be impacted by any development. Its further highlighted that the finished floor level of the development relative to all other roads and infrastructure will be 300mm above any predicted future flood level. The submitted flood risk assessment has considered the relevant future flood risk scenarios and the flood levels used in the assessment and incorporated a substantial factor of safety and freeboard above the predicted flood levels. I also note that the proposed finished floor levels and the location of the principal buildings provide significant additional protection against future flood risk. The applicant has further assessed the potential flood extents associated with more frequent flood events, including the 50% AEP event, and has considered the relative flood levels arising from more frequent and less frequent flood events. The planning authority were satisfied with the details supplied in relation to Flood Risk assessment and did not raise any concerns with respect to flood risk on site.

8.9.7. Having regard to the information provided, I am satisfied that the proposed layout and building levels provide an appropriate degree of resilience to future flood risk. I consider that the development has been designed with sufficient contingency to ensure that the proposed residential buildings would not be subject to an unacceptable level of flood risk arising from projected increases in fluvial flood levels.

8.9.8. Surface Water Drainage and Flood Risk

8.9.9. The appellants on file have raised concerns in relation to the further information request of Planning Authority in relation to surface water drainage on site and that the amendments submitted at further information stage represent a substantial revision to an unacceptable drainage scheme. Its stated that the applicant has failed to demonstrate that the proposed development would not increase flood risk within the site or adjoining lands. With respect to the Flood Risk Assessment as submitted the planning authority sought clarification for the following two items:

a) Provide cross sections to show that the topography remains unaltered across the full extent of the flood extents.

b) The applicant is requested to comment on the surface water drainage systems in the event of a blockage commenting on any surcharging or flood risk that may be identified.

The applicant responded to the further information request providing sections of the site indicating topography will remain unaltered. Details of overland flow direction have been provided; any potential surcharging will be directed to northern boundary to Ballyorgan Stream. A catchment area layout plan has been provided, indicating of how all surface water will be directed and managed. Sections of permeable paving and car parking areas have been provided. The planning authority were satisfied with respect to further information submission and surface water drainage strategy and recommended standard conditions in relation to same.

8.9.10. I note Section 12.9 of the CDP seeks that SuDs measures shall be implemented in all new residential development, through the achievement of control of run-off quantity and quality and enhances amenity and habitat. The requirements of the UK's Construction Industry Research and Information Association (CIRIA) 'SuDS Manual', shall be followed unless specifically exempted by the Planning Authority. This aligns with Policy E16 which seeks to ensure all development proposals incorporate Sustainable Urban Drainage Systems. The Manual promotes the implementation of a drainage hierarchy which seeks to replicate natural drainage processes through the management of runoff at source, attenuation of peak flows, improvement in water quality, biodiversity enhancement and the provision of multifunctional landscape features. Having examined the submitted drainage strategy, I consider that the proposed development demonstrates compliance with each of these fundamental SuDS objectives as follows.

8.9.11. Source Control

The first principle of SuDS is the management of rainfall as close as possible to where it falls. The proposed development incorporates an extensive range of source control measures throughout the site. All apartment buildings are provided with blue/green roof systems which intercept rainfall, reduce the volume of immediate runoff and delay the discharge of stormwater into the drainage network. These systems provide interception storage while also reducing peak discharge rates entering downstream infrastructure. Discharge from the roofs shall be reduced to 0.4l/s for Block A and 0.6l/s for Block B

8.9.12. Similarly, all parking bays are constructed using permeable paving which allows rainfall to infiltrate through the pavement structure before entering the underlying

drainage network. In accordance with CIRIA C753, permeable paving also provides significant treatment of pollutants through sediment filtration, adsorption and biodegradation of hydrocarbons prior to discharge. The total area of roads and footpaths is 1492$m^{2.}$ These areas shall be discharging between 1.2 and 15.3l/s for an accumulative rate of flow prior to attenuation being calculated.

8.9.13. The proposed tree pits distributed throughout the site similarly function as source control devices by intercepting runoff from adjacent roads, parking areas and landscaped spaces while providing temporary storage and biological treatment prior to discharge. Collectively these measures significantly reduce both the volume and velocity of runoff entering the piped drainage system and represent the first level of the SuDS management train advocated within the CIRIA Manual.

8.9.14. Site Control and Attenuation

The drainage strategy adopts a second stage of site-wide attenuation through the provision of two independent surface water management systems serving the northern and southern catchments. The southern catchment incorporates a detention basin which receives runoff from roads, footpaths, permeable paving, landscaped areas, tree pits, rain gardens, filter drains and roof drainage. This basin provides temporary storage during storm events and attenuates runoff prior to discharge. The permissible outflow for the southern catchment according to the guidelines is 5.90l/s.

8.9.15. The northern catchment incorporates an attenuation basin which performs a similar attenuation function while also providing conveyance, settlement of suspended solids and additional treatment before discharge. The adoption of two independent drainage systems reflects the site's natural topography and allows each catchment to discharge independently without requiring unnecessary pumping or extensive engineering interventions. I consider this approach to represent good engineering practice and accords with the principle of designing drainage systems around natural site characteristics rather than modifying existing drainage patterns. The permissible northern catchment permissible outflow is 0.90l/s.

The total outflow from the site is 6.80l/s. I consider the detail supplied in relation to attenuation is standard best practice in compliance with CIRIA SuDs manual and the level of attenuation on site will not give rise to additional flood risk on the site.

8.9.16. Greenfield Runoff

One of the principal objectives of the CIRIA SuDS Manual is that post-development runoff should, insofar as practicable, replicate greenfield conditions. The applicant has undertaken a detailed greenfield runoff assessment using the HR Wallingford UKSuDS Greenfield Runoff Estimation Tool. Site-specific rainfall, soil conditions and contributing catchment areas have been incorporated into the assessment. The calculated greenfield runoff rate (Qbar) is 6.8 litres per second. The drainage network has been designed so that the combined discharge from the site is restricted to this rate through the incorporation of two hydrobrake flow control devices located at the respective outfalls over the northern and southern catchments as outlined under Section 8.9.15 above.

In my opinion this represents one of the most significant aspects of the drainage strategy. By limiting discharge to the equivalent greenfield runoff rate, the proposed development will not increase peak flow entering the Ballyogan Stream relative to the existing undeveloped site. This is consistent with the objectives of both the CIRIA SuDS Manual and Policy EI16 of the County Development Plan.

8.9.17. Water Quality Treatment

The submitted strategy also incorporates a comprehensive treatment train in accordance with CIRIA C753. Surface water runoff from trafficked areas passes through permeable paving, tree pits, filter drains, swales, detention basins and bypass petrol interceptors prior to discharge.Each element contributes a different level of pollutant removal. Permeable paving provides filtration and hydrocarbon degradation. Tree pits provide sediment settlement together with biological uptake. Swales reduce flow velocity allowing suspended solids to settle while also promoting biological treatment. The detention basin provides additional settlement and storage. Bypass petrol interceptors provide removal of hydrocarbons generated by vehicular traffic. Taken together these components provide multiple stages of treatment prior to discharge to the Ballyogan Stream and significantly reduce the risk of deterioration in receiving water quality.

I am therefore satisfied that the proposed development appropriately addresses the water quality objectives of the CIRIA SuDS Manual

8.9.18. Climate Change

The drainage calculations include allowances for both climate change and future urban creep. Specifically, the attenuation calculations have been prepared using the critical 1 in 100-year storm event together with a 20% climate change allowance and a further 10% allowance for urban creep. Furthermore, attenuation storage has been demonstrated to exceed the minimum storage volumes calculated for these design events. In my opinion, this provides a robust level of resilience against future increases in rainfall intensity and reflects current best practice for residential development.

8.9.19. Soil Conditions

Ground investigation has confirmed that the underlying soils comprise gravelly silty clay with cobbles representative of glacial till deposits. Three separate infiltration tests failed. Accordingly, infiltration-based drainage systems are not proposed.

Instead, the applicant has appropriately adopted attenuation-based SuDS incorporating controlled discharge to the Ballyogan Stream.I consider this to be an appropriate engineering response having regard to the poor infiltration characteristics of the underlying soils.

8.9.20. Flood Risk and Exceedance

The northern extremity of the application site lies within Flood Zones A and B associated with the Ballyogan Stream, while all proposed residential buildings are located within Flood Zone C. The applicant has confirmed through cross sections that existing ground levels across the floodplain remain substantially unchanged and that the flood storage capacity of the stream corridor will therefore not be reduced. Additional information submitted in response to further information demonstrates that should surcharge occur during exceedance events, overland flow paths have been deliberately directed northwards towards the Ballyogan Stream rather than towards proposed residential buildings. This represents an important component of exceedance design promoted within the CIRIA Manual.

Accordingly, while localised surcharging may occur during exceptional rainfall events, exceedance flows have been safely routed away from vulnerable receptors. In my opinion the proposed drainage strategy does not increase flood risk either

within the application site. I note the addition of Condition 29 in the Schedule of conditions by DLRD which seeks the submission of overland flow routes and flood flow path areas. I note that these have been provided within the further information submission provided to the planning authority. Where the Coimisiun is minded to grant permission I do not consider that this condition is required.

8.9.21. Adjoining Properties

A further consideration is whether the proposed development would result in an increased risk of flooding to adjoining properties or other lands. The submitted flood risk assessment has considered the potential impact of the proposed development on existing floodplain storage, surface water runoff and downstream flood risk. The proposed development maintains the principal building structures outside the identified flood extents and provides for the management and attenuation of surface water arising from the developed site.

The proposed external roads and parking areas towards the northern portion of the site are generally maintained at or below existing ground levels, thereby reducing the potential for a material loss of floodplain storage. I also note that the Planning Authority, as the authority responsible for managing the relevant catchment, did not raise an objection to the proposed development on flood risk grounds. I acknowledge the photographs submitted by the appellants which demonstrate that flooding has occurred in parts of the wider area and that certain areas of the site may be subject to periodic flooding. I note submitted pictures has not provided dates of these past flood events. However, the existence of historical flooding does not, in itself, demonstrate that the proposed development would be at unacceptable risk of flooding or that the development would increase flood risk elsewhere.

The assessment has had a site specific approach including to the proposed layout, the identified flood zones, the proposed finished floor levels, the management of surface water and the potential impacts on floodplain storage. Having regard to these matters, I am satisfied that the proposed development has been appropriately designed to avoid an unacceptable increase in flood risk to adjoining properties and lands.

8.9.22. Accordingly, having regard to the information submitted with the application and appeal, the assessment of the Planning Authority, the provisions of the Planning

System and Flood Risk Management Guidelines and the relevant policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, I am satisfied that the proposed development would not be at an unacceptable risk of flooding and would not result in an unacceptable increase in flood risk to other lands or properties. Subject to the full implementation of the proposed flood mitigation and surface water management measures, together with appropriate conditions requiring the detailed design, construction and maintenance of the proposed drainage and SuDS infrastructure, I am satisfied that the proposed development would comply with the relevant flood risk management and surface water drainage provisions including Section 12.9 and Policy EI16 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028 and would accord with the proper planning and sustainable development of the area.

8.10. Ecology/ Riparian Corridor

8.10.1. Concerns have been raised by the appellants regarding the potential impact of the proposed development on the ecological value of the site and the adjoining riparian corridor associated with the Ballyogan Stream. In particular, concerns relate to the potential effects of increased residential activity, lighting, drainage infrastructure and human activity on the ecological function of the riparian corridor and the wider ecological network. The applicant submits that the ecological sensitivity of the site and its relationship with the Ballyogan Stream and associated riparian corridor were considered throughout the design and assessment process. It is submitted that the proposed development incorporates measures to avoid, minimise and mitigate potential impacts on terrestrial and aquatic biodiversity.

8.10.2. The applicant has submitted an Ecological Impact Assessment (EcIA), Construction Environmental Management Plan, Arboricultural Impact Assessment and Landscape Masterplan. These documents assess the existing ecological characteristics of the site and identify mitigation and enhancement measures in relation to habitats, trees, hedgerows, water quality, bats, birds, mammals and other ecological receptors.

8.10.3. I have had regard to the relevant provisions of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, including the biodiversity and green infrastructure policies contained in Chapter 9. Of particular relevance are Policy Objective GIB18, which seeks to protect and conserve the natural heritage of the County and to

ensure that features of biodiversity importance, including wildlife corridors, are adequately protected; Policy Objective GIB23, which seeks to protect the County-wide Ecological Network and improve the ecological coherence of the Natura 2000 network; Policy Objective GIB24, which seeks to maintain and protect the natural character and ecological value of rivers and stream corridors and, where possible, to enhance existing channels and encourage habitat diversity and nature-based solutions; and Policy Objective GIB25, which seeks to protect existing hedgerows and promote their retention and incorporation into the design of new development where feasible. I consider these policies particularly relevant to the assessment of the subject proposal given the relationship of the site with the Ballyogan Stream corridor and the existing network of trees, hedgerows and other semi-natural habitats surrounding the site.

8.10.4. The ecological surveys undertaken for the application included field surveys in October 2024 and bird and bat surveys in June 2025. The ecological assessment identified the principal ecological sensitivities of the site as being associated with the existing treelines, hedgerow network, drainage features, potential bat foraging activity and the relationship of the site with the adjoining watercourse and riparian corridor. The assessment identifies the predominant habitat on the site as agricultural grassland, which was being used for horse grazing. The grassland was assessed as being of relatively low ecological value and included common grassland species such as white clover, red clover, ribwort plantain, greater plantain, common ragwort, herb Robert, nettle, daisy and meadow and creeping buttercup. Mature treelines are located along the southern and western boundaries of the site. The recorded tree species include ash, sycamore, horse chestnut, beech and elder, with an understorey including blackthorn, snowberry, griselinia, viburnum and bramble. A north-south hedgerow is also located within the eastern portion of the site and comprises predominantly bramble, hawthorn and blackthorn. Areas of scrub are present around the margins of the agricultural field. Drainage ditches were also identified along the western boundary and part of the northern boundary. These features were generally species poor, with ivy-dominated ground flora and encroaching bramble.

I note that bats were recorded foraging on the site, particularly along the southern treeline. The site was not identified as an area suitable for bat roosts. The common

frog was not recorded during the surveys undertaken, although the existing drainage ditch was identified as having the potential to provide suitable habitat. No mammal burrows were recorded, although a fox and an invasive grey squirrel were recorded during the surveys.

8.10.5. The principal ecological concern raised in relation to the proposed development is the potential impact on the Ballyogan Stream and associated riparian corridor. Policy Objective GIB24 of the Dún Laoghaire-Rathdown County Development Plan is directly relevant. This objective seeks to maintain and protect the natural character and ecological value of rivers and stream corridors and, where possible, to enhance existing channels and encourage diversity of habitat and nature-based solutions incorporating biodiversity features. I consider that the relevant issue is not soley proximity to the stream corridor, but whether the proposed development would result in an unacceptable deterioration in the ecological function, water quality or habitat connectivity associated with the corridor.

8.10.6. The Ecological Impact Assessment (EcIA) identifies the potential pathways for ecological impact during both construction and operational phases. These include the potential mobilisation of sediment, dust or pollutants, impacts associated with surface water drainage and potential disturbance arising from construction activity, lighting and increased human activity. The applicant has proposed a range of construction and operational mitigation measures, including measures to prevent the mobilisation of silt and pollutants into the surface water drainage system and adjoining watercourse. The Construction Environmental Management Plan also provides for appropriate watercourse protection measures during the construction phase. Subject to the proper implementation of the proposed mitigation measures and appropriate conditions, I am satisfied that the potential for significant adverse effects arising from contaminated surface water, sediment or construction pollution can be adequately controlled.

8.10.7. I also note that the proposed surface water drainage system is designed to manage surface water arising from the developed site. Subject to the implementation of the proposed drainage system and appropriate maintenance, I am satisfied that the development can be operated without resulting in an unacceptable deterioration in water quality within the receiving watercourse. In relation to lighting, I acknowledge

the potential sensitivity of riparian corridors and treelines to artificial lighting, particularly in relation to bats and other nocturnal species. I consider that the detailed lighting design should therefore ensure that unnecessary light spill onto retained treelines, drainage features and the riparian corridor is avoided or minimised. In this regard, I consider that the proposed development can be appropriately conditioned to require a lighting scheme which has regard to the ecological sensitivity of the retained boundary vegetation, drainage features and adjoining watercourse. Subject to this requirement, I am satisfied that the potential impacts of artificial lighting can be appropriately addressed.

8.10.8. I also note that the proposed development retains significant areas of existing vegetation and provides for new planting and landscape enhancement. I consider that this approach is consistent with Policy Objective GIB24 and the wider objective of maintaining and enhancing ecological connectivity through the County's green infrastructure network.

8.10.9. Regarding Trees, Hedgerows and Ecological Connectivity -the proposed development requires the removal of 17 individual trees, two groups of trees and one hedgerow. The Arboricultural Impact Assessment identifies one Category A tree, six Category B trees and 12 Category C features among the vegetation proposed for removal. I acknowledge that the removal of existing mature vegetation represents a loss of ecological and landscape features. However, I also note that the proposed removals are stated to be limited to those necessary to facilitate the development and associated infrastructure. The Arboricultural Impact Assessment has considered the species, condition and value of the trees, as well as the potential impact of the proposed development on retained vegetation. The proposal also provides for substantial new tree and shrub planting. The applicant submits that the proposed planting will increase species diversity and canopy cover within the site and wider landscape.

8.10.10. Policy Objective GIB25 of the County Development Plan seeks to protect existing hedgerows and promote their retention and incorporation into the design of new development where feasible. I have had regard to this objective and acknowledge that the removal of the existing hedgerow represents a loss of an existing ecological feature. However, having regard to the zoning of the site, overall layout of the development, the retention of significant boundary vegetation, the

proposed landscape masterplan and the proposed replacement and additional planting, I am satisfied that the proposal does not represent an unacceptable loss of ecological connectivity.

8.10.11. I consider that the proposed landscape strategy has the potential to provide an overall improvement in habitat diversity and canopy cover within the site over time. The provision of additional native and appropriate species planting, together with the retention of existing mature vegetation where feasible, would assist in strengthening the ecological network and providing habitat and movement opportunities for wildlife. In this regard, I consider the proposal to be consistent with the objectives of Policy Objective GIB23, which seeks to protect and strengthen the County-wide Ecological Network and improve ecological coherence between biodiversity assets.

8.10.12. The ecological assessment has considered the potential impacts of the development on bats, birds, amphibians, mammals and other ecological receptors. Bat surveys identified bat activity on the site, particularly along the southern treeline, however no evidence of Bat roosts were detetced. The retention of boundary vegetation and the control of artificial lighting will be important in maintaining the ecological function of these features. Although the common frog was not recorded during the initial surveys, the ecological assessment identifies the existing drainage ditch as having the potential to provide suitable habitat. I note that the Planning Authority has identified the need for further pre-construction survey work in this regard. I consider this to be appropriate and best practice. Given the potential suitability of the drainage ditch for amphibians, I recommend that, should the Coimisiún be minded to grant permission, a further ecological survey be undertaken prior to the commencement of development to confirm whether the common frog or other amphibian species are present and to identify any additional measures required. I also consider it appropriate that the ecological mitigation measures identified in the Ecological Impact Assessment and Construction Environmental Management Plan are implemented in full and that an appropriately qualified ecologist is involved in the implementation and supervision of relevant ecological protection measures.

8.10.13. The submitted ecological assessment has considered the potential for impacts on designated European sites. I have undertaken an Appropriate

Assessment for the proposal and reached conclusions under Section 10 of this report.

8.10.14. I have also had regard to Ireland's Fourth National Biodiversity Action Plan 2023–2030. The Plan establishes a national framework for addressing biodiversity loss and is structured around five strategic objectives, including meeting urgent conservation and restoration needs, securing nature's contribution to people and enhancing the evidence base for biodiversity action. The Plan also promotes a whole-of-government and whole-of-society approach to biodiversity protection and restoration. The proposed development has been assessed against the relevant ecological characteristics of the site and its surroundings. It provides for the retention of significant existing vegetation, protection of the adjoining watercourse through construction and operational controls, additional tree and landscape planting and measures to enhance habitat diversity and ecological connectivity.

I consider that this approach is consistent with the broad objectives of the National Biodiversity Action Plan, particularly in relation to the protection and restoration of biodiversity, the strengthening of the evidence base for decision-making and the integration of biodiversity considerations into development decisions. The public sector biodiversity duty introduced by the Wildlife (Amendment) Act 2023 also requires relevant public bodies to have regard to the objectives and targets of the National Biodiversity Action Plan.

8.10.15. Having regard to the submitted Ecological Impact Assessment, Arboricultural Impact Assessment, Construction Environmental Management Plan and Landscape Masterplan, together with the ecological surveys undertaken, I am satisfied that the ecological characteristics of the site and its relationship with the adjoining riparian corridor have been adequately assessed. I am satisfied that the proposal is consistent with the relevant biodiversity policies of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, including Policy Objective GIB18 relating to the protection of natural heritage and biodiversity, Policy Objective GIB23 relating to the County-wide Ecological Network, Policy Objective GIB24 relating to the protection and enhancement of rivers and stream corridors and Policy Objective GIB25 relating to hedgerows. I further consider that the proposed development has

had appropriate regard to the objectives of Ireland's Fourth National Biodiversity Action Plan 2023–2030.

Subject to the implementation of the ecological mitigation measures, the protection of the riparian corridor and watercourse, appropriate control of artificial lighting, the implementation of the proposed landscape and planting strategy and the completion of further pre-construction ecological survey work in relation to potential amphibian habitat, I am satisfied that the proposed development would not result in an unacceptable loss of biodiversity or ecological connectivity and would not adversely affect the ecological value of the Ballyogan Stream riparian corridor.

Accordingly, I am satisfied that the proposed development would comply with the relevant biodiversity and green infrastructure objectives of the Dún Laoghaire-Rathdown County Development Plan 2022–2028 and would accord with the proper planning and sustainable development of the area.

8.11. Architectural Heritage/ Impact on Local Heritage and Historical Sites

8.11.1. The appellants submit that the scale and massing of the proposed development would adversely impact the architectural and archaeological heritage of the area, particularly the setting of Kilgobbin Castle, Thornberry and Castle Lodge the nearest of which located 25m south of the development boundary and the historic landscape surrounding Kilgobbin Road. It is further contended that the proposal is contrary to Policies GIB2 and GIB5 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028.

8.11.2. The applicant has submitted an Architectural Heritage Impact Assessment, Cultural Heritage Impact Assessment and supporting archaeological documentation. I note that the Conservation Officer of Dún Laoghaire-Rathdown County Council raised no objection to the proposal and accepted the conclusions of the submitted assessments that the proposed development would not result in a material adverse impact on the architectural heritage of the area.

8.11.3. I have had regard to the relevant provisions of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, in particular Policy Objectives GIB2 and GIB5 relating to the protection of landscape character and historic landscapes, together with Chapter 11 relating to archaeological heritage, including Policy Objective HER2, which seeks to protect archaeological heritage and preserve archaeological remains

in situ where appropriate. I have also had regard to Section 11.4.1 of the Development Plan, which seeks to protect the setting and amenity of Protected Structures.

8.11.4. Architectural Heirtage

The site lies adjacent to a number of Protected Structures. The entrance to the site is overlooked by KIlgobbin Villa (RPS No.1688). The southern border of the proposed development site lies adjacent to Thornberry (RPS No.1688) which is largely screened by mature vegetation and the grounds of KIlgobbin Castle (RPS No.1696, which contains a ruined late medieval tower house (DU025-017001-) which was reused as a romantic ruin within the demesne of the Georgian House . Castle Lodge (RPS 1690) lies south of Thornberry, and Oldtown House (RPS No.1700) south along KIlgobbin Road).

8.11.5. Kilgobbin Castle, a Protected Structure (RPS No. 1696), the grounds of which area located approximately 25 metres south of the application site boundary. The RPS record for the site includes both the Georgian House (originally 'Bayly's Cottage', now 'Kilgobbin Castle') and contains a ruined late medieval tower house (DU025-017001-) as a romantic ruin or folly in the northern part of the demesne c.25m from the southern boundary of the proposed development site. The Georgian House is difficult to view from Kilgobbin Road due to the intervening high walls, fencing and mature vegetation, and is largely screened from views from within the development site by a line of mature and very tall deciduous trees which form the southern boundary of the site. Consequently, the development should have none to negligible impact on the special interest of the Protected Structure. The ruined tower house is within the curtilage of the Protected Structure, but it is unclear whether this archaeological monument is also part of the Protected Structure, though it clearly forms an important part of its setting and special interest. The tower house stands c.25m from the southern boundary of the proposed development site. This boundary trees stand higher than the castle and the treeline screens most of the proposed development site. Occasional gaps allow intermittent views and increases public awareness of the monument. Views of the tower house should not detract from its special interest.

8.11.6. I agree with the findings of the architectural impact assessment in this regard. There should be no impact on the special interest of the Protected structure owing to distance and intervening screening between the site and the Georgian House. I note concerns of appellants in relation to potential impact on views from the protected structure however the Georgian House is difficult to view from Kilgobbin Road and not visible from ground level from the site. The medieval tower house is positioned only 25m from the southern boundary of the site and in my opinion should be considered to be within the curtilage of Kilgobbin Castle. While the tower house is in close proximity to the development, it will be screened. I consider that there would be intermittent views from the site however I do not consider this detracts from the special interest of the site, the proposed development (Block A & Block B) will not terminate any views of Kilgobbin Castle or tower house. In this regard, I do not consider the proposed development would materially detract from the appreciation, setting or special interest of Kilgobbin Castle and its curtilage.

8.11.7. Thornberry (RPS 1689) is positioned to the south eastern boundary of the development site. It is set within its own grounds and screened from the development by boundary walls and mature vegetation from Kilgobbin Road and prosed development site. The architectural impact assessment concluded that the proposed development would not have an impact on the sites special interest. On the day of the site inspection, I noted that only the chimney and roof of Thornberry were visible from the development site. The proposed pedestrian/cycle path that will connect Belmarine and Kilgobbin Road shall be located just inside this boundary and the pedestrian entrance to Kilgobbin Road. Due to the standalone nature of the site, boundary walls and level of mature vegetation on site I do not consider the proposal will terminate any views of Thornberry. The apartment blocks shall be 41m from the protected structure at an angle from the existing structure. In this regard, I do not consider there is potential for overlooking or overbearing impact in relation to same. I note the presence of playground and amenity area, immediately abutting the boundary of Thornbury, issues of play facilities have been dealt with under Open Space Section 8.3 of this report. The requirement to provide this play area at this location is in my view not essential for the success of the development and I consider a less formal space should be considered at this location, that protects the amenity of Thornberry. In my view the overall scheme should not materially detract

from the appreciation, setting or special interest of Thornberry and its curtilage, subject to omission of play facilities at this location.

8.11.8. Castle Lodge (RPS 1690) is set within its own grounds and screened by boundary walls and mature vegetation from views from Kilgobbin Road, from Thornberry which lies between it and the proposed development site, and is not visible from within the site. Having visited the site, I consider that there will be no impact from the proposed development on the setting or special interest of Castle Lodge.

8.11.9. Kilgobbin Villa (RPS 1688) is located across Kilgobbin road and is traditional farmhouse style. There will be no termination of any views to the protected structure as a result of the proposed development. The existing Riverside Cottage screens the development from direct views into Kilgobbin Villa at ground level. Kilgobbin Villa is set back from the road and partially screened behind relatively high masonry walls. As Kilgobbin Villa is a standalone development I consider that there will be no impact from the proposed development on the setting or special interest of Castle Lodge.

In conclusion the proposed development is confined within its own red line boundary, retains the established mature boundary planting and incorporates additional landscaping which will further reinforce the existing visual buffer. While there will be intermittent views of the development from parts of the wider area, I do not consider that these views would materially detract from the appreciation, setting or special interest of the surrounding Protected Structures. I also note that the site is not located within an Architectural Conservation Area and the proposal would not directly affect any Protected Structure or Recorded Monument.

8.11.10. Regarding Archaeological Heritage - The subject site has been the subject of extensive archaeological investigation over a prolonged period arising from previous planning applications. Archaeological investigations, including geophysical surveys, test trenching, monitoring and excavation, were undertaken between 2002 and 2022. These investigations identified archaeological remains principally associated with medieval and post-medieval agricultural activity, drainage features and field boundaries, together with evidence of settlement activity. The archaeological assessments conclude that archaeological potential remains within parts of the site and recommend further archaeological investigation in advance of construction. I

note that the Department of Housing, Local Government and Heritage has recommended that topsoil stripping be undertaken under archaeological licence and supervision, following which the National Monuments Service will determine the appropriate mitigation strategy, including preservation in situ or preservation by record where necessary.

8.11.11. I consider based on the level of excavations and test trenches carried out to date that the site has a substantial level of archaeological material remaining. Two phases of activity were identified comprising medieval or possibly medieval activity, and post medieval and early modern activity.

Four features could definitely be assigned to the medieval period:

- a boundary ditch on the western end of the site,
- a second ditch to the east,
- and two pits located along the southern limit of the excavation and partially outside the investigated area.

It is unclear if a series of furrows on the west end of the excavation were of medieval or post-medieval date. A number of features produced no finds, but predated some of the post-medieval features within the site. These include a possible corn-drying kiln, two further pits, a spread of burnt soil and four ditches. No house foundation relating to settlement associated with the tower house were uncovered, but settlement activity was evidenced by the corn-drying kiln and medieval pits.

The ditch along the eastern side of the western field boundary dated to the medieval period. It extended beyond the investigated area and was thought likely to be present along the entire length of the boundary. It possibly also continues past the present entrance gap in the south along the beech-lined boundary west of Kilgobbin Castle House. This ditch measures 4m wide but widens towards the northern side where the flow of water would have originally discharged into Kilgobbin Stream. Finds included medieval pottery and unburnt animal bone. The adjacent bank is quite low, with only its basal layers surviving in situ. It was thought likely that this field boundary would also have served as the boundary to Kilgobbin Castle in the medieval period. The other ditch may represent the eastern boundary of a medieval

field. It measured 1.4m wide and 0.4-0.7m deep and contained animal bone, charcoal, charred cereal remains and two sherds of medieval pottery.

8.11.12. The post-medieval and early modern periods are represented by features relating to the drainage, tillage and enclosure of the area. This activity is responsible for the truncation of earlier medieval features on the site. Features include four walls, two areas of extensive drainage systems, and a series of furrows running in a north-south, northwest-southeast and east-west direction. A ditch which was cut into the west side of the medieval boundary ditch contained a human burial which was partially exposed in the north-facing baulk, the remainder of the female body was excavated as part of 2022 monitoring. The ditch contained both medieval and post-medieval pottery. The north-south orientation usually represents a stigma burial and it is possible that the burial is related to the encounter which took place in the 'Battlefield' site to the north in the 1640s. A post medieval boundary wall that was orientated north-south; another section of the wall had been investigated in 2002 during the excavation (Hagen 2003). Two probable medieval ditches were located in Field 1, while three probable medieval ditches were identified in Field 2. These features tied in with those identified by Hagen in 2002 and 2003 (Figure 13). These features may represent outer defensive elements associated with the late medieval tower house to the south. Archaeological deposits were identified at a depth of 0.4m.

8.11.13. As part of the mitigation strategy for the proposed site, it is recommended that full topsoil stripping take place to establish the quality and extent of the archaeological features, followed by a full archaeological excavation across the subject area prior to any further ground works. Having regard to the extent of archaeological potential on the site I consider it appropriate that a full archaeological investigation of the site is undertaken prior to any further groundworks. I note the department of Housing, Local Government and Heritage have recommended that the proposed development site be stripped of topsoil under archaeological supervision and under licence to the National Monuments Service. It is further recommended that the National Monuments Service should then be consulted regarding the best course of action moving forward i.e. full excavation/ preservation by record, or alternatively, preservation in-situ or a combination of both. A series of conditions are also recommended which have been included in the Planning Authorities schedule of conditions. I agree with findings and proposed mitigation measures as proposed in

this instance and recommend the proposed planning conditions for topsoil stripping and archaeological investigation undertaken with the Direction of Housing, Local Government and Heritage is appropriate in this instance.

8.11.14. Having regard to the residential zoning of the site and level of detail provided by the applicant in relation to testing carried out on site, I consider that there is potential for disturbance of unknown archaeological features. I consider it appropriate that the mitigation measures as proposed by the applicant in this instance to be appropriate given the already extensive archaeological investigations and ground disturbance that has already occurred on site. I consider this to be in accordance with Section 11.3 and Policy Objective HER2 of the County Development Plan Accordingly, I am satisfied that the proposed development complies with Policy Objectives GIB2, GIB5 and HER2 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028 and would not adversely affect the archaeological or architectural heritage of the area.

8.12. Car Parking

8.12.1. The appellants raise concerns regarding the proposed level of car parking (54 spaces), submitting that the development provides significantly fewer parking spaces than the standards set out in the Dún Laoghaire-Rathdown County Development Plan 2022–2028. It is contended that the proposed provision of approximately 0.45 parking spaces per apartment is inadequate and would result in overspill parking within surrounding residential estates. Reference is also made to other recently permitted Large-scale Residential Developments (LRDs) where higher levels of parking provision were provided.

8.12.2. The applicant submits that the proposed parking provision is consistent with national planning policy and reflects the accessibility of the site to high-capacity public transport. It is further stated that the proposed development complies with the flexibility afforded under the County Development Plan and the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

8.12.3. I note that the Planning Authority sought further information regarding the management of potential overspill parking. In response, the applicant submitted a

Parking Management Strategy which provides that parking spaces will be leased and managed independently by the Owners' Management Company rather than automatically allocated to each apartment. The strategy also provides for visitor parking controls, enforcement measures, including clamping where necessary, together with the provision of dedicated car-sharing spaces within the development.

8.12.4. I have had regard to Section 12.4.5 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, together with Table 12.5, which sets out the general parking standards for apartment developments. I note that the application site is located within Parking Zone 3, where the indicative standard is one parking space for one and two-bedroom apartments and two spaces for three-bedroom apartments. This is a standard parking provision outlined in Table 12.5. I also note that Section 12.4.5.2 of the Development Plan provides flexibility to vary these standards where a site-specific justification is demonstrated. In assessing appropriate parking provision, the Development Plan requires consideration of factors including accessibility to high-frequency public transport, the availability of walking and cycling infrastructure, the characteristics of the surrounding area and the overall objective of promoting sustainable travel patterns.

8.12.5. The submitted Traffic and Transport Assessment provides a site-specific justification for the proposed parking provision. The application site is located approximately 900 metres, or a 10–12 minute walk, from the Gallops Luas Stop and is also served by a number of Dublin Bus routes within convenient walking distance. The site therefore benefits from a high level of accessibility to public transport and is well connected to the wider metropolitan transport network. A mobility management plan has also been provided which highlights the connectivity and permeability of the site to adjacent sites and proximity to high frequency transportation options. I consider that owing to the site-specific justification for reduced car parking at this location, the proposal for 54 spaces complies with Section 12.4.5 and Table 12.5 of the County Development Plan.

8.12.6. I further note that the site falls within the City–Urban Neighbourhood typology identified in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). SPPR 3 of the Guidelines supports reduced levels of car parking in locations that are well served by high-capacity public transport, recognising that excessive parking provision can undermine national

objectives relating to compact growth, sustainable mobility and climate action. In this regard, the Compact Settlement Guidelines promote a transition away from minimum parking standards in highly accessible urban locations and encourage development patterns that prioritise walking, cycling and public transport over private car dependency.

8.12.7. I also note that the proposed development incorporates a range of measures designed to reduce reliance on private vehicle ownership, including secure bicycle parking, dedicated car-sharing spaces and a Parking Management Strategy to manage parking demand and discourage overspill parking onto adjoining residential streets. While I acknowledge the concerns expressed by the appellants regarding potential overspill parking, I consider that these concerns have been appropriately addressed through the proposed Parking Management Strategy and the operational management of the development by the Owners' Management Company.

8.12.8. The existence of developments elsewhere providing higher parking ratios (as outlined by appellants) does not, in itself, establish the appropriate level of parking for this proposal. Car parking provision must be assessed having regard to the specific characteristics of the site, the accessibility of the location, the relevant Development Plan policies and the applicable Section 28 Guidelines. Having regard to the site's proximity to the Gallops Luas Stop, the availability of frequent public transport services, the objectives of Section 12.4.5 and Section 12.4.5.2 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, SPPR 3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), together with the wider objectives of the Climate Action Plan 2025 to reduce reliance on private car use and promote sustainable travel, I am satisfied that the proposed level of car parking is appropriate in this instance.

Accordingly, I do consider that the proposed car parking provision aligns with Dun Laoghaire Rathdown CDP and requirements of the Compact Settlement Guidelines.

8.13. <u>Traffic, Transportation and Movement</u>

8.13.1. Third-party submissions raise concerns regarding the potential impact of the proposed development on traffic conditions, pedestrian safety and the operation of the surrounding road network, particularly having regard to the proximity of established residential areas, educational facilities and existing peak-hour

congestion associated with school traffic in the Belmarine area. Concerns are also raised regarding construction traffic and the safety of pedestrians and cyclists during the construction phase.

The applicant has submitted a Traffic and Transport Assessment, Road Safety Audit, Outline Construction Environmental Management Plan, Outline Construction Traffic Management Plan and Mobility Management Plan in support of the application. These documents assess both the construction and operational phases of the development and identify a range of mitigation measures to minimise potential impacts on the surrounding road network and residential amenity.

8.13.2. Construction Phase

During the construction phase, access to the site will initially be provided from Kilgobbin Road via the eastern site boundary, with a secondary access becoming available from the western side of the site as construction progresses. Construction compounds, contractor parking and associated site facilities will be located within the site, thereby avoiding the use of adjoining residential streets for contractor parking.

8.13.3. The Outline Construction Traffic Management Plan provides for the management of construction traffic through the use of designated haul routes, off-peak deliveries, traffic marshals where required, advance warning signage and the implementation of a "just-in-time" delivery strategy to minimise unnecessary vehicle movements and on-street queuing. The plan further provides that all HGVs will utilise the primary road network, with detailed haul routes to be agreed with the Planning Authority prior to the commencement of development as part of the final Construction Environmental Management Plan.

While some temporary inconvenience during the construction phase is inevitable in a development of this scale, I am satisfied that the proposed mitigation measures are appropriate and that construction traffic can be satisfactorily managed through the implementation of the Construction Traffic Management Plan and compliance with planning conditions. Accordingly, I do not consider that construction traffic would give rise to unacceptable impacts on the surrounding road network or residential amenity.

8.13.4. Operational Traffic

Vehicular access to the completed development will be provided via the extension of Belarmine Vale, a residential street specifically designed to accommodate future development lands and which currently terminates at the application site boundary.

The submitted Traffic and Transport Assessment includes traffic surveys undertaken in October 2024 together with projected opening year (2027) and design year (2042) assessments prepared in accordance with the TII Traffic and Transport Assessment Guidelines. Traffic growth has been derived using the TII Project Appraisal Guidelines for Metropolitan Dublin and the capacity of the proposed access arrangements and surrounding junctions has been assessed using the TII-approved Junctions 10 (PICADY) modelling software.

The assessment demonstrates that the predicted traffic associated with the proposed development represents a relatively modest increase in traffic volumes and that the surrounding road network will continue to operate within acceptable capacity during both the opening and design years. While Belarmine Vale experiences peak-hour traffic associated with nearby schools, the evidence indicates that the existing road has significant reserve capacity relative to its theoretical link capacity and that the additional vehicular trips generated by the development would not materially affect the operation of the surrounding network.

8.13.5. I note the observations of third parties regarding existing congestion during school peak periods. However, the existence of peak-period congestion does not, in itself, demonstrate that the proposed development would give rise to unacceptable traffic impacts. Having regard to the submitted traffic modelling, the Transportation Planning response of the Planning Authority and the absence of any objection from the Roads Authority, I am satisfied that the proposed development would not result in significant adverse effects on the capacity, operation or safety of the local road network. I consider the submitted traffic and transport assessment accords with Traffic and Transport assessment Guidelines 2014 and Objective T9 Road Safety as set out in Chapter 5 of the County Development Plan.

8.13.6. <u>Sustainable Movement, Walking and Cycling</u>

The proposed development has been designed having regard to the principles of sustainable movement and permeability promoted throughout the Dún Laoghaire-

Rathdown County Development Plan 2022–2028 and the Design Manual for Urban roads and Streets (DMURS).

In particular, the proposal incorporates a dedicated pedestrian and cycle connection between Belarmine Vale and Kilgobbin Road in accordance with Specific Local Objective (SLO) 81, thereby providing an important strategic permeability link between the established Belarmine residential area, Kilgobbin Road, Ballyogan Road, the Luas Green Line and the wider pedestrian and cycling network. Through the submission of revised detail at further information stage the applicant has also undertaken to provide a pedestrian/cycle link to the boundary of Sandyford Hall residential estate to the north. Third parties have raised concerns in relation to third party ownership. As part of the appeal the applicant has addressed this issue and have stated that the pedestrian and cycle link shall only be undertaken within the red line boundary of the site only. There shall be no works to occur outside of redline boundary.

8.13.7. This connection will significantly improve local permeability by providing direct and convenient walking and cycling routes to schools, public transport, employment and local services. The proposal therefore supports the Development Plan's overarching objective of promoting a modal shift away from reliance on the private motor car through the provision of attractive and connected active travel infrastructure. The proposal is also compliant with policy objective T7 in providing walking and cycling infrastructure within residential developments. I further note condition 7 as recommended by the planning authority which seeks the provision of 2m wide footpath along the entire extent of the site with Kilgobbin Road, with an overrun barrier to be provided at the edge of the footpath to prevent pedestrians/cyclists entering the live carriageway at the entrance location. I consider this condition to be appropriate and shall be retained. The provision of an internal footpath at this location will help with permeability objectives for the wider area.

8.13.8. Having regard to the quality of existing pedestrian and cycling infrastructure in the surrounding area and the proposed enhancement of local permeability, I am satisfied that the development accords with the sustainable transport objectives of the County Development Plan. Having regard to the submitted Traffic and Transport Assessment, the conclusions of the Planning Authority's Transportation Planning Section, the proposed Construction Traffic Management measures, and the

enhanced pedestrian and cycling connectivity provided by the development, I am satisfied that the proposal has been designed in accordance with the principles of sustainable movement promoted by the Dún Laoghaire-Rathdown County Development Plan 2022–2028. The proposal facilitates safe and convenient movement for pedestrians and cyclists, promotes permeability between existing neighbourhoods, appropriately integrates with the established transport network and does not give rise to unacceptable traffic safety or road capacity issues.

8.13.9. Accordingly, I consider that the proposed development is consistent with the transport and movement objectives of the Development Plan, including the promotion of sustainable travel, permeability, accessibility and the efficient operation of the road network. I therefore do not consider that construction traffic, operational traffic or pedestrian and cyclist connectivity constitute reasons to refuse permission.

8.14. Other Issues

8.14.1. Mitigation Measures and Further Information

The appellants submit that the extent of mitigation measures incorporated into the proposal, together with the nature and scale of the further information requested by the Planning Authority, demonstrates that the site is fundamentally unsuitable for the proposed development. It is contended that the proposal has required extensive redesign and layered mitigation measures to address significant deficiencies in the original application.

I do not accept this contention. Requests for Further Information form an established part of the statutory planning process and are intended to enable a Planning Authority to seek clarification, additional assessment or amendments where necessary to ensure that a proposal complies with the proper planning and sustainable development of the area.

In the present case, the appeal site comprises a constrained infill site incorporating residentially zoned lands, open space lands and a riparian corridor. It is therefore appropriate that detailed consideration be given to matters including ecology, flood risk, drainage, transportation, landscape design and residential amenity. I consider that the further information submitted has satisfactorily addressed the issues raised by the Planning Authority and that the mitigation measures proposed are proportionate to the characteristics and sensitivities of the site. There are a number

of competing objectives at national, regional and local level, including compact growth, efficient use of serviced lands, biodiversity protection, climate resilience and the delivery of sustainable residential development. In my view, the proposed mitigation measures appropriately balance these competing objectives and do not indicate that the site is unsuitable for development.

Where I consider that additional safeguards are necessary, these can be secured by planning condition.

9.0 AA Screening

Please see Appendix 2 AA Screening Determination attached.

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA, Dalkey Island SPA, Rockabill to Dalkey Island SAC, Bray Head SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

• The scale of the development on fully serviced lands

• Distance from and weak indirect connections to the European sites

• No ex-situ impacts on habitats of wintering birds

• Scientific information provided in the screening report

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Water Framework Directive

The subject site is located near Stepaside in south Dublin within Carrickmines Stream_10 sub-catchment which has a status of “Good” and is “Not At Risk”. The

site is within the Wicklow IE_EA_G_076 Ground Waterbody which has a Status of “Good” and is “At Risk”.

The proposed development comprises, 120 apartment units within 2 blocks from 4 to 6 storeys with associated works, new vehicular access from Belmarine Vale provision of a new pedestrian/ cycle connection to Kilgobbin Road, parking, roads/footpaths/cycle paths, site and infrastructural works and alterations/improvements to Kilgobbin Road. Surface water drainage is attenuation drainage and to Kilgobbin Stream.

No water deterioration concerns were raised in the planning appeal. It is noted that some surface water matters were raised during the application and have been considered in the assessment above.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The scale and nature of development, on zoned and serviced lands,
- The proposed surface water strategy and the incorporation of SuDS measures into the development,
- Best practice construction management.

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

11.0 Conditions and Recommendations Table

11.1. The following table summarises the conditions/recommendations of the Dun Laoghaire Rathdown County Council grant of permission and how they will be addressed in a decision to grant permission:

DLRCC Condition / Recommendation	Recommended Relevant Condition
1. Development to be undertaken in accordance with the plans and details submitted.	Condition No.1
2. Each unit to be used a single dwelling unit and not sub-divided.	Condition not required. Planning Enforcement matter for planning authority.
3. Final details of external materials to be submitted prior to commencement of works.	Addressed through Condition No. 2.
4. Existing stile on Kilgobbin road to be retained	Addressed through Condition No. 3.
5. Acceptable street naming and number scheme to be submitted.	Addressed through Condition No. 4
6. All measures outlined in the mobility management plan to be implemented	Addressed through Condition No. 5.
7. Details of continuous east west pedestrian link to be provided. Details of footpath for the entire extent of site at Kilgobbin Road to be provided	Addressed through Condition No. 6. Condition modified as much of the detail has been provided at application stage.
8. Prior to first use the proposed cycle links and pedestrian links shall be constructed and completed to taking in charge standards.	Addressed through condition 7
9. The applicant shall submit revised drawings and details which demonstrate require pedestrian link to Sandyford Hall	Omitted – these drawings have been provided at application stage
10. Road Safety audit – post construction	Addressed through condition 8
11. All public open space areas and pedestrian/cycle links through the site shall not be gated and shall be fully accessible to the general public	Addressed through condition 9
12. The Applicant shall ensure that all prospective occupiers of the proposed apartment units shall be made aware of the lack of car parking provision and lack of car parking entitlement.	Addressed through Condition No. 16 –

13. Management company details	Addressed through Condition No. 21. o
14. Road Opening Licence	Addressed through condition no 27
15. Take all necessary measures to: prevent mud, dirt carried onto roads/properties during construction	Addressed through condition no 27
16. Construction Management Plam	Addressed through condition no 24
17. Drainage	Addressed through Condition No. 15
18. Provide details of culvert on western boundary	Addressed through Condition No 15.
19. Construction stage details to be provided for attenuation systems, green roofs etc	Addressed through Condition No. 15
20. Flow control device	Addressed through Condition No. 15.
21. Detailed Design Stormwater audit	Addressed through Condition No. 15.
22. Stage 3 Stormwater Audit	Addressed through condition No. 15
23. Construction management plan & surface water	Addressed through condition No 24
24. Green roof specification .	Addressed through Condition No 15.
25. SuDs features	Addressed through Condition No. 15.
26. Drainage Maintenance	Addressed through Condition No. 15.
27. Landscape Proposals to incorporate drainage proposals	Addressed through condition No 17
28. Attenuation and flow control device	Condition repeated addressed through condition no 15
29. Flood Risk Assessment - detail of surcharging and overland flow routes to be provided.	Condition omitted see section 8.9 of report. Applicant has already provided details within the application
30. Landscaping: implementation of arboricultural plans	Addressed through Condition 17.
31. Retention of arboriculturist	Addressed through Condition 17.
32. Tree Bond	Addressed through Condition 27.
33. Implementation of landscape plans	Addressed through Condition 17
34. Landscape Architect	Addressed through Condition 17
35. Project Ecologist	Addressed through Condition No. 19.

36. Biodiversity Mitigation program	Addressed through Conditions No 19 – details have been provided within the EcIA
37. Pre-construction amphibian survey	Addressed through Condition No 20
38. Vegetation clearance	Addressed through Condition No. 17 & 19.
39. Implement measures detailed within the submitted within the ECIA	Addressed through Condition No. 19
40. Implement measures detailed within the submitted the landscape design rationale	Addressed through Condition No. 17 & 19.
41. Tree Protection Plan	Condition repeated addressed within Condition 17.
42. Tree felling	Addressed within the EcIA condition addressed through Condition No. 19
43. Outdoor lighting	Addressed through condition no 21
44. Outdoor lighting report	Addressed through Condition No. 21.
45. Site specific CEMP	Addressed through Condition No. 17.
46. Operations Environment Management Plan	Addressed through Condition No. 26.
47. Monitoring reports	Addressed through Condition No. 17, 19, 21, 26.
48. CEMP	Repeat condition Addressed through condition 17
49. Resource Waste Management Plan	Addressed through condition No 22
50. Public Liaison Plan	Addressed through condition No 23
51. Implement measures outlined within Operational Waste Management Plan	Addressed through Condition No 1
52. Implement measures within acoustic design statement provided with application	Addressed through Condition No 1
53. Pest Control Plan -	Outlined within CEMP -Addressed through condition No 17
54. Part V housing	Addressed through condition No 27
55. Archaeology	Addressed through condition No 10
56. Construction Hours	Addressed through condition No 25
57. Financial Contribution - surface water infrastructure	Addressed through condition No 29
58. Financial Contribution – transport infrastructure	Addressed through condition No 29
59. Financial Contribution – community & parks facilities	Addressed through condition No 29
60. Financial Contribution – Luas extension	Addressed through condition No 29
61. Bonds	Addressed through condition No 28

62. Bonds	Addressed through condition No 28

11.0 Recommendation

Having regard to the foregoing, I recommend that permission is granted for the Large-Scale Residential Development (LRD) as proposed for the reasons and considerations set out below.

12.0 Reasons and Consideration

Having regard to the following

a. the location of the site on lands zoned Objective A “Residential” and Objective F “Open Space” Dún Laoghaire-Rathdown County Development Plan 2022–2028.
b. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2025
c. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),
d. The nature, scale and design of the proposed development comprising an amendment to a permitted development on the site,
e. the existing pattern of development in the area,
f. the availability of a wide range of physical, social and community, infrastructure and services in the area,
g. The proximity of the site to transportation modes,
h. The flood Risk Management Guidelines 2009
i. The Building Height Guidelines 2018

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and 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 be acceptable in terms of layout, urban design, and would be acceptable in terms of pedestrian safety and convenience, and would not be detrimental to conservation objectives of an European Sites or to the quality of receiving waters. Its is considered that the proposed the proposed development would comply with the relevant biodiversity and

green infrastructure objectives of the Dún Laoghaire-Rathdown County Development Plan 2022–2028 and the proposed site complies with requirements of Flood Risk Management Guidelines 2009. 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, the Climate Action and Low Carbon Development (Amendment) Act 2021 and the Dun Laoghaire Rathdown County Development Plan 2022- 2028.

Recommended Draft Order

Appeal: by Eoin McGuinn on behalf of Sandyhall Residents Association (3rd party), by Kieran O Malley on behalf of Judi and Simon Pleass, by Mark & Lyn Kennedy against the decision made on the 21st day of April 2026 by Dun Laoighaire-Rathdown County Council to grant permission for the proposed LRD.

Proposed Development

The development will consist of a large-scale residential development comprising 120 apartment units within 2 blocks from 4 to 6 storeys with associated works, new vehicular access from Belmarine Vale provision of a new pedestrian/ cycle connection to Kilgobbin Road, parking, roads/footpaths/cycle paths, site and infrastructural works and alterations/improvements to Kilgobbin Road. The development will consist of:

a) The construction of 120 apartment units within 2 blocks from 4 to 6 storeys.
b) new vehicular access from Belmarine Vale provision of a new pedestrian/ cycle connection to Kilgobbin Road, parking, roads/footpaths/cycle paths, site and infrastructural works and alterations/improvements to Kilgobbin Road
c) Public Open Space & Play Area
d) 54 Car Parking Spaces
e) 273 Bicycle spaces, 3 motorcycle spaces
f) Bin waste store/bulky goods stores/ plant room at ground floor level
g) 1 no. detached ESB substation and 1 no. detached

The proposed development will also provide for all associated site development and infrastructural works including foul and surface water

drainage, roads, footpaths, landscaping, boundary treatment, public lighting and a pedestrian and cycling pathway connecting Belarmine Vale and Kilgobbin Road. Vehicular access to the development will be from Belarmine Vale.

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.

Matters Considered:

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. In coming to its decision, the Coimisiun is consistent with:

- Climate Action and Low Carbon Development Act 2015 (as amended) as amended by Climate Action and Low Carbon Development (Amendment) Act 2021
- Climate Action Plan 2024 (CAP 2024) and Climate Action Plan 2025 (CAP 2025),

Such matters included any submissions and observations received by it in accordance with statutory provisions.

a) the location of the site on lands zoned Objective A “Residential” and Objective F “Open Space” Dún Laoghaire-Rathdown County Development Plan 2022–2028.
b) Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2025
c) The flood Risk Management Guidelines 2019
d) The Building Height Guidelines 2018
e) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),
f) The nature, scale and design of the proposed development comprising an amendment to a permitted development on the site,
g) the existing pattern of development in the area,

h) the availability of a wide range of physical, social and community, infrastructure and services in the area,
i) The proximity of the site to transportation modes,
j) the submissions and observations received on file including from the planning authority, prescribed bodies, and first party,
k) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
l) the planning history in the vicinity of the site, and,
m) the report of the Planning Inspector.

12.0 **Appropriate Assessment Screening**

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report and found that the proposed development (alone) would not result in likely significant effects on any European Site.

It is concluded that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA, Dalkey Island SPA, Rockabill to Dalkey Island SAC, Bray Head SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. I note that other Natura 2000 sites are too remote from the subject site for the appeal site to have a possible connection or pathway and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

Environmental Impact Assessment Screening

The Commission completed an environmental impact assessment screening of the proposed development. Having regard to:

a) the nature and scale of the proposed development, which is below the thresholds in respect of Paragraphs 10 (b)(i) and (iv), Paragraph 10 (f) (ii), and

Paragraph 14 of Part 2 of Schedule 5 of the Planning & Development Regulations, 2001 (as amended),

b) the location of the site on land zoned 'A –Residential' and "F Open Space" in Dun- Laoghaire Rathdown County Development Plan 2022-2028

c) the zoning of the site, the extant permission on site and the pattern of development in the vicinity,

d) the availability of public water and foul services to serve the proposed development,

e) the criteria set out in Schedule 7 of the Planning & Development Regulations, 2001 (as amended).

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

The Commission consider that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and 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 be acceptable in terms of layout, urban design, and would be acceptable in terms of pedestrian safety and convenience, and would not be detrimental to conservation objectives of an European Sites or to the quality of receiving waters. 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, the Climate Action and Low Carbon Development (Amendment) Act 2021 and the Dun-Laoghaire Rathdown County Development Plan 2023-2029.

15. Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 25th day of March 2026, except as may otherwise be required in order to comply with the

following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
Reason: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. Details of all external finishes including materials, colours and textures shall be submitted prior to the commencement of development, for the written agreement of the Planning Authority.
Reason: In the interest of visual amenity.

3. The existing stile located adjacent to the gate on the southeastern boundary of the site onto Kilgobbin Road shall be retained in situ and shall not be removed or altered without the prior written agreement of the Planning Authority.

b) Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority a revised location for the southern “natural Play area” (adjacent to proposed pedestrian entrance at Kilgobbin Road). The Play area shall be relocated more centrally within the scheme where it can benefit from passive surveillance and overlooking. The location of this “natural play area” can be located within the lands Zoned Objective A – Residential or Objective F – Open Space

Reason: In the interests of residential amenity & preserving the historical character and local distinctiveness of this feature and to protect the visual amenity of the area.

4. An acceptable street naming and numbering scheme, in both Irish and English, shall be submitted for the written agreement of the Planning Authority prior to the commencement of development. In this regard, the use of street names reflecting local place names or local history would be acceptable.
Reason: In the interest of orderly development.

5. All measures outlined within the submitted Mobility Management Plan, and Car/Bicycle Parking Management Plan by NRB Consulting Engineers, Dated 29 August 2025, shall be implemented by the Applicant/Operator of the proposed development.
   Reason: In the interest of public safety and residential amenity.

6. Prior to commencement of development, the Applicant shall submit for the written approval of the Planning Authority revised drawings which indicate the following;
   a) The proposed link from from Belarmine Vale to Kilgobbin Road shall be continuous and be shown as a shared active travel facility (greenway) with an absolute minimum width of 3m in accordance with Table 2.2 of the current Cycle Design Manual.
   b)The drawings shall also demonstrate the provision of a continuous 2m wide footpath along the entire extent of the site with Kilgobbin Road, with an overrun barrier to be provided at the edge of the footpath to prevent pedestrians/cyclists from entering the live carriageway at the entrance location.
   c)The proposed 'speed hump' adjacent to the recreational area shall also be omitted.
   Reason: In the interest of sustainable development and permeability.

7. Prior to first use, the proposed East-West pedestrian and cycle link, and proposed pedestrian/cycle link in north end of the site to the boundary with Sandyford Hall Close, shall be constructed and completed to the Taking in Charge standards of the Planning Authority.
   Reason: In the interest of sustainable development and permeability.

8. All accepted measures outlined within the revised Stage 1 Quality Audit, by Bruton Consulting Engineers, Updated February 2026 shall be addressed, and prior to commencement of development, a Stage 2 Road Safety/Quality Audit of the detailed design shall be submitted for the written agreement of the Planning Authority. A Stage 3 Road Safety/Quality Audit of the post

construction works shall then be submitted for the written agreement of the Planning Authority (Transportation Planning) prior to occupation of the proposed development.
Reason: In the interest of sustainable development and permeability.

9. All public open space areas and pedestrian/cycle links through the site shall not be gated and shall be fully accessible to the general public 7 days of the week and 24 hours a day
Reason: In the interest of sustainable development and permeability.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
(a) engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Archaeological Assessment report for archaeological test excavation in advance of construction works and provide a conservation plan for preservation in-situ of the well (SMR No. DU008-014_). No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
(b) the archaeologist is required to notify the Department in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
(c) the archaeologist shall carry out any relevant documentary research and will; excavate test trenches, at locations chosen by the archaeologist, having consulted the proposed developments.
(d) having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department for consideration.
(e) where archaeological material is shown to be present, avoidance, preservation in-situ. Preservation by record (excavation) and/or monitoring may be required and the Department will advise the Applicant/Developer with regard to these matters.
(f) No site preparation or construction works shall be carried out until after the archaeologist's report has been submitted and permission to proceed has

been received in writing from the Planning Authority in consultation with the Department.

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

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

Reason: In the interests of visual and residential amenity.

12. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

13. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

(c)The Applicant shall ensure that all prospective occupiers of the proposed apartment units shall be made aware of the lack of car parking provision and lack of car parking entitlement.

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

14. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

15. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.
Prior to the commencement of development, the applicant shall submit to the Planning Authority for its written agreement fully dimensioned site-specific construction stage details and communally accessible maintenance arrangements for the proposed:
a. Attenuation system
b. Green Roofs
c. SuDS measures(tree pits, bioretention, swales and permeable paving etc)

d. Headwall details

e. Culvert Detail at site access

The applicant shall ensure area specific site investigation, in particular with reference to water table levels are reviewed in the design of each element.

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

16. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

17. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

a. Prior to the submission of the Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout tree protection fencing in accordance with BS 5837: 2012 and the Tree Protection drawing.

b. This protective fencing shall enclose an area covered by the crown spread of the branches, or at a minimum a radius of two meters on each side of the tree for its full length and shall be maintained until the development has been completed.

c. No construction equipment, machinery or material shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by this fencing, and there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained. Fencing to be in accordance with BS 5837: 2012 and as specified.

d. the developer shall engage the services of a qualified Arborist, for the entire period of construction activity.
e. The consultant shall visit the site as deemed appropriate by the Arborist, to ensure the implementation of all the recommendations in the tree reports and plans.
f. To ensure the protection of trees to be retained with the site the applicant shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the Protection Plan,
g. Prior to the commencement of development, the arborist shall submit photographs and confirmation that fencing for retained trees meets BS5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' for the written agreement of the planning authority
h. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work - Recommendations.
i. The clearance of any vegetation including trees and scrub shall be carried out outside the birdbreeding season (1st day of March to the 31st day of August inclusive)
j. The applicant shall engage the services of a landscape architect for the entirety of the scheme. Details of which shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

18. (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.

19. Prior to the commencement of development, the Applicant shall engage the services of a suitably qualified ecologist as the Project Ecologist/Ecological Clerk of Works (ECoW), from the commencement of construction and for the duration of the project including the implementation of mitigation measures and monitoring, for agreement with DLR Biodiversity Officer. The Applicant shall inform the Planning Authority in writing of the appointment and name of the ecologist, prior to the commencement of development. The Project Ecologist shall ensure the implementation of the biodiversity related mitigation measures and recommendations in the submitted in the Ecological Impact Assessment Report and Landscape Design Ratioanle.
    Reason : To protect Biodiversity and to ensure the implementation of mitigation measures and monitoring for Biodiversity
20. Prior to commencement of the development, a pre-construction amphibian survey will be carried out by a suitably qualified ecologist. If found to be present, appropriate mitigation measures will be implemented and a report provided to DLR's Biodiversity Officer.
    Reason: To ensure the implementation of mitigation measures and monitoring for the Common Frog, a species which is afforded protection under the Wildlife Acts.

21 .Prior to the commencement of development, the Applicant shall submit for the written approval of the Planning Authority, a letter from the specialist/s, that they are satisfied that the final design of the lighting proposed for the development; that it is to the required specification to ensure no impacts nocturnal species including bats and non-volant mammals and that the riparian zone is unlit.

Reason: To mitigate the potential impact of increased nocturnal illumination at the proposed development on nocturnal species, including those which are afforded protection under the Wildlife Acts.

22. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

23. The Applicant and the developments Contractor shall develop and implement a Public Liaison Plan for the duration of the works, covering the following.

a) Appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns.
b) Keeping local residents informed of progress and timing of particular construction activities that may impact on them.
c) Provision of a notice at the site entrance identifying the proposed means for making a complaint.
d) Maintenance of a complaints log recording all complaints received and follow up actions.

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

24. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted draft Construction Environmental Management Plan, Ecological Impact Assessment and Tree Survey, in addition to the following:

a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

b) Location of access points to the site for any construction related activity;

c) Location of areas for construction site offices and staff facilities;

d) Details of site security fencing and hoardings;

e) Details of on-site car parking facilities for site workers during construction;

f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

g) Measures to obviate queuing of construction traffic on the adjoining road network;

h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;

i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during site development works;

j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

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

n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of amenities, public health and safety.

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

25. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

26. A detailed site specific Operations Environment Management Plan (OEMP) shall be submitted for agreement of the Planning Authority prior to the commencement of the proposed works. The OCEMP shall include input from a suitably qualified ecologist for biodiversity elements and will include the following:

a. A complete table of mitigation and enhancement measures in respect of habitats and species.

b. A schedule for monitoring post construction and during operations in respect of measures for the protection of and enhancement for habitats and species, with provision for review and improvement of measures in the future, where necessary /appropriate shall be provided for agreement with DLR's Biodiversity Officer. A commitment to this will be included in both the final CEMP and OEMP.

c. A suitably qualified Project Ecologist/ Ecological Clerk of Works shall be retained: to ensure that the necessary measures are implemented; to oversee enhancement; and to conduct ecological monitoring.

Reason: To protect Biodiversity during operations.

27. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and 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 Bord Pleanála for determination.

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

28. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority 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 Coimisiun Pleanála for determination.

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

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

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

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

_____

Darragh Ryan

Planning Inspector

28th of October 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	324263-26		
Proposed Development Summary	Construction of 120 apartment units		
Development Address	Lands adjacent to Riverside Cottage, Kilgobbin Road, Stepaside, Dublin 18		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		**Yes**	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	X	Construction of more than 500 dwelling units Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Construction of more than 500 dwelling units Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere. 120 units	Preliminary examination required (Form 2)

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

Inspector: _____ **Date:** _____

Form 3 EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	120 apartments and associated site works.	
Development Summary	Lands adjacent to Riverside Cottage, Kilgobbin Road, Stepaside, Dublin 18	
	Yes / No / N/A	**Comment (if relevant)**
1. Was a Screening Determination carried out by the PA?	**No**	
2. Has Schedule 7A information been submitted?	**Yes**	EIA Screening Report with Schedule 7A information included
3. Has an AA screening report or NIS been submitted?	**Yes**	AA Screening Report
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	**No**	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried		SEA of the Dun Laoghaire Rathdown County Development Plan 2022-2028 AA of the Dun Laoghaire Rathdown County Development Plan 2022-2028

out pursuant to other relevant Directives – for example SEA		Site Specific Flood Risk Assessment Ecological Impact Assessment Sustainability and Energy Report Outline Construction & Environmental Management Plan	
B. EXAMINATION	**Yes/ No/ Uncertain**	**Briefly describe the nature and extent and Mitigation Measures (where relevant)** (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures** –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	**Is this likely to result in significant effects on the environment?** **Yes/ No/ Uncertain**
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	Area is largely residential with growing pattern of infill and densification and a number of recent multistorey/multi unit developments in the area	No

1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	No change to land use, but intensification. No changes to topography.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Raw materials to be used as per typical construction scheme but not of such scale and quantity that there would be significant effects on the environment	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Uncertain	Construction activities will require the use of potentially harmful materials such as fuels and give rise to waste for disposal. the preliminary Construction & Environmental Waste Management Plan would mitigate potential impacts.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Uncertain	Construction activities will require the use of potentially harmful materials such as fuels and give rise to waste for disposal. Pollutants such as dust emissions are likely. Waste during construction works. Waste Management Plan and Construction Management Plan sets out mitigation and management measures which are typically standard construction practice.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface	No	Typical construction management practices as set out in Preliminary Construction & Environment Management Plan to mitigate against contamination. Application contains	No

waters, groundwater, coastal waters or the sea?		robust surface water and nature based SuDS strategy.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	During construction the project will cause noise and vibration, but will be subject to mitigation through the CEMP and planning conditions, and monitoring	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Typical construction management practices as set out in Outline Construction Management Plan to mitigate against contamination of noise, dust (both temporary and local) and water. Operationally potential for air pollution form noise, traffic etc. However, noting traffic levels generated, existing urban environment this is not considered significant.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	Site not in the vicinity of any site with a risk	
1.10 Will the project affect the social environment (population, employment)	Yes	The proposed development will provide housing and population of 240 based on household size of 2.5 (DLRCDP)	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	Yes. DLR population is projected to grow by 31,125 – 38,125 to Q1 2028 and has a housing target of 18,515 for the same period as per the CDP. However, this has been subject to Strategic Environmental Assessment during the preparation of the CDP	No

2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	No	Nearest pNHA c.1.7km from site. Nearest European Sites c. 5 km from development site. EcIA Assessment and AA screening submitted. AA Screening included, Appendix 2, concludes that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Trees/woodland identified for protection. Arboricultural assessment and Tree Protection plan submitted. See assessment in main body of report. No other features/species of ecological interest identified for protection/conservation.	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	Ecological Impact Assessment included with application. No rare or plant species of conservation value present. No resting or breeding places of terrestrial animals. No terrestrial fauna species of conservation importance. No bats roosts in trees or within buildings.	No

		Sike deer observed on site. Deer habitats are not included in the Habitats Directive; protection under Wildlife Act just extents to hunting controls. Other grassland habitat in the vicinity	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	Protected structure outside red line boundary of site and archaeological features in vicinity. AHIA and AIA submitted. See detailed assessment in report. No significant impact arises	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	Urban land area	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	There is one notable drainage ditch to the north of the site.. The development will incorporate SUDS measures and attenuation/flow control to control surface water run off. The development will not increase the risk of flooding.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or	No	Site served by local road network.	No

which cause environmental problems, which could be affected by the project?			
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	Primary School west of the site	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Otherwise permitted developments in the surrounding environment are generally small-scale developments associated with individual properties, mostly residential. Recent significant development refused permission are noted as having been screened out for the need for EIA. Larger developments are more distant from site and complete or nearing completion. Cumulative effects with the subject project are not considered to arise.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No		No
3.3 Are there any other relevant considerations?	No		No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	**X**	EIAR Not Required	

Real likelihood of significant effects on the environment.		EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

EG - EIAR <u>not</u> Required

Having regard to: -

1. the criteria set out in Schedule 7, in particular
   (a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure
   (b) the absence of any significant environmental sensitivity in the vicinity
   (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

2. the results of other relevant assessments of the effects on the environment, including of an Appropriate Assessment and Strategic Environmental Assessment under the Dun Laoghaire Rathdown County Development Plan and the Appropriate Assessment Screening attached to the Inspector's Report

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, in particular the proposal to preserve in situ known archaeological features, measures to protect the character and setting of the Protected Structure on site, the proposed surface water and SuDS strategy and the Preliminary Construction and Environmental Management Plan.

The Coimmission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____ **Date** _____

Approved (DP/ADP) _____ **Date** _____

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Appendix 3: Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Construction of 120 apartments and associated site works
Brief description of development site characteristics and potential impact mechanisms	Site of 1.2193ha (0.78 ha zoned residential) in Kilgobbin, within urban environment, but towards edge. Large portion of site is greenfield with mature boundaries. There are no direct links to European Sites. Ballyogan stream is a potential indirect link to north of the site, ultimately discharging as the Shanganagh River to the Irish sea c. 6km to east, at a point c 1.5 km from Rockabill to Dalkey Island SAC and c. 5.7 km from Bray Head SAC. Site preparation work and construction works will require ground clearance and excavations. A construction and environment management plan (CEMP) accompanied the application. The proposed development will be connected to a public water, surface water and foul sewer network. Surface water, following attenuation and treatment will outfall in Ballyorgan Stream , at less than greenfield run-off rates. The application site was surveyed by ecologists with habitat, mammal and bat surveys undertaken at the appropriate time of year and in accordance with standard methodologies. No invasive plant species were recorded on the site.
Screening report	Yes.
Natura Impact Statement	No.
Relevant submissions	None
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

Nine European Sites are within the zone of influence of the project. I note that 23 European Sites (including those below) within a wider area of 20km were considered in the Screening Report submitted but I am satisfied that these other sites can be ruled out due to distance and lack of, or weak, ecological connections.

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**
South Dublin Bay and River Tolka Estuary SPA 4024	A046 Brent Goose Branta bernicla hrota A130 Oystercatcher Haematopus ostralegus A137 Ringed Plover Charadrius hiaticula A141 Grey Plover Pluvialis squatarola A143 Knot Calidris canutus A144 Sanderling Calidris alba A149 Dunlin Calidris alpina alpina A157 Bar-tailed Godwit Limosa lapponica A162 Redshank Tringa tetanus A179 Black-headed Gull Chroicocephalus ridibundus A162 Redshank Tringa tetanus A179 Black-headed Gull Chroicocephalus ridibundus A192 Roseate Tern Sterna dougallii A193 Common Tern Sterna Hirundo A194 Arctic Tern Sterna paradisaea	c. 5.5km	Indirect surface water connection via Ballyogan stream which discharges to Dublin Bay as Shanganagh River c. 10 km south of this European Site. Potential connection by air/ex situ habitats for mobile bird species	**Y**

	A999 Wetlands			
Dalkey Island SPA 4172	A192 Roseate Tern Sterna dougallii A193 Common Tern Sterna Hirundo A194 Arctic Tern Sterna paradisaea	c. 8.2 km	Indirect surface water connection via Ballyogan stream which discharges to Dublin Bay c. 6.7 km south of this European Site. Potential connection by air/ex situ habitats for mobile bird species	**Y**
Wicklow Mountains SPA 4040	Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103]	c.5.2 km	No hydrological connection. Potential connection by air/ex situ habitats for mobile bird species	**Y**
Wicklow Mountains SAC 2122	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the Violetalia calaminariae [6130] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and	5.9km	None	**N**

	submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355]			
South Dublin Bay SAC 0210	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]	c. 5.5km	Indirect surface water connection via Ballyogan stream which discharges to Dublin Bay as Shanganagh River c. 6km from this European Site	**N**
Rockabill to Dalkey Island SAC 03000	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]	c 8.2km	Indirect surface water connection via Ballyogan stream which discharges to Dublin Bay as Shanganagh River c 1.5 km from this European Site.	**Y**
Knocksink Wood SAC 0725	Petrifying springs with tufa formation (Cratoneurion) [7220]	c. 5 km	None	**N**

	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]			
Ballyman Glen SAC 0713	Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230]	c. 6.4km	None	**N**
Bray Head SAC 0714	1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths **1`**	c. 10 k	Indirect surface water connection via Ballyogan stream which discharges to Dublin Bay as Shanganagh River c. 6 km north of this European Site.	**N**

[1] Summary description / **cross reference to NPWS website** is acceptable at this stage in the report
[2] Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species
[3]if no connections: N

Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: **South Dublin Bay and River Tolka Estuary SPA (4024)** **Qualifying Interests:** A046 Brent Goose Branta bernicla hrota	**Direct:** None **Indirect:** Loss of any ex situ habitat Localized, temporary, low magnitude impacts from	The distance of the development site from the SPA, the nature of the development site and the ecological surveys indicate that the site does not constitute ex situ habitat for wintering

A130 Oystercatcher Haematopus ostralegus A137 Ringed Plover Charadrius hiaticula A141 Grey Plover Pluvialis squatarola A143 Knot Calidris canutus A144 Sanderling Calidris alba A149 Dunlin Calidris alpina alpina A157 Bar-tailed Godwit Limosa lapponica A162 Redshank Tringa tetanus A179 Black-headed Gull Chroicocephalus ridibundus A192 Roseate Tern Sterna dougallii A193 Common Tern Sterna Hirundo A194 Arctic Tern Sterna paradisaea A999 Wetlands	noise, dust and construction related emissions to air Localized, temporary, low magnitude impacts from dust and construction related emissions to surface water. Localized, temporary, low magnitude impacts from operation related emissions eg. hydrocarbons to surface water	waterbirds therefore no indirect habitat loss. The 5km distance from the SPA and intervening urban environment make it highly unlikely that there would be any disturbance to the SPA habitat from noise or impact on air quality from dust as concentration would be dissipated over distance. The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance of 10km from surface water outfall in Dublin Bay to SPA make it highly unlikely that the proposed development, at construction or operation stage (which includes SUDS measures and attenuation), could generate impacts of a magnitude that could affect water quality/habitat within the SPA for the QIs listed. Conservation objectives would not be undermined
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No effects of magnitude that could add to other plans and projects.	
	Impacts	**Effects**
Site 2: **Dalkey Island SPA (4172)**	As above	As above. (Surface water outfall to Dublin Bay c. 6.7km from SPA)

Qualifying Interests: A192 Roseate Tern Sterna dougallii A193 Common Tern Sterna Hirundo A194 Arctic Tern Sterna paradisaea		
	Likelihood of significant effects from proposed development (alone): **No**	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No effects of magnitude that could add to other plans and projects.	
	Impacts	**Effects**
Site 4: **Rockabill to Dalkey Island SAC (03000)** **Qualifying Interests:** Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]	Localized, temporary, low magnitude impacts from dust and construction related emissions to surface water. Localized, temporary, low magnitude impacts from operation related emissions eg. hydrocarbons to surface water	The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways), distance of flow within river network (>8km allowing for settlement and dilution) and distance of c. 1.5km km from surface water outfall in Dublin Bay to SAC make it highly unlikely that the proposed development, at construction or operation stage (which includes SUDS measures and attenuation), could generate impacts of a magnitude that could affect water quality/habitat within the SPA for the QIs listed. Conservation objectives would not be undermined
	Likelihood of significant effects from proposed development (alone): **No**	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

	No effects of magnitude that could add to other plans and projects.	
	Impacts	**Effects**
Site 6: **Bray Head SAC (0714)** **Qualifying Interests:** 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths	As above.	As above. (Surface water outfall to Dublin Bay c. 6km from SAC)
	Likelihood of significant effects from proposed development (alone): **No**	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No effects of magnitude that could add to other plans and projects.	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on South Dublin Bay and River Tolka Estuary SPA, Dalkey Island SPA, Rockabill to Dalkey Island SAC, Bray Head SAC.

The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects
In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA, Dalkey Island SPA, Rockabill to Dalkey Island SAC, Bray Head SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:
• The scale of the development
• Distance from and weak indirect connections to the European sites
• No ex-situ impacts on habitats of wintering birds
• Scientific information provided in the screening report

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.