



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report TA0002

Strategic Housing Development

Residential development of 927 no. residential units, a childcare facility and 2 no. retail units on a site of approx. 20.5 hectares.

Location

Clay Farm, Ballyogan Road, Dublin 18

Planning Authority

Dun Laoghaire Rathdown

Applicant

Viscount Securities

Prescribed Bodies

Transport Infrastructure Ireland
National Transport Authority
Inland Fisheries

Observer(s)

53 no. submissions/observations

1. Ollie Stokes
2. Tom Keogh & Joanne Cummins
3. Neil Moloney
4. Mary O'Shea
5. Suzanne & Vincent Smith
6. Victoria Higgins
7. Paul Higgins
8. Paul & Jackie Sharpe
9. Ken Walsh and Clare Lysaght
10. John Kavanagh
11. Carol Kavanagh
12. Denis Dowling
13. Declan McCarthy
14. Brian & Selma Farrell
15. Sharon & Ken Byrne
16. Triona Ferriter
17. John McQueirns
18. Tina Kinirons
19. Patrick Downes
20. Jonathan & Ana Kerr
21. Adam & Rona Wells
22. Christine Monroe
23. Rolando Arce
24. Maresa McCarthy signed
Maresa Dowling
25. Mark Cullen
26. Des Newton

27. Olwen McCarthy
28. Janine Meehan
29. David & Frances Horan
30. Paul & Sinead Kenny
31. Siobhan Maguire
32. Lochlann & Helena Butler
33. Caroline Healy
34. Alfonso Quaraniello
35. Marie Caffrey
36. Stuart Flett
37. Dejan Cusic
38. Niall & Daniela Murphy
39. Barry O'Donovan &
Cherrie Wade
40. Paul & Mary Bradley
41. Ian & Susan Kennedy
42. Mary Dowling
43. Conor Cahill & Carol Connery
44. Jev Charcenko & Amy Yuan
45. Thomas Hanlon
46. Declan Brady
47. Jean Grainger
48. Bernard McLoughlin
49. Paul & Sinead Kenny
50. Cllr. Lettie McCarthy
51. David & Roisin Gaughan
52. Mary Anne Kelly
53. Judy Williams

Date of Site Inspection

15th November 2017 and 15th December
2017

Inspector

Joanna Kelly

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1.0 Introduction

1.1 This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. This application is Phase 2 of a permitted residential scheme, Clay Farm Phase 1 which is located immediately north of the Phase 2 lands. The permitted units are under construction.

2.0 Site Location and Description

2.1 The application lands, known as Clay Farm Phase 2 lands, consist of approx. 20.5 hectares and are located approx. 11km south of Dublin City centre and 1.7km south east of the M50 junction 15 roundabout. The site is located within the jurisdiction of Dun Laoghaire Rathdown County Council on zoned lands.

2.2 The lands are located south of an existing permitted residential development (Phase 1) which is under construction. Phase 1 lands comprises of 410 residential units, crèche with a vehicular access from Ballyogan Road. The access road is largely complete with the houses either side of this access nearing completion. This existing permitted access is proposed to serve the Phase 2 lands. A bridge will span over the Ballyogan River (which was permitted in Phase 1) and the spine road into phase 2 will have access points into smaller residential neighbourhoods. The spine road to be provided is an objective of the County Development Plan (CDP) and is referred to as the loop road.

2.3 The overall landholding (Phase 1 and 2) is approximately 32.5 hectares. The Phase 2 lands comprise of a series of agricultural fields separated by field hedgerows and ditches. Ballyogan Stream is located to the northern portion of the subject lands and runs along the boundary of the Phase 1 and 2 lands. The lands in question slope down from south-west to north-east.

2.4 There are wayleaves for ESB cables that run along the south-eastern boundary of the site. A wayleave also occurs along the southern boundary of the Phase 1 lands with a small area encroaching on the Phase 2 lands at the location where the bridge would span over the stream.

- 2.5 The Ballyogan Road is characterised by residential, commercial and light industrial uses. There are a number of residential developments bounding the site to the south. Stepside Park is located to the south-west of the Phase 2 lands. Access to this residential area is via the Enniskerry/Stepaside Road. There are a number of more recent residential developments, some of which are under construction, accessed via this one entrance to Stepside Park.
- 2.6 Cruagh Wood/Green immediately abuts the development lands to the south-east. This development consists of two storey houses and apartment blocks. There is an existing agricultural gate into the site from Cruagh Green which is locked to prevent unauthorised access. The Stepside Golf Course immediately abuts the application lands along the south eastern boundary, north of Cruagh Green. There is an ESB transformer station located to the north-east of the landholding (abuts Phase 1 lands). Ballyogan Landfill is located outside the boundary of Stepside action plan but is located north-east of the Stepside Golf Course. There is a municipal recycling facility (accessible via Ballyogan Road) currently operational on these lands. It is an objective of the CDP to provide a regional park at this location.
- 2.7 Stepside Village is located approx. 1km south-west of the Phase 2 lands via Cruagh Woods residential estate. There are existing footpaths within established residential areas and along the Enniskerry-Stepaside Road.
- 2.7 Leopardstown Valley Shopping Centre and a residential development is located to the north of Ballyogan Road, immediately opposite the Phase 1 lands. The LUAS green line runs along Ballyogan Road with two stops in the area, 'The Gallops' and 'Leopardstown Valley'. The former is approx. 100m north-west of the Phase 1 lands and the latter is directly opposite the Clay Farm entrance on Ballyogan Road. This road has cycle paths and footpaths on both sides. There is a Gaelschool located within walking distance of the application lands on the Ballyogan Road.

3.0 Proposed Strategic Housing Development

The proposed residential scheme comprises of the following residential units:

House Type	Total no. of Units
3 bed units	127
4 bed units	238
Total Houses	365
1 bed apartment	113
2 bed apartment	383
3 bed apartment	66
Total Apartments	562
Total Units	927

3.2 The proposal consists of the following house types:

House Type	Bed type	No. of Units	Gross floor area
Type B1	3 bed	9	125.5sq.m.
Type B2	3 bed	33	113.8sq.m.
Type B3	3 bed	2	119.4sq.m.
Type C1	4 bed	201	169.5sq.m.
Type C2	3 bed	76	112sq.m.
Type C3	4 bed	3	139sq.m.
Type D1	4 bed	34	171.8sq.m.
Type D2	3 bed	7	121.9sq.m.

3.3 The following is a list of the proposed apartments:

Bed Spaces	No. proposed	Gross floor area
1 bed	113	51sq.m.
2 bed	383	88sq.m.
3 bed duplexes	66	110-115sq.m.
Total	562	

Commercial		
Creche	607sq.m.	
2 Retail units	85sq.m. per unit	
Total Floor area	777sq.m.	

3.4 The proposal also provides for site and infrastructural works including foul and surface water drainage, attenuation tanks, 3 no. electricity sub-stations, 1,478 no. car parking spaces, of which 730 spaces are for houses and 732 spaces are for the apartments/duplex units, 16 no. spaces for the childcare facility. It is also proposed to have 1,128 bicycle parking spaces, 6.2 hectares of public open space, landscaping, boundary walls and fences, internal roads, cyclepaths and footpaths.

4.0 Relevant Planning History

4.1 Application site lands

Year of Decision 2008: File ref. No. D06A/0531/PL.06D.223029 The Board granted permission to Park Development for the first phase of development on a site area of 16ha for a residential development of 701 units, local centre. The local distributor road from Ballyogan Road with a bridge over the Ballyogan stream was also part of the application. This permission has expired.

Year of Decision 2016: File Ref. No. D15A/0247/PL06D.246601

Permission granted for Phase 1 development to north of current SHD application for a residential development consisting of 410 residential units and a childcare facility and all other infrastructural works. The grant of permission details 39 no. conditions. An error occurred in the ordering of conditions and condition no. 37 was re-ordered as 37a and 37b and refer to Part V agreement and provision of a bond respectively.

Of note Condition 5 (a) and (b) refers to the 25 metre wide Clay Farm Loop Road reservation which shall be maintained free from development to facilitate the completion of the Clay Farm Loop Road as a public road. Taking in charge is to also include this section of road.

Condition 7 set out that

“when required by the planning authority the developer shall –

(a) construct the westernmost access from Phase 1c to the Clay Farm Loop Road/Elmfield Road in accordance with DBFL drawing number 133094-2020-C and drawing number 133094-2040-A, and

(b) remove the temporary road linking Phase 1B and 1C and reinstate the open space in accordance with OMP drawing number pS(cfi)04a(Feb 2016), BSM drawing number 310 (Insert showing Central Open Space with future footpath/cycle path after link road is removed).

4.2 Stepaside Park

Year 1996/7 File Ref. No. D96A/0197 / PL.06D.102058

Decision to grant permission upheld on appeal to McGarrell Reilly Homes Ltd. for 136 detached and 14 semi-detached houses and for associated engineering/ services works on lands adjacent to the village and accessed from Enniskerry Road.

Year: 1999 File Ref. No. D98/1000 / PL.06D.111521

Permission granted for amendments to plans of D96A/0197 for residential development ‘Stepaside Park’. Condition 9 of this permission sought to ensure that Stepaside Park would remain a cul-de-sac with the most northern area of the

development site which was to be accessed from the loop road, a point observers make reference to in their submissions.

Condition 9 sets out that

“Provision shall be made for vehicular access from Road number 2 to the proposed distributor road to the north. On connection to this distributor road, Road number 2 shall be cul-de-saced at

(a) south of the intersection with Road umber 3 and

(b) adjoining apartment Block number 2 / house number 124.

The remaining section of road shall be incorporated into the open space associated with the apartment blocks.”

Year of Decision: 2001

File Ref. No. PL06D.124391

Decision to grant permission upheld on appeal for amendments to the plans approved under D96A/0697 and D98/1000 for residential development. Alterations to the northern portion of the site to provide 23 three bedroom, 33 four bedroom, 3 five bedroom and four storey houses, 30 one bedroom and 41 two bedroom apartments in two blocks with penthouses over and two split level blocks with penthouses over.

Of note the Board conditioned the removal of an apartment block reducing the number of units within the site to 116. Condition 2 sets out that only dwelling unit numbers 3-14 inclusive, numbers 111 to 114 inclusive and numbers 78 to 96 inclusive shall be constructed prior to completion of the distributor loop road that will provide vehicular access from the site to Ballyogan Road. The cul-de-sacing of road 2 was also required under this condition upon completion of the distributor road.

Year of Decision: 2004

File ref. No. PL.06D.207092

The Board upheld the decision to grant permission for amendments to Ref. No. D00A/1279 which was for the final phase of 81 no. dwellings to the south-west of the site. The proposal also provided for the omission of some units previously permitted.

Condition 2 stated

“prior to completion of the distributor loop road, the residential component of the proposed development shall be limited to townhouses numbered 2-27 inclusive shown on the site layout plan received by the planning authority on 15th day of March 2004. On completion of the loop distributor road the remainder of the development may be constructed and occupied. On completion of the proposed distributor loop road to Ballyogan Road the provisions of condition number 9 attached to planning register reference no. D98A/1000 shall be implemented in full.

Reason: In the interest of traffic safety and to safeguard the amenities of existing residents.”

Year of Decision :2010

File Ref. No. D09A/0934/PL.06D.236375

Decision upheld to refuse permission for 206 dwellings, creche and local commercial unit at Stepside Park. Access was proposed to be from existing estate roads of Stepside Park from a new roundabout replacing that approved under D00A/1279 at the entrance off Enniskerry Road.

The Board cited four reasons for refusal pertaining to contravention of previous permissions relating to lands at Stepside Park all of which sought to limit the quantum of development accessed directly from the R117 through Stepside Park pending completion of the Ballyogan Loop Road; contravention of the zoning objective ‘F’ (open space); inadequate provision of open space; and design and layout would give rise to excessive overlooking of adjoining property.

Year of Decision: 2014

File Ref. No. D13A/0190/ PL.06D.242585

This permission was for development consisting of 46 houses on part of the remaining undeveloped lands c. 3.2hectares to the north of Stepside Park. The development shall be accessed from the existing estate roads of Stepside Park from a new roundabout consistent with that approved under D00A/1279 at the existing access on Enniskerry Road with consequential changes to estate boundary walls and to develop open space to incorporate a new pedestrian link from

Enniskerry Road along the old route of the pylon corridor alongside No's. 8, 23, 24 and 36 Stepside Park to provide for a future connection to Ballyogan Park, at the request of the Local Authority.

Condition 8 is as follows:

“On completion of the proposed distributor loop road to Ballyogan the provisions of condition number 9 attached to planning register reference number D98/1000 shall be implemented in full.”

Reason: In the interests of public traffic safety and in the interest of the proper planning and the sustainable development of the area.

Year of Decision: 2017

File Ref. No. D16A/0650

Permission for revisions to permitted development Ref. Ref. D13A/0190 to omit 10 no. 3-bedroom terraced houses and 3 no. 5-bedroom detached houses (13 houses in total to be omitted) to now provide 13 no. detached 4-bedroom houses instead. The development includes on-curtilage car parking and associated site works. These lands form part of McGarrell Reilly Homes to the south-west of Stepside Park and the proposal forms an extension to existing cul-de-sacs within Stepside. This development is under construction.

4.3 Cruagh Wood

Year of Decision: 2003

File Ref. No. D03A/0871

Permission granted for Phase 2 which provided for alterations and additions to approved layout Reg. Ref. D02A/1227 for construction of 66 no. 2 bed apartments in 5 no. blocks (3 no. 3 storey, 1 no. 4 storey and 1 no. 4 storey over basement parking) in lieu of approved 54 no. 2 bed apartments in 8 no. blocks (5 no. 3 storey, 3 no. 4 storey) with on and off site development works with temporary access via Cruagh Manor Phase one (approved development (Reg. Ref. D01A/0402) currently under construction , from the Enniskerry Road.

Condition 19 is cited as follows:

The proposed temporary vehicular access facilitating access to the proposed development from Phase 1 - as shown on the Site Services Layout Plan (Drawing No. 3014-2 -200 Rev. B) is a temporary arrangement to remain in place only until such time as the permanent vehicular access to the Ballyogan Road to the north through the lands of Clay Farm is provided. When the permanent vehicular access arrangement to the north via the lands of Clay Farm has been provided the temporary access link shall be removed and the area reinstated to public open space in accordance with the requirements of the Planning Authority. REASON: In the interest of orderly development and to comply with the provisions of the adopted local area Action Plan.

This permission is relevant with regards to the proposed vehicular provision to Cruagh Wood and is referenced in the assessment section of this report.

5.0 Section 5 Pre Application Consultation

5.1 A section 5 pre application consultation took place at the office of An Bord Pleanála on 16 August 2017. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

- Traffic and Transportation issues, including, accessibility, permeability, compliance with DMURS, impact on Ballyogan Road, green links and access for adjacent development.
- Density proposed
- Obligations under Part V of the Planning and Development Act 2000 (as amended)
- Open Space provision, both public and private, and the nature and function of that open space.
- Existing adjacent residential amenities and proposed residential amenity within the scheme.

- Neighbourhood Centre design
- Drainage issues including attenuation and Site Specific Flood Risk Assessment
- Biodiversity
- Any other Matters

5.2 A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting is also available on the file.

5.3 An Bord Pleanála issued notification that it was of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

- Neighbourhood Centre – Further consideration should address: height issues; the creation of a focal point for the overall scheme; the creation of a sense of place and interface with the open space to the south and plaza to the west.
- Public Open Space – Further consideration/justification for the quantum and distribution of public open space provided, specifically in relation to the open space to serve the proposed dwellings towards the south-western end of the development. Further consideration to the design rationale/justification of the width of the greenway proposed along the south-east of the site boundary adjacent the golf course grounds.
- Part V – Further consideration relating to the obligations under Part V and the requirements of the Housing Section of the Local Authority.

5.4 The Opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

- Justification for the density proposed across the site and this justification may wish to consider the densities across the previously granted Phase 1 as well as those proposed in Phase 2.

- Studies, in plan form and if deemed necessary, cross sections, indicating the private open space provision for each dwelling and separation distances between proposed dwellings.
- Cross-section studies demonstrating proposed housing units nos. 1 and 2 located in the south-west corner of the site.
- Cross-sections through the dwellings proposed backing onto the existing dwellings in Stepside Park.
- Photomontages at various locations throughout the development showing the finishes/materials proposed within the public domain and to the proposed buildings.
- An assessment of the impact of the proposed development on transport in the area, including impact on roads.
- Information demonstrating the impact, if any, on the usability/functionality of areas of open space indicated as active recreational space that are also proposed as part of the urban drainage infrastructure serving the site.
- A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.

5.5 Applicant's Statement

Article 297(3) of the Regulations provides:

'Where, under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the application shall be accompanied by a statement of the proposals included in the application to address the issues set out in the notice.'

The application is accompanied by a Statement of Response to the Board's Opinion of the proposed development. The applicant indicates that this Statement should be read in conjunction with OMP's Brochure Response to the Board's Opinion with

reference to accompanying drawings and reports. The following is a short synopsis of the response to each of the items raised in the Opinion:

Neighbourhood Centre – The centre has been re-designed occupying a central pivotal location within the site and is highly visible as a focal point from the loop road southward over the proposed bridge and also on route northwards. The redesigned centre with its new distinctive treatment is immediately identifiable as a special location located at the heart of the scheme's key movement routes and spaces.

Public Open Space – The site layout has been amended along the eastern edge. The housing layout has been relocated to provide a greater setback which includes the desired alignment for the proposed greenway.

Part V – The components and location of Part V have been amended in consultation with the local authority. Apartment and house types have been redesigned to achieve the unit mix and schedule of accommodation.

With regard to the specific information request set out in the Opinion, the applicant has responded to each item. The response to each has been noted and will form part of the assessment of this report.

6.0 Relevant Planning Policy

6.1 National Planning Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design manual for Urban Roads and Streets
- The Planning System and Flood Risk management (including the associated technical Appendices)
- Framework and Principles for the Protection of the Archaeological Heritage

- Childcare Facilities – Guidelines for Planning Authorities

6.2 Local Planning Policy

Dun Laoghaire-Rathdown County Development Plan is the statutory plan for the lands in question. Chapter 2 deals with ‘Sustainable Communities Strategy. The following are some of the more pertinent policies and objectives within the development plan which pertain to the lands in question.

Policy RES3: Residential Density provides that it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- ‘Sustainable Residential Development in Urban Areas’ (DoEHLG 2009)
- ‘Urban Design Manual – A Best Practice Guide’ (DoEHLG 2009)
- ‘Quality Housing for Sustainable Communities’ (DoEHLG 2007)
- ‘Irish Design Manual for Urban Roads and Streets’ (DTTaS and DoEHLG 2013)
- ‘National Climate Change Adaptation Framework – Building Resilience to Climate Change’ (DoECLG 2013).

Policy RES7: Overall Housing Mix sets out that it is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

Policy RES14: Planning for Communities – it is Council policy to plan for communities in accordance with the aims, objectives and principles of ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual – A Best Practice Guide’. In all new development growth areas, and in existing residential communities it is policy to ensure that proper community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential developments and proposed renewal/redevelopment areas, in accordance with the concept of sustainable urban villages outlined under Policy RES15.

Chapter 2.2 of the development deals with Sustainable Travel and Transportation. Relevant policies and objectives in this section are referred to within the body of the assessment section.

Chapter 8 deals with Principle of Development. **Policy UD1: Urban Design Principles** provides that it is Council policy to ensure that all development is of high quality design that assists in promoting a ‘sense of place’. The Council will promote the guidance principles set out in the ‘Urban Design Manual – A Best Practice Guide’ (2009), and in the ‘Design manual for Urban Roads and Streets’ (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

6.3 Statement of Consistency

6.3.1 The applicant has submitted a statement as per section 8(i)(iv) of the Planning and Development Act of 2016 which indicates how the proposal is consistent with the policies and objectives of local policies. This statement provides, *inter alia*:

- that the development plan states that ‘any future development on the residential development parcels along the Ballyogan Road will be in very close proximity to the Luas Greenline and as such should be relatively high density’.
- With regard to design principles and policies UD1 and UD3 regarding high quality design, the Design Statement indicates that the proposal has been guided by the principles within ‘Urban Design Manual – A Best Practice Guide (2009)’ and Design Manual for Urban Roads and Streets. The proposal uses character areas with their own distinct materiality and layout which helps contribute to a unique sense of place for each area.
- With regard to Policy RES7 and housing mix, it is set out that the proposal will include a suitable mix of housing, comprising 1,2,3 and 4 bed units, with a mix of apartments, duplex units, and houses.
- The statement refers to section 8.2.3.1 of the CDP and provides a response to the development management standards mentioned specifically in this section.

6.4 Stepside Action Plan 2000

6.4.1 While this plan has expired, it is a useful reference point in the absence of a LAP.

The lands are located within the boundary of Stepside Action Plan 2000 with a zoning A1 – ‘to provide for new residential communities in accordance with action are plans’. There is a narrow strip of land zoned ‘F’ to preserve and provide open space for recreational activities to the south-eastern section of the lands. There is also an objective on the lands to protect and preserve trees and woodlands.

It is noted that this plan provided an indicative objective for a loop road from Ballyogan Road into the lands subject to this application. There is an indicative

roundabout from Ballyogan Road opposite Glencairn estate with the road looping back to an indicative 'T' junction opposite Leopardstown Valley.

7.0 Third Party Submissions

7.1 A total of 56 no. submissions/observations have been received, three of which are from prescribed bodies and are referenced separately. I have read each submission and note that there are similar issues/themes raised. Therefore, in the interests of brevity and ease of reading, I have provided a list of the people who made submissions and summarised concerns/points raised under the relevant headings.

Submission No.	Name	Address
1	Ollie Stokes	Stepaside Park
2	Tom Keogh & Joanne Cummins	Stepaside Park
3	Neil Moloney	Heather Court
4	Mary O'Shea	Meadow Court
5	Suzanne & Vincent Smith	Stepaside Park
6	Victoria Higgins	Stepaside Park
7	Paul Higgins	Stepaside Park
8	Paul & Jackie Sharpe	Stepaside Park
9	Ken Walsh and Clare Lysaght	Stepaside Park
10	John Kavanagh	Fern Court
11	Carol Kavanagh	Fern Court
12	Denis Dowling	Stepaside Park
13	Declan McCarthy	Stepaside Park
14	Brian & Selma Farrell	The Courtyard

15	Sharon & Ken Byrne	Stepaside Park
16	Triona Ferriter	Stepaside Park
17	John McQueirns	The Courtyard
18	Tina Kinirons	Heather Court
19	Patrick Downes	Heather Court
20	Jonathan & Ana Kerr	Stepaside Park
21	Adam & Rona Wells	Fern Court
22	Christine Monroe	Heather Court
23	Rolando Arce	Heather Court,
24	Maresa McCarthy signed Maresa Dowling	Stepaside Park
25	Mark Cullen	Stepaside Park
26	Des Newton	The Courtyard
27	Olwen McCarthy	Stepaside Park
28	Janine Meehan	Stepaside Park
29	David & Frances Horan	The Courtyard
30	Paul & Sinead Kenny	The Courtyard
31	Siobhan Maguire	Stepaside Park
32	Lochlann & Helena Butler	Stepaside Park
33	Caroline Healy	Meadow Court
34	Alfonso Quaraniello	Heather Court
35	Marie Caffrey	Stepaside Park
36	Stuart Flett	Meadow Court
37	Dejan Cusic	Heather Court
38	Niall & Daniela Murphy	The Courtyard

39	Barry O'Donovan & Cherrie Wade	Stepaside Park
40	Paul & Mary Bradley	Stepaside Park
41	Ian & Susan Kennedy	The Courtyard
42	Mary Dowling	Granite Court
43	Conor Cahill & Carol Connery	The Courtyard
44	Jev Charcenko & Amy Yuan	Heather Court
45	Thomas Hanlon	Heather Court
46	Declan Brady	Heather Court
47	Jean Grainger	Granite Court
48	Bernard McLoughlin	Granite Court
49	Paul & Sinead Kenny	The Courtyard
50	Cllr. Lettie McCarthy	Kilgobbin Heights,
51	David & Roisin Gaughan	Stepaside Park
52	Mary Anne Kelly	Cruagh Close
53	Judy Williams	Cruagh Green

7.2 Traffic

- Proposal will generate significant traffic and the link road will connect to Stepside Park making it unworkable.
- Proposal will add enormously to the volume of traffic exiting onto Ballyogan Road which is already extremely busy at this junction.
- The construction of the loop road should be constructed prior to the building of the houses and apartments so that all construction traffic will be able to enter/exit the site without leaving volumes of dirt on Ballyogan Road.

Pedestrians and cyclists would access the Luas much quicker with this road.

- This loop road is not complete on the plans. It would be better to re-route the road to pass through the land area that is within the boundary of the proposed development so as to ensure its completion.
- This loop road appeared on plans since 2000 and the Council has the possibility to use a CPO to ensure its delivery.
- The loop road will also allow a further 40 houses and 124 apartments in Stepside Park to access via Ballyogan Road when they currently use an access point onto the Enniskerry Road.
- Due to density and the maze like construction of the development, traffic will cause major disruption to all residents.
- Suggested that if there was no loop road and the plan was separated into two sides accessing the Ballyogan Road from one point (Stepside Park remained unchanged) and the other side of the loop accessing at the alternate, it would mean that the connection part of the road would not be needed and therefore could be used more efficiently for higher priority items in a high density development.
- Understand that there is a proposal to cut off the lower half of the estate at house no. 147 Stepside Park and prevent access to the Enniskerry Road. This will mean all traffic has to use the loop road which will increase stress on Ballyogan Road.
- There is a significant lack of provision of parking in the area. Belamine and Aikens Village in Stepside have cars lined up and down the roadsides due to the lack of spaces available.
- The gate at the corner of Cruagh Green is being used to access the site. This road is extremely narrow and has many children playing on it.

- Reference is made to an e-mail from a Councillor which states that if permission is granted, development is intended to start on the houses in the field beside Cruagh/Golf Course, questions asked how developers will access the site if roads within Clay Farm Phase 2 are not laid.
- The fact that the only access/egress to the development is via a bridge over the marshy ground is astounding for such a large community and seems a safety risk.
- Luas has on multiple occasions been at capacity during peak times.
- The cul-de-sacing of Stepside Park in the middle will divide the community. Stepside village is 700m (from no. 147 Stepside Park) and if the proposal goes through it will become 2.7km via Kilgobbin Road and longer via Glenamuck Road. Not objecting to pedestrian and cycle access between Stepside Park and Clay Farm – just that the proposed cul de sac be placed between these estates and not in the middle of the existing estate thus dividing the community.
- 16 no. parking spaces for retail is insufficient.

7.3 Boundary Treatment

- It is proposed to remove existing shrubbery and trees along the boundary to Stepside Park and Clay Farm Phase 2. The replacement of these trees with a wall will not afford the same privacy as the current arrangement.
- Concerns raised about the lack of privacy from 147 Stepside to the Courtyard due to removal of trees. Natural boundary should be retained.
- This hedgerow forms a critical part of the local flora and fauna which would have a detrimental impact on this ecosystem contravening the development plan objective to protect the existing trees and woodland.
- The original application approved by ABP File Ref. No. D06A/0531 required the hedgerow to be retained.
- There should be a new wall built between the new development and the current estates, particularly at the corner of Cruagh Manor and the Golf Course.

7.4 Open Space

- Green area and amenities completely insufficient.
- Some of the green space are located on a flood plain and will not be suitable for use.
- There is a lack of suitable green area in Stepside Park.

7.5 Building Height and separation distances

- The height of the apartment blocks at 6 storeys seems excessive given the current heights of adjacent blocks i.e. 4 storeys.
- High apartment blocks result in high population densities, social impact and the potential to cause overshadowing, gloominess in adjacent properties and an impact on the potential solar energy provision to other units. The provision of good light is fundamental to the psychological and physiological health and well-being of humans.
- The proposed units adjacent to Stepside Park do not meet the distance requirements from adjacent properties in Stepside Park.
- It is suggested that by reducing the height of the apartment blocks and removing the 16 houses that back onto Stepside Park will solve a number of issues i.e. retain more usable open space; reduce congestion; reduce proximity issues; retain natural hedgerow boundaries maintaining privacy.
- The proposal to build right up to the back of the courtyard in the greenfield site with an adjoining road is a hazard both for noise and brings a security risk with it.
- Condition 9 D98A/100 states that Stepside Park should be cul-de-saced at house no. 124.
- Proposed houses are too tightly packed, all terraced with no apparent green areas except on the periphery, green corridor, archaeological site and marsh ground under the bridge.

7.6 Community Facilities

- There is a lack of secondary schools in the area.

- Lack of provision for necessary services for 3,000-4,000 new residents i.e. doctors, schools etc.
- Anti-social behaviour has increased in the area.
- There is a lack of policing in an area that is already heavily populated and this development will add to the problem.
- The provision of a greenway is a waste of council money – it is circuitous and nobody will use it, people going to the Luas will use the new roads as they are more direct.

7.7 Other Issues / Duration of Permission

- Duration of permission seems excessive.
- No public notice was located near Stepside Park upon which this development will have the greatest impact.

8.0 Planning Authority Submission

8.1 The Chief Executive's report was received by An Bord Pleanála 20 November 2017. The report outlines the requirements as provided in legislation in respect of the report; describes the proposed development and site location and surrounding area and details the relevant site history; summarises the issues raised in submissions by third parties.

8.2 A summary of the views of elected members as expressed at the Housing, Economic Development, Community and Cultural Development, Planning and Infrastructure and Climate Change Business Area Meeting held 23 October 2017 is outlined as follows:

- How will affordability issue be met?
- Not enough open space/play areas for children
- Traffic problems including inadequate access

- Need for visitor car parking
- Density too high
- If LIHAF does go ahead where does this leave us?
- Why are we allowed to build so near a flood plain?
- What are the plans for future links to Stepside Park? Support and Oppose vehicular link to Stepside Park.
- Conflicting views in relation to the cul-de-sac issue in Stepside Park.
- How soon will road go into Cruagh?
- Link road needs to be complete before houses go in

8.3 The following is a summary of issues raised in the assessment section of the report:

- Principle of development including density – The proposed development is consistent with the ‘A’ residential zoning objective. The proposed density of c. 58 units per hectare accords with the CDP policies and objectives. It is considered that in the event of a grant of permission that a condition is attached ensuring that the phasing of the development delivers some of the higher density units in the earlier phases.
- Local Area Plan – SLO 135 of the CDP lists as an objective “to prepare a LAP for Ballyogan and Environs”. It is considered that the application is not premature pending preparation and adoption of the LAP as the lands are zoned ‘A’ as opposed to ‘A1’ which would necessitate an LAP and the future road network is already shown in the CDP.
- Drainage – The Drainage planning report has identified a number of serious deficiencies with the approach proposed by the applicant. These concerns relate to infiltration; runoff rates; proposed long term storage solutions on site and high water table on site. The Drainage section consider that a full revaluation is required and that additional storage volume will be needed in the form of extra tanks or increased capacity of proposed tanks all of which will have knock on effects on layout due to a greater space requirement. The drainage department has recommended a condition as the option of further

information is not available. The Board may wish to explore this issue via an oral hearing.

- Proposed Greenway – The proposed greenway along the eastern boundary will be delivered by the Planning Authority/ NTA as required under condition 18 of Phase 1 permission. Concerns are raised by a number of internal departments as follows: close proximity of apartment blocks to the greenway alignment; transport department has raised concerns in relation to the drawings submitted and lack of clarity; biodiversity officer recommends conditions to protect the hedgerows.
- Transportation Issues – With regards to suitability of access arrangements access will be from the Ballyogan Road with a further vehicular connection to be provided up to Cruagh Wood in order to comply with condition no. 19 of Reg. Ref. No. D03A/0871. The transport department has requested that the final 125 units in Phase 2 not be occupied until the 125 units in Phase 1 C (of the parent permission) are exiting via the Elmfield Junction. It is set out that as the issue of the access via the Elmfield junction is something that is outside the applicant's control such a condition would not be enforceable or reasonable. Therefore, it is recommended that the final 125 units of the proposed development be omitted by way of condition. With regard to the insufficient data regarding the national road network the application is below the threshold that requires the TTA report to include an assessment of its impact on the M50. Concern is raised by the transportation department regarding visibility issues at some junctions and parking provisions and a number of conditions are recommended.
- Heights – Proposal accords with the Buildings Heights Strategy as contained in the CDP.
- Residential Amenity – The planning authority raises concerns about the relationship and design of the proposed houses located in the south western corner of the site relative to the two storey dwellings in Stepside Park. Distances at this location fail to comply with section 8.2.8.4(ii) of the development plan. There is insufficient detail on the extent of proposed retaining structure at this location between the proposed development and

Stepaside Park. It is considered that houses 1-16 should be omitted and subject to a future application.

- Design and Layout – The planning authority has concerns that the proposed development lacks a sense of identity and is overly dominated by roads and car parking and is similar in character to the permitted scheme. Conditions are recommended, including revised plans to address south-west elevation of neighbourhood centre.
- Neighbourhood Centre – Concerns are raised that the design of the western elevation fails to provide active or passive surveillance onto the adjacent public open space. The applicant states that the western edge contains the entrance to the childcare facility with residential terraces above however the drawings indicate the main entrance to the childcare facility on the northern edge onto the public plaza. The south west elevation drawings are considered to be unattractive and detrimental to the visual amenity with no regard to the public open space. The drawings submitted fail to clearly delineate and provide dimensions for the private open space for the duplex units at the upper levels. Revised drawings should be sought to address the concerns outlined.
- Quality of Residential units – A number of discrepancies are outlined which are set out in more detail in the assessment section of this report. The planning authority recommends conditions to address these discrepancies.
- Public Open Space provision and landscaping – The Parks and Landscape Services Department raise concerns in relation to the overall provision of open space and the proximity of the building to the greenway. The planning authority note these concerns but considers that there are a range of active recreational facilities provided in the current layout. The adjoining former landfill is also proposed to be developed as a park. The eco-park should be provided prior to occupation of units in the proposed development. The planning authority does have concern about the spine of open space that runs eastwards from the neighbourhood centre connecting up with a larger space along the eastern boundary with future links shown to Jamestown Park. This spine narrows significantly to the east of the proposed MUGA. This spine

should be widened out so as to provide better connectivity and green infrastructure links across the overall scheme and aid in the connection between the eco-park and onwards towards the Jamestown Park.

- Private Open Space Provision – Concerns are raised that no detailed private amenity open space drawings were submitted for a number of houses.
- Noise Impact – Concern is raised in relation to the noise environment at the eastern end of the site which is dominated by the low hum from the transformers located at the ESB Carrickmines Transformer Station. The EIAR sets out a design response to the acoustic environment and mitigation measures include construction to ensure a high degree of internal acoustic privacy and installation of triple glazed insulation values. It is considered that a condition should be attached for winter gardens to be provided for all apartments where an audible hum would be heard.
- Boundary treatment – Concern is raised to the proposed 2.43m high mesh fencing bounding Stepside Park. Recommended a condition be attached for a revised boundary treatment.
- Other issues – No objection to Part V document. With regard to phasing the first phase should include the loop road, open space, neighbourhood centre and a mix of housing and apartments. A condition is recommended to ensure all upper level balconies shall provide an adequate comfort level i.e. siting category. It is unclear if the proposed bridge is to be taken in charge.

8.4 The planning authority's conclusion considers the proposed development to be broadly consistent with the relevant objectives of the CDP. There are a number of concerns and if the application was not a SHD application the planning authority would seek further information in accordance with article 33 of the Planning and Development Regulations. As this option is not available, it is recommended that permission is granted with conditions including the possible alteration, relocation, or omission of units so as to free up an area that may be required to address the long term storage/surface water issue.

8.5 A total of 84 no. conditions are recommended should permission be granted. Of note are:

Condition 2 refers to the submission of revised drawings and details that fully address the surface water design and layout concerns of the planning authority and in doing so shall provide for the possible alteration, relocation or omission of residential units depending on which tanks need to be upsized to accommodate the revised drainage requirements.

Condition 3 requires the applicant to submit revised drawings to show a redesign of apartments Block E04-A reducing its length by circa 10 metres resulting in the omission of 8 units from the north-eastern end of the block. The reason for this is to ensure an adequate set back from the greenway and to facilitate adequate screening.

Condition 4 requires the omission of a total of 125 units from the proposed development in the interest of traffic safety.

Condition 5-9 inclusive require amendment to the housing layout and neighbourhood centre.

Condition 10 requires revised drawings of the proposed greenway along the south-eastern boundary of the site with a recommended 5m route width.

Condition 11 refers to phasing and requires a revised phasing plan which shall include the provision of open space, the neighbourhood centre element, the greenway, the Clay Farm loop road and both housing and apartment units.

Condition 12 requires that apartments permitted as part of D15A/0247 ABP ref. PL06D.246601 shall be commenced prior to occupation of any houses on the subject site.

Condition 13 and 14 relate to taking in charge and private management company.

Condition 15 and 16 relate to EIAR mitigation measures.

Condition 17-20 pertain to traffic, loop road and pedestrian/cycle links.

Condition 82 requires a cash deposit or bond

Condition 83 section 48 contribution

Condition 84 section 49 contribution in respect of the Luas Line B1 – Sandyford to Cherrywood extension.

Remaining conditions are considered general construction related conditions.

9.0 Prescribed Bodies

9.1 The list of prescribed bodies, which the applicant is required to notify prior to making the application to ABP, issued with the section 6(7) opinion and included the following:

- The Minister for Culture, Heritage and the Gaeltacht (for archaeological heritage protection and nature conservation)
- The Heritage Council (for archaeological heritage protection and nature conservation)
- An Taisce – the National Trust for Ireland (for archaeological heritage protection and nature conservation)
- Inland Fisheries Ireland
- Córas Iompair Éireann
- Transport Infrastructure Ireland
- National Transport Authority
- Irish Water

Three bodies have responded and the following is a brief summary of points raised. Reference to more pertinent issues are made within the main assessment.

9.2 National Transport Authority

- Considers the scale and use of the proposed development is aligned to the GDA Transport Strategy 2016-2035.

- The proposed residential development is proximate to high capacity transport (LUAS green line) which is in line with the Strategic Planning Principles set out in Chapter 7.

9.3 Transport Infrastructure Ireland

- Insufficient data has been submitted with the application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network and light rail network in the vicinity of the site.
- Given the scale of the development and its proximity to Junctions 14 and 15 of the M50, a robust assessment of these junctions within a revised TTA is necessary to understand whether there are any mitigation measures necessary arising from the proposed development.
- TII does not concur with the findings that the impact predicted at the key off site junctions including the M50 interchanges do not warrant junction capacity assessments. The anticipated percentage increase in flows are significant nonetheless and more so when cumulative flows are also taken into account. Some of these M50 junctions presently have limited spare capacity during the AM and PM peaks, and small changes in flow patterns can have a disproportionately negative effect.
- The Ballyogan road operates as an east west distributor road between junctions 14 and 15 of the M50. There are few alternatives to the M50 corridor to make orbital trips from the site.
- TII has concerns in relation to the potential capacity limitations of a single access resulting from a failure to deliver the section of the Clay Farm Loop Road (CFLR) in adjacent lands which may impact upon Luas operations.
- Although the applicant suggests that the eastern most junction operates within acceptable capacity thresholds despite this considerable traffic loading, such a situation would likely put pressure on a junction that also accommodates Luas services.

- It is considered that the entire CFLR should be complete in advance of the full build out of the Phase 2 development lands.

9.4 Inland Fisheries

- The proposal is located on the Ballyogan River in the catchment of the Loughlinstown River. The Loughlinstown system is exceptional in supporting migratory sea trout in addition to brown trout populations. Only clean uncontaminated water should leave the development site and drain to the river network.
- Best practice should be implemented at all times in relation to any activities that may impact on surface water or riparian habitats.
- There are two surface water outfalls to the Ballyogan stream planned for construction. A method statement along with detail drawings should be submitted to IFI for approval.
- A method statement for the installation of the temporary bridge over the Ballyogan Stream should also be submitted. Extreme care should be taken to prevent silt or cement entering the stream.
- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

10.0 **Assessment**

Pursuant to site inspection and inspection of the surrounding environs including the road network, examination of all documentation, plans and particulars and submissions/observations on file, I considered the following the relevant planning considerations of this application:

- Principle of development
- Urban Design and Layout
- Open Space and Landscape Strategy

- Traffic and transportation
- Services
- Archaeology
- Phasing
- Part V
- Appropriate assessment

10.1.0 Principle of development

10.1.1 The lands in question are zoned ‘Objective A’ – to protect and/or improve residential amenity. The proposal is for 937 residential units that will also include a neighbourhood centre, which is to contain a crèche and two retail units. The Planning and Development (Housing) and Residential Tenancies Act of 2016 provides that other uses on the land, the zoning of which facilitates such use, can be included but only if the cumulative gross floor area of the houses comprises not less than 85% of the gross floor space of the proposed development. The ‘other uses’ forming part of this application are below the threshold specified. The proposal is therefore consistent with the land use zoning objective and the provisions of the Act of 2016 in respect of strategic housing applications.

10.1.2 Table 1.3.1 of the development plan identifies the status of Local Area Plans currently in place or proposed in the County and also indicates their consistency with the core strategy. The Stepside Action Area Plan is to be extended to include parts of Carrickmines and Glenamuck and is identified as a new plan to be prepared (i.e. Ballyogan and Environs LAP identified as objective 135). It is set out that the quantum and level of development will be in accordance with the Core Strategy. Section 1.3.4.9 of the development plan ‘Stepaside’ indicates that

“the Stepside Action Area Plan (2000) was adopted prior to the enactment of the Planning and Development Act 2000 The development framework which emerged.....focused on two distinct

development areas located either side of a central historical Kilgobbin core and ultimately linked by a Greenway Spine running along the Ballyogan Stream Valley.....Since 2000 significant residential development and infrastructural development has occurred in the Plan lands. These new development areas to the south-east of the Kilgobbin Road are accessed from Stepside Village and the Enniskerry Road as the new collector Loop Road off Ballyogan Road has still to be fully realised.....Any future development on the residential development parcels along the Ballyogan Road will be in very close proximity to the Luas Greenline and as such should be of relatively high density.”

10.1.3 The CDP identifies that it is considered timely to effect a review and preparation of a new statutory LAP during the lifetime of this Development Plan – particularly addressing the issues of provision of the second collector Loop Road off the Ballyogan Road, the need to ensure the maintenance of higher densities in close proximity to quality public transport corridors, further development of the central Greenway spine (including addressing issues of permeability and pedestrian and cycle links to the Luas) to the planned Jamestown Park and beyond to employment and retail area at the Park, Carrickmines.

10.1.4 The applicant sets out that the proposed development further develops the Loop Road and Greenway Spine in compliance with the site specific local objective and enhances permeability and accessibility to a public transport corridor and improves accessibility in the area by providing a highly permeable development. It is submitted by the applicant that they have not been informed of a timeframe for the preparation of the LAP and the plan does not state that development on residentially zoned lands within areas subject to future preparation of a LAP will be considered premature pending their preparation or adoption. Furthermore, development has been permitted on Phase 1 lands in advance of the LAP being prepared.

10.1.5 Subject to the provision and general consistency with the specific objectives contained in the development plan for the lands in question, I consider that the proposal for residential development is acceptable and is not premature pending the preparation of an LAP. The zoning objective for the lands in question is such that it permits consideration of an application for residential development as provided for in the Planning and Development (Housing) and Residential Tenancies Act 2016. The applicant is delivering the portion of the loop road on lands within this control as per the CDP.

10.2.0 Urban Design and Layout

General

10.2.1 There are section 28 Ministerial guidelines which should be considered in conjunction with the provisions of the Dun Laoghaire Rathdown County Development Plan with regard to the overall design and layout of the proposed scheme. The most relevant of these are 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2015' and 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009' and the accompanying design manual. Both of these Ministerial Guidelines advocate high quality sustainable development that are well designed and built so as to integrate with the existing or new communities. The principle of universal design is also advocated so as to ensure that the environment can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability. The Design Manual which accompanies the Sustainable Residential Development Guidelines provide best practice design manual criteria such as context, connections, inclusivity, variety, efficiency, layout etc.

10.2.2 A Design Statement was submitted with the application and sets out that the proposed design was developed with regard to the 12 criteria assessment as set out in the Urban Design Manual. The applicant submits that the masterplan for Phase 2 employs a simple massing and scale which responds to the topography of the lands as well as reinforcing the character of each of the neighbourhoods proposed. The topography of the land falls approximately 25m from south to north. Boundary hedgerows and treelines are being retained. The distributor/loop road is identified as the major organising element within the Phase 2 lands. The proposed form and layout is designed around three neighbourhood/village zones i.e. west (zone 1), east (zone 2) and south (zone 3) (as identified on page 9 and 10 of the Design Statement). It is indicated that each neighbourhood is set within a topography and landscape, which in turn, help to define street character, building form and mass. Each zone will have separate entrances off the distributor road, its own identifiable central green and mix of house types. The masterplan seeks to provide physical connections between the three village neighbourhoods. An accessible network of streets, cycle-ways and footpaths will be critical to establishing a clear and legible framework of movement within the overall site.

10.2.3 With regard to mass and scale, it is proposed to have predominantly 3-4 storey buildings with a landmark 6 storey element close to the bridge over the Ballyogan River. The apartment blocks are laid out like fingers along the northern edge, with views toward the eco-park, proposed regional park and the golf course to the east. The apartment blocks are set into the landscape along the northern edge of the phase 2 lands so as to take advantage of the levels to create under-croft parking set into the slopes. The space between the apartment fingers is raised to screen the under-croft parking and planted with mature trees. The housing element is set out in clusters and are located on the gentler sloping areas. The distributor road which is part of the loop road as identified within the CDP is laid out as an urban avenue and it is proposed to contain significant tree planting.

Apartment Design and Layout

10.2.4 The blocks of apartments are described by the architect as “clean and contemporary in nature” consisting of brick. The predominant characteristics of the apartment blocks are the large window openings, generally of vertical emphasis and strong plinth bases. It is proposed to use brick cladding in conjunction with a pigmented render. There are projecting balconies which the architect states give added depth to the facades. The elevational treatment of the proposed apartment blocks is considered sympathetic to the landscape and provide a strong sense of place on approach along Ballyogan Road. The blocks also provide a strong sense of passive surveillance over the eco-park lands. The Chief Executive’s report refers to concerns raised by a number of internal departments of the local authority. The Parks and Landscape Services Department raised concerns regarding the proximity of the blocks to the greenway. The Biodiversity Officer recommended conditions. I don’t consider the proximity of the blocks to the greenway is such that would have a detrimental impact on the green corridor but rather provides for added passive surveillance. I also consider that there is adequate width to allow for landscaping and ensure adequate root protection.

10.2.5 With regards to the internal configuration of the apartment units, the proposal is required to meet the standards set out in both the Sustainable Urban Housing: Design Standards for Apartments, Guidelines for Planning Authorities 2015 and the Sustainable Residential Development in Urban Areas Guidelines 2009. I would draw the Board’s attention to the following matters that would need to be rectified:

Drawing No. pW1-5-000

- Apartment Building W1-05 level 1 lower ground floor.
 - In Block W01 the plan indicates a 2 bed unit which is accessed via the boiler room. It is considered that this unit can be re-configured so as to be accessed from the corridor. There is no private amenity space shown to this apartment.

- There is also a 2 bed unit which has no windows shown on the western elevation of the floor plans. They are indicated on the elevational drawings.
- Apartment Block W03
 - There is a 2 bed unit with no window openings shown on the western elevation similar to issue in block W1-05.
 - There is a 2 bed unit accessed from the plant room and no amenity space is shown for this unit.
- Apartment Block W05
 - There is a 2 bed unit accessed from the plant room.

Drawing No. pW1-5-001

- In blocks W01, W03 and W05, no access is shown to the bin store/bicycle area.

Drawing No. pE4-6-000 Apartment Building E04-06

- Block E06, lower ground floor, no amenity space to a 2 bed unit.

Drawing No. pE4-6-001

- No access to bins stores or bicycle areas shown.
- Block E05, no amenity space shown to a 2 bed unit

Drawing No pE1-3-001

- No access to bin storage or bicycle areas shown.
- There are also fire doors to corridors that are located perpendicular to an entrance door to apartments.

10.2.6 In general, I consider that the clarity of detail on the plans could be improved to avoid ambiguities in the future. For example, it is difficult to distinguish between door and window openings on the floor plans. It is also noted that there are a

number of internal partitions (mostly between bedrooms) that run perpendicular to a window opening. It is unclear from the plans whether it is proposed to have an internal glazing panel to such windows where the internal partition would not be seen from the external elevation and also to avoid any internal gap between the window and partition. It is also not possible to move the windows without impacting upon the bedroom widths and resulting in some bedrooms not meeting the minimum standards set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2015.

- 10.2.7 Notwithstanding the above issues, I do not consider that they are critical to the assessment of the application in that it is reasonable that the applicant could be conditioned to submit revised plans. The revisions require re-configuration of units, provision/identification on plans of private amenity space, access points to storage areas etc. however there would be no material alteration to the overall apartment blocks.
- 10.2.8 While the majority of apartments are dual aspect, there are units which are single aspect. Notwithstanding this, I am satisfied that the units in question would offer a satisfactory level of residential amenity. Adequate storage space has been provided to each unit. There are some units which do not have private amenity space indicated on the plans but this appears to be a drawing error/oversight rather than a deliberate omission of such space.
- 10.2.9 Housing Units
- There appears to be an error in the numbering system of some of the units, hence the Board should note that I refer to the unit no. above the unit type on the site layout plan. With regard to housing units 1-16 inclusive, which are located to the south-western boundary with Cruagh Wood/Green backing onto Stepside park, the planning authority is not satisfied that the proposal as shown would not have a

negative impact on the residential amenity of future residents at this location and therefore these units should be omitted and a separate application for permission be submitted in the future. Observers raised similar concerns. These proposed houses (type C1) are three storey, however given the difference in levels at this location, the ridge heights of the 'Stepaside' houses along this boundary will remain similar or higher than the units proposed. In general, there is a separation distance of approx. 19m or more between opposing first floor windows which are generally located at an angle as opposed to directly facing each other. The provision of rear amenity space to these houses in general meets minimum requirements, although I do accept that there will be minimal scope for these units to be extended to in the future. However, these four bed units have a floor area of approx. 169.5sq.m. and are considered quite spacious with layouts that could be re-configured if so required. Units 1 and 2 represent jarring on this site particularly given their proximity to an existing 4-5 storey apartment block to the south-west and I recommend that they should be omitted. Residual lands should be incorporated into the open space provision unless subject to a future application for suitable development. With regard to the boundary line between no. 156 Stepside Park and Unit no. 54 (which is in fact unit 53) proposed in this development, it would appear that the fence line in Stepside Park does not meet with the boundary line on Clay Farm lands at this location (refer to drawing Boundary Sections 02, section H-H 1_200 and Site Layout Plan Sheet 03 of 03 confirms this). The proposal would result in residual land being 'no-man's land' between the two housing developments.

10.2.10 Units 32 and 33 are also considered to be 'crammed in' at this location. This is the proposed location of the access road to Cruagh Wood and the parking to unit 33 is located to the side of the house requiring a driver to reverse at a point where the road sweeps. These units should be omitted. I refer the Board to section 10.4.6 of this assessment regarding the provision of an access road up to Cruagh Wood and which the Council will be responsible for providing a link through in time. This proposed link through should, in my opinion, be relocated further east. The omission

of units 32 and 33 in conjunction with Units 1 and 2 would also allow for a greater degree of flexibility to re-design a more coherent and integrated proposal that does not detract from the existing residential amenities in this location.

10.2.11 The planning authority has indicated that a home-zone residential courtyard should be built around house no's 310,311, 322 and 333. The current proposed layout at this location does allow for pedestrian desire lines to the greenspace/ecopark further north. This is considered important particularly when the loop road is built out on the adjoining third party lands to the south so as to ensure adequate integration and ease of pedestrian and cyclist movement through the lands. I am satisfied therefore that the proposed layout is acceptable.

10.2.12 I note the provision of a road identified on the Road Layout Plan as Road 20 (Sheet 1 of 2) immediately south of units 274 and 316 which I consider should be omitted. There is limited purpose to this road and it will result in residual lands between the continued loop road (when completed by third parties) and this residential street. In the interests of ensuring optimal design opportunities in the future to integrate this area and adjacent lands (in terms of design and layout) units 274, 275, 315 and 316 inclusive should be omitted. The planning authority also consider this road unnecessary.

10.2.13 Boundary Treatment

Observers raised concerns about boundary treatments particularly along Stepside Park and reference is made to mesh fencing. The applicant has submitted a Landscape Boundary Treatment Drawing which clarifies proposed boundary treatments. It is proposed to provide a retaining wall to the rear of Units 1-16 which back onto units in Stepside Park. It is unclear whether the existing trees are to be retained. The proposed wire mesh fencing is to be provided at the location where the loop road would continue on and as such is considered to be a temporary boundary solution pending completion of the road.

10.2.14 Neighbourhood Centre Design

The planning authority has raised concerns with regard to the western elevation of the neighbourhood centre, which fails to provide active or passive surveillance onto the adjacent public open space and that the applicant states that the western edge contains the entrance to the facility however the drawings indicate the main entrance to the childcare facility on the northern edge onto the public plaza. The entrance to the crèche via the reception is located on the north-west elevation. Access to the retail units are presumably from the northeast elevation although the floor plans and elevations do not distinguish between door or window openings. The planning authority has also raised concerns about the proposed access to the first floor duplex apartments and recommend that the access be re-located to the south western elevation adjacent to the retail units.

10.2.15 The south-western elevation of the neighbourhood centre will be a prominent key elevation when travelling north on the loop road towards the bridge and Ballyogan Road. The applicant has set out in the documentation submitted that this centre is to be a focal point within the development. The planning authority has set out that

“it is considered that revised drawings should be conditioned to provide for a more positive interface on the western edge of the neighbourhood centre. A condition should be attached to relocate the proposed access to the first floor duplex apartments from the south-western elevation adjacent to the retail units. Also in order to provide a positive interface with the open space to the south-west, additional windows and entrance should be provided along this elevation of the crèche. Revised drawings should also be conditioned to address the concerns in relation to the duplexes”.

I consider that the south-west elevation fails to provide a strong architectural expression at this location and that a more active street frontage should be provided thus improving its interface with the public open space to the south. I refer the

Board to the Drawing entitled 'Site sectional, Elevations 01' which demonstrates the lack of passive surveillance onto the public open space at this location and would militate against achieving an attractive pedestrian environment at this location. The Opinion that issued required:

“further consideration in respect of the documents (design rationale and detailed drawings/design proposals) relating to the proposed neighbourhood centre. This consideration should address: height issues (noting the crèche building forming part of the neighbourhood centre is proposed as single storey structure); the creation of a focal point for the overall scheme at this location; the creation of a sense of place, and interface with the open space to the south and plaza to the west. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.”

Whilst it is acknowledged that the applicant has re-designed the neighbourhood centre such that it has more of a presence at this location than previously proposed, I am not satisfied that the applicant has provided an appropriate design solution for the south-western elevation.

10.2.16 With regard to the location of the access for the first floor duplexes which the planning authority consider should be re-located, I have no objection to the current location, however, I do consider that the quality of the access arrangement in particular the configuration of same could be improved to ensure adequate passive surveillance of the access deck at first floor. The configuration and access to the private amenity space is ambiguous to the units over the retail units and needs clarification in the interests of future residential amenities.

10.2.17 Density

With regard to density there is a provision within the development plan that

“as a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives ‘GB’, ‘G’ and ‘B’) shall be 35 units per hectare.”

There is a caveat that this density may not be appropriate in all instances, but will serve as a general guidance rule particularly in relation to greenfield sites or larger ‘A’ zoned areas. The plan also provides that

“there may be some specific areas of the County where higher densities, which would normally be encouraged by virtue of proximity of the site to high public transport corridors, cannot realistically be achieved as a consequence of other infrastructural shortcomings – such as the capacity of the local road network. The number of such sites would, however, be limited.”

10.2.18 The net density of the proposed development on Phase 2 lands is 55 units/per hectare. The applicant submits that the proposal is consistent with s28 Ministerial Guidelines and also with the County Development plan, requiring a density of 50 units per hectare within 1km of a Luas stop. It is set out that the net density for Phase 1 lands was 65 units p/h. The higher densities are achieved on those lands closest to the Luas stop. Having regard to national policies and the provision within the CDP regarding densities, the proposal is considered satisfactory in this regard. However, phasing arrangements should be cognisant of the need to ensure the delivery of some higher density blocks as well as the traditional housing units.

10.3.0 Open Space and Landscape Strategy

10.3.1 The applicant indicates that the landscape strategy builds on the approved landscaping scheme for Phase 1. The Eco park which was included in the permitted Clay Farm development is located between the Phase 1 and Phase 2 lands. The

Landscape Design Statement sets out that the open space comprises of 6.2ha as follows:

- A northern and central core spine of c.4.45ha
- Other open space of c.1.75ha
- An urban plaza at the neighbourhood area
- A variety of semi-public open spaces
- A variety of semi-private open spaces

10.3.2 The landscape strategy as proposed by the applicant is to create a series of ecological or green corridors through the lands to link in an east/west direction from Jamestown Park (proposed regional park) and the golf course as well as north-south from the Eco-park. Open space is provided within each of the three main residential neighbourhood areas. The first is the eastern portion of the central spine with the 'archaeology park' and an adjoining 'kickabout' area. The second comprises the central portion of the spine which contains the main social areas and the multi-use games area (MUGA). The third area incorporates the retention of an existing stream with on-line wetlands and an area of soft landscaping connecting north to the eco-park in Phase 1.

10.3.3 The proposal in general is to utilise the existing landscape features of the site and incorporate these into the open space provision in a functional manner. A landscape context map has been provided which indicates the location of other recreational amenities and facilities in the area. Most notably, there is a regional park (Jamestown park) proposed for the former Ballyogan landfill lands that is located to the immediate south-east of the site. Potential links to this site have been identified on the layout plan through the 'archaeological' park and via the 'eco-park'. The proposal also generally provides for sufficient connectivity and permeability through the site from adjoining residential areas to the open space providing a community gain for all residents.

10.3.4 With regard to the public open space provision, my primary concern pertains to the lack of centrally located open space to Neighbourhood Zone 3, located on the southern portion of lands. The Opinion that issued by ABP sought

“further consideration/justification for the quantum and distribution of open space provided, specifically in relation to the open space to serve the proposed dwellings towards the south-western end of the development (in the vicinity of the site boundary with the Cruagh Wood development.)”

With regard to the quantum of open space, the applicant is providing 6.2 hectares on the application lands, which I consider satisfactory. The statement of response sets out that

“the scheme layout has been altered to provide a larger area of open space adjacent to, and linked to existing open space in Cruagh Wood to enhance the open space provision in this part of the site. This alteration to the layout resulted in the removal of three no. houses”

Notwithstanding the alterations to the layout from the tri-partite consultation meeting and issuing of the Opinion, I consider that there is still a lack of centrally located public open space which is easily accessible to residents of these units without recourse to the MUGA lands further north.

10.3.5 This neighbourhood (which the applicant indicates as being the first phase for development) consists of a myriad of urban streets with no pockets of open space to provide visual relief for residents from the housing units. The lack of a centrally located open space area and/or the provision of smaller pockets of open space in this neighbourhood will make it difficult for people to recreate or for the streets to satisfy any other function than that of movement. I consider that the concentration of housing units in the absence of some open space to the southern portion of the lands would offer poor residential amenities for future residents. The quantum of open space across the development lands in general is not particularly the issue but rather the provision of centrally located public open space to serve future residents

in this residential neighbourhood as well as offering ‘visual relief’ for residents from the concentration of housing units. I do not consider that the applicant has adequately responded to this issue of distribution of open space specifically to serve the dwellings to the south-western section of the site. However, I do consider that this issue can be dealt with by omitting a number of units in the area of unit no’s 17-23 and units 42-48. The applicant would be required to re-design/re-configure the layout of dwellings in this location so as to ensure optimum integration and passive surveillance of the public open space.

10.3.6 With regard to the design of the greenway, the applicant indicates that this will be provided by the planning authority and refers to Condition 18 of the Phase 1 permission:

“The development shall facilitate the provision by the planning authority of a direct temporary link for pedestrians and cyclists across the lands within the developers’ control to link Ballyogan Road and Cruagh (Cruagh Wood/Manor and Stepside Park) as identified on BSM drawing number 6065-313 received by the planning authority on the 24th day of February 2016 (exact route alignment for K1-L1-M to be agreed on site and in writing with a recommended five metres route width for Level A Quality of Service in accordance with Section 3 of NTA Permeability Best Practice Guide) prior to or during construction (Phase 1A) of the proposed Phase 1 development.

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

My reading of this condition is that the planning authority was seeking to secure a pedestrian/cycle route for existing residents from the residential areas to the south through the application lands north towards Ballyogan Road pending the development of the lands in question. This is a reasonable objective in light of availability of community facilities and public transport on Ballyogan Road. There is no preclusion to the provision of a wider greenway that also provides more

functional open space to either side of the cycle/path way. Whilst the greenway as indicated on the plans submitted is considered to perform the function of movement it could not be considered to satisfy the function as active or passive open space given the alignment of the pathway through the greenway. Therefore, the importance of additional open space lands within this southern neighbourhood is all the more significant.

10.3.7 The planning authority raised concerns in relation to the spine of open space that runs eastwards from the neighbourhood centre connecting up with a larger space along the eastern boundary with future links shown to Jamestown Park. Concerns appear to relate to the narrowing of this spine east of the proposed MUGA. The planning authority considers this spine should be widened so as to provide better connectivity and green infrastructure links across the overall scheme and has recommended a condition as follows:

“prior to commencement of development, the applicant shall submit revised drawings for the written agreement of the planning authority clearly showing an amended layout with the area of open space to the north of the house types C1, plot no's 149-155 significantly widened. This will result in a change of layout and may result in the loss of some units on plot no's 149-155.

Reason: To ensure a widened green spine with enhanced connectivity throughout the overall site and to accord with the principles of the Urban Design Manual 2009.”

I don't share the concerns of the planning authority regarding this green spine and consider that the configuration of this greenway serves as a 'funnel' drawing pedestrians through the area which widens out into an archaeological park. The narrowest point of this greenway is approx. 11m which is considered satisfactory in terms of creating a comfortable environment for pedestrians to move through.

10.4.0 Traffic and Transportation

10.4.1 General

It is proposed to access the site from the permitted entrance point to the Phase 1 lands and across the new bridge over the Ballyogan Stream linking phase 1 and 2. A further vehicular access will be provided up to Cruagh Wood housing estate to the southern perimeter of the site. The Council will be responsible for the delivery of the connection through. In general, it is considered that the proposed street hierarchy respects the principles outlined in DMURS. The central spine road (loop road) acts as the main link road with a network of local roads feeding off this main spine road. In general, it is considered that the proposed layout maximises permeability and connectivity with all streets leading to other streets. There is limited use of cul-de-sacs. The applicant sets out that the

“design of the internal roads seeks to provide self-regulating streets whilst respecting the important functions of both place and movement...”

Pursuant to examination of the plans and particulars on file the proposed street hierarchy and layout are such that assigns higher order to pedestrians and cyclists whilst not compromising vehicle movements.

10.4.2 Distributor / Loop Road

As set out heretofore, the Ballyogan Distributor Road runs through the middle of the Phase 2 lands as identified in the CDP. The permitted Phase 1 development is currently under construction and the section of distributor road within these lands is nearing completion as per File Ref. No. 06S.246601. Funding has been allocated through the Local Infrastructure Housing Activation Fund (LIHAF) to deliver this new loop road which will open up access to the Phase 2 lands and other sites beyond. The applicant indicates that

“the first stage of the new Clay Farm Distributor Road which includes a bridge over the new Eco-Park in Phase 1, will be delivered as part of the development of the Phase 2 lands.”

The distributor road will have an overall length of approx. 94m with an overall width of 17.2m consisting of a 6.5m carriageway with 2m wide cycle track and 2m wide footpaths on either side. The applicant has indicated the delivery of the loop road from Ballyogan Road running southwards to the boundary of Phase 2 lands with Stepside Park. The road runs westwards to the boundary of third party lands. An indicative route is indicated on the plans submitted for the remainder portion.

10.4.3 There is a completed section of the loop road adjoining Kilgobbin/Elmfield although it is not yet in use. When the road is complete it will be approx. 1.55km. There will be a remaining section of approx. 530m in length to be delivered on third party lands.

10.4.4 For ease of reference and context, I refer the Board to Figure 3.3 of the TTA report which sets out the location of the loop road and also indicates proposed and future potential access points from existing and proposed residential lands.

10.4.5 Transport Infrastructure Ireland indicates that the Phase 2 lands should not be developed pending the delivery of the entire loop road. Having regard to the length of this road and given that the road objective falls within a number of third party lands it is unrealistic for the entire road to be delivered without the development of housing in tandem. It is also my understanding that LIHAF allocation is also contingent on the delivery of housing in tandem with the identified infrastructure.

10.4.6 Vehicular Access to Cruagh Wood

The Council wishes to provide a vehicular access point for residents of Cruagh Wood to the Ballyogan Loop Road. A temporary access was permitted under File Ref. No. PL.06D.202889 via Cruagh Manor (Phase 1) from Enniskerry Road until

such time as the completion of a more appropriate access through the Clay Farm lands to Ballyogan Road. It is intended that the Council will, once a connection to Clay Farm lands has been provided, close the temporary access link between Cruagh Manor Phase 1 and Phase 2 lands. The applicant has provided a contextual illustration in Figure 2.10 of the Traffic and Transport Assessment. The delivery of this link road up to Cruagh Wood boundary is not envisaged until 2025/2026 i.e. the expected time for delivery of the infrastructure by the applicant. The Council will then be responsible for delivery of the through road within Cruagh Wood thereafter. The removal of the temporary link road between Cruagh Wood and Cruagh Manor is to ensure that a through route for vehicles between the Enniskerry Road and Ballyogan Road is not provided i.e. to avoid a 'rat-run'. Pursuant to examination of the plans and particulars and site inspection, I do consider that the alignment of the proposed through road up to Cruagh Wood (identified as Road 1 on the Road Layout Plan (sheet 2 of 2) should be re-located further east away from the apartment block as the current alignment appears to encroach onto existing open space associated with this residential block. This re-location would require omission of housing units 32 and 33. Alternatively, a through route could be provided via Road 5 as identified on Drawing entitled 'Road Layout Plan (Sheet 2 of 2)' without encroaching on third party lands or requiring any configuration to the proposed layout. The Board may wish to give consideration to the appropriateness of the proposed shared surface at this location should it be used as the connection point from Cruagh Wood to Ballyogan Road.

10.4.7 Cul-de-sac within Stepside Park

A number of observers raised concerns about the vehicular access or the 'cul-de-sacing' of Stepside Park. The applicant is not proposing such in this application. The provision of the cul-de-sac within Stepside park has been conditioned in a number of permitted developments pertaining to lands in Stepside within different ownership. I refer the Board to the 'History' section at the beginning of this report for reference to such condition in permitted developments. I do not consider this

particular issue relevant to this application and would be 'ultra vires' given that the applicant in this instance has no legal interest in the lands referred to.

10.4.8 Traffic and Transport Assessment

A TTA and Mobility Management Plan (MMP) have been prepared and submitted with the application. A traffic assignment model has been used to quantify and analyse the potential impact of the proposal upon the local transport network. With regard to traffic surveys, it is noted that in order to establish existing up to date local road networks, surveys were undertaken by an independent firm who conducted a 6-hour survey on Thursday, November 2016 between the hours of 730-1000hours and 1630 to 1900hours. The results indicate that the local network's AM and PM peak hours occur between 0800-0900 hours and 1730 to 1830 hours respectively. TRICS has been used for modelling trip generation purposes. Trip rates have been derived from 'Donor' sites which are subject to similar land uses. Section 2 of the report deals with 'Network Impact'. Section 6.3 outlines a mitigation strategy so as to off-set the additional local demand. Such measures include a mobility management plan during the operational stage and provision of key infrastructure such as the loop road within the applicant's lands. The findings indicate that the entire Phase 2 residential development can be accommodated via the Clay Farm's masterplan lands eastern most signal controlled site access junction on Ballyogan Road.

10.4.9 The proposal will contribute to additional trip generation along Ballyogan Road and indeed to the main junctions in the immediate locale including junctions 14 and 15 of the M50 interchange. Transport Infrastructure Ireland has indicated that insufficient data has been submitted with the application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network and light rail network in the vicinity of the site. The TTA sets out that a TIA is not warranted for these junctions, a view the planning authority also supports. I am also satisfied that the findings of the TTA are such that they do not require a TIA for these junctions.

10.4.10 With regard to public transport, the phase 2 lands are located within easy reach of two greenline LUAS stops i.e. 'Leopardstown Valley' Luas Stop is approx. 80m to the north east along Ballyogan Road whilst 'The Gallops' stop is located 100m to the northwest of the entrance to the Clay Farm lands. Phase 2 lands at its nearest point is approx. 300m to the nearest stop. The Luas greenline provides access to Sandyford, Dundrum and the City Centre. With regard to the bus services, Dublin Bus operates route number 63 providing access along Ballyogan Road corridor providing links to Dun Laoghaire and Kilternan. The nearest 63 route bus stop is 400m from the site. The TTA submission indicates that there are other bus stops within 650m from the site i.e. routes 118, 44 and 47 providing services from Kilternan to D'Olier St, Enniskerry to DCU and Belarmine to Poolbeg St.

10.4.11 Whilst I acknowledge the concerns of the TII, the subject lands are located on zoned lands within the Metropolitan area, some 11km from the city centre on a high quality transport corridor. The NTA has confirmed that the proposed development is consistent with the Transport Strategy. Whilst the TII indicates that the Ballyogan road operates as an east west distributor road and that there are few alternatives to the M50 corridor to make orbital trips, residents (both existing and future) have easy access to public transport. There are two LUAS stops within easy reach of the subject lands (the furthest point of the proposal is c. 870m from the stop). There are also adequate bus services operating along Ballyogan Road. The applicant is also proposing cycleways and strong pedestrian routes to Ballyogan Road in addition to links via Cruagh Wood back to the Enniskerry/Stepaside Road which has adequate footpaths leading into Stepside Village.

10.4.12 TII has raised concerns in relation to the potential capacity limitations of a single development access scenario (resulting from a failure to deliver the section of the Clay Farm Loop Road on adjacent lands) which may impact upon Luas operations. I do not consider that the existing permitted access point on Ballyogan Road will

have a negative impact on the LUAS operations. This is a signalised junction and can be controlled so as to give priority to the LUAS during peak (and non-peak) hours if so required. I note a number of observers raised concerns about the capacity of the LUAS to accommodate additional people. This is outside the remit of the applicant's control, however, I note the recent announcement by the Minister for Transport for the investment of money in the Luas greenline which is to see eight additional trams added to the fleet along with an increase in the carrying capacity of the trams.

10.4.13 Traffic conditions recommended by planning authority

The Board should be aware that the planning authority has recommended a condition in the event of a grant as follows:

“A total of 125 residential units of the proposed development shall be omitted from the proposed development. Revised drawings which show these units are to be omitted shall be agreed in writing with the planning authority. The area identified may be subject to a future planning application for residential development.

Reason: In the interest of traffic safety and the capacity of the permitted junction with the Ballyogan Road.”

No details are provided as to which 125 units should be omitted. The transport report indicates that phase 1 approved 410 units of which 125 units were temporarily allowed to exit via the Leopardstown Valley junction. A land ownership issue prevented these 125 units from existing via the Elmfield junction. It is set out that the final 125 units in Phase 2 not be occupied until the 125 units in Phase 1C are exiting via the Elmfield junction. This would constitute a 10% reduction in traffic accessing via the Leopardstown junction. I consider that this is an issue that would be better addressed by way of CPO should these land difficulties continue rather than omitting units thus ensuring the delivery of the exit at Elmfield junction for the benefit of the wider community.

10.4.14 Parking

It is proposed to provide a total of 1478 car parking spaces. Having regard to the CDP provisions there is a requirement for 1546 spaces leaving a shortfall of 68 spaces. The applicant indicates that there is adequate parking for the houses whilst the shortfall arises to the apartment/duplex units. 1.25 spaces have been provided for the duplex units while 1.4 spaces are provided for the 2 bed units. The applicant argues that the CDP refers to 'standards' with regards to parking and given the proximity of the apartment block development to the Luas that a balance has been struck in providing adequate spaces. It is reasonable that in order to encourage a modal shift away from the use of private vehicles there should be a reduction in the number of spaces provided but only in locations where there is ease of access to quality transport routes such as the Luas line. In addition, high quality cycle and pedestrian links are provided through this development to nearby services and amenities. 1128 bicycle spaces are also provided. The TTA report indicates that 61% of cycle spaces are to be covered. I am satisfied that adequate parking has been provided, although parking to housing units 132 and 194 needs to be clarified.

10.5.0 **Services**

10.5.1 Foul sewers

Details submitted on file indicate that there is an existing 375mm diameter foul sewer running south-west to north-east along the southern western boundary of the site. This sewer connects to a 525mm diameter sewer which runs in a south-easterly direction along the south side of the Ballyogan Stream. The site is divided into a northern catchment, a southern catchment and an eastern catchment and three new connections will be made to the existing foul sewers located within the site. The northern catchment will discharge by gravity into the existing 525mm diameter sewer adjacent to the Ballyogan Stream. The southern and eastern

catchments will drain to the existing 375mm diameter foul sewer along the south-eastern boundary of the site.

10.5.2 Water supply

There is currently no water supply within the site. There is an existing 300mm diameter public watermain located on Ballyogan Road. As part of the Phase 1 works, a new 200mm diameter watermain will be constructed along the main access road through Phase 1 to the location of the proposed bridge to be constructed over the Ballyogan Stream as part of the Phase 2 works. The applicant indicates that a pre-application enquiry was made to Irish Water (IW) and a response indicated that in order to accommodate the proposed connection, works are required to link the 2 no. 300mm watermains on Ballyogan Road and the R117. A PRV will be required at this location. It is proposed in this application that a connection will be made to the 200mm diameter watermain currently being constructed along the main access road through Phase 1. This watermain will be extended across the proposed bridge to be constructed over the Ballyogan Stream as part of the Phase 2 works. A proposed 100mm/150mm diameter watermain and new fire hydrants will be provided throughout the site.

10.5.3 Surface and storm water management

Details on file indicate that there is no existing surface water sewer infrastructure within the site. The Ballyogan stream which runs through the valley (located on phase 1 lands) drains the Carrickmines valley and joins the Loughlinstown stream to become the Shanganagh River before discharging to Killiney Bay at Shanganagh. The information submitted with the file indicate that it is proposed to use a sustainable urban drainage system (SUDS) approach to stormwater management throughout the site. The proposed SuDS strategy includes the use of filter strips, swales, filter drains, extensive green roofs, cellular attenuation systems, detention basins, petrol interceptors and long term storage. It is indicated that, in addition to limiting the runoff rate through attenuation, the GDSDS requires that

runoff volume from the site is limited in extreme events. The applicant indicates that surface water will be discharged to the Ballyogan Stream at two locations. Each outlet will discharge by gravity to the existing stream and connections will be made via a new headwall at each location. The existing open ditch along the south-eastern boundary of the site will remain. The existing open ditch system traversing the centre of the lands serving the upstream lands will be culverted where it passes under the proposed loop road and rear gardens of houses. The ditch is to remain open where it passes through open space.

10.5.4 The Engineering Services Report submitted by the applicant sets out that it is intended that a long-term storage volume will be managed in the landscaped open space area in the east and will have a maximum depth of 0.55m. Excess water from the underground attenuation would spill over to a local depressed area and would infiltrate into the ground over a period of time. This storage area will need no special infrastructure or planting and can function as a normal open space area on a day to day basis.

10.5.5 The planning authority has raised concerns about this long term storage area which is located in Catchment Area A (south-east of the site) in that the proposal as submitted by the applicant would appear to be deficient. Reference is made to the results of the infiltration test. An infiltration test was carried out on site on 31/8/2017 and the information on file indicates that it was not possible to determine the infiltration rate in accordance with the BRE Digest 365 report as the water level did not drop below the 25% mark within a reasonable time. It is the opinion of DLRCC Municipal Services (referred to as drainage report henceforth) that the infiltration test has not been carried out in accordance with the recommendations of Section 25.3 of CIRIA C753 and that the conclusions drawn from this submitted report cannot be relied upon and that the applicant has therefore failed to demonstrate that the site chosen for the long term storage is fit for purpose.

10.5.6 The drainage report also refers to site investigation results, which do not appear to be available within the documentation submitted to ABP. I note the drawing entitled 'Site Investigation' however there is no corresponding report with the findings. In the absence of this information it is not possible to examine and analysis these results in the context of the proposal before the Board. I note the reference by the local authority drainage section to a '2008 ICGL Site Investigation Report No. 13728'.

The drainage report raises serious concerns about

“the possible loss of available storage and flotation of the attenuation storage tank (identified as attenuation tank G) as a result of the high water table. Similar issues may also pertain to the other proposed tank locations, in particular when considered in the light of the failed percolation test”.

As I do not have a copy of this report, I cannot assess the issues/concerns raised by the planning authority regarding standing water levels which I consider fundamental to the assessment of the attenuation measures outlined.

10.5.7 A SuDS Audit Report was also submitted by the applicant which was compiled by RPS on behalf of the consulting engineers. I note specifically the comments in respect of Soil Type 3 chosen due to evidence from Site Investigation information. It is set out that

“upon review of the Flood Soil Report maps, the soil appears to be in an area of Soil Type 2. However, from GI information available and the classification of soils by winter rain acceptance rate from soil survey data, the Soil Type 3 assumption is justified. This approach is recommended in section 6.7.3 of the GDSDS guidelines.”

I am not satisfied that sufficient information has been made available to validate the use of soil type '3' classification which effectively has the result of increasing the acceptable level of run-off from the site (from that of the current greenfield rate should a Soil Class Type 2 as identified in the Flood Studies Report (FRS) mapping have been used).

10.5.8 It is also noted in the audit that the permitted discharge rate of 120.4l/s for a site with a gross area of 20.2ha equating to 5.96l/sec/ha is regarded as high. The response of the consultant to this is that

“the Greater Dublin Local Authorities mostly use the suggested GDSDS Code of Practice rate of 2l/sec/ha (section 16.3 of Code).

In this case the use of higher greenfield runoff rate is justified due to the use of soil type 3 and the provision of long term storage for part of the site which allows the use 1%AEP runoff as the allowable discharge for this part of the site.”

In summary, the proposed discharge rate is three times the rate suggested in the GDSDS. No justification for the use of ‘soil type 3’ has been presented having regard to the classification of the site as soil type 2.

10.5.9 It is estimated by the water services section that the attenuation tanks are undersized by approx. 15% and they also raise concerns about the long-term storage solution as follows:

“From the information provided in DBFL Drawings No’s 163056-3000 and 3001 B it would appear that the area for the long term storage bunded area is located over the proposed stormwater attenuation tank A. A 300mm diameter long-term storage overflow with (presumed) invert level of 101.05 is called up for manhole SA1. While no further details are provided for this manhole it would appear that this LTS pipe discharges into the LTS bunded area located directly over the Stormtech Attenuation Tank A. This would result in water from long term storage bunded area discharging (by infiltration) to the Stormtech attenuation tank directly beneath it. In effect, the bunded area would appear to be operating as an overground extension to the stormtech attenuation tank...”

10.5.10 The design proposal for the predicted long-term storage of stormwater which would be generated and directed to ground by infiltration is based on a derived value from a single infiltration test which it appears has not been possible to carry out in accordance with the recommendations of CIRIA C753 or other recognised similar standard and the conclusions cannot therefore be relied on for the design of the proposed long-term storage solution.

10.5.11 A site specific flood risk assessment has been submitted with the application and indicates that all habitable buildings and critical infrastructure is located in Flood Zone C i.e. 1 in 1000 year flood. It indicates that the potential impact on surface water from the development is likely to be short-term and low, provided suitable mitigation measures are put in place. In the absence of appropriate or sufficient attenuation measures the proposed development would likely have significant effects on the immediate environment by reason of excessive ponding and likely flooding downstream. The Micro-drainage modelling provided identifies a flood risk during the summer commencing at 180 mins of storm duration. During the winter this flood risk is at 120 mins with a flood occurring at 360 mins.

10.5.12 As there is no provision for seeking further information under the SHD legislation, there only two options – grant or refuse the development. I note the planning authority’s comment that the Board may wish to conduct an oral hearing to address the concerns in respect of attenuation. Section 18 of the SHD legislation provides that the Board

“shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing” (my emphasis)

I do not consider that there is a compelling case for a hearing in this instance. The applicant has failed to submit fundamental information so as to allow for an assessment of the suitability or otherwise of the surface and storm water

management proposals. The applicant engaged in pre-planning with the planning authority who also raised serious concerns regarding this issue. Drainage including attenuation was an item on the agenda at the tri-partite consultation meeting. Whilst the Opinion that issued did not contain a direct reference to further consideration of this item, it would be reasonable that the applicant would have liaised directly with the planning authority to ensure it was satisfied with the drainage proposals prior to making an application. It is therefore considered that holding an oral hearing to request details which should have been submitted with the application in the first instance is not a “compelling case” for such.

10.5.13 In the absence of the required information outlined above, I am not satisfied that the stormwater outflow arising from the development can be limited such that it would be in accordance with the requirements of the Greater Dublin Regional Code of Practice for Drainage Work (Volume 2 – New Development – Version 6.0) or that the site when developed can be adequately and sustainably drained so as not to result in any significant environmental effects on the quality of the receiving water including the Ballyogan stream as a result of the potential increased discharges. Therefore, I recommend a refusal in this instance.

10.6.0 Archaeology

10.6.1 Chapter 4 of the EIAR deals with archaeology, architectural and cultural heritage. There are no protected structures on or immediately adjacent to the lands in question. Section 4.3.8 of the EIAR sets out that archaeological test trenching was carried out over four days from 1 September 2014 and an additional three test trenches were excavated on 15 October 2014 in both the Phase 1 and Phase 2 lands. Four areas of archaeological interest were identified (archaeological areas 1-4, Figure 4.7). Areas 1 and 4 located in the Phase 1 lands and Areas 3 and “A-C” located in the Phase 2 lands. The archaeological findings included a rim sherd of Late Bronze Age pottery. In trench 10 a single pit containing charcoal and burnt coal

was uncovered and in trench 9 a spread of charcoal rich soil was uncovered. It is submitted that it is possible that the features in Area 2 may belong to a larger concentration of prehistoric activity. Archaeological Area 3 is located in the southeast of the development area (trench 14) in Field 11 and comprises a substantial curvilinear ditch (C23) which extends beyond the development area to the south east. A section excavated across the ditch was 3.05mX 1.15m deep and contained eight fills, most of which contained animal bones.

- 10.6.2 The EIAR sets out that given the archaeological potential of the lands, archaeological investigation was carried out in the earliest design and planning stages which included a field walkover survey, geophysical survey and test excavation assessment. It is set out that the findings of the assessment informed the layout of the proposed development. It is proposed to preserve the in situ enclosure site (archaeological area 3) identified in the south eastern area of the proposed development within a passive open space or archaeology park.
- 10.6.3 The EIAR indicates that cartographic analysis and field inspection suggested two possible courses for the Pale boundary through the application lands: running parallel with the northern side of the Ballyogan stream as it does along the recorded section in Kilgobbin townland (DU026-087) or following the more direct line of the field boundary running east-west to the south of the stream. As a result of testing carried out, it was possible to discount the field boundary to the north of the Ballyogan stream as part of the Pale boundary, it comprises a low bank (0.68m high) and shallow ditch (0.45m deep) which was not thought to be suggestive of the form of the Pale boundary. The more southerly boundary (between Field 6 and 8) was tested in a disturbed location where a bridge alignment was previously proposed and where the boundary was free of trees. While tests were inconclusive it was concluded that this substantial boundary topped with mature trees is the most likely candidate for the continuation of the Pale boundary. The recorded section of the Pale boundary, the possible continuation of the boundary (between Field 6 and

8) and the Ballyogan Stream are located within the permitted Ecopark. These boundaries are to be preserved in situ and incorporated into the passive amenity lands as per the permitted Phase 1 of the development. It is set out that the highlighting of the Pale boundary and its probable continuation (in the form of illustrative displays) will enhance the amenity and will allow for the enrichment of public appreciation of the archaeology of the area.

10.6.4 It is set out that it is not possible for the proposed road bridge to clear span the probable line of the Pale boundary (located between field 6 and 8). Hence the proposal will result in the removal of a 47.2m wide section of the boundary. The EIAR sets out that the proposed development would have a significant, direct and negative impact on this section of the Pale boundary. Whilst this will be the case, the line of the loop road has been permitted in the Phase 1 development and as such the location of the bridge has been pre-determined. I am satisfied that the EIAR has considered the potential impact of the proposed development on archaeology. Reference is made to a number of other archaeological sites recorded within the vicinity of the application site. It is set out that given the clustering of archaeological sites and monuments in the area around the proposed development, it is possible that further archaeological material, similar to that found in neighbouring developments, could be revealed within the proposed development areas of Phase 2.

10.6.5 A number of mitigation measures are outlined in section 4.8 of the EIAR during the pre-construction, construction and operation phases. Most notable of these is the recommendation for a buffer zone to be established 10m beyond the outer edge of the Pale boundary and its possible continuation in advance of construction to protect the feature and any features that may be associated with it. It is also recommended that an area measuring 47.2m east-west X 15m north-south and centred on the probable line of the Pale boundary be excavated in full under licence to the DCHG. It is also recommended that all topsoil stripping for the proposed

development be archaeologically monitored with provision made to deal with any archaeological features that maybe uncovered.

10.6.6 In conclusion, adequate consideration has been given to archaeological impacts pertaining to the lands in question. No submission has been received from the Minister for Culture, Heritage and the Gaeltacht (archaeological heritage protection and nature conservation) who received details of the application. Should the proposal be considered favourable it is considered that the applicant should construct the development in accordance with the recommendations and mitigation measured proposed in the EIAR.

10.7.0 Phasing

10.7.1 A phasing plan has been provided by the applicant and the table below outlines the proposal.

Phasing proposed by applicant	No. of Units	Location
Phase 1	218	Housing units to southern portion of site (backing onto Cruagh Wood/Stepaside Park) to include neighbourhood centre
Phase 2	358	Apartments and housing units north-east of neighbourhood centre
Phase 3	351	Remaining units to west side of site
Total	927	

Phase 1 consists predominantly of the housing units to the southern boundary adjacent to the Stepside Park and Cruagh Wood boundary. This phase consists of 200 houses and 18 duplex units. Phase 2 consists of 358 units north of Phase 1 on the eastern portion of the lands immediately south of the eco-park. This phase consists of 60 houses, 269 apartments and 29 duplex units. Phase 3 consists of 351 units to the western side of the lands consisting of 105 houses, 227 apartments and 19 duplex units. Each phase provides for an area of open space to be delivered in tandem with the units. Having regard to the permitted Clay Farm development on the lands to the north of the application site which is nearing completion, I consider that the phasing of development within the application lands should seek to deliver the neighbourhood centre along with units to the north east of the site fronting onto the eco-park i.e. all of the units identified within Phase 2 by the applicant and the neighbourhood centre. This would ensure a coherent and incremental development approach to the overall lands at this location delivering higher density blocks on the lands closest to the public transport routes.

10.7.2 The Chief Executive report indicated that

“cognisance should be given to ensuring the applicant does not leapfrog the higher density development of the D15A/0247 prior to the delivery of this application. A condition is recommended to be attached”.

I concur with the planning authority on this. The apartment units permitted in File Ref. No. 15A/0247 should be commenced prior to the sale of any units within this Clay Farm Phase 2 development.

10.7.3 Concerns were raised by observers about a construction access via Stepside Park and Cruagh Wood to the site. Pursuant to inspection of these estates, it is noted that the only viable access to the site would be via Cruagh Wood. Access via Cruagh Wood/ Green would have a detrimental impact on

the residential amenity of this area. The internal road network has steep contours that would make it difficult for larger lorries to negotiate. No construction access should be permitted via Cruagh Wood.

10.8.0 Part V

Details in respect of the Part V proposals by the applicant are submitted with the application. It is proposed to provide 93 units to the Local Authority and a report from the Housing Department in respect of this application raises no objection subject to conditions. The planning authority has cautioned that conditions pertaining to re-design of the proposed development so as to address concerns raised may impact on the Part V provision.

10.9.0 Appropriate Assessment

10.8.1 An AA screening report was submitted with the application. The report describes the development and identifies that the site is not located within or directly adjacent to any Natura 2000 sites. The report considers the following Natura 2000 sites:

- Rockabill to Dalkey Island SAC (Site Code 003000)
- South Dublin Bay SAC (Site Code 0210)
- Ballyman Glen SAC (Site Code 000713)
- Knocksink Wood SAC (Site Code 000725)
- Bray Head SAC (Site Code 000714)
- Wicklow Mountains SAC (Site Code 002122)
- North Dublin Bay SAC (Site Code 0206)
- Howth Island SAC (Site Code 000202)
- Glen of the Downs SAC (Site Code 000719)
- Glenasmole Valley SAC (Site Code 001209)

- Wicklow Mountains SPA (Site Code 004040)
- North Bull Island SPA (Site Code 004006)
- Dalkey Islands SPA (Site Code 004172)
- South Dublin Bay and Tolka Estuary SAC (Site Code 4024)
- Howth Head Coast SPA (Site Code 004113)

10.8.2 As outlined in the screening report there are only two of the identified sites i.e. Dalkey Islands SPA/SAC and Rockabill to Dalkey Island SAC, which are potentially linked to the proposed development site. The pathway is via the Ballyogan stream which joins Carrickmines Stream as it crosses the M50 before meeting the Shanganagh River in Loughlinstown and entering the sea at Ballybrack. The report sets out that the Shanganagh River does not drain directly into any European site. A construction management plan has been prepared for the overall Phase 1 and 2 lands. The screening report concludes that the development either on its own or in combination with other developments will have no impact on designated sites and outlines a number of Best Practice measures which will be adopted.

10.8.3 Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required. The Board should note that due regard was given to the recently permitted Phase 1 lands north of this proposed development.

11.0 Environmental Impact Assessment

11.1.0 Statutory Provisions

11.1.1 Schedule 5 (Part 2) of the Planning and Development Regulations 2001 (as amended) set mandatory thresholds for each project class. The proposal is of a class specified in Schedule 5 which exceeds a quantity, area or other limit specified in that schedule, i.e. Class 10 - Infrastructure projects and the application is accompanied by an Environmental Impact Assessment Report (EIAR). This application was submitted after 16 May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 Directive. The Directive has not, however, been transposed into Irish legislation to date. In accordance with the advice on administration provisions in advance of transposition contained in Circular letter PL1/2017, it is proposed to apply the requirements of Directive 2014/52/EU.

11.1.2 The EIAR contains one volume and a Non-Technical Summary. Chapters 1 and 2 set out an introduction to the project, methodology use, description of the proposed development and alternatives considered. The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters of the EIAR which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape;
- The interaction between the factors referred to in points (a) to (d).

11.1.3 I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended and the provisions of Article 5 of the EIA Directive of 2014.

11.1.4 I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, prescribed bodies and observers has been set out in section 7 of this report.

11.2.0 Alternatives

11.2.1 Article 5(1)(d) of the 2014 Directive requires:

“a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment”.

Annex (IV) of the Directive provides that more guidance on reasonable alternatives as follows:

“A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects”.

11.2.2 Section 2.5 in Chapter 2 of the EIAR deals with the issue of alternatives. The EIAR sets out that having regard to the zoning objective of the lands in question it was not considered necessary to consider alternate sites for the proposed development.

The applicant indicates that

“the suitability of the lands for development, location within an established development area (Key Growth Area in the Core Strategy of the CDP) of the County and location adjacent to public transport and excellent road infrastructure were also key considerations”.

It is set out that during the design process for the proposed development several iterations of the layout and design proposals were considered. This is evident in the documentation submitted supporting the application. The applicant also outlines subsequent alterations to the layout on foot of the Opinion issued by ABP. The consideration of alternate processes is not considered relevant to the nature of the application.

11.2.3 I am satisfied that the EIAR has provided a description of the reasonable alternatives studied by the applicant which are relevant to the proposed project.

11.3.0 **Likely Significant Direct and Indirect Effects**

11.3.1 The likely significant direct and indirect effects of the proposed development are considered under the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape;
- The interaction between the factors referred to in points (a) to (d).

11.3.2 Population and Human Health

11.3.2.1 The assessment provided by the applicant indicates that the proposal will generally result in a positive alteration to the existing undeveloped green-field site in terms of provision of residential units and significant areas of open space to serve the growing need for quality housing. The proposal will result in a population increase at this location in close proximity to public transport route and existing community facilities.

11.3.2.2 I have considered all of the written submissions made in relation to population and human health. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on population and human health are likely to arise.

11.3.2.3 The mitigation measures proposed within the EIAR are such that will reduce the potential for any temporary direct and indirect effects on human health during the construction stage in particular e.g. noise, dust abatements etc.

11.3.3 Biodiversity (flora and fauna)

11.3.3.1 The EIAR indicates that the assessment with regard to biodiversity involved a desk study and field surveys by suitably qualified ecologists including specialists in botany, breeding birds and mammal ecology. Screening for appropriate assessment was undertaken by the applicant and it concluded that Stage 2 appropriate assessment was not required. In this regard, I refer the Board to my assessment on appropriate assessment in section 10.9.0 of this report.

11.3.3.2 The main ecological feature of the site is the existing treelines and hedgerows that exist primarily to the field boundaries and are classified by the applicant as areas of local importance. A number of the boundary and internal hedgerows are classified as Heritage Hedgerows of high significance. There is an area of unmanaged species rich wet grassland, and a section of mature tree line in the vicinity of the Pale Ditch. This area is of local importance (higher value) and is considered to be a sensitive ecological receptor. While no features of significance for roosting bats were present the site is of significance for commuting and foraging bats. It is proposed to erect bat boxes as part of the development and maintain for a period of 5 years post completion to ensure that the proposed development has no adverse long term impact on the bat population. The more mature/larger trees and hedges are of importance for nesting birds. The EIAR identifies that the ridge (eco-

park lands) that separates the Phase 1 and 2 lands is occupied by a number of active and inactive badger setts, including a highly active multiple entrance main sett. However, activity surveys undertaken to July 2017 have recorded no badger setts within the Phase 2 lands. No evidence of otter was found on site, although is likely to use the Ballyogan stream. Deer activity is also recorded on the Phase 2 lands.

11.3.3.3 The loss of the hedgerows and tree lines will represent a significant impact at local level representing a loss in habitat and loss in movement corridor for wildlife. However, it is proposed to retain the significant hedgerows and tree lines that form the boundary of the site and a sensitive, ecologically based landscape plan will be implemented. It is proposed to provide dense ecological sensitive planting in the vicinity of the eco-park to provide protection for local fauna.

11.3.3.4 I have considered all of the written submissions made in relation to biodiversity, flora and fauna. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant. I note the loss of a calcareous spring associated with hedgerow H22 which it is not possible to mitigate. I am satisfied that the identified impacts on biodiversity, flora and fauna save for the loss of the calcareous spring would be avoided, managed and mitigated through the measures outlined in the EIAR and that no further significant adverse direct, indirect or cumulative effects on biodiversity, flora and fauna are likely to arise.

11.3.4 Land and Soil

11.3.4.1 Chapter 7 of the EIAR outlines that information on land and soils for the subject lands was assembled from sources including inter alia, Site Investigation Reports. The site investigations according to the EIAR were carried out on the lands in 2008 and 2016 comprising of 20 trial pits, 32 boreholes and 35 CBR tests, the results of which were described in interpretive reports. The absence of a full Site

Investigation report rather than the results of such which were used in interpretive reports has presented difficulties in examining and analysing information presented in respect of land, soil, and water. I refer the Board to section 10.5.3 of this report of such difficulties.

11.3.4.2 The EIAR sets out that anticipated impact on soils arising from the construction phase will be short term and moderate. The potential likely and significant impact on hydrogeology during construction phase is considered to be temporary and moderate without mitigation measures in place with unlikely significant impact or effects on hydrogeology from the operation phase of the development. I am satisfied that adequate consideration has been given to the possibility of the potential for pollution from contamination, discharge to waters etc. I am satisfied that no significant adverse effects are likely to arise.

11.3.5 Water

11.3.5.1 I refer the Board to my earlier assessment which outlines the proposals in respect of services infrastructure and more specifically to the surface and storm water attenuation issues that have been considered in detail.

11.3.5.2 The EIAR in Chapter 8 provides details on all the sources of information, reports and surveys relied on for this section of the EIA. No Site Investigation Report has been submitted to support the applicant's assessment of the potential impact on the water environment.

11.3.5.3 I have considered all of the written submissions made in relation to water. I am not satisfied, in the absence of information referred to in the EIAR that was used by the applicant to examine, describe and assess potential likely significant effects on the environment, that the conclusions and recommendations outlined in the EIAR in respect of surface and storm water management can be relied upon.

Therefore, the potential for likely significant effects on the environment cannot be fully assessed in this instance.

11.3.6 Air Quality and Climate

11.3.6.1 Chapter 9 of the EIAR deals with air quality and climate. Chapter 11 also deals with wind. Site specific baseline data and data available from similar environments indicates that levels of nitrogen dioxide (NO₂), carbon monoxide (CO), sulphur dioxide (SO₂) particulate matter less than 10 microns (PM₁₀) and less than 2.5 (PM_{2.5}) and benzene are well below the national and EU ambient air quality standards. The EIAR indicates that predicted levels of traffic generated air pollutants will not exceed the ambient air quality standards and the impact of the development in this regard is deemed non-perceptible. The likely effects are considered short term such as fugitive emissions such as dust. It is considered that appropriate mitigation measures have been outlined and should be implemented in full during the construction and operational stage.

11.3.6.2 I have considered all of the written submissions made in relation to air quality and climate and I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant.

11.3.7 Material Assets, Archaeology, Architectural and Cultural Heritage

11.3.7.1 Chapter 12 of the EIAR deals with material assets. The EIA Directive requires that 'architectural and archaeological heritage' is assessed as part of material assets. The EIAR submits that such is the importance of the aforementioned in Ireland, EIA best practice has established that it is important to address this issue separately and not as an adjunct to the material assets section. This chapter refers to the EU Directive and that material assets can now be taken to mean built services and infrastructure. Traffic is also included as a consideration under material assets and I refer the Board to section 10.4 of this report in respect of traffic and transportation. It is submitted that economic assets of natural origin

which include bio-diversity, land and soil and water are addressed in chapters 5, 7 and 8 of the EIAR. An adequate description of existing services to the application site and description of predicted impacts which the development may have on these services are outlined. Mitigation measures are also provided. It is set out that the proposal will have a positive impact on the existing urban environment by creating high quality residential units, a response to the current housing need and to cater for a growing population on residentially zoned lands adjacent to public transport. It is concluded that there is not likely to be any significant adverse impacts on material assets as a result of the proposal during construction or operational stages.

11.3.7.2 The assessment provided examines the potential significance and sensitivity of the existing archaeological and cultural heritage environment and the likely significant direct and indirect effects on the environment. I refer the Board to the archaeological assessment contained in this report above, where such effects have been considered in full. Conditions should be attached as outlined above should permission be considered favourable.

11.3.7.3 I have considered all of the written submissions made in relation to material assets, archaeology, architectural and cultural heritage in addition to those specially identified in those specifically identified in this section of the report. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets, archaeology, architectural and cultural heritage.

11.3.8 Landscape and Visual impact

11.3.8.1 The potential landscape and visual effects identified in the EIAR relate to site establishment including the loss of hedgerows and existing open landscape; general construction activity including the provision of cranes during construction;

new residential development including the provision of ancillary services such as lighting. The changed landscape will have a visual effect and result in the loss of existing greenfield landscape but will also result in the creation of an urban environment with associated eco-park and green corridors. It is set out that the nature and extent of the proposed open space network and its integration with the ecological corridor of the Ballyogan stream will have a significant positive effect.

11.3.8.2 The lands south of Phase 2 are located at a higher level as are the lands associated with the former landfill to the east. There are no High Amenity landscape designations and the site does not fall within an area where a historic landscape character assessment has been completed. Seven photomontages are submitted which give consideration to the visual effects arising from the proposal. In general, I consider that these montages represent an accurate reflection of the proposal when constructed. The effects of the proposal in photomontage 7 could have been highlighted so as to ensure the effects were more obvious to the reader. I am satisfied that the viewpoints chosen are such that allow for a robust assessment of the greatest visual effects and represent the more sensitive locations. It would appear that the montages are representative of summer months when vegetation is at its fullest thereby reducing the degree of visual effect on the landscape. In any event, I consider that the visual effects of the proposal are greatest within the local landscape and that the intervening surrounding landscape primarily due to the topography is such that will reduce the impact and effect of the proposal on longer range views. Specific mitigation measures are outlined in section 6.8.2 of the EIAR and include providing protective measures around trees/hedgerows that are to be retained and existing open spaces areas.

11.3.8.3 I have considered all of the written submissions made in relation to landscape and visual impact. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse effect is likely to arise.

11.3.9 Noise and Vibration

11.3.9.1 Chapter 10 of the EIAR deals with noise and vibration. The impact of the proposed scheme has been determined through prediction of future noise levels associated with the scheme using established calculation techniques. The ESB Carrickmines transformer station has been identified as a local noise source during the baseline noise assessment study. The EIAR indicates that the ESB intend to further develop their facility and are aware that they are obliged to minimise and control noise generated by their site operations. The operational phase of the development has been assessed with regard to the WHO guidelines.

11.3.9.2 Four noise monitoring locations were used for the purposes of conducting baseline noise measurements. These include a location approx. 60m east of the ESB transformer site, houses closest to the southern section of the site within Cruagh Wood, houses closest to the southern site boundary in Stepside Park and a location closest to the new bridge where residential units are proposed. In terms of establishing baseline measurements, I am satisfied that these locations would be reflective of the more sensitive locations. The existing baseline noise climate has been assessed at the site over the course of typical daytime and night-time periods. The principal sources of existing noise experienced at the site include transport noise from road traffic, the Luas tram and noise from the transformer station. The outward noise impact arising during the operational phase to the surrounding environment will be limited to additional traffic on the surrounding road network. The impact assessment concludes that additional traffic from the proposal will have an imperceptible to slight impact on the surrounding noise environment. Sound insulation performance values in respect of the residential units has been specified to ensure acceptable internal noise levels are achieved both during the day and at night.

11.3.9.3 I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and no significant adverse effect is likely to arise.

11.3.10 Interactions between environmental factors

11.3.10.1 Chapter 13 of the EIAR deals with the interactions between environmental factors and sets out that the planning consultants in preparing and coordinating the EIAR, ensured that each of the specialist consultants liaised with each other and dealt with the likely interactions between predicted effects as a result of the proposed development during preparation of the proposals for the subject and ensuring that appropriate mitigation measures are incorporated into the design process. A specific section on interactions is included in each of the environmental topic chapters of the EIAR. I consider this approach to be satisfactory and that adequate consideration has been given to interactions. The primary interactions are summarised in the EIAR as follows:

- Engineering bridge design with biodiversity and archaeology
- Landscape design, engineering services with biodiversity and archaeology
- Visual impact with biodiversity
- Biodiversity with water and soils
- Noise and vibration and traffic and
- Air quality and climate and traffic.

11.3.10.2 I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. In particular, the concerns pertaining to surface and storm water management as outlined in my assessment of this report and the potential for significant environmental effects to arise, may give rise to some impacts on the other factors such as material assets, human beings, bio-diversity.

12.0 Conclusion and Recommendation

- 12.1.1 In conclusion, whilst the principle of development of this site is acceptable and the overall layout of the scheme is generally satisfactory notwithstanding the need for some amendments as outlined in the assessment above, I have concerns regarding the surface and storm water management proposals. The absence of the Ground Investigation information report used by the applicant to inform the EIAR and mitigation measures outlined, gives rise to serious concerns about the ability of the site and Ballyogan Stream to deal with any increase in surface water discharge particularly given that the proposed discharge rates do not appear to be limited such that it would be in accordance with the requirements of Greater Dublin Regional Code of Practice for Drainage Work (Volume 2 New Development version 6.0.). The results of the single infiltration test which failed raise concerns about the design of the long term storage area. I do not consider that this issue can be conditioned in the absence of fundamental baseline data to inform and ensure that appropriate mitigation measures can be employed in this instance. Given the potential for likely significant environmental effects I consider the proposal should be refused on these grounds.
- 12.1.2 Having regard to substantive recommended reason for refusal and the concerns raised in my assessment regarding the lack of centrally located public open space within the neighbourhood zone 3 to serve future residents and also the concerns pertaining to the design of the south-western elevation of the neighbourhood centre, I consider that these should also be included as reasons for refusal.
- 12.1.3 It is recommended that permission be **refused** for the following reasons and considerations.

13.0 Reasons and Considerations

1. The Board is not satisfied that adequate information has been presented in relation to proposals for storm water management noting the absence of Ground Investigation information including the required characterisation of soils such as would justify a deviation from Soil Type 2 to Soil Type 3 Flood Soil Report winter rainfall acceptance soil class for the site which had led to proposals for an increased greenfield run-off rate. In addition, the design of proposals for the predicted long term storage of storm water, which would be generated and directed to ground by infiltration is based on a derived value from a single infiltration test which appears has not been possible to carry out in accordance with the recommendations of CIRIA C753 or other recognised similar standard and the conclusions cannot therefore be relied on for the design of such long term storage. In the absence of the required information, the Board is not satisfied that the stormwater outflow arising from the development can be limited such that it would be in accordance with the requirements of Greater Dublin Regional Code of Practice for Drainage Work (Volume 2 New Development version 6.0) or that the site when developed can be adequately and sustainably drained so as not to result in any significant environmental effects on the quality of the receiving water including Ballyogan stream as a result of the potential increased discharges or such as to give rise to flooding. The proposed development would be contrary to the proper planning and sustainable development.
2. The proposed development would result in a substandard level of public open space to serve the housing units in neighbourhood 3 (as identified on page 9 of the Design Statement) by virtue of the location of the MUGA, the primary active public open space which is located to the northern extremity of this phase of development. The lack of adequate passive surveillance of this public open space and failure to adequately integrate with the majority of housing units it is intended to serve, and in the absence of other centrally located functional open space in this quarter would result in poor residential amenities for the future occupants of the housing units in this residential zone. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

3. The neighbourhood unit has been designed so as to be a focal point within the overall proposed housing development. It will be a visually prominent structure on approach from the loop road. In this regard, the Board consider that the south-west elevation represents a poor design solution having regard to its prominent location when travelling northwards on the loop road and its interface with the main area of public open space to the south. The south-west elevation offers poor active street frontage, would militate against an attractive pedestrian environment and would be injurious to the visual amenities of the area. The proposals would therefore conflict with the policies of the county development plan and would be contrary to the proper planning and sustainable development of the area.

Joanna Kelly
Senior Planning Inspector

20 December 2017