

Michael & Dolores Cullen
Ardnamona
Brennanstown Road
Dublin D18E6N4

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

Friday, 13th May 2022 [By hand]

**Observation on Strategic Housing Application by Cairn Homes Properties Limited:
Demolition of 'Winterbrook', and the former dwelling attached to Barrington Tower (a
protected structure), construction of 534 no. Build to Rent apartments, creche and
associated site works. Address of development: "Barrington Tower", Brennanstown Road,
Dublin 18. (ABP Ref. 313281)**


Dear Sir/Madam,


Please find enclosed an Observation by Mr Michael & Dolores Cullen, Ardnamona,
Brennanstown Road, Dublin D18E6N4, on ABP Ref. 313281.

Also enclosed is a supporting Transport Submission in Relation to the development,
prepared on our behalf by Transport Insights, a Transport Planning Consultancy.

Payment of €20 is enclosed in respect of the statutory fee for making this Observation.

Yours faithfully,


Michael Cullen.


Dolores Cullen.

Encl.

- (€20.00)
- Transport Insights Report

AN BORD PLEANÁLA	
LDG-	<u>053380-22</u>
ABP-	
16 MAY 2022 o.k	
Fee: €	<u>20</u> Type: <u>cash</u>
Time: <u>12.32</u>	By: <u>hand</u>

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Dear Sir/Madam,

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INTRODUCTION:

This is an Observation by Mr Michael & Dolores Cullen, Ardnamona, Brennanstown Road, Dublin D18E6N4, on ABP Ref. 313281. Payment of €20 is enclosed in respect of the statutory fee for making this Observation.

Permission should be refused on the basis that the development:

1. Materially contravenes the site's zoning objective. In the circumstances the Board has no jurisdiction to grant permission for the development;
2. Materially contravenes various policies of the operative DLRCC County Development Plan 2022-2028;
3. Represents overdevelopment;
4. Will have significant and serious traffic impacts and/or give rise to traffic hazards and other significant health and safety issues (ie pathway infrastructure).
5. Does not comply with the mandatory requirements of Article 297 of the Planning and Development Regulations, 2001 (as amended); and
6. Is not adequately described in the statutory notices.

The Board should also refuse to consider and cannot grant permission for the development where such a grant would have to be justified by reference to the Guidelines for Planning Authorities on Urban Development and Building Height 2018 and the Apartment Guidelines, dated December 2020.

These issues are considered in more detail below:

OBSERVATIONS:

Note: The text in this observation refers to the policies and objectives of the current Dun Laoghaire Rathdown County Development Plan 2022-2028. The policies in the current Development Plan are substantially similar to those of the previous Dun Laoghaire Rathdown County Development Plan 2016-2022 ('the previous Development Plan') which was in effect when the application was submitted to an Bord Pleanála. For the avoidance of doubt references to policies in the current Development Plan should therefore also be read as referring the equivalent policies of the previous Development Plan.

Material Contravention of Zoning

The site is zoned Objective A ***"To provide residential development and improve residential amenity while protecting the existing residential amenities"*** in the current Development Plan.

Table 13.1.2 of the current Development Plan states that Residential is a '**Permitted in Principle**' use. '**Shop Neighbourhood**' is an '**Open for Consideration**' use. '**Shop-District**' use is neither '**Permitted in Principle**' nor is it '**Open for Consideration**' on Objective A zoned lands.

Section 13.1.5 of the Development Plan states that ***"Uses which are not indicated as 'Permitted in Principle' or 'Open for Consideration' will not be permitted...."***

Shop-Neighbourhood is defined on page 319 of the Development Plan as follows: ***"A neighbourhood shop is one which primarily serves a local community and does not generally attract business from outside that community. They will primarily serve a 'walk-in' population and will typically have limited carparking"***

Shop-District is defined on page 320 of the Development Plan as follows: ***"A shop (excluding retail warehousing) which is larger in scale and more varied in what it may sell than a neighbourhood shop, and therefore serves a wider area, including the district centres."***

Section 7.5.5.1 Policy Objective RET8: Local Shops states that ***"It is a Policy Objective of the Council to facilitate the provision of local convenience shops in residential areas where there is a clear deficiency of retail provision, subject to protecting residential amenity."***

Section 12.6.3 (page 273) of the Development further states that: ***"A small/local convenience shop will be open for consideration within a residential area (lands zoned Objective 'A' – "To provide residential development and improve residential amenity while protecting the existing residential amenities"). When assessing any such proposals, the Council will have regard to the distance from the proposed development to established local shopping facilities and to its impact on the amenity of adjoining dwellings. Local convenience shops shall not have a floorspace greater than 100 sq.m. net. (refer also to Policy RET7, Section 7.5.5.1)." [emphasis added]***

A c.336 sq m shop is proposed as part of the development. Page 200 of the Planning Report submitted by the Applicant states that the net floor space of the proposed retail unit (which appears to be a convenience unit) is unknown at this stage but also states that it is considered prudent to assume that it would potentially exceed the 100 sq. m net maximum.

It follows that the proposed retail convenience unit will exceed 100 sq.m net maximum for Objective A areas it is therefore not a Shop-Neighbourhood use for the purposes of zoning and is instead a Shop-District type of use. Shop-District is neither permissible nor is it open for consideration under the zoning objective. It is a not permitted use. It follows that the development materially contravenes the zoning of the site.

The Board is precluded by section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 ('the 2016 Act') from grant permission for strategic housing development applications where the application materially contravenes zoning.

Further it would be **ultra vires** of the Board to purport to modify the proposed development by the imposition of a planning condition to circumvent the jurisdictional bar on granting permission for the proposed development in circumstances where the same materially contravened the zoning objectives of the Development Plan (s.9 of the 2016 Act clearly draws a distinction between the 'proposed development' and the proposed development subject by modification, but only development as proposed in the planning application is relevant in the context of determining whether zoning has been contravened).

In addition to the above, it is also considered, by reason of the excessive height, density, inadequate separation distances between blocks, inappropriate mix of units and serious traffic impacts (as set out elsewhere in this observation), and as shown in the conclusions of the Daylight, Sunlight and Overshadowing Report submitted by the Applicant (which shows at pg 56 thereof that in several instances BRE standards are not met in the development) that the development materially contravenes the sites objective **"to provide residential development and improve residential amenity while protecting the existing residential amenities"** in that the development will not improve residential amenity on the site for future residents and will not protect existing residential amenities of adjoining residents.

Material Contravention of Development Plan Policies and Objectives

In addition to contravening the zoning of the site the development also materially contravenes the following Development Plan policies:

Retail Unit

- Section 12.6.3 of the Development Plan restricts where the net retail space of units on objective A lands to 100 net. sq m. The net retail floor space in this case will exceed 100 sqm.
- Whereas the Applicant states at pg 199 of the Planning Report that this can be justified because there are conflicting objectives in the Development Plan I cannot see where a conflict in policy arises.
- There is a risk that a unit of that size will attract traffic from outside the site contributing to higher traffic movements in the area. Permission should be refused.

SLO73

- SLO73 of the Development Plan states that **"It is an Objective of the Council: To limit development along the Brennanstown Road to minor infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented."**
- This objective is also marked on the Development Plan Zoning Maps and may therefore also be a form of zoning objective.

- The proposed development is situated along the Brennanstown Road. Some 534 apartments are proposed. It is clearly more than minor infill development and further, as acknowledged by the applicant, a Traffic Management Plan has not been completed for the area as required by SLO73. The development therefore both materially contravenes this SLO73 (which may, depending on its construction, be a zoning objective insofar as it features on the Zoning Map), and is premature pending the adoption and implementation of the recommendations of that Traffic Management Plan.
- The Applicant has sought to justify the contravention at pg 198 of the Planning Report by reference to incremental upgrades that have been previously permitted as part of other SHD schemes in the area. In particular it is stated that: *"It is highly unlikely that any traffic management scheme for the Brennanstown Road will be implemented as a single package in the near future. It is far more likely that the required works will be implemented incrementally through the planning process over a period of years... As set out in both of these [permitted SHD schemes] previous inspectors reports in the absence of an adopted Part 8 scheme which would allow for the implementation of a traffic management scheme along Brennanstown Road, the only mechanism to deliver on the requirements of this policy is a developer-led proposal."*
- With respect to the permitted SHD schemes referred to in the Planning Report it is difficult to understand how piecemeal developer led ad-hoc improvements to the Brennanstown Road is reasonable or appropriate mechanism to deliver a solution to the noted issues with the Brennanstown Road in the absence of an overall agreed Traffic Management Scheme for the entire area. Piecemeal development is contrary to and is inconsistent with proper planning and sustainable development.
- It is further (insofar as the provisions of Section 37 2) b) of the Planning and Development Act, 2000 are concerned) considered that:
- The proposed upgrades to a small section of the Brennanstown Road are not of strategic or national importance within the meaning of Section 37 2) b) particularly when one considers that piecemeal upgrades of the road are proposed only; Special Local Zoning Objective SLO73 does not conflict with other objectives in the Development Plan; it is designed to ensure that lands along Brennanstown Road are developed in a safe and sustainable manner;
- The site is not a brownfield site; it is more akin to an infill/greenfield site and as illustrated by Figure 1 it is neither a former industrial site nor does it contain many structures or concrete aprons. In this context we respectfully submit that its development will not give effect to the prioritization of redevelopment of brownfield sites per National Planning Framework 2040 imperatives.



Figure 1: Aerial photograph of the subject site with approximate application site boundaries outlined in red. As can be seen from the photograph the site is not an industrial site and as such is more akin to a greenfield site than a brownfield site. The photograph also provides a picture of the predominant 2 storey low density character of development in the area – the proposed development includes 534 apartments in up to 10 story blocks which does not reflect the scale and character of existing development in the area at all. Source: Google Maps (annotated).

Residential Quantitative Standards

Unit Mix

- The apartment mix does not comply with the prescribed mix of unit types set out in Table 12.1 of the Development Plan. The Applicant states that a contravention of those requirements is justified as the standards in the Development Plan are contrary to SPPR8 of the Apartment Guidelines. However, the Applicants evaluation of the compliance with the scheme with the Guidelines is confused. For example, on page

195 of the Planning Report in the column next to the column headed Section 2.18 it is stated that "***It is noted the Dun Laoghaire Rathdown County Council have a Housing Need and Demand Assessment...***" but it is later stated in another column on page 195/196 of the Planning Report next to a column headed Specific Planning Policy Requirement 1 that "***... the current Development Plan does not include a HDNA***".

- We note that the Development Plan does include a Housing Need and Demand Assessment and moreover note that SPPR1 allows statutory development plans to specify a mix for apartments further to a HDNA.
- The housing mix is therefore inconsistent with both the requirements of the Development Plan and SPPR1. An appropriate mix of units contributes to sustainable communities and is consistent with proper planning.
- The mix of units in this case does not contribute to the proper planning of the area.

Separation Between Blocks

- Section 12.3.5.2 of the Development Plan requires that a minimum clearance distance of c. 22 metres is, in general, required, and in taller blocks a greater distance may be prescribed. As acknowledged on page 196 of the Planning Report in a number of instances the distance between the up to 10 storey high blocks is less than 22m.
- I note (based on the Proposed Site Plan drawing) that Block G and H are located within c. 12 m of each other and include (from elevational drawings) what appear to be windows on the elevations that face each other. It is unclear from the elevational drawings, for example for the northern elevation of Block H (which contains windows) and the southern elevation Block G (which contains windows) if windows are to contain translucent glazing or how overlooking from windows will be properly mitigated. See also page 50 of the Architects Design Report which shows that there is a distance of less than 10m between Blocks I and J, and less than 10m between Block F and E where similar issues arise.
- Page 51 of the Architects Design Report states that difference in levels will help to avoid overlooking when distances between blocks are shorter. It also states that windows will be also strategically positioned or have translucent glass to avoid direct view to neighbouring buildings.
- The suggestion that changes in ground level will result in no overlooking in relation to up to 10 storey buildings is not satisfactory when one looks at the sectional drawing in the Architects Design Report which tends to show that irrespective of changes in level it may still be possible to look down into residents' windows. I also note that the design of the balconies in the scheme do not appear to employ any means of mitigating overlooking from apartment-to-apartment bar moving along of opposing windows or obscure glazing. There are no projecting glazing screens or 1.4m opaque balcony screens to address the potential for overlooking of the apartments or nearby existing development.
- In the circumstances the scheme represents a substandard form of residential development that will adversely affect the amenities of future residents of the scheme as well as the amenities of adjoining property owners. It will diminish local property values.

Parking

- Table 12.5 of the Development Plan sets out the various required parking standards. The carparking provision is in this case significantly (at least 166 no spaces) below those Development Plan requirements.
- The applicant has included, at page 190 of the Planning Report, a table with two columns purporting to show how the development meets section 12.4.5.2 Development Plan criteria for reduced car parking standards.
- I do not accept that Applicant's findings in respect of the column headed **'Evaluation of consistency'**. In fact, several matters referred to in the **'evaluation of consistency'** column are inconsistent with statements made elsewhere by the Applicant in the Planning Report that are used as a justification for materially contravening Development Plan policy in relation to the size of local retail units. For example, it is asserted on page 190 that the site has good access to shops (in support of a reduction in parking standards) but by contrast it is later stated at page 202 that **"there are no convenience shops within 20 minutes' walk of the site"** and further stated that this is contrary to the concept of the 10-minute neighbourhood.
- Further insofar as the **'evaluation'** in relation to parking refers to various travel plans and a TTA to justify reduced parking I refer the Board to the attached expert report by Transport Insights which concludes, inter alia, that:

"As detailed within this Submission, the proposed development has extremely poor accessibility with a severe lack of footpaths and cycle infrastructure in particular noted. Public transport accessibility is also limited with no frequent bus services within the site's vicinity. Accessibility to the Luas Carrickmines stop is at, or beyond, the very limit of distance that would typically be considered a catchment area. Significant road safety issues have been identified (and appear to have been deliberately omitted from the application), and despite (and because of) other residential developments being granted permission in recent years, the cumulative impact would appear highly likely to generate a traffic hazard"

- In this context the Applicant's position that deficient parking is appropriate should be dismissed as the scheme does not appear to be able to support its design population in terms of the need to rely on private cars. This also points to overdevelopment of the site.

Height and Overdevelopment

The proposed development includes up to 10 storey apartment blocks on a site surrounded by 2 storey developments.

- Appendix 5 of the Development Plan includes the Council's Building Height Strategy. Policy BHS 1 – 'Increase Height' refers to support for increased height in areas well served by public transport (i.e., within 1000 metre/10-minute walk band of LUAS stop) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area.

- Policy BHS 3 'Building Height in Residual Suburban Areas' states that is a policy objective to promote general building height of 3 to 4 story, coupled with appropriate density in what are termed the residual suburban areas of the County provided that proposals ensure a balance between the reasonable protection of existing amenities including residential amenity and the established character of the area.
- Section 4.3.1.3 Policy Objective PHP20 of the Development Plan states that: **"It is a Policy Objective to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill development."**
- The development, at up to 10 stories in height, on a site that as acknowledged on page 181 of the Planning Report and in Figure 5.3 of the Applicants TTA, is in excess of a 10-minute walk from the nearest operational LUAS stop, and materially contravenes the above policies.
- The Applicant has sought to justify the material contravention by reference to the Building Height Guidelines and the SPPRs therein and includes a table at page 182 of the Planning Report outlining purported compliance with the Development Management Criteria in those Guidelines. There are significant issues with the Applicant's assessment of compliance with those criteria in particular the requirement that **"the site be well served by public transport with high capacity, frequent service and good links to other modes of public transport"**. For example:

1. As confirmed by Mr Justice McDonald at para 182 of his judgement in *O'Neill v An Bord Pleanala* [2020] IEHC 356 the requirement in para 3.2 of the Building Height Guidelines is that **"the site is well served by public transport with high capacity, frequent services and good links to other modes of public transport"**. As stated in that judgment this criterion is expressed in the present tense. Thus, the site must therefore, currently, be well served by public transport with high capacity and must, currently have good links to another form of transport.

2. The Applicant states however that: the nearby Brennanstown Luas stop is not currently operational; that Bus Connects stops will be located approximately 670 m from the site; that Bus Connect Route E1 will also be available approximately 1 km from the subject site.

3. It is stated that the site is a c. 9-minute walk from bus stops along Glenamuck Road North and Brighton Road that are served by bus routes 63 and 63A. However, the attached expert report by Transport Insights, states that this bus route operates a maximum frequency of one bus every 30 minutes at peak times.

4. Insofar as is also stated that the Carrickmines Luas stop and the Laughanstown Luas stops are a c. 13 minute and 15 minutes' walk from the site I note the nearest Luas stop (Carrickmines) appears to be more than a 1.5 kilometre walk from some parts of the site (see the attached report by Transport Insights) and contrary to what is stated in Planning Report (13 minute walking distance from the site to Carrickmines Luas stop) Figure 5.3 of the Applicant's own TTA shows that Carrickmines Luas stop is in excess of a 15 minute walk from the application site (annotated extract from the TTA below).

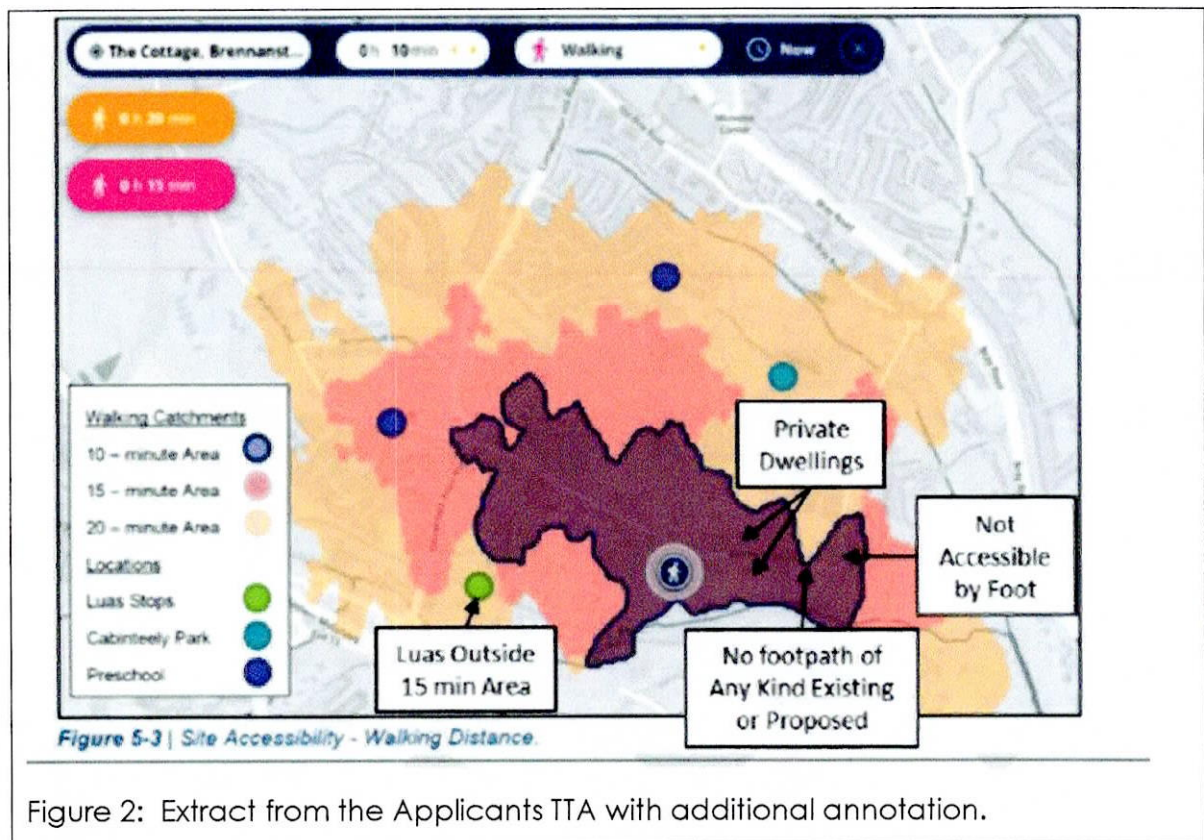


Figure 2: Extract from the Applicants TTA with additional annotation.

- It is a requirement that all and not just some of the development management criteria be met by an Applicant and it is submitted that the expert evidence (Transport Insights Report) before the Board shows that the site is not currently well served by public transport.
- There are also issues in relation to the application meeting the Development Management Criteria requirement that 'Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area...such development proposals shall undertake a landscape and visual impact assessment' in that:

A) extracts from the Landscape Visual Impact Assessment (LVIA) are referred to on page 112 of the Planning Report which states that the significance of the landscape effects is predicted to be significant (and also states that the transition in character would be pronounced particularly at the southern part of the site where a dense cluster of tall buildings is proposed) before concluding that it will have a neutral impact. It is difficult to reconcile these positions.

B) The classification of a neutral effect in the LVIA has been made by reference to national policies encouraging compact growth. If a similar neutral conclusion was to be reached in every case where a significant impact is identified but the effect would be neutral because of policies promoting compact growth it would appear that there would be little or no point in requiring a landscape and visual impact assessment of schemes to be undertaken.

C) In this context it is considered that the LVIA has not demonstrated that the development successfully integrates into/enhance the existing character and public realm of the area and it is considered that the development does not demonstrate compliance with this requirement of Development Management Criteria in the Building Height Guidelines.

Overdevelopment

The scheme proposes a density of 140 units per hectare, on a site that:

1. is located in a suburban area;
2. contains a Protected Structure;
3. adjoins low density two storey dwellings; and is
4. poorly served by public transport at present.
5. access's on an unsuitable and dangerous road that has two egress junctions at Brighton Road and Cabinteely village that are already at over capacity.

The fact that the development cannot be permitted without materially contravening Development Plan policies in respect of parking standards (significant under provision of parking), height (up to ten 10 storey apartments next to pre-existing 2 storey detached development), unit mix, separation distances, and a specific local planning objective restricting development along the Brennanstown Road to minor infill all point to significant over development. Therefore, permission should be refused.

Traffic Impacts

Please see the attached report prepared by Transport Insights which forms part of this observation. That report concludes that:

"As detailed within this Submission, the proposed development has extremely poor accessibility with a severe lack of footpaths and cycle infrastructure in particular noted. Public transport accessibility is also limited with no frequent bus services within the site's vicinity. Accessibility to the Luas Carrickmines stop is at, or beyond, the very limit of distance that would typically be considered a catchment area. Significant road safety issues have been identified (and appear to have been deliberately omitted from the application), and despite (and because of) other residential developments being granted permission in recent years, the cumulative impact would appear highly likely to generate a traffic hazard.

Specific Local Objective 73 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 states:

"To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented."

The assessment forming part of this Transport Submission has substantiated the requirement for this local objective.

As the proposed development has fundamental key traffic and transport related safety issues not addressed by the applicant, it is recommended that An Bord Pleanála refuse planning permission."

The Board should duly refuse permission for the development.

Traffic and consequences on Brennanstown Road

- As a timely reminder of the issues affecting Brennanstown Road, at 7.30pm on Thursday 12th May, 2022, an incident occurred whereby a car was forced into the footpath by a large van coming from the Cabinteely direction, causing a tyre blow-out opposite my house, Ardnamona, Brennanstown Road, metres away from the proposed development.
- The driver was using Brennanstown Road to travel from the M50 to Loughlinstown Hospital, where he is a Paramedic working in the Ambulance Service.
- He was unable to change his tyre as he was late for work, so moved it into the gateway I share with a neighbour, where the car was left overnight. (Pictures below).



Non-Compliance with Article 297 of the Planning and Development Regulations

Where an Applicant is not the owner of land Article 297 (2)(i) of the Planning and Development Regulations 2001 (as amended) requires applicants for Strategic Housing Development to provide the written consent of the owner to make the application. This is a mandatory requirement.

- The Applicant's reply to question 7 on the Application Form indicates that the applicant does not own all of the land subject to the application and states "Please refer to Appendix B for letter of consent from Dun Laoghaire Rathdown".
- The letter of consent at Appendix B (referred to at question 7 of the application form) headed '**Inclusion of Council Lands**' expressly states that the portion of Brennanstown Road that it has in charge but is within the application boundary is not in Dun Laoghaire-Rathdown County Council's ownership.

Insofar as Dun Laoghaire Rathdown does not own the land its letter of consent does not meet those mandatory requirements of Article 297(2)(i) and it is considered that the application is therefore invalid and/or the Board does not have the jurisdiction to grant permission for the development.

Reliance on Section 28 of the Planning and Development Act 2000 (as amended) & Guidelines

As is evident from Chapters 9 and 11 of the Planning Report submitted as part of the application documentation the Applicant has relied (extensively) on the Urban Development & Building Heights: Guidelines for Planning Authorities 2018 and the SPPRs (including SPPR3) therein to justify material contravention of Development Plan policies in relation to the height of the development.

In relation to density, unit mix, separation distances the applicant has also extensively relied on the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020 and the SPPRs therein including SPPR8.

The Board should refuse to consider and cannot grant permission for the proposed development in circumstances where such grant would have to be justified by reference to the Guidelines for Planning Authorities on Urban Development and Building Height 2018 and the Apartment Guidelines, dated December 2020. These Guidelines and the specific planning policy requirements contained therein are **ultra vires** and not authorised by section 28(1C) of Planning and Development Act 2000 (as amended).

In the alternative, insofar as section 28(1C)) purports to authorise these Guidelines, including the specific planning policy requirements, such provision is unconstitutional/repugnant to the Constitution.

The said Guidelines are also contrary to the SEA Directive, insofar as they purport to authorise contraventions of the Development Plan, without an SEA being conducted, or a screening for SEA being conducted, on the variations being brought about to the Development Plan as a result of same.

Statutory Notices

Having reviewed the application drawings it would appear that the scheme includes the development of a new vehicular entrance point on the opposite side of Brennanstown Road to lands to the north of Brennanstown Road. It is unclear what the purpose of this entrance is and it not referred to in the statutory notices.

This is an important omission insofar as the Brennanstown Road is a narrow hazardous road where development is limited by SLO73 to minor infill only and where, as set out in the attached report by Transport Insights, the Road Safety Authority's Road Collision Database records that there have been a cluster of collisions c. 500m to the east of the site.

The statutory notices are therefore deficient in that they do not include a proper description of the development, public participation rights have been undermined, and permission should be refused.

CONCLUSION

The Development Plan states that development on Brennanstown Road will be limited to:

'minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.'

No such scheme has been adopted and implemented and the development would contravene this provision. It would also materially contravene Development Plan policies regulating height, unit mix, and parking.

The scheme also materially contravenes the site's zoning.

The proposed development, in addition to materially contravening the Plan, also relies on Third Party lands to affect piecemeal works to the Brennanstown Road – piecemeal development is not consistent with the proper planning of the area.

The development is substantially taller and significantly more dense than existing development in the immediate vicinity of the site and would impact negatively on the Brennanstown Road. In short, the proposed development pinches in too many places and clearly represents overdevelopment of the application site.

Some development on this site may be inevitable, but the form of that development must have regard to its context. In this instance sufficient regard to context is not demonstrated and I must ask that the Board refuse planning permission for the currently proposed development.

Yours faithfully,

 . 
Michael Cullen. Dolores Cullen.

Encl. (€20.00)
Transport Insights Report

Proposed Strategic Housing Development at Barrington Tower, Brennanstown Road – Transport Submission

Contract Number	C841 2022
Topic	Transport Submission in Relation to Development at Barrington Tower, Brennanstown Road (ABP Ref. TA06D.313281)
Version Number	v1.5
Status	Final
Author	Eoin Munn, Sean Byron
Reviewer	Eoin Munn
Date	12 May 2022

1. Introduction

1.1. Overview

Transport Insights has been commissioned by Mr Michael Cullen (who lives adjacent to the application site and is deeply concerned about the proposed development) to prepare a Transport Submission in relation to a Strategic Housing Development (SHD) at Barrington Tower, Brennanstown Road, Dublin 18 (An Bord Pleanála [ABP] Ref. TA06D.313281).

1.2. SHD Development Application

Overview

An application for a SHD development consisting of 534 no. build to rent apartments, a 340 sqm creche, and a 318 sqm retail unit was submitted to ABP on 12 April 2022.

Site Access and Brennanstown Road Upgrades

A new signal-controlled junction with Brennanstown Road is proposed in order to provide access to the site. In addition, limited upgrades to Brennanstown Road adjacent to the site frontage are proposed including new footpath infrastructure.

Site Layout

The site features 8 no. apartment blocks provided throughout the site, with pedestrian circulation included. The site access road leads to an underground car park, where the majority of car parking is located.

Car and Cycle Parking

The development includes 419 no. car parking bays (400 no. bays at basement level and 19 no. at surface level), and 1,266 no. cycle parking spaces (1,058 spaces at basement level and 208 no. at surface level). The car parking provision is noted to be below Development Plan car parking standards (requiring 585 no. bays, a very significant shortfall of 166 no. bays).

Traffic and Transport Related Documentation

The following traffic and transport related documentation was submitted in support of the application:

- Traffic and Transport Assessment (TTA), prepared by Waterman Moylan Consulting Engineers Limited (referred to hereafter as *the TTA*);
- Travel Plan (TP), prepared by Waterman Moylan Consulting Engineers Limited (referred to hereafter as *the TP*);
- DMURS Statement of Consistency, prepared by Waterman Moylan Consulting Engineers Limited (referred to hereafter as *the DMURS Statement*); and
- Quality Audit (QA) including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit, prepared by Bruton Consulting Engineers (referred to hereafter as *the QA*).

1.3. Relevant Planning Policy and Guidelines Context

The appropriateness of, and adherence of the proposed development with planning policy and best practice guidance has been reviewed in preparation of this Submission.

Dun Laoghaire-Rathdown County Development Plan 2022 – 2028

The *Dun Laoghaire-Rathdown County Development Plan 2022-2028* (as it relates to issues of traffic and transport), has been reviewed in preparation of this Submission. Of particular relevance is Special Local Objective 73:

"To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented."

The Development Plan states that the Traffic Management Scheme will:

- *“Provide improved facilities for vulnerable road users;*
- *Reduce traffic speeds and improve safety;*
- *Reduce through traffic; and,*
- *Ensure boundary treatment and landscaping solutions mitigate the impacts on the Sylvan setting of Brennanstown Road.”*

Other relevant Guidance

In addition, relevant guidance documents such as *Design Manual for Urban Roads and Streets (DMURS)*, *National Cycling Manual*, *Sustainable Urban Housing: Design Standards for New Apartments* (hereafter referred to as the *Design Standards*), DLRCC’s *Standards for Cycle Parking and Associated Cycle Parking Facilities for New Developments* have also been reviewed. Reference is made throughout the Submission (where applicable) to the relevant policy and guidance documents, and how they relate to the development proposal.

1.4. Submission Structure

The remainder of this Transport Submission is structured as follows:

- **Section 2** – details the site’s receiving environment;
- **Section 3** – sets out the suitability of the receiving environment to accommodate the proposed development; and
- **Section 4** – provides a summary and conclusion.

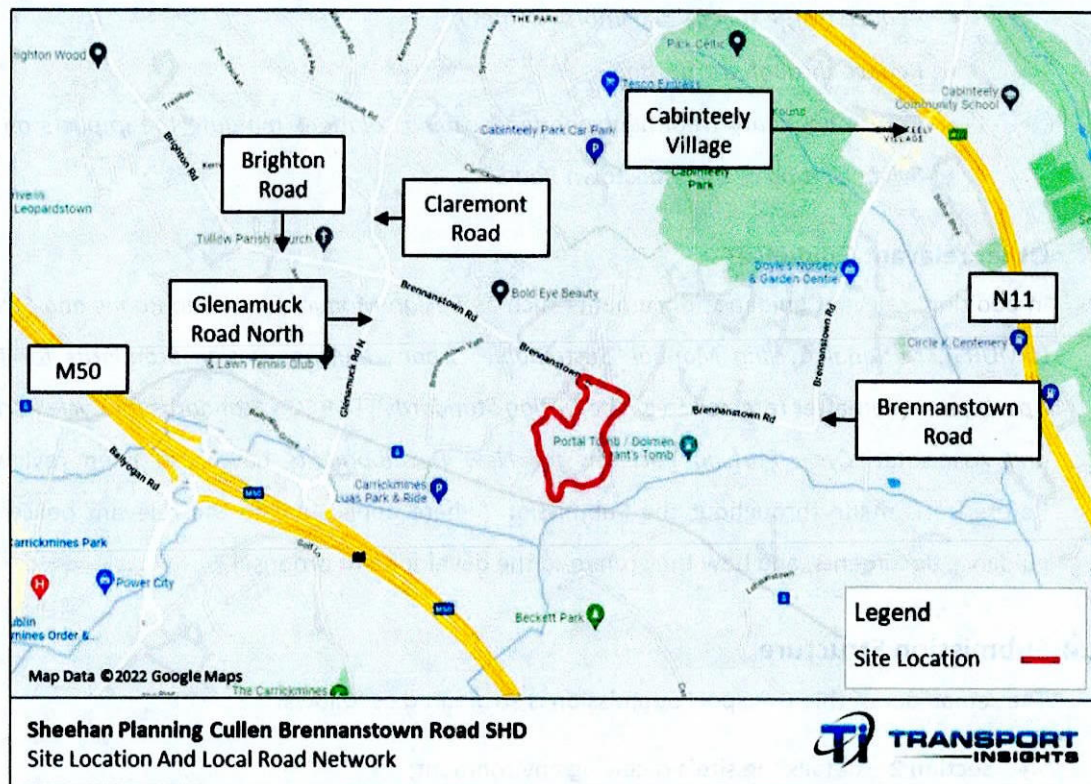
2. Receiving Environment

2.1. Introduction

This section of the Transport Submission sets out the application site’s location, details of the local road network, accessibility in terms of public transport, walking and cycling, and road safety conditions.

2.2. Site Location

The proposed development site is located at Brennanstown Road, Dublin 18. The site is bound by Brennanstown Road to the north which also provides access to the site. The site is bound to the east and west by residential land uses (typically detached family homes). The Luas Green Line is located directly to the south of the site (although it is a ca. 1.2 kilometre walk from the proposed site access junction and ca. 1.5 kilometres from the central part of the site). Figure 2.1 which follows illustrates the site location and the local road network.

Figure 2.1 Application Site Location and Local Road Network

2.3. Local Road Network

Brennanstown Road

The application site is located directly to the south of Brennanstown Road, a narrow two-way local road with one lane in each direction. Brennanstown Road connects Cabinteeley Village to the northeast with Claremont Road/ Glenamuck Road North/ Brighton Road to the west. Brennanstown Road is ca. 5 metres wide and features numerous changes to its horizontal alignment throughout its length including a right-angle bend ca. 500 metres to the east of the application site. Footpaths are provided intermittently on Brennanstown Road, with no footpath currently provided adjacent to the application site on the southern side of the road and no footpath on either side of the road for a section located ca. 300 metres to east of the site. No cycling infrastructure is provided on Brennanstown Road.

The following Figure 2.2 illustrates Brennanstown Road adjacent to the application site (application site on left side of Figure 2.2). This image also illustrates a HGV blocking the carriageway and footpath whilst making a delivery.

Figure 2.2 Brennanstown Road (Westbound) Adjacent to SHD Site



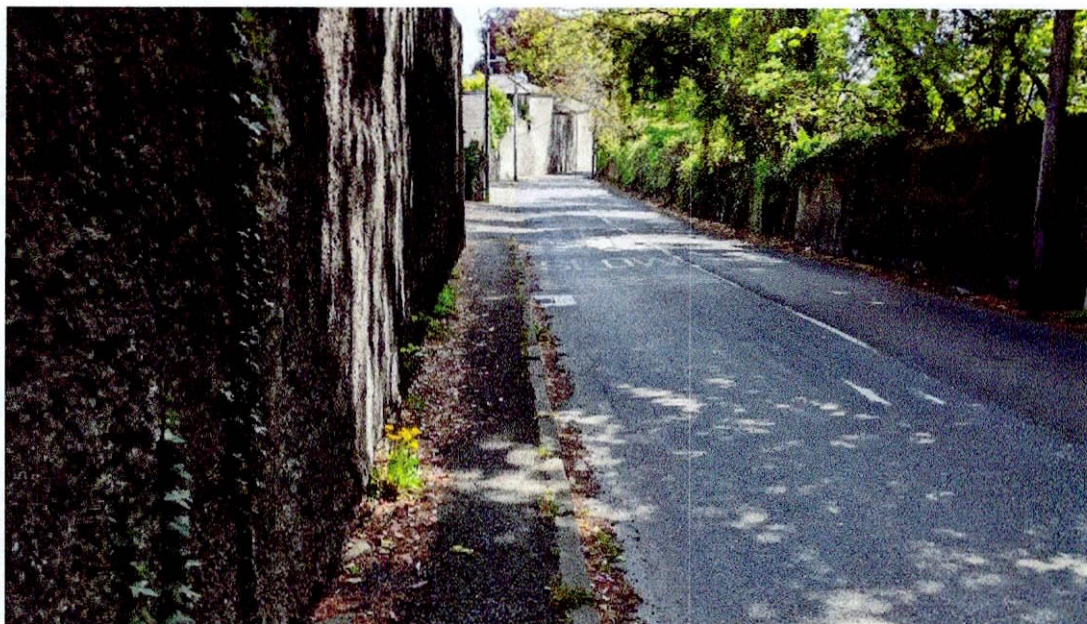
It should be noted that this section of Brennanstown Road is to be upgraded as part of the proposed development (although the road will remain narrow following the upgrade). The following Figure 2.3 illustrates Brennanstown Road at its western end (not subject to any proposed upgrades, with a narrow, substandard footpath on northern side of road only).

Figure 2.3 Brennanstown Road (Eastbound) ca. 550 Metres Northwest of SHD Site



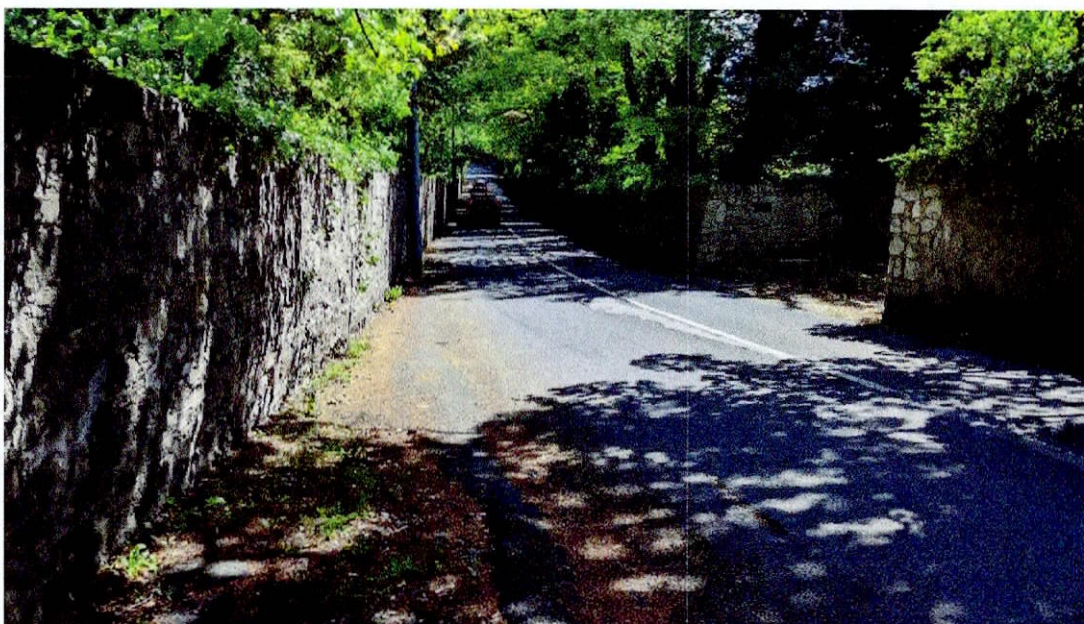
The following Figure 2.4 illustrates Brennanstown Road to the east of the site, with an extremely substandard footpath of less than 1 metre in width (far below DMURS minimum 1.8 metres requirement) and with a poor-quality uneven surface and poor kerb detailing.

Figure 2.4 Brennanstown Road (Eastbound) ca. 200 metres East of SHD Site



As can be seen from the preceding Figure 2.4, a highly substandard footpath is provided on the northern side of the carriageway ca. 200 metres to the east of the application site. The following Figure 2.5 illustrates Brennanstown Road ca. 300 metres to the east of the site.

Figure 2.5 Brennanstown Road (Eastbound) ca. 300 Metres East of SHD Site



As can be seen from Figure 2.5, **no footpath is provided on either side of the carriageway at this location** (ca. 300 metres to the east of the application site). This section of road is bound by high stone walls which effectively narrows the already narrow carriageway further. In addition, there

is no verge or refuge of any kind. Therefore, it would be completely impossible for pedestrians to use this section of road. There are currently **no plans to upgrade this section of road**.

A warning sign indicating a maximum gross weight of 3 tonnes for vehicles is displayed on the Brennanstown Road. Street lighting is provided on Brennanstown Road and a 50km/h speed limit is in operation.

Proposed and Committed Upgrades to Brennanstown Road

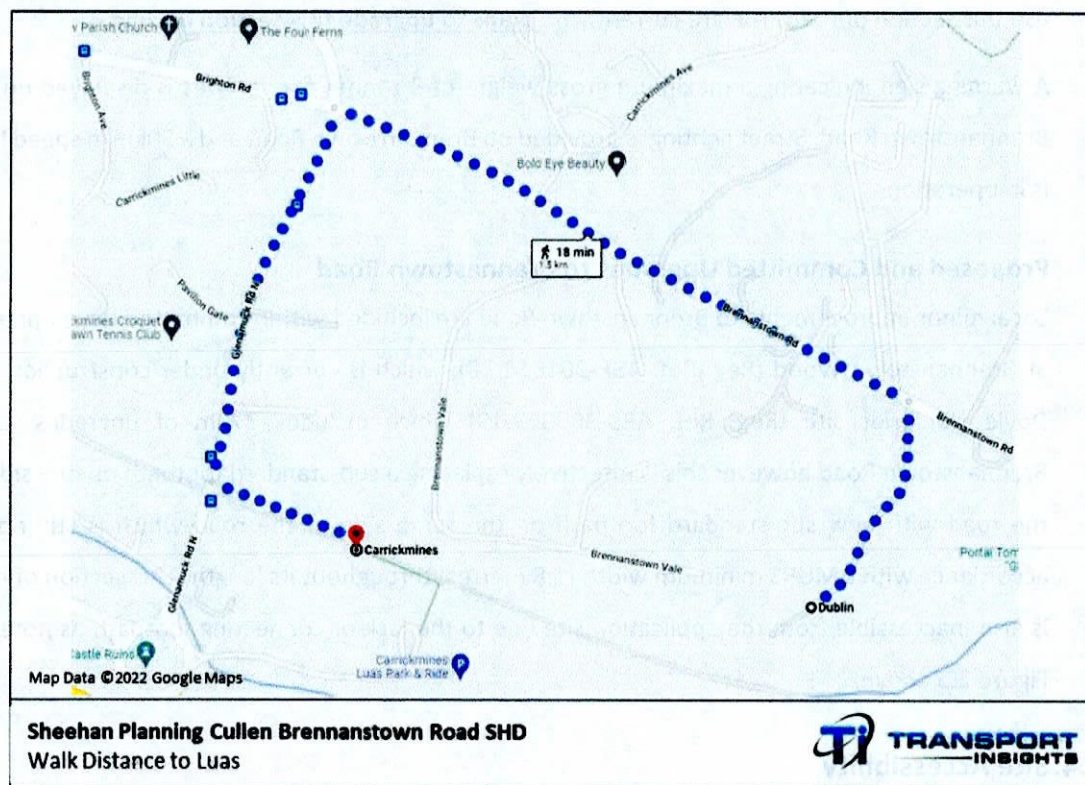
Local minor improvements to Brennanstown Road are included within committed developments at Brennanstown Wood (Reg. Ref. ABP-301614-18), which is currently under construction and Doyle Nurseries site (Reg. Ref. APB-305859-19) which includes 370m of upgrades along Brennanstown Road however this is effectively replacing a sub-standard footpath on one side of the road with new sub-standard footpath on the same side of the road which is still not in accordance with DMURS minimum width (1.8 metres) throughout its length. This section of road is also inaccessible from the application site due to the lack of connecting footpath as noted in Figure 2.5 above.

2.4. Site Accessibility

Public Transport

Luas

The nearest Luas stop to the site is Carrickmines Luas stop. This Luas stop is located to the southwest of the site however exceeds ca. 1.5 kilometres from some parts of the site. This would therefore be beyond the absolute maximum acceptable distance (the maximum distance to travel to a high-capacity urban public transport stop is 1,000-1,500 metres according to the *Design Standards*). The following figure illustrates the distance from the site to the Luas stop (note some parts of the site would be just within the absolute maximum 1,500 metre limit).

Figure 2.6 Walk Distance to Luas (1.5 kilometres)

Bus

The nearest bus stops to the site are located on Brighton Road and Glenamuck Road North with very limited services available (Dublin Bus Route 63/63A only). The bus route operates a maximum frequency of one bus every 30 minutes at peak times. No other bus services are within walking distance of the site.

Walking

Walking routes in the vicinity of the site are extremely limited due primarily to a complete lack of footpaths on Brennanstown Road to the east of the site (beyond ca.300 metres to the east). This is a particularly critical point as the nearest urban centre (i.e. village) is Cabinteely Village, however there is no footpath connection to there. Foxrock Village is over 2 kilometres to the west and is deemed too far to walk to.

In addition to lack of footpaths, there is a serious lack of permeability in the vicinity of the site. This is in part due to the alignment of the Luas Green Line adjacent to the southern boundary of the site, which effectively acts as a physical barrier to pedestrian permeability.

The Brennanstown Road/ Glenamuck Road North/ Brighton Road/ Claremont Road junction has full pedestrian facilities, however this junction does not provide access to amenities (shops, café's, restaurants etc.) that are within walking distance of the site (i.e. within 2 kilometres).

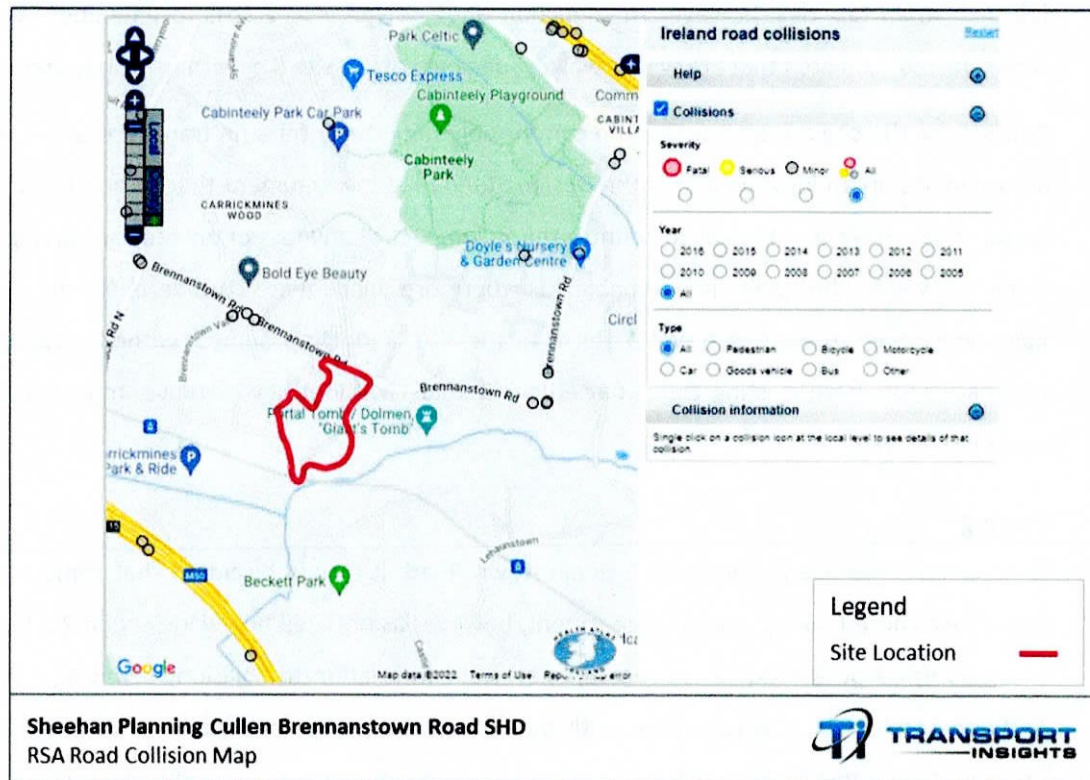
Considering the site appears unlikely to comfortably fulfil the criteria (in transport terms) of an intermediate urban location as per the *Design Standards*, the argument that its accessibility by sustainable modes is sufficient to counter the full impact of any loss of on-site car parking and provide a viable alternative is untenable. Furthermore, inadequate consideration appears to have been given to existing travel patterns at the site, and it is assumed, without supporting rationale, that these existing travel patterns will adjust without any negative impacts on the surrounding area.

Cycling

No cycle facilities are provided on Brennanstown Road. It should be noted that some cycling activity was noted during the site assessment, however as outlined below in Section 2.5 below, the road has a poor road safety record, specifically in relation to collisions involving cyclists. Additional traffic volumes associated with the proposed development would exacerbate safety issues with the substandard road, further increasing the risk to cyclists i.e. additional traffic would lead to further collisions involving cyclists, with the increase likely being above a proportional increase as the road reaches its theoretical capacity. Beyond Brennanstown Road, cycle lanes are provided on Glenamuck Road North. However, cycle facilities are not provided on any other roads in the vicinity of the site.

2.5. Road Safety

Information from the Road Safety Authority (RSA) road traffic collision database was reviewed to assess the safety performance characteristics of the local road network. The database contains information on all reported collisions by severity of injury incurred (i.e. fatal, serious or minor) and by year the collision occurred. Figure 2.7 which follows illustrates the location of all collisions in the vicinity of the site for the twelve-year period from 2005 to 2016 inclusive.

Figure 2.7 Road Collision Map (Source: Road Safety Authority)

As can be seen from Figure 2.7, a cluster of minor collisions have been recorded on Brennanstown Road, 3 no. of which are located ca. 350 metres to the northwest of the site (of which 2 no. collisions involved cyclists and 1 no. involved a motorcyclist), and another cluster of 4 no. collisions on Brennanstown Road ca. 500 metres to the east of the site, adjacent to a severe bend on the road (2 no. of these collisions are at approximately the same location hence they appear as 1 no. collision on the map).

3. Suitability of Receiving Environment to Accommodate Proposed Development

3.1. Introduction

This section of the submission concentrates on the suitability of the receiving environment (outlined in detail in Section 2) to accommodate the proposed development (summarised in Section 1.2).

3.2. Accessibility

Public Transport

The submitted documentation provides an overview of the application site's accessibility attributes. It asserts (within the TTA – Section 12.2) that the site meets the criteria of an intermediate urban location as set out in the *Design Standards* and therefore provides the rationale for a reduction in car parking provision on-site and the assumption that the site location and available sustainable transport options are sufficient to mitigate the loss of parking capacity.

The suitability of the site regarding the transport related criteria are summarised below:

- The site would not be considered to be within or close (i.e. walking distance of up to 10 minutes or 800-1,000 metres) to a principal town or suburban centre or suitable employment locations;
- The site is located ca. 1.5km or a ca. 18-minute walk¹ from Carrickmines Luas Stop, falling beyond or at the very limit of the 10-15 minutes or 1,000-1,500 metres walking distance criteria; and
- The site is not in close proximity (<1,000 metres) to bus services with a minimum peak frequency of 10 or 15 minutes. There is only 1 no. bus route within walking distance of the site. This bus route has a peak frequency of 30 mins i.e. is not a frequent bus route and highly unlikely to have even a moderate take up from potential residents.

In view of the above attributes, it is considered that the site does not lie within what would constitute an intermediate urban location. The site falls just outside the set criteria in terms of distance or walking time to the Luas Green Line or a town, suburban centre or employment location and has poor bus connections.

Walking

No footpath is provided on either side of the carriageway on Brennanstown Road after ca. 300 metres to the east of the application site. Remarkably, this fact is not mentioned in any documentation supporting the application, in fact the TP states that: "*Pedestrian facilities in the area surrounding the proposed development are generally of high Standard*". Pedestrian facilities in the area surrounding the site are particularly poor, dangerous or non-existent. The following Figure 3.1 highlights just how poor pedestrian facilities are and how there are no notable proposed schemes to materially address the lack of footpaths. Furthermore, Figure 3.2 which

¹ From the centre of the site, following along the available footpath infrastructure to the stop platform.

Figure 3.1 Existing and Proposed Footpath Infrastructure

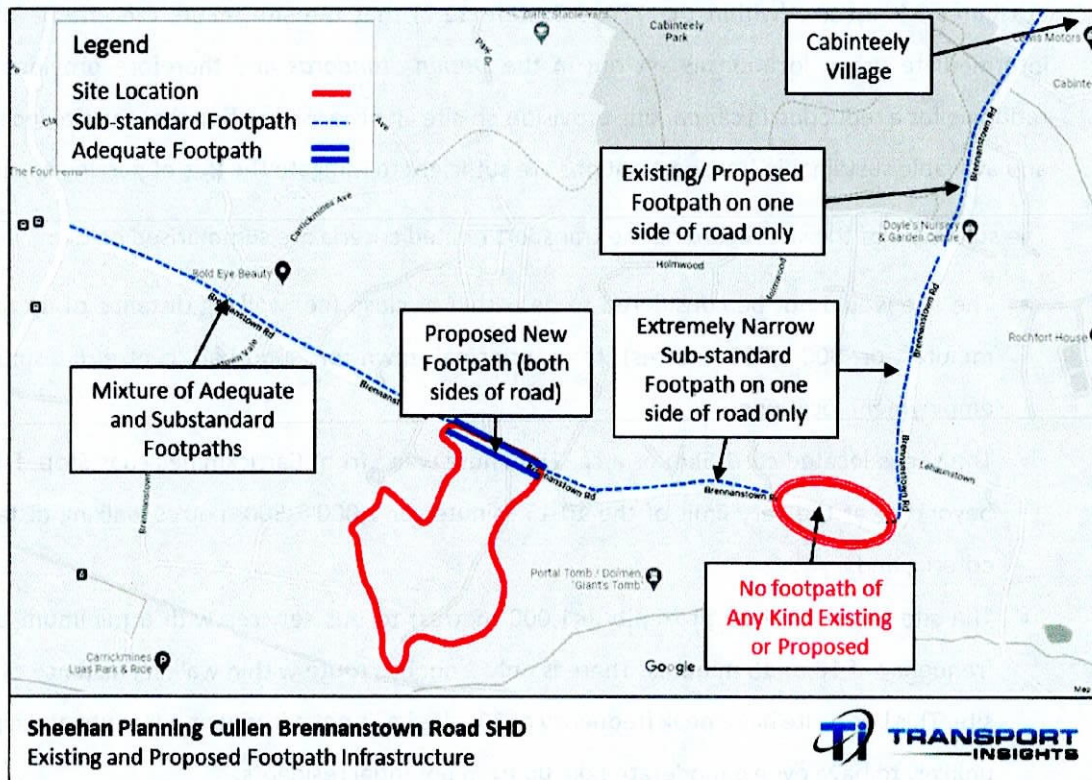
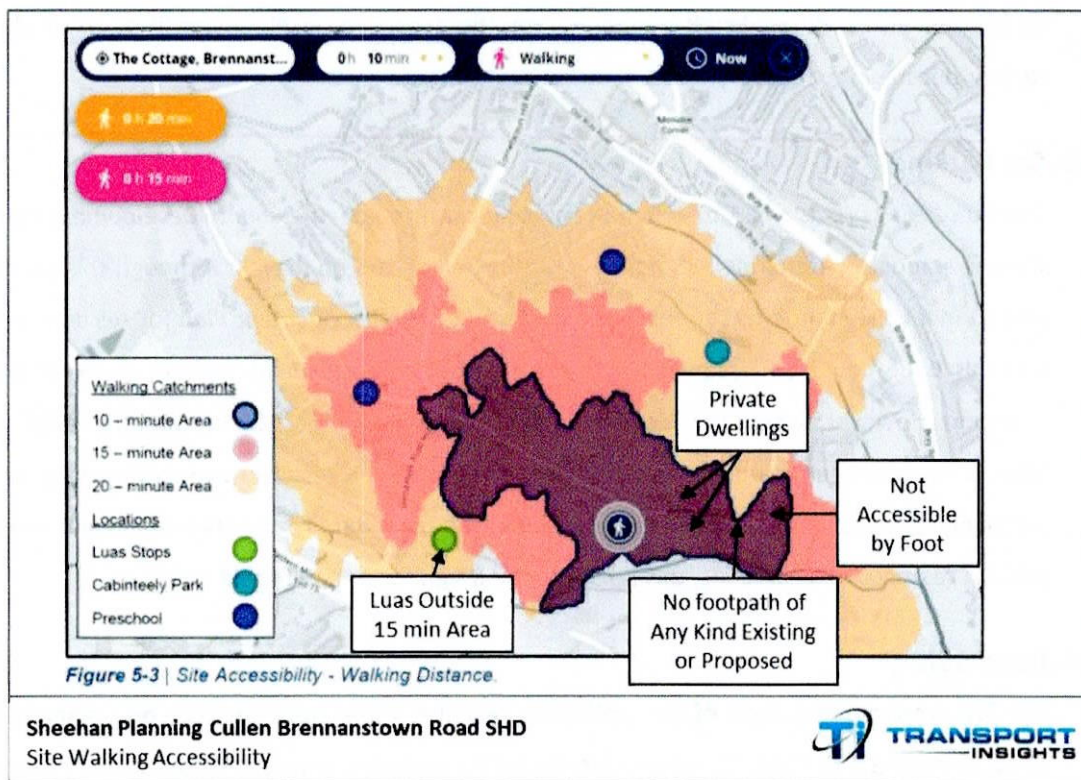


Figure 3.2 Applicant's Site Accessibility Assessment*

* source the TTA, additional annotation by Transport Insights

As can be seen from the preceding Figure 3.2, the applicant illustrates walking routes along areas where no footpaths exist and also within private dwellings with no access to the public. Furthermore, by the applicant's own assessment, the Luas Stop at Carrickmines falls within the "20 – minute Area" i.e. is not considered within the catchment of the site.

Cycling

As set out within Section 1.2, the Applicant proposes to provide a significant quantum of cycle parking (1,266 no. cycle parking spaces). However as set out within Section 2.4 of this Submission, cycle lanes are provided on Glenamuck Road North only. No cycle facilities are provided on any other roads in the vicinity of the site. Furthermore, Glenamuck Road North provides access to M50 Junction 15 – an area unlikely to appeal to cyclists – and after negotiating this junction, the nearest amenity or place of interest would be Carrickmines Retail Park, again unlikely to be of primary interest to cyclists. It should also be noted that although Glenamuck Road North provides dedicated cycle lanes, the road also features a particularly steep gradient, making it unattractive to many potential cyclists. As set out within Section 2.5, the Brennanstown Road has a particular poor history of collisions involving cyclists with a cluster of collisions on Brennanstown Road located ca. 350 metres to the northwest of the site (of which 2 no. collisions involved cyclists and

1 no. involved a motorcyclist). The site therefore is considered particularly unsuitable for access by bicycle, with additional traffic generated by the proposed development likely to result in a further decline in road safety.

3.3. Car Parking

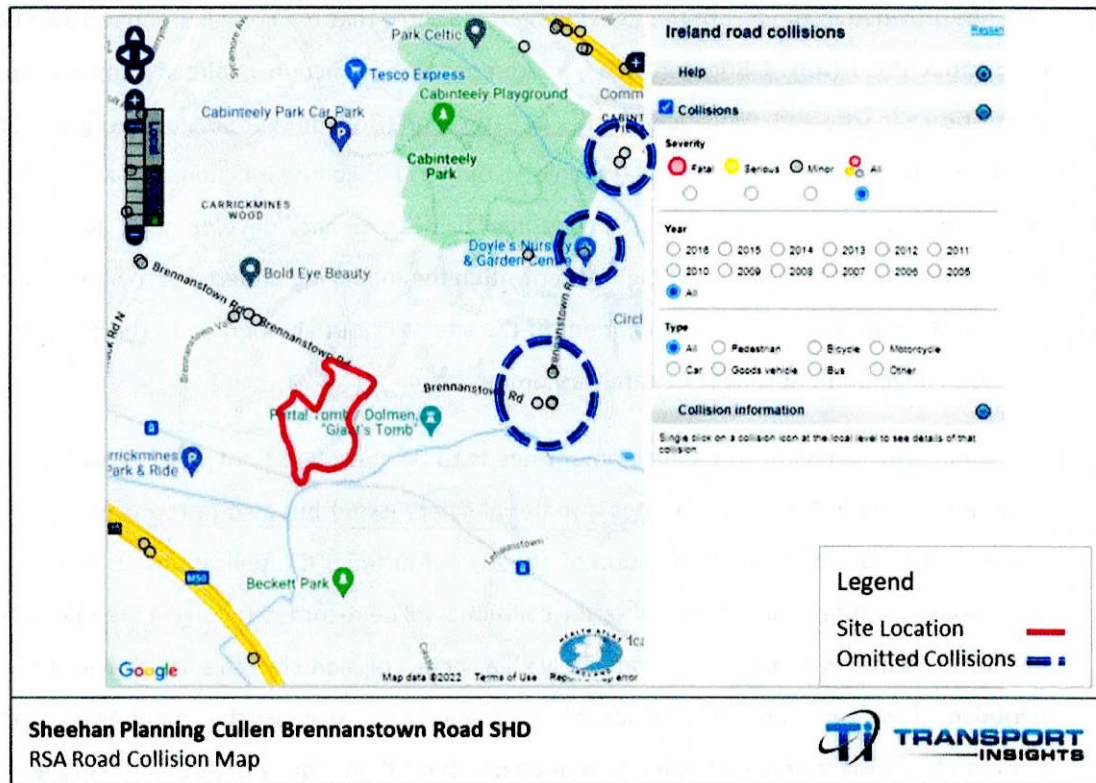
The car parking provision is noted to be very significantly below the *County Development Plan* car parking standards (requiring 585 no. bays, a shortfall of 166 no. bays). Although this provision fails to meet the standards set out in the current *County Development Plan* for residential land use this issue could be lessened if the site had better accessibility by foot, cycle or public transport. However, as set out in Section 3.2 above, the site has particularly poor accessibility. As such, it is a risk that the under-provision of car parking will result in overspill parking on the surrounding roads/ footpaths. Bearing in mind the substandard road network and also a lack of parking restricts on local roads, this is likely to be a significant issue to address.

3.4. Road Safety

The TTA prepared in support of the application describes the existing situation on Brennanstown Road (Section 3.1 of TTA): *“Existing safety issues for motorists and pedestrians include a narrow carriageway, a substandard alignment and a narrow footpath on one side only.”* This reference was likely made in relation to the area immediately adjacent to the application site, however could be considered to describe the majority of Brennanstown Road.

Road safety is explicitly addressed in two sections within the documentation submitted in support of the application – *Section 14 Road Safety* within the TTA and *Section 2.0 Background* of the QA. Both sources of information provide a very brief commentary on road safety and both sources use the Road Safety Authority’s Road Collision Database map however, remarkably, both sources **exclude any visual or written reference to road collisions to the east of the application site**. The excluded collisions are material to consideration of the suitability of the development.

The following Figure 3.3 illustrates collisions in the vicinity of the application site, with those areas omitted from the TTA and QA highlighted.

Figure 3.3 Road Collision Map

As can be seen from Figure 3.3, collisions omitted from both the TTA and the QA are as close as ca. 500 metres to the east of the site. The omitted collisions also highlight a concentration of 4 no. collisions at the right-angle bend ca. 500 metres to the east of the site. This is a particularly critical piece of information as not only are there ***no footpaths along the section of road approaching this bend***, but also this is highlighted within Figure 3.3 of the TTA as being the route pedestrians use to access bus stop on the N11 national road (which is far beyond the typical walking catchment for bus in any case). The lack of commentary on this safety issue is a remarkable oversight in assessment of the proposed development's receiving environment.

Furthermore, it is noted within the TTA that a raised table is proposed at the proposed site access junction to "*reduce traffic speeds and improve road safety...*". This issue with traffic speed at this location is worrying and unclear. Contradicting that is the statement within the TTA that however as Section 3.1 of the TTA states: "*The posted speed limit is 50kph, with the majority of vehicles travelling below this speed.*". No evidence is provided to support this statement on vehicle speed with no speed survey data included or even mentioned within the report.

This completely overlooked road safety issues are critical to the assessment of the proposed development.

3.5. Cumulative Impact Including Traffic Impact

The TTA provided in support of the development indicates that the critical Brennanstown Road/ Glenamuck Road North/ Brighton Road/ Claremont Road junction is already approaching its theoretical capacity and will have a Degree of Saturation (DoS) of over 90% on every arm of the junction in the future assessment year (Table 15 of the TTA) i.e. the junction shall fail to operate satisfactorily with the additional traffic generated by the proposed development. No proposals are included to address problems highlighted within the modelling undertaken by the applicant. This is a clear impediment to development of the site. Without an upgrade to this junction, the proposed development cannot be safely accommodated.

The cumulative impact of the development needs to be considered not just in absolute traffic volume terms (which clearly indicates a material safety issue) but also in terms of cumulative safety implications with the completion of already permitted SHD applications at the site. It is quite likely that more and more road safety collisions will be recorded following the full build out of these schemes with the impact only fully clear once collision statistics are available for this period in a few years' time. The Applicant has not only failed to assess the cumulative impact on road safety arising from the scheme, they appear to have deliberately tried to mislead the Board in relation to the existing rate of collisions on Brennanstown Road, in addition to failing to mention that footpath infrastructure is absent in the immediate vicinity of the site, despite indicating pedestrians would use the route.

4. Summary and Conclusion

4.1. Summary

This Transport Submission has been prepared by Transport Insights on behalf of Mr Michael Cullen, and relates to a Submission to An Board Pleanála in relation to a proposed SHD development at Brennanstown Road, Dublin 18.

4.2. Conclusion

As detailed within this Submission, the proposed development has extremely poor accessibility, with a severe lack of footpaths and cycle infrastructure in particular noted. Public transport accessibility is also limited with no frequent bus services within the site's vicinity. Accessibility to the Luas Carrickmines stop is at, or beyond, the very limit of distance that would typically be considered a catchment area. Significant road safety issues have been identified (and appear to have been deliberately omitted from the application), and despite (and because of) other

residential developments being granted permission in recent years, the cumulative impact would appear highly likely to generate a traffic hazard.

Special Local Objective 73 of the *Dun Laoghaire-Rathdown County Development Plan 2022-2028* states:

"To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented."

The assessment forming part of this Transport Submission has substantiated the requirement for this local objective.

As the proposed development has fundamental key traffic and transport related safety issues not addressed by the applicant, it is recommended that An Board Pleanála refuse planning permission.