

File With _____

**LARGE RESIDENTIAL
DEVELOPMENT
CORRESPONDENCE FORM**

Appeal No: ABP 319500-24MS FlynnPlease treat correspondence received on 13/5/24 as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with LRD 203. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with LRD _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐

Amendments/Comments

Applicant resp to gds of appeal* Please remove from folder + place in pouch

4. Attach to file

(a) SHD/LRD Unit ☐(b) Inspector ☐RETURN TO EO ☐Plans Date Stamped ☐Date Stamped Filled in ☐EO: of TuckerAA: C. FlynnDate: 14/5/24Date: 14/5/24

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

AN BORD PLEANÁLA	
LDG- _____	
ABP- _____	
13 MAY 2024	
Fee: € _____	Type: _____
Time: 3:06	By: hand

Date: 13 May, 2024
Our Ref: AT/MN 21039

Dear Sir/Madam,

RE: RESPONSE TO THIRD PARTY APPEAL LODGED IN RESPECT OF SOUTH DUBLIN COUNTY COUNCIL NOTIFICATION OF DECISION TO GRANT PERMISSION FOR A LARGE-SCALE RESIDENTIAL DEVELOPMENT COMPRISING THE CONSTRUCTION OF 131 RESIDENTIAL UNITS, ACCESS, INFRASTRUCTURE, CAR PARKING, OPEN SPACE BOUNDARY TREATMENTS AND ALL ASSOCIATED SITE DEVELOPMENT WORKS AT NEWCASTLE SOUTH, NEWCASTLE, CO. DUBLIN.

SOUTH DUBLIN CO. CO. REG. REF.: LRD23A/0011
AN BORD PLEANÁLA REF.: ABP-319500-24

1.0 INTRODUCTION

We refer to the Board's letter dated the 15th of April 2024 inviting a response to 1 no. third-party appeal lodged in respect of South Dublin County Council's Notification of Decision to grant permission for the above referenced development. This letter is attached at Appendix 1 of this document. The South Dublin County Council (SDCC) decision is enclosed at Appendix 2 and the Planner's Report is enclosed at Appendix 3.

On behalf of the applicant, Cairn Homes Properties Limited, 45 Mespil Road, Dublin 4, D04 W2F1, we, John Spain Associates of 39 Fitzwilliam Place, Dublin 2, hereby submit a response to the 1 no. third party appeal submitted by:

- Paul C. Mealy Architects Limited, 11 The Courtyard, Friar's Hill, Wicklow, County Wicklow on behalf of Fiona Murray of Moyvalley, Co. Kildare.

At the outset, it is noted that Ms. Murray is not opposed to development of the subject site, and this is welcomed by Cairn Homes. Cairn Homes will deliver services and access to the boundary of the appellants lands where relevant, as set out in the accompanying response by DBFL Consulting Engineers. We respectfully submit that any legal agreement is a civil matter and not for consideration as part of this planning application.

Managing Director: John P. Spain
Executive Directors: Paul Turley | Rory Kunz | Stephen Blair | Blaine Cregan | Luke Wymer
Senior Associate Directors: Meadhbh Nolan | Kate Kerrigan | Brian Coughlan | Ian Livingstone
Associate Director: Tiarna Devlin

John Spain Associates Ltd. trading as John Spain Associates.
VAT No. IE 6416306U

It is also asserted that Cairn did not consult with Ms Murray in advance of the application being lodged, which is incorrect, and we believe that the development will facilitate and enhance the development potential of the appellants own land through high quality design.

We would highlight that there doesn't appear to be a full address provided by the Appellant in either the original submission made to South Dublin County Council or in the Appeal to An Bord Pleanála and that the submission receipt from South Dublin County Council is not made out to the Appellant.

The proposed development, as approved by the Planning Authority on the 19th of March 2024 following the submission of a response to a request for Further Information on the 19th of February 2024, will facilitate the construction of 131 no. residential units comprising 2-storey terraced, semi-detached and detached houses providing 2, 3, 4 and 5-bedroom units, 3-storey duplex/apartment units consisting of 2 and 3-bedroom units, access, infrastructure, car parking, open space, boundary treatments and all associated site development works.

It is respectfully submitted that the proposed development is of a suitable form, design, and scale of development for this greenfield site, within the existing settlement of Newcastle, which is suited to the scale and nature of development proposed.

The proposed development, as approved by the Planning Authority, is considered to be compliant in the context of national, regional, and local planning policy and will deliver a mix of high-quality residential development. On this basis, it is respectfully submitted that the proposed development should be granted permission.

Section 3 of this report sets out a detailed response to each of the issues raised in the third-party appeal including:

- Compliance with a legal agreement between Tenbury Development Limited and Fiona Murray;
- Concerns relating to the Large-scale Residential Development procedures;
- Issues relating the Planning Authority's decision; and
- Concerns relating to the future development potential of the appellants lands.

Cairn are fully satisfied that the Application complies with any obligations or conditions which affect the Applicant's lands including the provision of access and services to neighbouring lands.

Notwithstanding this, we respectfully submit that the content of any legal agreement is a civil matter and outside the parameters and scope of the Planning and Development Act 2000 (as amended).

It is respectfully submitted that the Board uphold the decision of the planning authority and grant permission for the proposed development based on the submitted documents and the response to the third-party appeal set out in this document.

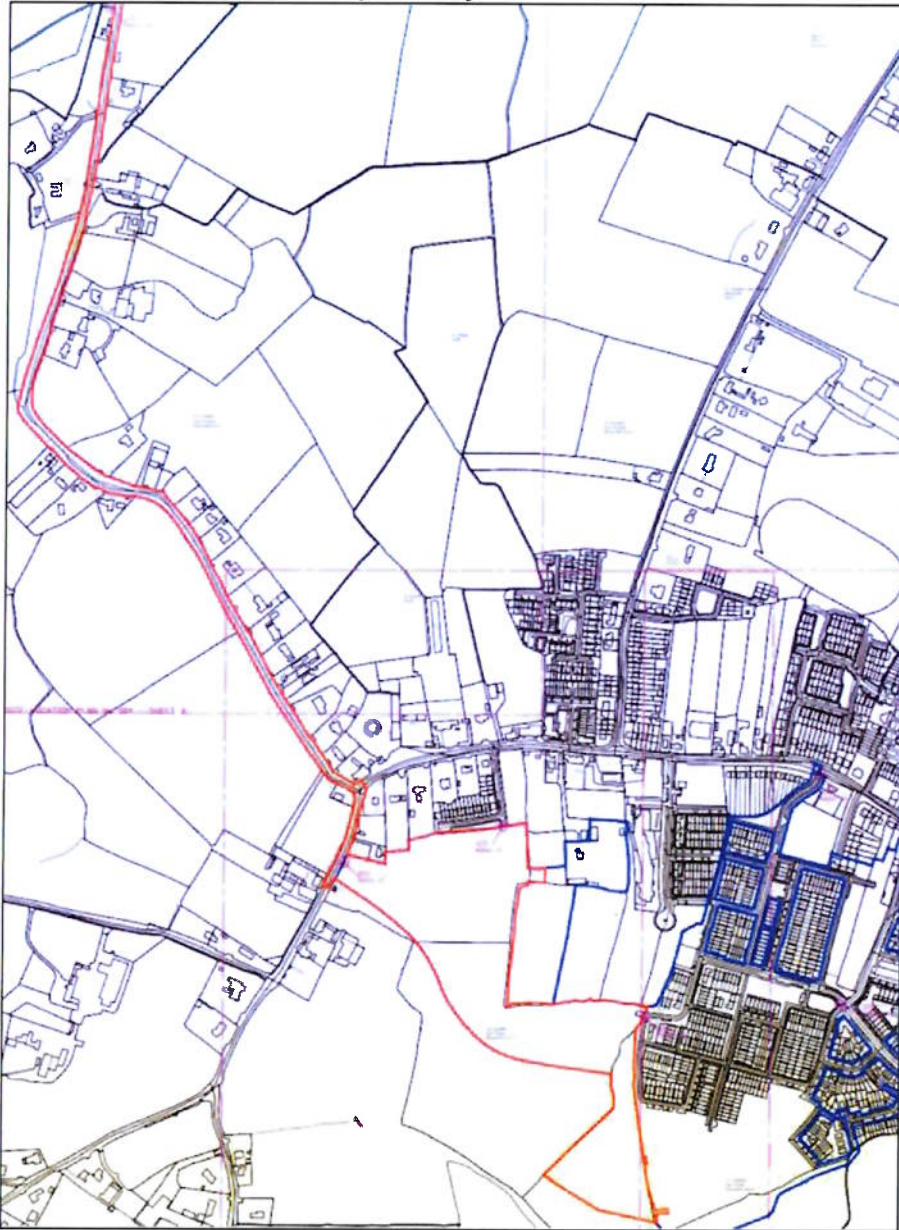
The following documents are submitted as part of this third-party appeal response:

- Appendix 1: ABP Letter dated 15th April 2024;
- Appendix 2: Reg. Ref.: LRD23A/0011 - Decision of South Dublin County Council;
- Appendix 3: Reg. Ref.: LRD23A/0011 – South Dublin County Council Planner's Report;
- Appendix 4: Technical Note prepared by DBFL Consulting Engineers.

2.0 SITE LOCATION AND PROPOSED DEVELOPMENT

As outlined in the Planning Report and Statement of Consistency submitted with the LRD application, the proposed development site is located in the administrative area of South Dublin County Council. The proposed development site is situated in the townland of Newcastle South and is situated within the development boundary of Newcastle as defined by the South Dublin County Council Development Plan 2022-2028.

Figure 1: Site Location Map of subject site



(as submitted with application MOLA Architects).

The proposed development site is situated to the south of Main Street, Newcastle. Main Street is formed by the R120 which links the M4 Motorway at Lucan with the N7 National Primary Route at Rathcoole Interchange. The R405 joins the R120 on the Main Street. The R405 links the M4 Motorway via Celbridge and Hazelhatch Rail Station to the N7 at Rathcoole.

The indicative location of the subject site is outlined in red on Figure 1, with 'Graydon' (Cairn Phase 1 development located to the east). Additional lands under the control of the applicant are outlined in blue.

Newcastle is a small village situated 20km south of Dublin City Centre. The village supports a range of commercial and social facilities including a church; a national school; a range of local village shops; a pharmacy, and a medical centre along the Main Street. Located opposite Newcastle Manor is a Texaco Service Station which accommodates a post office and convenience store. The Greenogue Industrial Estate and Aerodrome Business Park are located just beyond the village to the east.

As outlined in the planning application documents, and approved by the Planning Authority, the proposed development provides for 131 no. residential units comprising 119 no. 2-storey terraced, semi-detached and detached houses providing 2, 3, 4 and 5-bedroom units, 12 no. 3-storey duplex/apartment units comprising 2 and 3-bedroom units, access, infrastructure, car parking, open space, boundary treatments and all associated site development works and is considered to constitute proper planning and sustainable development of the subject lands.

As outlined above, additional information was submitted to the Planning Authority following the request for further information. Additional information submitted to SDCC on the 20th of February 2024 to address the additional points of clarification of the Planning Authority included:

- Provision of information on the capacity of the receiving watercourse / ditch network for a proposed new surface water pipe on the Hazelhatch Road;
- Provision of an updated Site-Specific Flood Risk Assessment;
- Provision of revised drawings to show the swale extensions;
- Proposed amendment to ensure permeable links at the Linear Park along the western boundary of the site;
- Extension of detention basin to the north of manhole SC8;
- Provision of attenuation volumes;
- Provision of a response relating to community floorspace, Green Space Factor and density figures.

The response to the request for Further Information included the following:

- Cover Letter prepared by John Spain Associates;
- Further Information Response Document prepared by John Spain Associates;
- Updated Statement of Consistency prepared by John Spain Associates;
- EIAR Addendum prepared by John Spain Associates;
- Architectural Drawings prepared by MOLA Architects;
- Schedule of Areas prepared by MOLA Architects;
- DBFL Response Letter;
- DBFL Site Specific Flood Risk Assessment;
- DBFL Outfall Assessment;
- DBFL Drawings;
- Áit Urbanism + Landscape Response Letter

On the 19th of March 2024, South Dublin County Council issued a Notification of a Decision to Grant Permission subject to 34 no. conditions.

Figure 2: Site Layout



(submitted as part of the response to the request for Further Information MOLA Architects).

The proposed Phase 2B LRD extension will provide a sequential form of development linking and integrating into the existing Graydon development to the east and to development at St. Finian's Way to the north.

The proposed net density of 30.6 dph for this Phase 2B LRD is comparable to the general pattern of development in the area to the south of Newcastle Main Street. It is noted when combined with the permitted Phase 2A (SD23A0136 development adjacent, the density is 33.7 dph.

It is noted that the wider masterplanned Phase 2 site includes the permitted Phase 2A (SD23A0136) brings the net density is 33.7 dwellings per hectare. In addition, the Cairn lands to the east (which were part of an SHD on the wider lands, proposed 2 no. apartment buildings). Cairn are progressing a proposal (on those lands 'Phase 4') which if permitted would result in an average net density of 35.9 dph across Phase 2.

3.0 RESPONSE TO THIRD PARTY APPEAL

As noted above, 1 no. third-party appeal was lodged in response to the Planning Authority's notification of decision to grant permission. The content of the appeal has been carefully examined and is addressed below in the following section. The response below should be read alongside the other consultants' input and supporting information submitted to South Dublin County Council as part of the planning application and the response to the Request for Further Information, in addition to the Technical Note prepared by DBFL Consulting Engineers at Appendix 4 of this response document. Each of the issues raised within the appeal are addressed in turn as follows:

The Agreement

The appeal, as submitted by Paul C. Mealy Architects on behalf of Fiona Murray, refers to an agreement between Tenbury Development Limited and Fiona Murray that was agreed in April 2000.

We refer to the Technical Note prepared by DBFL Consulting Engineers which accompanies this appeal response and sets out a technical civil engineering response to the matters raised in relation to the provision of services and access to the appellants lands. It is important to highlight that the proposed street layout within the development provides for 3 no. future street connections to the appellants lands at Plot 1 and 2 (refer to Fig. 3 below) providing permeability and connectivity to allow for the future development of these lands. It is also noted that whilst access can be provided to Plot 3 from Main Street to the north and/or from the west, it is also possible to facilitate an access from the subject lands to the south as shown on Fig. 2.2 of the accompanying Technical Note. Cairn confirms that they are not opposed to providing an additional connection to the north as shown and welcome a condition requiring such an amendment to be agreed through compliance procedures with SDCC.

In relation to the boundary treatment along the southern boundary of the site, it is confirmed that Cairn Homes are agreeable to constructing a blockwork wall, capped, and rendered, along the entire boundary if considered appropriate by An Bord Pleanála and a condition to confirm same is welcomed if considered appropriate.

Figure 3 - Extract from DBFL Technical note showing access to the appellants lands.



LRD Procedures

As part of the appeal, the agent for the appellant queries whether pre-application consultations have led to a planning application that could be validly made, considering a further information request was made.

In response to this item, we can confirm that a pre-application consultation under Section 247 (1)(A)(i) of the Planning and Development Act, 2000 (as amended) is mandatory for an LRD application. Accordingly, the Section 247 meeting was held in relation to the subject proposal on Microsoft Teams on the 27th of October 2022 and was attended by members of the Design Team and South Dublin County Council.

As set out in the 'Procedural Background' section (pg. 3) of the Chief Executive Report at Appendix 3 of this document, the planning authority can request further information in relation to matters of technical or environmental nature, or both, that were unforeseen at the time of the LRD opinion being issued and the LRD planning application being lodged, or in respect of any new matter(s) raised during the public participation. A number of changes were made to the scheme by the design team in direct response to the items raised in the LRD Opinion issued by SDCC, and accordingly (and within the parameters of Section 33 (2) of the Act as amended), SDCC requested further information on items which were unforeseen at the time of the LRD opinion. This information was technical in nature relating predominantly to civil engineering detail and included a reduction in the number of units proposed and therefore was not considered significant.

It is evident that the correct procedures in relation to the Section 247 (Stage 1) pre-application consultation and the Section 32C (Stage 2) LRD Opinion were adhered to by the Planning Authority. Members of the public were afforded the opportunity to make submissions on the application (including the appellant) and the Planning Authority requested Further Information to which the applicant submitted a response within the permitted 8 weeks. As outlined in this response, the Planning Authority were of the opinion that the information submitted as part of the response was not significant and did not warrant readvertisement and further public consultation. As such, the appellant's claims are unfounded. It is further submitted that this matter is not a relevant matter for the Board to consider in the determination of the appeal. We would further highlight that the Appellant has had the opportunity to further express their concerns by virtue of lodging an appeal against the decision of South Dublin County Council.

South Dublin County Council's Decision

At Section 3 of the third-party appeal, the appellant raises issue primarily with the lack of detail provided in relation to the form of the proposed access arrangements to the appellants lands. The appellant also raises issue with conditions included in the notification of decision to grant permission requiring details of the access roads to be agreed with the Council '*prior to commencement*' of development on the site.

It is respectfully submitted that there is an expectation that a detailed design phase will follow the grant of any planning permission. The applicant's design team will work closely with the Council to ensure that detailed civil infrastructure elements such as water services, foul and roads are constructed to the Council standards in accordance with the conditions of the permission. These standards form the basis of all access and entrance designs within the council boundaries and must be adhered to across all developments. It is therefore entirely reasonable that this level of detail would be agreed following the grant of planning permission. A future planning application for development on the appellants lands would be required to include road design detail to allow future development of the lands. Furthermore, we refer the Board to the "Taken in Charge Plan" prepared by MOLA Architects, included with the LRD application (Drawing no. NCS23 - MOLA - XX - 00 - DR - A - XX - 0121), which demonstrates that the roads connecting the appeal site to the adjoining lands. As such the Council will in time have charge of the access to the retained lands.

Figure 4: Taken In Charge (Extract)



Drawing no. NCS23 – MOLA – XX – 00 – DR – A – XX – 0121

We refer to the Technical Note prepared by DBFL Consulting Engineers which details the locations of the accessways and the capacity design for the foul water services, surface water drainage and potable water access, all of which can be provided to the appellants zoned lands.

A surface water strategy was submitted with the LRD application, (DBFL Drawing 210026-DBFL-CS-SP-DR-C-1261-P02-Surface Water Strategy) which shows how catchments for the Cairn Phase lands have also taken into account the appellants lands.

As stated in the response provided by DBFL, the applicant would be happy to accept a condition that future connections are provided to the redline boundary where appropriate with details to be agreed with SDCC prior to commencement of development to avoid any potential 'ransom strips' consistent with the Taken in charge drawing submitted with the application.

Ms. Murray's Position

It is noted that Ms. Murray is not opposed to development of the subject site, and this is welcomed by Cairn Homes. It appears that the crux of issue raised by the appellant is the provision of services and access to the retained lands. Cairn Homes will deliver services and access to the boundary of the appellants lands as set out in the accompanying response by DBFL Consulting Engineers. We respectfully submit that legal agreements are a civil matter and not for consideration as part of this planning application.

4.0 CONCLUSION

This appeal response has been prepared by John Spain Associates to address the issues raised within the third-party appeal submitted against South Dublin County Council's notification of a decision to grant permission for development comprising the construction of 131 no. residential units, access, infrastructure, car parking, open space, boundary treatments and all associated site development works in Newcastle, South County Dublin.

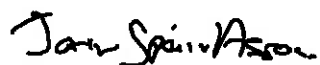
It is respectfully submitted that the proposed development is of a suitable form, design and scale of development for this under-utilised site, within the existing settlement of Newcastle, which is suited to the scale and nature of development proposed and is in accordance with the proper planning and sustainable development of the area.

The current proposal has been subject of a notification of a decision to grant permission issued by the Planning Authority on the 19th of March 2024 who concluded that *"Having regard to the provisions of the South Dublin County Council Development Plan 2022- 2028 and the overall layout and design of the development proposed it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area."*

This response demonstrates that the proposed development is consistent with the County Development Plan and that the proposal will provide for an effective and efficient use of the subject lands that will facilitate the construction of residential dwellings and assist with the sustainable growth on Newcastle.

We respectfully request that the Board uphold the Council's decision and grant permission for the development as proposed. It is considered that the information provided above (in conjunction with the comprehensive suite of information provided in the application) satisfactorily addresses the issues raised within the third-party appeal and that the proposed development is consistent with the proper planning and sustainable development of the area and should be granted permission on this basis.

Yours sincerely,



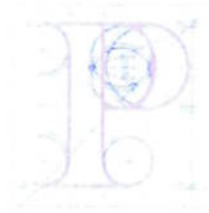
John Spain Associates

Appendix 1: ABP Letter dated 15th April 2024

Our Case Number: ABP-319500-24

Planning Authority Reference Number: LRD23A/0011

Your Reference: Cairn Homes Properties Limited



An
Bord
Pleanála

John Spain Associates
39 Fitzwilliam Place
Dublin 2
D02 ND61



Date: 15 April 2024

Re: 131 houses, 12 apartments/duplex apartments, open space and vehicle access.
Within the townland of Newcastle South, Newcastle and along Athgoe Road & Hazelhatch Road (R405) to Ground Investigations Ireland premises, Newcastle, Co. Dublin.

Dear Sir / Madam,

Enclosed is a copy of a large-scale residential development appeal under the Planning and Development Act 2000, as amended.

As a party to the appeal under section 129 of the Planning and Development Act 2000, as amended, you may make submissions or observations in writing to the Board **within a period of 4 weeks** beginning on the date of this letter.

Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the appeal without further notice to you.

Please note when making a response/submission only to the appeal it may be emailed to appeals@pleanala.ie and there is no fee required.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,

Catherine Flynn

Catherine Flynn
Administrative Assistant
Direct Line: 01-8737143

LRD05

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Riomphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Directors:
Paul C. Mealy
A/td. H. Mealy
Co. Reg. 337033

PAUL C. MEALY ARCHITECTS LIMITED
11, The Courtyard, Friar's Hill, Wicklow,
County Wicklow. A67 Y718



Tel: 086 2571096 e-mail: info@pcmealy.ie

The Secretary
An Bord Pleanála,
64, Marlborough Street,
Dublin 4
D01 V902

AN BORD PLEANÁLA	
LDG-	071216-24
ABP-	
11 APR 2024	
Fee: €	220.00
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Time:	11:53
By:	hand

My Ref: 2574-05
Date: 10/04/2024

RE PLANNING APPEAL RE SOUTH DUBLIN CO. CO'S PLANNING REG. LRD23A/0011

**PROPOSED DEVELOPMENT: PHASE 2B OF A MIXED RESIDENTIAL DEVELOPMENT
AND ANCILLARY SITE DEVELOPMENT WORKS**

**LOCATION: WITHIN THE TOWNLAND OF NEWCASTLE SOUTH, NEWCASTLE AND
ALONG ATHGOE ROAD & HAZELHATCH ROAD (R405) TO (GROUND INVESTIGATION
IRELAND PREMISES) COUNTY DUBLIN**

APPLICANTS: CAIRN HOMES PROPERTIES LIMITED

Dear Sirs,

(A) I represent Fiona Murray of Moyvalley, County Kildare who is the registered owner of lands comprising Folio DN 105779F which is located (a) immediately south/south west of the Cairn Homes Properties Limited's site the subject of the above Planning Application and (b) land off Main Street North of the application's site and east of St. Fimian's Way

(B) A submission was made to South Dublin County Council within the prescribed period and copies of the Council's acknowledgment, and our submission are attached. See Schedule of attachments

(C) Attached is my client's cheque for €220.00

GROUND'S FOR APPEAL.

1. 00 "THE AGREEMENT"

1. 02 Full details of "The Agreement" and the background history is set out in the submission made to South Dublin Council and as attached to this appeal

1. 03 "The Agreement" sets out conditions precedent which must be complied with by the applicant before their site can be developed. In summary, the conditions include -

- (a) Access to Ms Murray's lands from the public road via the applicant's new road system
- (b) Connections to the applicant's services and infrastructure suitable for the full development potential for Ms Murray's lands.
- (c) The construction of a new wall and or fence along the entire boundary of Ms Murrays lands with that of the applicants'.
- (d) All the above to have Ms Murray's agreement prior to commencement of development

1. 04 In our submission to South Dublin County Council, it was stressed that if Planning Permission was to be granted, it should be compatible with the conditions of the "The Agreement" as failure to comply would have legal consequences preventing development proceeding

1. 05 It was further submitted that the absence of Ms Murray's prior agreement, the applicant does not have sufficient title to make a valid planning application.

2. 00 LRD PROCEDURES.

2. 01 Appendix 1 – The LRD Arrangements – Page 6 includes a paragraph stating, *"It is intended that the detailed LRD pre-application consultation arrangements will minimise the need for "further information" requests at the subsequent planning application stage"*.

2. 02 It is questionable if the pre-application consultation has actually led to a stage that a planning application could be validly made when, on considering the application, South Dublin County Council considered it necessary to seek further information on no less than thirty separate issues

2. 03 On receipt of the Applicant's responses, which included adjustment to layouts, reduction in units numbers etc it is surprising that the Council determined that the responses, which would impact on third parties, were not "Significant" and requiring that the application be re-advertised and allowing further submissions from Third Parties

2.04 The designation as not "Significant" of the additional information is in conflict with the statement in the Record of Executive Business and Chief Executive's Orders which states on Page 61 that *"a significant change to the scheme is proposed ..."*

3.00 SOUTH DUBLIN COUNTY COUNCIL'S DECISION.

3.01 It defies explanation that the Council considered the Applicant's responses to the Further Information requests and did not seek clarification.

3.02 The inadequacy of the response is clearly demonstrated by the Council's decision which requires "*prior to commencement of the development*" submissions for their written approval for some twenty five of the thirty four planning Conditions. Many of these Conditions have sub-headings resulting of up-ward of some sixty matters requiring "*prior to*" written agreement from the Council.

3.03 **The consequence of the Council's decision is that these outstanding matters are to be resolved between the Council and the Applicant only and to the exclusion of third parties who might be negatively impacted by the decision/s.**

3.04 This of particular concerning to Ms. Murray who, based on the Council's decision, will have no input into (a) the position of and type of access to her lands, including the one acre site off Main Street to and from the proposed development including services (b) a requirement to clearly identify that the points of access are for future development and thereby alerting potential purchasers of the Cairn units that further development which may impact on them is likely to occur (c) it is unacceptable to Ms. Murray that direct access is denied to a large section of her lands due to the Council's requirement for continuity linear part (d) the design of the boundary between Ms. Murray's land and the applicant's. As part of the pre-planning submissions, it would appear that a two metre high concrete block wall was proposed (without the consent of Ms. Murray) but subsequently omitted at the request of the Council and agreed to by the Landscape Architects. No alternative has been proposed or conditioned.

3.05 It is noted that the statement contained on Page 20 of the Record of Executive Business and Chief Executive's Report (REBCER) essentially been ignored in the Council's decision "*It is noted that some third-party submissions request that consideration is given to provision of future links outside of the site and to mitigate the potential for ransom strips to be created as part of his proposal. In the event of a grant of permission, a condition to this effect will be applied.*" No explanation has been given for this omission.

4.00 MS. MURRAY'S POSITION

4.01 Ms. Murray has always made her position clear in that she is not opposed to the development of the applicant's site but only in so far as the proposed development is compatible with the terms and conditions of the "Agreement"

4.02 In their numerous discussions with Ms Murray and her Agents, the applicant has always maintained that they cannot give an unconditional agreement to comply with the "Agreement" as it might conflict with conditions of a Planning Permission.

4.03 This ignores what is, in our opinion, the legal reality, that compliance with the "Agreement" takes precedent over compliance with a Planning Permission. Failure to comply with the "Agreement" means that any Planning Permission cannot be implemented.

4.04 An Bord can structure an Appeal Grant that enables compliance the "Agreement" that will allow development to proceed, and we urge An Bord to recognise this reality and grant an appropriate permission.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Paul C. Mealy', followed by a long horizontal line and a small arrow pointing to the right.

Paul C. Mealy FRIAI

DOCUMENTS ATTACHED

1. Letter/Submission to South Dublin County Council including
2. The "Agreement"
3. Site Layout Plan with required points of access identified
4. Tailte Éireann Map showing access point to Murray Land by Newcastle Main Street
5. South Dublin County Council's receipt T4/0/759932
6. Acknowledgement from SDCo Co. re submission

PAUL C. MEALY ARCHITECTS LIMITED
11, The Courtyard, Friar's Hill, Wicklow,
County Wicklow, A67 Y718



Tel: 086 257 0090 e-mail: info@pcmealy.ie

South Dublin County Council
Planning Department
County Hall,
Town Centre,
Tallaghtyre,
Dublin 24

My Ref: 2574-04
Date: 22/11/2024

RE SUBMISSION/OBSERVATION RE PLANNING REG. LRD23A/0011

**PROPOSED DEVELOPMENT: PHASE 2B OF A MIXED RESIDENTIAL DEVELOPMENT
AND ANCILLARY SITE DEVELOPMENT WORKS**

**LOCATION: WITHIN THE TOWNLAND OF NEWCASTLE SOUTH, NEWCASTLE AND
ALONG ATHGOE ROAD & HAZELHATCH ROAD (R405) TO (GROUND INVESTIGATION
IRELAND PREMISES) COUNTY DUBLIN**

APPLICANTS: CAIRN HOMES PROPERTIES LIMITED

Dear Sirs,

Attached South Dublin County Council's Receipt for €20.00 reference no. 14 0 759932

1.00 I represent Fiona Murray of Moyvalley, County Kildare who is the registered owner of lands comprising Folio DN 105779F which is located (a) immediately south/south west of the Cairn Homes Properties Limited site the subject of the above Planning Application and (b) land off Main Street North of the application's site and east of St. Finian's Way.

2.00 Ms. Murray is the former owner of the applicant's site which was sold by her to Tenbury Developments Limited in 2000 and was subsequently acquired by Cairn Homes Properties Limited in July 2016 – Folio DN 212796F

3.00 The Development Plan relating to Newcastle in 2000 envisaged that a new road bye-pass of Newcastle Village would be constructed basically along the line separating the lands being transferred to Tenbury Developments Limited by Fiona Murray and the lands being retained by her

4.00 As part of the sale of the lands, Tenbury Developments Limited entered into an "Agreement" dated 6th April 2000 containing specific clauses requiring Tenbury Developments Limited to provide access and services to the lands retained by Ms. Murray and for physical boundaries to be erected between the respective properties. All details require Ms. Murray's prior agreement.

5.00 The "Agreement" also conditioned that in the event that the Local Authority abandons its then proposal for the road bye-pass that alternative arrangements be made by and at Tenbury Developments Limited's expense to access and service the retained lands from the public road.

6.00 Ownership of the site was transferred to Cairn Homes Properties Limited (Folio DN212796) together with the terms and conditions of the Tenbury/Murray "Agreement" and which is detailed in Part 3 – Burdens and Notices of Burdens – Particulars No. 1 of the Folio.

7.00 Ms. Murry recognises and accepts the current zoning status of the applicant's site and part of her retained lands as being Development Objective RES-N and is supportive of the proposed development in principle. She is concerned that the requirements of the legal "Agreement" referred to above are not adequately addressed in the current application.

8.00 Her principle concern relate to

(a) The suggest points of access illustrated on the application drawings do not all extend to her boundary leaving potential ransom strips. The "Agreement" contemplated assumed that the new bye-pass would abut her boundary and would afford access to her land anywhere along the road. The applicant's proposed location of roads denies access as originally contemplated. As a compromise, it is considered reasonable for the proposed roads adjacent to her boundary be extended to the boundary. They should also be identified as future access points on the submitted documents.

(b) The proposed utilities layout does not indicate extending to her boundary.

(c) The designed sewage requirement indicated in the application calculations do not appear to take account of the additional requirements to support development of Ms. Murray's retained lands.

(d) The proposed access onto the Athgoe Road and the required improvements approved by South Dublin County Council do not appear to take account of safe access to/from Ms. Murray's lands. It is to be noted that the "Agreement" requires Ms. Murray's lands be access from the public road. The applicant's proposal only provides access via their development which may not be available for years.

(e) No provision is made by the applicant for access from their site to from the part of the Murray site fronting onto the Main Street. This site is only accessible from Ms. Murray's south boundary via the applicant's site and it is imperative that access is maintained for now and for the future consistent with the

terms and conditions of the "Agreement". This has been brought to the attention of the applicant on many occasions with no solution forthcoming.

(g) We have not identified any reference to the "Agreement" in the pre-planning or planning application documents.

(h) The "Agreement" requires that Ms. Murray's consent prior to submission of a Planning Application. Although discussions have taken place between the parties, **Ms. Murray has not consented to the current or past applications.**

9.00 Ms. Murray is submitting this observation to request that South Dublin County Council in granting Planning Permission ensures that the terms and conditions of the "Agreement" are not compromised. It would be a pointless exercise for the Council to Grant permission in conflict with the Agreement. Ms. Murray has received written assurances from the applicant that they will honour the "Agreement" subject to South Dublin County Council planning decision. Such assurances are worthless unless a Planning Permission is compatible with the "Agreement".

10.00 To avoid conflict, it is suggested that the Council request Cairn Homes Properties Limited to submit Additional Information with revisions to demonstrate compliance with the Agreement including written confirmation agreement from Ms. Murray. Alternatively, suitable and unambiguous conditions be included in any grant of permission.

Yours faithfully,



Paul C. Mealy FRIAI

DOCUMENTS ATTACHED

1. The "Agreement"
2. Site Layout Plan with required points of access identified
3. Larite Eireann Map showing access point to Murray Land by Newcastle Main Street
4. South Dublin County Council's receipt T4/0759932

Dated the day of April 2000

TENBURY DEVELOPMENTS LIMITED

One Part

AND

FIONA MURRAY

Other Part

WAYLEAVE AGREEMENT

**JOHN GLYNN & COMPANY,
Solicitors,
Law Chambers,
The Village Square,
Tallaght,
DUBLIN 24**

Murray Fiona Agt

THIS AGREEMENT made the 6th day of April 2000 **BETWEEN**
TENBURY DEVELOPMENTS LIMITED having their registered office at
222/224, Harolds Cross Road, Dublin 6 (hereinafter called "the Grantor"
which expression shall where the context so admits or requires include their
successors and assigns) of the one part **AND FIONA MURRAY** of 1,
Ellensborough Green, Kiltipper Road, Tallaght, in the County of Dublin
(hereinafter called "the Grantee" which expression shall where the context so
admits or requires include her executors administrators and assigns) of the
other part

WHEREAS The parties hereto are party to a Transfer dated the 6th day of
April 2000.

WHEREAS in consideration of the sale referred to therein and the sum of £1
(the receipt of which is hereby acknowledged) the Grantor hereby agrees and
undertakes with the Grantee as follows:

- A In the event of the Local Authority abandoning its proposal for the said
possible road so that it is not located on either the Sold Land or the
Retained Land, then the Grantor shall construct at his own expense and
in consultation with the Grantee or her Architect/Engineer, a roadway
to the standard required by South Dublin County Council giving the
Grantee access from the public road to the Retained Land and shall
grant to the Grantee a right of way for all purposes over such roadway
and a right of access to connect into same. The Grantee shall
undertake all responsibility for the said road and shall keep same in a
safe and useable condition until it shall have been taken in charge by
the Local Authority and shall keep the Grantee fully and effectually
indemnified in respect thereof until the same is taken in charge by the
Local Authority.
- B Should the Local Authority require the Grantor to construct the said
roadway or part thereof, or should the Local Authority itself construct

the said roadway or part thereof, the Grantee retains to herself her executors administrators and transferees rights:

- (i) of access to the Sold Land to enter the land and connect into the said road so as to provide access to the Retained Land, and
- (ii) to build the said connecting roadway on the Sold Land if necessary and the Grantor shall grant to the Grantee her heirs executors and transferees a right of way for all purposes over the said land along the said roadway

C. There shall be excepted and reserved unto the Grantee for the benefit of the lands retained by her the full and unrestricted easement to lay services and/or to connect into services to be provided by the Grantor within the perpetuity period of the property. It is the intention of the parties hereto that the services to be laid by and at the expense of the Grantor shall be in a manner sufficient and adequate to enable the lands retained by the Grantee as are presently enjoyed or as may be developed in the future to be serviced thereby and for this purpose the Grantor as soon as may be but in any event before applying for Planning Permission submit to the Grantee's Architect/Engineer full details of the services therein provided for and shall accommodate the requirements of the Grantees Architects/Engineers so that the said services shall be sufficient for the purpose of serving the lands retained by the Grantee.

D. The Grantor shall erect boundary walls and /or fences prior to the commencement of the development of the Sold Property to separate the Sold Land from the Retained Land. The form of such boundary walls and/or fences to be agreed in writing by the Architect/Engineer retained by the Grantee prior to any preparatory, exploratory or development work commencing on the site and the form of such boundary wall or fence shall be of stock proof quality

E The Grantor grants unto the Grantee the right to use the Sold Lands for grazing purposes until the commencement of development of the said lands The Grantor shall give four weeks notice in writing to the Grantee of the commencement date of development

IN WITNESS whereof the parties hereto have hereunto set their hands and affixed their seals the day and year first herein Written.

PRESENT when the Common Seal
of the Grantor was affixed hereto:

George R. Cook
for the
Dec 14

Bardie W. W. W.
M. C. W. W.

SIGNED SEALED AND DELIVERED

by the Grantee in the presence of:

Angel M. Sheeade
S. C. W. W.
T. C. W. W.

Frederic A. M. W. W.



Paul C Mealy (FRIAD)
11, The Courtyard
Friar's Hill
Co. Wicklow
A67 Y718

Date: 22-Nov-2023

Dear Sir/Madam,

Register Ref: LRD23A 0011

Development: The proposal comprises the 2nd phase (phase 2B) of a 2 phase development (first phase [phase2A] under planning reg. ref SD23A 0136 will comprise 48 no. duplex dwellings and phase 2 of Taobh Chnoic public park of c.1.74 hectares of open space, along with car parking and ancillary infrastructure) to result in an overall Phase 2 development of 179 no. dwellings (consisting of 119 no. 2 storey houses and 60 no apartments / duplex apartments in 5 no. 3 storey duplex buildings, and ancillary infrastructure). The phase 2B development will consist of the construction of 131 no. dwellings and open space as follows: A) 119 no. 2 storey houses (10 no. 2 bedroom houses, 95 no. 3 bedroom houses, 13 no. 4 bedroom houses and 1 no. 5 bedroom house. B) 12 no. apartments / duplex apartments in 1 no. 3 storey building - (6 no. 2 bedroom apartments and 6 no. 3 bedroom duplex apartments) all with terrace. C) Open space (c. 1.34 ha. in a series of open space areas) hard and soft landscaping (including public lighting & boundary treatment), communal open space for duplex apartments and apartments; along with single storey bicycle bin stores and ESB substations; D) Vehicle access from the Athgoe Road from a new signalised junction along with upgrades to footpath and pedestrian crossing (on the Athgoe Road) as well as provision of vehicular/pedestrian cycle link to permitted 'Graydon' (TA06S.305343) 'Newcastle Boulevard' to the East as well as 237 no car parking spaces and 94 no. bicycle spaces (4 no. motorcycle space) and all internal roads, cycleways, green routes and paths. E) Provision of surface water attenuation SuDs measures connection to water supply and provision of foul drainage infrastructure as well as an underground local pumping station (in northern part of site) to Irish Water specifications and all ancillary site development / construction / landscaping works. F) The proposal also includes upgrades (to provide surface water pipe upgrades) to the surface water network along Athgoe Road and Hazelhatch Road (for c. 1.2 km).

Location: Within the townland of Newcastle South, Newcastle, And along Athgoe Road & Hazelhatch Road (R405) to (Ground Investigations Ireland premises), Co. Dublin.

Applicant: Cairn Homes Properties Limited

Application Type: Permission

Date Rec'd: 20-Oct-2023



South Dublin County Council

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 (as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdublincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the **Planning Applications** part of the Council website, www.sdublincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named **"Notify me of changes"** and click on **"Subscribe"**. You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Furney
for **Senior Planner**

Appendix 2: Reg. Ref.: LRD23A/0011 - Decision of South Dublin County Council

Telephone: 01 4149000

Fax: 01 4149104

Email: planningdept@sdublincoco.ie

Rory Kunz,
John Spain Associates
39, Fitzwilliam Place
Dublin 2

**NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order Number:	0298	Date of Decision:	19-Mar-2024
Register Reference:	LRD23A/0011	Date:	19-Feb-2024

Applicant:

Cairn Homes Properties Limited

Development:

The proposal comprises the 2nd phase (phase 2B) of a 2 phase development (first phase [phase2A] under planning reg. ref SD23A/0136 will comprise 48 no. duplex dwellings and phase 2 of Taobh Chnoic public park of c.1.74 hectares of open space, along with car parking and ancillary infrastructure) to result in an overall Phase 2 development of 179 no. dwellings (consisting of 119 no. 2 storey houses and 60 no apartments / duplex apartments in 5 no. 3 storey duplex buildings, and ancillary infrastructure). The phase 2B development will consist of the construction of 131 no. dwellings and open space as follows: A) 119 no. 2 storey houses (10 no. 2 bedroom houses, 95 no. 3 bedroom houses, 13 no. 4 bedroom houses and 1 no. 5 bedroom house. B) 12 no. apartments / duplex apartments in 1 no. 3 storey building - (6 no. 2 bedroom apartments and 6 no. 3 bedroom duplex apartments) all with terrace. C) Open space (c. 1.34 ha. in a series of open space areas) hard and soft landscaping (including public lighting & boundary treatment), communal open space for duplex apartments and apartments; along with single storey bicycle/bin stores and ESB substations; D) Vehicle access from the Athgoe Road from a new signalised junction along with upgrades to footpath and pedestrian crossing (on the Athgoe Road) as well as provision of vehicular/pedestrian/cycle link to permitted 'Graydon' (TA06S.305343) 'Newcastle Boulevard' to the East as well as 237 no car parking spaces and 94 no. bicycle spaces (4 no. motorcycle space) and all internal roads, cycleways, green routes and paths. E) Provision of surface water attenuation SuDs measures connection to water supply and provision of foul drainage infrastructure as well as an underground local pumping station (in northern part of site) to Irish Water specifications and all ancillary site development / construction / landscaping works. F) The proposal also includes upgrades (to provide surface water pipe

upgrades) to the surface water network along Athgoe Road and Hazelhatch Road (for c. 1.2 km).

Location: Within the townland of Newcastle South, Newcastle, And along Athgoe Road & Hazelhatch Road (R405) to (Ground Investigations Ireland premises), Co. Dublin.

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 12-Dec-2023 /19-Feb-2024

Clarification of Additional Information Requested/Received:

DECISION TO: Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION** for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on the 19th of February 2024, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Amendments.
Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, the following:
(a) Unless otherwise agreed, revised drawings showing the omission of Duplex/Apartment Nos. 1 to 6 (inclusive), the southern half of Duplex Block A, and House No. 102. Car and bicycle parking relating to these units shall be revised and the

bin store/bicycle parking structure shall be re-sited so that it does not abutt public open space. The subject lands arising from the foregoing amendments shall be re-allocated to form public open space and shall more particularly function as part of the linear park/biodiversity corridor/nature-based surface water attenuation in conjunction with the aforementioned reduction in units. House No. 103 shall be revised to address the public open space to the south. Communal open space shall also be revised around Duplex Block A in conjunction with this reduction in units.

(b) Details of the Linear Park along the south/south-western boundary of the site and Sustainable Drainage Systems (SUDS) measures along the south-western boundary. Details shall include how the development would align with any future permitted development on the adjoining lands to the east of the application site.

(c) Details showing how the development hereby permitted would integrate with the permitted development on the adjoining lands to the east of the application site so as to make the Taobh Chnoic Character Area a cohesive neighbourhood area.

(d) Revised plans showing the configuration and demarcation of open space at House Nos 04 and 23 addressing minor inconsistencies to the submitted plans. These plans shall clearly demarcate private and public open space. House No. 23's house type (J3) shall be revised to ensure adequate passive surveillance of the public open space to the south of this house. The public and private open space provision at this location should also be revised to ensure public open space is appropriately designed at this location in terms of ongoing maintenance by machinery.

(e) A revised Housing Quality Assessment indicating that all residential units hereby permitted will be provided with at least the minimum acceptable private open space area as per the South Dublin County Development Plan 2022-2028 standards for the completeness of the planning file.

Following written agreement, the development shall be implemented in accordance with the agreed details.

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

3. Architectural Conservation.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the SDCC Architectural Conservation Officer where necessary, the following:

(a) A Design Rationale/Design Statement detailing how design elements and use of materials, colour palettes and finishes soften and mitigate the visual impacts of the development on the Newcastle Village Architectural Conservation Area. The statement shall address how these design elements, materials, colour palettes and finishes balance the proposals in the context of the ACA and protected structures.

(b) Photomontages showing the full extent of the development and how the new buildings will be viewed from the Village Core and from the Protected Structures highlighted in the EIAR report.

REASON: In the interest of the protection of architectural heritage.

4. Materials and Finishes.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, details of external materials and finishes of all buildings hereby permitted onsite, and all works shall be carried out in accordance with this written agreement. Render on the duplex/apartment block shall be reduced or fully omitted.

REASON: In the interest of visual amenity.

5. Phasing.

(a) Prior to the commencement of development, the applicant/owner shall submit, for the written agreement of the Planning Authority, a detailed phasing programme for the approved development that fully accords with the requirements of the Planning Authority. Such a phasing programme shall demonstrate full compliance with Development Plan policies and objectives in this regard as well as conditions herein.

(b) Prior to the occupation of the residential units hereby permitted, the extension to Taobh Chnoic Park hereby permitted shall be completed in full and to the satisfaction of South Dublin County Council.

(c) Prior to the occupation of 100 no. of the residential units hereby permitted, the creche facility permitted under An Bord Pleanála Ref. ABP305343-19, or an alternative approved creche facility with similar capacity for the area, shall be under construction.

REASON: To provide for the orderly and sustainable development of the site and compliance with South Dublin County Council's Development Plan.

6. Provision of Surface Water Infrastructure.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the SDCC Drainage and Water Services Section where necessary, details of adequate surface water drainage/attenuation for the development. This shall include the provision of a new surface water pipe to the outfall on Hazelhatch Road or surface water drainage/attenuation infrastructure otherwise agreed with South Dublin County Council. Adequate surface water attenuation for the site shall be in place prior to the commencement of development, including prior to the stripping of topsoil from the site. All agreed surface water attenuation/drainage details shall be fully implemented on site prior to the occupation of any of the dwelling units hereby permitted.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate surface water drainage provision.

7. Sustainable Drainage Systems (SUDS) and Landscaping.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the SDCC Drainage and Water Services and Public Realm Sections where necessary, the following:

(a) Surface water attenuation and Sustainable Urban Drainage Systems (SUDS) redesigned across the development to provide for sufficient capacity and functionality and incorporation with landscaping and green infrastructure. Additional details required to demonstrate how the SUDs are integrated into the landscape including use of low flow channels to ensure usability of open spaces, headwalls, biodiversity measures etc as described in SDCC Guidance. This shall include widening swales along the south/south-western site boundary including the swale located to the south of Duplex Block A. The review shall address the omission of residential units as specified to the Amendments Condition above.

(b) Review if dams should be provided along swale to help attenuate surface. Show on revised drawing what increased surface water attenuation is provided.

(c) Increase surface water attenuation by between 20% and 46% on site. Provide additional surface water attenuation of between 1, 000m³ and 2, 000m³ for surface water

flowing from lands south of development.

(d) Plans showing surface water attenuation and drainage, SUDS and landscaping that aligns with any future permitted development on the adjoining lands to the east of the application site.

(e) Details of the proposed swales including dimensions, gradients, and planting.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate surface water drainage provision.

8. Roads.

Prior to the commencement of development, the applicant/owner shall submit, for the written agreement of the Planning Authority, the following:

(a) Details of provision for the charging of electric vehicles including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge). 100% of car parking spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points, and 20% of car parking spaces must be provided with electric vehicle charging points initially.

(b) Details of the proposed cycling/pedestrian routes through development, including layout details at a 1:200 scale of the cycle-ways that comply with the National Cycle Manual standards.

(c) An Autotrack/swept path analysis for emergency vehicles around the development site.

REASON: In the interest of traffic safety and sustainable transport.

9. Archaeological Condition.

(a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, and/or dredging associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

(b) A Method Statement for the licensed archaeological monitoring, to be approved by the National Monuments Service, will include methodology for the preservation by record of features AA1, AA2 and AA3 that were identified during testing under Licence 20E0024.

(c) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service of this Department, regarding appropriate mitigation (preservation in-situ/excavation).

(d) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service of this Department, shall be complied with by the developer.

(e) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service of this Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

REASON: To ensure the continued preservation (either in situ or by record) of places,

caves, sites, features or other objects of archaeological interest.

10. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

11. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

12. Landscape Plans.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the Public Realm Section where necessary, a fully detailed landscape plan that resolves inconsistencies between the submitted drainage plan and submitted landscaping plan and incorporates the following:

(a) Hard and soft landscaping, levels, sections and elevations, lighting, SuDS design, street tree provision, boundary treatments, play areas and existing green infrastructure assets on site. Plans shall include underground services, proposed lighting, or other features likely to impact on the delivery of the landscape plan. A Green Infrastructure Plan shall be submitted in addition to the landscape plan.

(b) The plan will include a redesign of the south/south-western boundary to provide for a linear park link. Plans shall demonstrate the accessibility of the open space for maintenance by machinery and by people and the proper integration of SUD features, biodiversity elements and play.

(c) The plans shall incorporate amendments arising from the foregoing Amendments Condition and shall demarcate the provision of public and private open space, including with reference to House Nos 04 and 23.

(d) Details of the landscaping over the pumping station tanks and around substation infrastructure.

REASON: In the interests of biodiversity, amenity, the provision, establishment and maintenance of a reasonable standard of landscape and the proper planning and sustainable development of the area in accordance with the policies and objectives of the South Dublin County Development Plan 2022-2028.

13. Defects Liability.

Trees, shrubs, or hedges planted that are removed, die, suffer damage, or become seriously diseased within three years of planting shall be replaced in the following planting season with similar size and species as initially required.

REASON: To ensure that the development retains a high standard of design, layout and amenity in accordance with relevant policies in the South Dublin County Development Plan 2022-2028.

14. Play.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the Public Realm Section where necessary, a fully detailed play design plan. Play areas to include a range of natural play elements and equipment suitable for children between 0-12 and include universally accessible equipment. All play equipment and ancillaries shall conform to European Standards EN 1176-1-11 and EN 1177.

REASON: To uphold the policies of the South Dublin County Development Plan 2022-2028 relating to Children's play, and to provide for the proper planning and sustainable development of the area.

15. Street Trees.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the Public Realm Section where necessary, landscape proposals including all the items outlined below:

- (a) Street trees, spaced at 14-20m intervals planted on both sides of every street. The applicant is referred to DMURS (2019) for guidance on street tree provision.
- (b) All Street Trees shall be planted fully within the Public Realm and shall have suitable tree pits that incorporate SuDS features.

(c) Street Trees to be planted at:

- i) Minimum 18-20m girth along local streets (Check DMURS standards)
- ii) Minimum 16-18cm girth on local roads, i.e. home zones.

(d) Unless otherwise agreed, where street trees have not been provided, the footpath should be moved to the inside, (i.e. car parking and tree on the street edge), to enable the street tree to be integral to street. Refer to diagrams in this report to see where additional trees are required.

Compliance with this condition will require moving footpaths to the inside outside the following housing units. Units 1-4, Units 45 -52, Units 19-22, Units 65-72, Units 59-73, Units 89-96, Units 97-101, 102-109, Units 114 -119.

(e) All Street Trees planted within the Public Realm shall have suitable tree pits that incorporates SuDS features including sufficient growing medium. Where the applicant can provide street trees within the street without the alteration of car parking, the applicant shall submit plans detailing compliance with all relevant standards in relation to DMURS and the provision of street trees.

REASON: In the interests of adequate Green Infrastructure provision in accordance with the South Dublin County Development Plan 2022-2028.

16. SUDS Management Plan.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, a comprehensive SUDS Management Plan that demonstrates that the SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with the policies and objectives

of the South Dublin County Development Plan 2022-2028.

17. Tree and Hedgerow Protection.

(a) Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the Public Realm Section where necessary, a Tree/Hedgerow Protection plan in accordance with BS 5837:2012, and an Arboricultural Method Statement.

(b) Tree protection measures agreed under (a) above shall be implemented, and Public Realm notified of such prior to the commencement of any works on site.

REASON: To ensure the protection of trees and hedgerows in accordance with the South Dublin County Development Plan 2022-2028.

18. Retention of Landscape Architect.

Prior to commencement, the developer must appoint a qualified Landscape Architect as a Landscape Consultant for the duration of the construction. The planning authority must be informed of this appointment in writing prior to commencement. A Practical Completion Certificate, signed by the Landscape Architect, shall be sent to SDCC Public Realm Section upon the satisfactory completion of all landscape works.

REASON: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm in accordance with relevant policies in the South Dublin County Development Plan 2022-2028.

19. Mitigation Measures.

Mitigation and monitoring measures outlined in the plans and particulars submitted with this application, including the Environmental Impact Assessment Report (EIAR), shall be implemented in full within the timescales listed in the documentation, except where otherwise required by conditions attached to this permission.

REASON: In the interest of protecting the environment and the proper planning and sustainable development of the area.

20. Management Company.

A. Prior to the commencement of development the applicant/owner shall submit the following for the written agreement of the Planning Authority:

(i) A plan clearly identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the Multi-Unit Developments Act 2011, or other acceptable legal entity prior to the occupation of the first residential unit, and this plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, and;

(ii) A detailed building lifecycle report which shall include an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development, as well as demonstrating what measures have been specifically considered by the developer to effectively manage and minimise costs for the benefit of all potential residents.

The said external common areas of the development to be retained in private ownership indicated in the plan required shall not be taken in charge by the Council and shall instead be maintained in perpetuity by an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011.

B. Continued membership of an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011 shall be compulsory for all owners for the time being of property within the development.

C. No development shall take place under this permission until the applicant, owner or developer has lodged for the written agreement of the Planning Authority:

(i) A copy of the Certificate of Incorporation of the said Company responsible for the external common areas of the development to be retained in private ownership has been lodged with the Planning Authority in respect of the plan required above.

D. Any changes to the status or nature of the Owners' Management Company shall be notified to the Council forthwith.

E. The Owners' Management Company shall hold insurance for public liability risk at all times for all areas under its control or responsibility.

REASON: To ensure a proper standard of residential development and maintenance of the private areas within the development and compliance with the South Dublin County Council Development Plan.

21. Street Naming and Dwelling Numbering.

Prior to the commencement of any works on site the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

(i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme.

The agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Planning Authority's requirements.

The development name should:

1. Avoid any duplication within the county of existing names, and

2. Reflect the local and historical context of the approved development, and

3. Comply with;

(a) Development Plan policy, and

(b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and

(c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and

(d) Preferably make exclusive use of the Irish language.

Proposals for an apartment name and numbering scheme and associated signage shall be lodged with the Planning Authority prior to the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site.

The applicant, developer, or owner is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required scheme.

REASON: In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.

22. Public Lighting.

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the

commencement of works on site the applicant, owner or developer shall have lodged with the Planning Authority:

- (i) A Public Lighting Scheme including all electrical design, for the development as approved, designed to provide for high quality public lighting throughout the public realm of the site, prepared by competent public lighting design consultants to the current editions of both the European Lighting Standard ISEN13201 and the SDCC Specification for Public Lighting Installations in Residential and Industrial Developments: along with:
- (ii) Written confirmation from the Council's Public Lighting Section that the scheme is fully in compliance with the above standards applicable, and
- (iii) A written commitment to implement the agreed Public Lighting Scheme in full, and maintain it to taking in charge standards in perpetuity or until taken in charge by the Council,
- (iv) All the above requirements have been acknowledged in writing as acceptable by the Planning Authority.

The public lighting scheme shall be contained exclusively within the public realm of the development as approved, entirely in areas to be offered for taking in charge or subject to the responsibility in perpetuity of an approved management company.

Appropriate natural or artificial lighting or both shall be provided and maintained throughout car parking areas.

The external lighting scheme shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowled away from residential properties, public roads and any bat roosts or areas with bat activity. No lighting column shall be located within the eventual canopy spread of any proposed street tree or other tree as the case may be. The public lighting design consultants should consult with the Council's Public Realm section in this regard.

In addition, no dwelling unit/commercial unit shall be occupied on any street until the public lighting provided for that street is operational fully in accordance with the agreed Public Lighting Scheme for the overall development.

The applicant, owner or developer may consult with the Council's Public Lighting Section before lodging the required plan to them for agreement.

REASON: In the interests of public safety and amenity, to prevent light pollution and in the interests of the proper planning and sustainable development of the area.

23. Environmental Health.

Noise

- (a) No equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 hours on Saturdays nor after 19:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.
- (b) Where intrusive machinery is required to be used at short notice, the main contractor shall ensure that nearby sensitive locations are informed prior to works commencing.
- (c) Noise due to the normal operation of the proposed development, expressed as L_{Aeq} over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time.
- (d) Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

- (e) The applicant shall ensure that the design of the noise sources at the facility and the associated abatement measures will ensure that tonal or nuisance noise will not arise at the Noise Sensitive Locations (NSLs) due to the facility operation.
- (f) The applicant shall put in place management procedures and a maintenance program for the external plant. All mechanical plant items such as motors, pumps, generators etc. shall be regularly maintained to ensure that excessive noise generated by any worn or rattling components is minimised.
- (g) Compliance verification through noise monitoring should be carried out during construction and operational phases of the development to ensure levels as outlined in the EIAR are achieved minimizing impact on Noise Sensitive locations.

Air

- (h) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.
- (i) Dust mitigation measures as outline in section 7.5 of the EIAR must be put in place during the construction phase of the development in order to minimise dust related human health impacts.

Lighting

- (j) The lighting to be used on site must not be intrusive to any light sensitive location including residential properties, public areas or commercial buildings in close proximity to the development.

Drainage and Water

- (k) Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.
- (l) All fuel oil storage tanks and refuelling areas on site shall be constructed within a bunded area sufficient to hold any oil spillages plus any potential flooding to protect from ground contamination as well as any water sources. As a minimum, storage must be bunded to a volume not less than 110% of the tanks maximum capacity.

Pest Control

- (m) The applicant shall put in place a pest control contract for the site for the duration of the construction works.

Refuse

- (n) A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

REASON: In the interest of environmental protection and public health

24. Construction and Demolition Resource Waste Management Plan.

Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

REASON: In the interest of proper planning and sustainable development.

25. Construction Traffic Management Plan.

Prior to the commencement of any works associated with the development hereby permitted, the applicant/developer shall submit a Traffic Management Plan (TMP) for the construction phase of the development for the written agreement of the Planning Authority. The TMP shall incorporate details of the road network to be used by construction traffic including oversized loads, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed TMP shall be implemented in full during the course of construction of the development.

REASON: In the interest of sustainable transport and safety.

26. Construction & Environmental Management Plan.

Prior to the commencement of development, the applicant/developer shall submit a site-specific Construction & Environmental Management Plan (CEMP) for the written agreement of the Planning Authority. The CEMP should detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt. Details around storage of construction materials, dust suppression and construction-related fuel and oil and roofed bunds that exclude rainwater shall be included. The developer must take precautions to ensure there is no entry of solids, during the connection of pipework, or at any stage to the existing surface water system. Flooding incidences during the construction phase should also be considered as part of the preparation of the CEMP. The CEMP should provide for the assignment of a designated, suitably experienced, and person during the construction phase, to monitor and ensure all environmental mitigation measures are implemented and functioning correctly and related record of checks shall be maintained and made available for inspection.

REASON: In the interests of public health and the proper planning and sustainable development of the area.

27. Use of Cranes.

Prior to the commencement of development, the applicant/developer shall contact the Property Management Branch of the Department of Defence to ensure that any crane operations do not impact on the safety of aircraft operations, no later than 28 days before use.

REASON: In the interest of aviation safety.

28. Restriction on Use and Occupancy.

Each proposed residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, (including short-term letting).

REASON: To prevent unauthorised development.

29. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and

sustainable development of the area and compliance with the Council's Development Plan.

30. Council Housing Strategy.

That the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:

(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2016-2022, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and

(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.

REASON: To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2016-2022.

31. Contribution in lieu of Community Floorspace

In accordance with the submitted response to the Further Information on the 19th of February 2024 and prior to occupation of the first 50 units or as otherwise agreed in writing with the Planning Authority, the applicant shall pay a financial contribution of €1, 080, 000 (one million eighty thousand euros) unless otherwise agreed in writing with the Planning Authority, towards the delivery of upgrades, extensions and/or new community centres in the area. The financial contribution is in lieu of the provision of community floorspace on-site.

REASON: To provide for community floorspace in accordance with Policy COS 3 and objectives COS3 Objective 1, Objective 2 and Objective 3 of the South Dublin County Development Plan 2022-2028.

32. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1, 702, 457.63 (One million seven hundred two thousand four hundred fifty-seven euros and sixty-three cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local

Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

33. Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:
- (A) Lodgement of a cash deposit of €506, 838.00 (Five hundred six thousand eight hundred thirty-eight euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or
- (B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €582, 806.00 (Five hundred eighty-two thousand eight hundred six euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development.

REASON: To ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

34. Regulation of Institutional Investment in Housing - Mixed unit-type development.
- (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

Note: A draft Section 47 Agreement on Bulk-Buying is available on request from the Planning Authority. It is recommended 2 copies of this Draft Agreement be completed and wet-ink signatures and company seals be attached by the developer and same be submitted by post to the Planning Authority when seeking to discharge this condition.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014 the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

Pamela Hughes
for Senior Planner

22-Mar-2024

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2000 should be consulted.

(A) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
 2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made.
where the application relates to unauthorised development €4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made.
other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b) €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal €110.00
 - (f) Appeal following a grant of leave to appeal €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at

Telephone 01-858 8100

Appendix 3: Reg. Ref.: LRD23A/0011 – South Dublin County Council Planner's Report

Comhairle Chontae Atha Cliath Theas

PR/0298/24

Record of Executive Business and Chief Executive's Order

Reg. Reference: LRD23A/0011 **Application Date:** 20-Oct-2023

Submission Type: Additional Information **Registration Date:** 19-Feb-2024

Correspondence Name and Address: Rory Kunz, John Spain Associates 39, Fitzwilliam Place, Dublin 2

Proposed Development: The proposal comprises the 2nd phase (phase 2B) of a 2 phase development (first phase [phase2A] under planning reg. ref SD23A/0136 will comprise 48 no. duplex dwellings and phase 2 of Taobh Chnoic public park of c.1.74 hectares of open space, along with car parking and ancillary infrastructure) to result in an overall Phase 2 development of 179 no. dwellings (consisting of 119 no. 2 storey houses and 60 no apartments / duplex apartments in 5 no. 3 storey duplex buildings, and ancillary infrastructure). The phase 2B development will consist of the construction of 131 no. dwellings and open space as follows: A) 119 no. 2 storey houses (10 no. 2 bedroom houses, 95 no. 3 bedroom houses, 13 no. 4 bedroom houses and 1 no. 5 bedroom house. B) 12 no. apartments / duplex apartments in 1 no. 3 storey building - (6 no. 2 bedroom apartments and 6 no. 3 bedroom duplex apartments) all with terrace. C) Open space (c. 1.34 ha. in a series of open space areas) hard and soft landscaping (including public lighting & boundary treatment), communal open space for duplex apartments and apartments; along with single storey bicycle/bin stores and ESB substations; D) Vehicle access from the Athgoe Road from a new signalised junction along with upgrades to footpath and pedestrian crossing (on the Athgoe Road) as well as provision of vehicular/pedestrian/cycle link to permitted 'Graydon' (TA06S.305343) 'Newcastle Boulevard' to the East as well as 237 no car parking spaces and 94 no. bicycle spaces (4 no. motorcycle space) and all internal roads, cycleways, green routes and paths. E) Provision of surface water attenuation SuDs measures connection to water supply and provision of foul drainage infrastructure as well as an

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underground local pumping station (in northern part of site) to Irish Water specifications and all ancillary site development / construction / landscaping works. F) The proposal also includes upgrades (to provide surface water pipe upgrades) to the surface water network along Athgoe Road and Hazelhatch Road (for c. 1.2 km).

Location:

Within the townland of Newcastle South, Newcastle, And along Athgoe Road & Hazelhatch Road (R405) to (Ground Investigations Ireland premises), Co. Dublin.

Applicant Name:

Cairn Homes Properties Limited

Application Type:

Permission

(DMG/COS)

**LARGE-SCALE RESIDENTIAL DEVELOPMENT (LRD) REPORT
FOR
PROPOSED DEVELOPMENT
AT**

**WITHIN THE TOWNLAND OF NEWCASTLE SOUTH, NEWCASTLE AND ALONG
ATHGOE ROAD & HAZELHATCH ROAD (R405) TO (GROUND INVESTIGATIONS
IRELAND PREMISES), CO. DUBLIN.**

SECTION 1: PROCEDURAL NOTES

Statutory Basis of Report

This report has been prepared in relation to a proposed Large-Scale Residential Development (LRD) in accordance with the provisions of Section 32A (1) of the Planning and Development Act 2000 (as amended), and the Planning and Development (Large-Scale Residential Development) Regulations 2021.

This report includes as follows:

- A summary of the points raised in submissions and observations received in relation to the application.
- The Chief Executive's view on the effects of the proposed development on the proper planning and sustainable development of the area and on the environment, having regard to matters specified in Section 34(2) of the Planning and Development Act, 2000 (as amended) and submissions or observations received by South Dublin County Council on the application.

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- The Planning Authority's opinion as to whether the proposed large-scale residential development would be consistent with the relevant objectives of the development plan or local area plan, as relevant, including a statement as to whether the permission should be granted or refused, together with the reasons for its recommendation.
- Where the Planning Authority recommends that permission be granted or refused, the planning conditions or reasons for refusal shall be specified.

Procedural Background

In accordance with the provisions of Section 246(7)(a) and (b) of the Planning and Development Act 2000, as amended (the Act), the applicant has engaged with the Planning Authority and, following the issuance of an LRD Opinion Report dated 27th April 2023, it was determined that the application **did constitute a reasonable basis for an application**, subject to further consideration and amendment.

A s.247 (Stage 1) pre-application consultation for this site was held on 27th October 2022, reference LRDPP011/22.

A s.32C (Stage 2) LRD Meeting was held on 29th March 2023, reference LRDOP002/23

An LRD Opinion Report was issued under s.32D on 27th of April 2023. This Opinion Report stated it was the view of the Planning Authority that documents submitted **did constitute a reasonable basis** on which to make an application for permission.

Per Section 32A (2) of the Act, the applicant has lodged an application for planning permission within 6 months of the date of the receipt of the LRD Opinion.

Purpose of Report

This report provides an assessment of the documentation submitted in support of an LRD application on lands at Newcastle South, Newcastle, Dublin. This report will provide a recommendation to either grant, refuse or request additional information.

As per Section 33(2) (ga), further information in relation to LRD applications may only be requested on the following basis:

*Notwithstanding paragraph (a) and (b) of sub-article (1), in the case of a planning application for an LRD, the planning authority may only request further information in relation to **matters of technical or environmental detail**, or both, that were unforeseen at the time of the LRD opinion and the time of lodging the LRD planning application, **or new matters raised through the planning application public participation process**, and such requests for further information with regard to an application for LRD may only be requested once by the planning authority."*

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SECTION 2: PROPOSED DEVELOPMENT AND SITE INFORMATION

The proposal will consist of:

Construction of 131 no. dwellings and open space as follows:

A) *119 No. 2 storey houses*, comprising of:

- 10 no. 2 bedroom houses
- 95 no. 3 bedroom houses
- 13 no. 4 bedroom houses
- 1 no. 5 bedroom house

B) *12 no. Apartments/duplex apartments in 1 no. 3 storey building* (6 no. 2 bedroom apartments and 6 no. 3 bedroom duplex apartments).

C) *Open Space:*

- Circa. 1.34 ha in a series of open space areas.
- Hard and soft landscaping (including public lighting & boundary treatment).
- Communal open space for duplex apartments and apartments.
- Single storey bicycle/bin stores & ESB substations.

D) *Vehicle access* from Athgoe Road from a new signalised junction along with upgrades to footpath and pedestrian crossing (on the Athgoe Road) as well as provision of vehicular/pedestrian/cycle link to permitted 'Graydon' (TA06S.305343), 'Newcastle Boulevard' to the East as well as 237 no. Car parking spaces and 94 no. Bicycle spaces (4 no. Motorcycle spaces) and all internal roads, cycleways, green routes, and paths.

E) **Provision of surface water attenuation SuDS measures connection to water supply and provision of foul drainage infrastructure as well as an underground local pumping station** (in northern part of site) to Irish Water specifications and all ancillary site development/construction/landscaping works.

F) The proposal **also includes upgrades (to provide surface water pipe upgrades)** to the surface water network along Athgoe Road and Hazelhatch Road (for c. 1.2 km).

It should be noted that the LRD opinion was based on a substantially different development proposal (179 units including Taobh Cnoic Park) and did not include includes upgrades to the surface water network along Athgoe Road and Hazelhatch Road. This is discussed in further detail below.

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Development Statistics

	LRD Stage 2 LRDOP002/23				LRD Stage 3 LRD23A/0011			
Total Units	176				131			
Total Houses / Maisonette	128				119			
Total Duplex	48				12			
	Duplex	Houses / Maisonette	No	%	Duplex	Houses / Maisonette	No	%
1bed	0	0	0	0%	0	0	0	0%
2bed	24	8	32	18%	6	10	16	12%
3bed	24	94	118	67%	6	95	101	77%
4bed	0	25	25	14%	0	13	13	10%
5bed	0	1	1	1%	0	1	1	1%
Total	48	128	176		12	119	131	
Creche	778sq.m				0sq.m			
Development Stats								
	LRD Stage 2 LRDOP002/23 (as per schedule of accommodation 26/09/22)				LRD Stage 3 LRD23A/0011 (as per Architectural Design Report)			
Site Area (Gross)	8.83ha.				10.7ha.			
Site Area (Net)	6.39ha.				5.37ha.			
Net Density	27.54				33.33dph			
Building Height	2-3 Storeys				2-3 Storeys			
Gross Floor Area (sq.m)	20,310 sq.m.				18,896sq.m.			
Plot Ratio	0.32 (Net)				0.35 (Net)			
Site Coverage	18%				19.8%			
Dual Aspect	100%				100%			
Public Open Space	21,721sq.m (34%)				13,445sq.m (25%)			
Communal Open Space	1,852sq.m				107sq.m			

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Car Parking (Residential)	237 spaces (including 179 on curtilage for houses, 48 on street for houses, 37 for duplex, 8 universal access, 18 visitor, 20 EV, 3 car sharing – go car etc.)	313 spaces (including 144 on curtilage for houses, 64 on street for houses, 12 for duplex, 4 universal access, 5 visitor, 6 EV, 2 car sharing – go car etc.)
Motorcycle Parking	28	4
Cycle Parking	286 (including 200 on surface, 6 for creche, 80 on surface visitor)	94 (including 30 duplex long stay, 64 on surface visitor)

Description Of Site And Surroundings

Site Visited: 17/11/2023.

Site Area: Stated as 10.7 Ha.

Site Description:

The site is located with the boundary of Newcastle Village as defined under the SDCC CDP 2022-2028. The site is located to the South of Newcastle Village Main Street (R120/R405) and the site is bounded by Athgoe Road (L6001) to the West and the 'Graydon' (Ref: TA06S.305343) development to the East. Part of Hazelhatcch Road (R405) is included in the application.

CDP Maps:

Site overlaps with:

- Bird Hazards – Casement
- Birds Hazards - Weston
- Take Off Climb Surfaces - Casement
- Approach Surfaces - Casement
- Inner Horizontal Surface – Casement
- Noise Significant Boundaries – Casement
- Baldonnel Solar Safeguarding Zone
- PNHA within 1 KM: Grand Canal, Ref: 002104
- Newcastle Architectural Conservation Area (ACA)
- RPS within 50 metres: 241 Stone Castle Ruin, 238 Detached Farm House
- Road Proposal 6 year – Newcastle Street Network
- Record of Monuments and Places (-DU020-003001- DU020-003002- DU020-003003- DU020-003004- DU020-003005- DU020-003006- DU020-003007- DU021-095- DU021-017001- DU021-017002- DU020-003008- DU020-003010

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SEA Screening:

- Area of archaeological potential.

Planning History

Subject Site

SD23A/0136 - Construction of 48 dwellings and open space consisting of (a) 48 duplex/apartment units in 4 three storey buildings comprising 24 two bedroom apartments and 24 three bedroom, (2-storey duplex units) all with terrace; (b) Provision of c.1.74 hectares of second phase of Taobh Chnoic public park, hard and soft landscaping (including public lighting & boundary treatment), c.1,665 sq.m of communal amenity space for duplex apartments; along with single-storey bicycle/bin stores; (c) Vehicular access will be from permitted 'Graydon' (TA06S.305343) 'Newcastle Boulevard' to the east; Provision of 73 car parking spaces and 144 bicycle spaces and all internal roads, cycleways, and paths; (d) Surface water attenuation measures, connection to water supply, and provision of foul drainage infrastructure to Irish Water specifications and all ancillary site development/construction/landscaping works on site of c.3.27 hectares, located to the south of Main Street and east of Athgoe Road and to the west of 'Graydon,' within the townland of Newcastle South. ***This is the first phase (Phase 2A) of the development. The original opinion was partially based on this site. LIVE FILE, UNDER CONSIDERATION.***

SHD3ABP-313814-22 - Construction of 280 no. dwellings, a creche, and open space as follows: a) 128 no. 2 storey houses (8 no. 2 bedroom houses, 94 no. 3 bedroom houses, 25 no. 4 bedroom houses and 1 no. 5 bedroom house; b) 116 no. apartments in 2 no. 5 storey buildings comprising (54 no. 1 bedroom apartments & 62 no. 2 bedroom apartments, all with terrace or balcony along with solar panels and green roofs at roof level as well as telecommunications infrastructure comprising 9 no. support poles on ballast mounts (to accommodate 1No. 2m 2G/3G/4G antenna & 1No. 5G antenna each) & 3 no. poles on lift overrun (to accommodate 2No. Ø0.3m Microwave links each at roof level of Apartment building B, together with associated equipment and cabinets/shrouds); c) 36 no. apartments/duplex apartments in 3 no. 3 storey buildings – (18 no. 2 bedroom apartments and 18 no. 3 bedroom duplex apartments) all with terrace; d) Amendment to permitted Creche (c. 518sqm) in 'Graydon' (ABP References: TA06S.305343 & ABP-305343-19) to now provide a Creche of c. 778 sq. m of 2 no. storeys; e) Open space, hard and soft landscaping (including public lighting & boundary treatment), communal open space for duplex apartments and apartments; along with single storey bicycle/bin stores and ESB substations; f) Vehicular access from the Athgoe Road from a new signalised junction along with upgrades to footpath and pedestrian crossing as well as provision of vehicular/pedestrian/cycle link to permitted 'Graydon' (TA06S.305343) 'Newcastle Boulevard' to the east, as well as 423 no. car parking spaces and 370 no. bicycle spaces and all internal roads, cycleways, green routes and paths; g) Provision of Surface water attenuation measures and underground attenuation systems, connection to water supply, and provision of foul drainage infrastructure as well as

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underground local pumping station to Irish Water specifications and all ancillary site development/construction/landscaping works. **An Bord Pleanála Decision: Pending.**

SD05A/0344/EP - Extension for duration of SD05A/0344. **GRANTED.** Permission expired 03/11/2017.

SD05A/0344/PL06S.217096 - A residential development of 743 no. dwellings including a neighbourhood centre of 1,859.2sq.m. and a creche of 846sq.m., at Ballynakelly and Newcastle South, Newcastle-Lyons, County Dublin. An eight-year planning permission is sought. The development comprises of the following: 78 no. 2 bedroom houses; 209 no. 3 bedroom houses; 27 no. 4 bedroom houses; 10 no. 5 bedroom houses; 5 no. apartment blocks containing 7 no. 1 bed apartments, 20 no. 2 bed apartments, 12 no. 3 bed apartment, 4 no. 2 bed duplex units and 2 no. 3 bed duplex units; 57 no. duplex blocks containing 48 no. 2 bedroom duplex units, 151 no. 3 bed duplex units, 52 no. 1 bedroom apartments and 123 no. 2 bedroom apartments. The neighbourhood centre comprises of 5 no. retail units from 69sq.m., 84sq.m., 90.5sq.m., 101sq.m. and 134sq.m.; public house measuring 935.4sq.m., off licence measuring 189sq.m. and restaurant measuring 255sq.m.; the proposed development also provides for 4.155ha of public open space including the provision of a landscaped area adjoining the Tower House on the Athgoe Road; roads infrastructure including 3 no. junctions with Newcastle-Lyons Main Street (R120 Rathcoole Road) and 1 no. junction with Athgoe Road; on and off street car parking; and provision of lands for a traveller accommodation site measuring 0.5 ha; on an overall site of 22.789 hectares; planning permission is also sought for the demolition of 2 no. habitable dwellings. This planning application is accompanied by an Environmental Impact Statement (EIS). **GRANTED** by SDCC and **APPEALED** to ABP on Condition 43 (Developers Contributions) grounds only – **GRANTED.**

Adjoining Sites – To the East -

SHD-ABP-305343-19 - 'Graydon' (Located to the East of proposed site). Demolition of 5 no. structures, construction of 406 no. residential units (281 no. houses, 125 no. apartments) creche and associated site works. **GRANTED by ABP** on 23/12/2019.

SD20A/0178 - 'Graydon' - *Amendments* to the development permitted under Reg. *ABP 305343-19* at Newcastle South (development to be known as Graydon) as required under Condition 6(d) of An Bord Pleanála's decision. Amendments consist of: (a) re-alignment of Graydon Drive; (b) provision of 9 three bedroom two storey houses as previously proposed and omitted by Condition 6(d) of permission Reg. *ABP 305343-19*; (c) extension of Graydon Row by 4m and the provision of 1 additional three bedroom, two storey terraced house; (d) minor revisions to the positioning of 6 houses, necessitated by re-alignment of the road and (e) all associated and ancillary works associated with the development. Proposed amendment will result in the provision of 16 houses where there were 15 previously proposed. **GRANTED.**

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SD20A/0186 - Newcastle South & Ballynakelly, Newcastle, Co. Dublin. Option of the inclusion of an ancillary single storey garden room structure (c.12. 5sq.m) in gardens of permitted dwellings under planning Reg. Ref. ABP-305343-19. **GRANTED.**

SD20A/0192: Ballynakelly, Newcastle, Co. Dublin. 11 residential units consisting of (i) 4 three bed duplex apartments above 4 two bed duplex apartments in a three storey building; (ii) 3 two storey terrace houses (1 three bedroom and 2 four bedroom); communal open space; surface parking; bin and bicycle storage and all ancillary site development works at a site bordered by the R120 to the north, Newcastle Boulevard to the west, Ballynakelly Green to the south and Ballynakelly View to the east. **GRANTED.**

SD21A/0038 - Site at corner of Burgage Street & Newcastle Boulevard, Newcastle, Co. Dublin. Revisions to the permitted 3-4 storey apartment and duplex apartment building (under planning Reg Ref ABP-305343-19) comprising: omission of the permitted commercial unit at upper ground floor level; reconfiguration of the internal floor plans of the apartment building and duplex units (all levels); associated changes to all elevations (including removal of setback at fourth floor level of the apartment block at the south, north and west elevations); minor repositioning of building footprint and minor decrease in parapet height; reconfiguration of layout to provide 2 additional 2-bedroom apartments and a reduction in 1 bedroom apartments (providing for 52 residential dwellings [50 dwellings permitted]) comprising 4 1-bedroom apartments, 36 2-bedroom apartments and 12 3-bedroom duplex units (6 1-bedroom apartments, 32 2-bedroom apartments and 12 3-bedroom duplex units permitted), (resulting in 382 dwellings on the overall wider site area); minor amendments to parking spaces, footpaths, associated road access and ancillary landscape treatment, all on a site on lands at Burgage Street and Newcastle Boulevard (and part of the wider site known as Newcastle South and Ballynakelly), Newcastle, Co. Dublin, relating to Reg Ref ABP-305343-19 - subject site comprises 0.64ha. **REFUSAL REASONS.** 1) Commercial Floorspace (except creche) has not been provided. 2) Future commercial activities unusable due to low ceiling height. 3) Loss of public realm. 4) Loss of wayfinding opportunities. 5) Reduction in quality of privacy and residential amenity of future residents of the proposed apartments at ground level. **REFUSED.**

SD21A/0247 - Main Street, Newcastle, Co. Dublin. Demolition of existing derelict dwelling and the construction of a replacement two storey, four bedroom detached dwelling (169. 97sq.m) together with all associated landscape, boundary, site, and development works. **GRANTED.**

SD22A/0459/ABP 316066-23 - In the townland of Newcastle South, at the junction of Newcastle Boulevard, Burgage Street & Lyons Avenue, Graydon, Newcastle, Co. Dublin. Construction of a two storey creche / childcare facility of c. 778sq.m as well as single storey bin store and connections to existing services; Access will be from the existing constructed entrance onto Newcastle Boulevard and cycle and car parking are as permitted (under TA06S.305343 & ABP305343-19); This application will replace and supersede the permitted creche of c. 518sq.m

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(under ABP References, TA06S.305343 & ABP305343-19). **Granted by SDCC. Appealed to ABP. REF: ABP 316066-23, no decision of appeal as of 27/11/2023.**

SD23A/0043 - Junction of Burgage Street & Main Street, Newcastle, Co. Dublin. Demolition of the existing dwelling (c. 235sq.m) and associated structures and the construction of a residential development of 39 dwellings comprising of (a) 15 two storey houses consisting of 14 three bedroom dwellings (House Types B1, B2, mid terraced B2s - end terrace) and 1 two storey four bedroom detached dwelling (House Type D4); (b) 24 duplex apartment/apartments in 2 three storey buildings - Block 1 located in the southern part of the site bounded by Burgage street to the east and Newcastle Boulevard to the south comprising 8 two bedroom apartments and 8 three bedroom 2 storey duplex apartments. Block 2 is located in the northern part of the site bounded by Burgage street to the east and the Main street to the north comprising 4 two bedroom apartments and 4 three bedroom 2 storey duplex apartments; (c) Open space, hard and soft landscaping (including public lighting & boundary treatment), communal open space for duplex apartments and apartments; along with single storey bicycle/bin stores and ESB substations; The proposal includes revisions to the permitted open space (under TA06S.305343 & ABP305343-19); (d) 3 Vehicular access points from Burgage Street (comprising car parking court to the south for Duplex building 1, car parking court to the north for Duplex building 2 and centrally access through the site which connects with the extension of Graydon Crescent) along with the provision of surface car parking (61 spaces), surface cycle spaces 74 spaces and 6 motorcycle spaces; (e) Provision of attenuation measures, connection to water supply, and provision of foul drainage infrastructure and all ancillary site development/construction/landscaping works; (f) 2 temporary (for 3 years) marketing signage structures, 1 located at the junction of Burgage Street and Main Street and 1 at the junction of Burgage street to the east and Newcastle Boulevard. **GRANTED.**

Adjoining Sites – To the North -

SD20A/0312/ABP 310998-21 - Parson's Court, Ballynakelly, Newcastle, Co. Dublin. Construction of 9 residential units distributed in 2 blocks, three storey in height reducing to 2 storey end of terrace; Block A consisting of 4 3-bed duplex apartments with private rear gardens at ground level, and 2 3-bed apartments at second floor level with private balconies; Block B: 2 3-bed duplex apartments with private rear gardens at ground level, and 1 3-bed apartment at second floor level with private balcony; new pedestrian access between Parson's Court and Burgage Green and all ancillary site development works. Total floor area of the proposal is 1025.6sq.m. **GRANTED ON ABP APPEAL.**

SD18A/0363/ABP 3048908-19 - Main Street, Newcastle, Co. Dublin. (1) Construction of 22 three bedroom dwelling houses; (2) construction of access road and footpaths; (3) provision of car parking facilities to serve the development; (4) construction of a foul sewer network to serve the development which shall connect into adjoining foul sewer network; (5) construction of a surface water sewer network to serve the development including the provision of the necessary

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attenuation elements and the connection of the surface water network to the adjoining surface water network; (6) provision of a watermain to serve the development and connection to adjoining water main; (7) demolition of the garden sheds; (8) provision of all necessary utility services; (9) all ancillary site works. **GRANTED ON APPEAL TO ABP-** Dwellings reduced to no. 18.

SD22A/0045 - St. Finians Way, Main Street, Newcastle, Co. Dublin. Construction of 6 three bedroom dwelling houses; construction of proposed access road and footpaths; provision of car parking facilities to serve the proposed development which shall connect into existing adjoining foul sewer network; construction of a water surface sewer network to serve the proposed development including the connections/amendments to the existing adjoining surface water network; the provision of watermain to serve the proposed development and connection to existing adjoining water main; the provision of all necessary utility services and all ancillary site works. **GRANTED.**

SD20A/0037 - Main Street, Newcastle, Co. Dublin. Demolition of 3 existing structures on site (total c.226sq.m) comprising of 1 habitable house and 2 associated outbuildings/sheds (permitted under Ref. ABP-305343-19), and the construction of 1 double storey (c.9.2m overall height) retail development in the form of a convenience supermarket (GFA c.1,759sq.m); 1 two storey mixed-use building (c.10.7m overall height) comprising of a café (c.225sq.m) at ground floor and a community centre at the first floor (c.140sq.m) with associated ground floor access (total GFA c.468sq.m); an ESB sub-station (c.22sq.m). **GRANTED.**

SD20A/0343 - Main Street, Newcastle, Co. Dublin. Amendments to SD20A/0037. Supermarket. relocation of offices, staff accommodation and additional mezzanine and retail warehouse space. **GRANTED.**

SD21A/0311 - Lands at Main Street, Newcastle, Co. Dublin. Change of use of the permitted cafe unit (approx. 225sq.m net) as granted under ref. S020A/0037 to use as a pharmacy (approx. 251sq.m net). **GRANTED.**

SD22A/0312 - Main Street Upper, Newcastle, Co Dublin. Construction of a single storey Discount Foodstore Supermarket with ancillary off-licence use (with monopitch roof and overall building height of c. 6.74 metres) measuring c. 2,207sq.m gross floor space with a net retail sales area of c. 1,410sq.m. **GRANTED.**

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SECTION 4: NATIONAL AND LOCAL PLANNING POLICY

Relevant Policy in the South Dublin County Development Plan 2022-2028

Policy CS1: Strategic Development Areas

2.6.1 Land Capacity Study

Land Capacity Sites

Figure 9: Housing Capacity Sites

2.6.5 Core Strategy – 2022-2028 Development Plan

2.6.6 Housing Strategy

2.7 Settlement Strategy

Policy CS6: Settlement Strategy - Strategic Planning Principles

2.7.2 Self-Sustaining Growth Towns / Self-Sustaining Town

Policy CS9: Newcastle

Support the sustainable long-term growth of Newcastle by focusing development growth within the current settlement boundary and based on the ability of local services to cater for sustainable growth levels.

CS9 Objective 1:

To ensure that development proposals provide for infrastructure including community buildings, sports pitches, and service provision in line with population growth as set out in the Newcastle LAP (2012 extended to December 2022) or any succeeding plan.

CS9 Objective 3:

To proactively support and promote the highest appropriate levels of services, social infrastructure, facilities, retail, open space amenity and economic activity to meet the needs of current and future growth in line with the scale and function of Newcastle within the settlement hierarchy.

CS9 Objective 4:

To facilitate and commit to the delivery of new residential development in a coordinated manner, ensuring alignment with investment infrastructure and supporting amenities and services. Such measures shall be delivered through appropriate phasing in line with CS9 SLO1, SLO2, SLO3 and SLO4.

CS9 SLO3:

A sequentially phased programme to be submitted alongside any planning application on the subject lands which provides for the delivery of the following in tandem with development or as described 1) No more than 200 units to be permitted before the commencement of the remaining lands of c. 1.4ha to provide for the full Taobh Chnoic Park to the south 2) Urban Park / Square c. 1ha in size (Burgage South Park) to the satisfaction of the planning authority, 3) East-West

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Link Street, 4) Sean Feirm Park c. 0.2ha in size, 5) a portion of Tower House Park c. 0.1ha. All applications shall demonstrate to the satisfaction of the Planning Authority how they are supporting the delivery of North South Street connections to the Main Street.

With regards delivery of a new primary school at Taobh Chnoic, the timing of this will be subject to educational needs in consultation with the Department of Education. Prior to completion of 200 units confirmation to be provided from the Department of Education on the transfer of lands to provide for the school, subject to their confirmation of need.

CS9 SLO4:

To commit to only facilitate the delivery of Phase 2 residential lands once identified infrastructure comprising of the Urban Park / Square c. 1ha in size, the additional 1.4ha for Taobh Chnoic Park and the East / West Link Street required within Phase 1 have been delivered to the satisfaction of the Planning Authority.

Policy NCBH1: Overarching

NCBH1 Objective 1

Policy NCBH2: Biodiversity

Policy NCBH3: Natura 2000 Sites

Policy NCBH5: Protection of Habitats and Species Outside of Designated Areas

Policy NCBH11: Tree Preservation Orders and Other Tree / Hedgerow Protections

Policy NCB12: Geological Sites

Policy NCBH13: Archaeological Heritage

Policy NCBH14: Landscapes

Policy NCBH19: Protected Structures

Policy NCBH20: Architectural Conservation Areas

Policy GI1: Overarching

Policy GI2: Biodiversity

Policy GI3: Sustainable Water Management

Policy GI4: Sustainable Drainage Systems

Policy GI5: Climate Resilience

Policy GI7: Landscape, Natural, Cultural and Built Heritage

Policy QDP1: Successful and Sustainable Neighbourhoods

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods

Policy QDP3: Neighbourhood Context

Policy QDP4: Healthy Placemaking

Policy QDP5: Connected Neighbourhoods

Policy QDP6: Public Realm

Policy QDP7: High Quality Design – Development General

Policy QDP7: High Quality Design – Street Frontage

Policy QDP7: High Quality Design – Street Width and Height

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Policy QDP7: High Quality Design – Adaptability and Inclusivity

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)

Policy QDP9: High Quality Design - Building Height and Density

Policy QDP10: Mix of Dwelling Types

Policy QDP11: Materials, Colours and Textures

Policy H4: Traveller Accommodation

Policy H7: Residential Design and Layout

Policy H8: Public Open Space

Policy H9: Private and Semi-Private Open Space

Policy H10: Internal Residential Accommodation

Policy H11: Privacy and Security

Policy H13: Residential Consolidation

Policy SM1: Overarching – Transport and Movement

Policy SM4: Strategic Road Network

7.7.2 New Street and Road Proposals

Table 7.5 Six Year Road Programme

Policy SM5: Street and Road Design

Policy SM6: Traffic and Transport Management

Policy SM7: Car Parking and EV Charging

Policy COS4: Sports Facilities and Centres

COS4 Objective 14:

To provide a sports and recreational amenity in Newcastle, incorporating a full-size GAA, multi-use, all-weather playing pitch, two basketball courts, tennis court, dressing rooms, a walking / jogging / cycling track as well as parking areas and related additional open space.

Policy COS5: Parks and Public Open Space – Overarching

COS5 SLO 1:

To identify and set aside land, ensuring the delivery of the quantum of open space within the general area of the Burgage South Neighbourhood Park as identified in the Newcastle Local Area Plan (2012), and to pursue all means of achieving this including proactive engagement with stakeholders and through the consideration of planning applications affecting this area.

Policy COS7: Childcare Facilities

Policy E3: Energy Performance in Existing and New Buildings

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE4: Flood Risk

Policy IE7: Waste Management

Policy IE8: Environmental Quality

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- 12.3.1 Appropriate Assessment*
- 12.3.2 Ecological Protection*
- 12.3.3 Environmental Impact Assessment*
- 12.3.5 Landscape Character Assessment*

Table 12.17: Landscape Character Types

- 12.4.2 Green Infrastructure and Development Management*
- 12.5.1 Universal Design*
- 12.5.2 Design Considerations and Statements*
- 12.5.3 Density and Building Heights*
- 12.5.4 Public Realm: (At the Site Level)*
- 12.6.1 Mix of Dwelling Types*
- 12.6.3 Unit Tenure*
- 12.6.7 Residential Standards*
- 12.6.8 Residential Consolidation*
- 12.6.10 Public Open Space*

- 12.7.1 Bicycle Parking / Storage Standards*
- 12.7.2 Traffic and Transport Assessments*
- 12.7.4 Car Parking Standards*
- 12.7.5 Car Parking / Charging for Electric Vehicles (EVs)*
- 12.7.6 Car Parking Design and Layout*
- 12.8.4 Early Childhood Care and Education Facilities*
- 12.10.1 Energy Performance in New Buildings*
- 12.11.1 Water Management*
- 12.11.3 Waste Management*
- 12.11.4 Environmental Hazard Management*

National and Regional Policy Documents of Relevance

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Regional Spatial & Economic Strategy 2019-2031, Eastern & Midland Regional Assembly (2019)

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2020).

Urban Development and Building Heights – Guidelines for Planning Authorities (2019),

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage, and Local Government, 2007.

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Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities, Department of Environment, Heritage, and Local Government (December 2008).

Urban Design Manual; A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage, and Local Government, (2008).

Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage, and Local Government, (2009).

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).

Transport Strategy for the Greater Dublin Area 2016 -2035 (NTA) National Cycle Manual, National Transport Authority (June 2011)

Housing for All - a New Housing Plan for Ireland, Department of Housing, Local Government and Heritage, 2021

Circular PL 3/2016 - Childcare facilities

SECTION 5: CONSULTATION

Internal Consultee Reports

Forward Planning	No observations.
Delivery Planning	Additional information recommended.
Roads	No objections, condition recommended.
Public Lighting	No objections, conditions recommend.
Public Realm	No objection, conditions recommended.
Water Services	Additional information recommended.
Housing Procurement	No objection, conditions recommended.
Heritage Officer	No report received.
Conservation Officer	Additional information recommended.

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External Consultee Reports

Uisce Eireann	No objections, conditions recommended.
Department of Defence	No objection, conditions recommended.
Department of HLGH	No objection, conditions recommended.
Environmental Health Officer (EHO)	No objection, subject to conditions .
Irish Aviation Authority	No objection, subject to condition .
TII	No observations.
NTA	No Comments
NWPS	No Comments

Third Party Observations

The closing date for the observation period was the 23rd of November 2023. **Four observations / submissions were received** by this date in relation to the proposed development, summarised as follows:

- Adjoining landowner to the west of the application site requesting a future link to land to facilitate development of site.
- Request that watermains, foul sewer and stormwater sewer connections should be provided west of the application site.
- Request for existing public footpath be extended northwest along Hazelhatch Road to Whitethorn Lodge entrance and new public lighting installed.
- Opportunity to install underground ducting for broadband in locality to alleviate requirement for further excavation of road verges in the future.
- Submission from landowner's solicitor to the south, south-west of the subject site seeking access to land and services to be provided as part of the proposal. This was part of a legal agreement the was included in land transfer. The access points shown on application drawings do not extend to her lands leaving a ransom strip.
- Traffic impacts including issues surrounding entry and egress to Newcastle Farm, surface water and provision of waste disposal.

These submissions are taken into consideration in the below assessments.

SECTION 6: ASSESSMENT OF DEVELOPMENT

The main issues considered in the assessment of this application are:

- LRD Opinion and Concurrent Planning Application
- Principle of Development
- Quality Design and Healthy Placemaking
- Housing and Residential Amenity
- Open Space, Green Infrastructure and Natural Heritage
- Sustainable Movement
- Infrastructure and Environmental Services

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- Environmental Considerations

LRD Opinion and Concurrent Planning Application

It should be noted from the outset that the LRD Opinion Report was issued on the 27th April 2023 on the basis of the following proposed development of:

- 176 no. Residential units comprising of 128 no. 2-storey semi-detached and terraced housing.
- 24 no. 3 bed duplex units.
- 24 no. Ground floor 2 bed apartments in 4 separate 3 storey blocks.
- All associated site work, access, infrastructure, car parking, open space, and boundary treatments.

The current proposal is materially different from the proposal that the LRD opinion was based on in that 48 units and Taobh Chnoic Park are not included in this proposal. These elements are subject to a separate planning application Reg. Ref. SD23A/0136, submitted on 9th of June 2023, for the following:

- 48 no. Duplex/apartments in 4 no. 3-storey buildings comprising 24 no. 2 bedroom apartments and 24 no. 3-bedroom 2 storey duplexes.
- Provision of c. 174 hectares of second phase of Taobh Chnoic public park, hard and soft landscaping, c. 1,665 sq.m. of communal amenity space for the duplex apartments; along with single storey bicycle/bin stores.
- Vehicular access will be from permitted 'Graydon' (TA06S.305343) 'Newcastle Boulevard' to the east; Provision of 73 no. Car parking spaces and 144 no. Bicycle spaces and all internal roads, cycleways, and paths.
- Surface water attenuation measures etc.

At the time of writing, this is currently a live file which is undetermined. The current proposal, as outlined in detail above, relates to the construction of 131 no. dwellings. A number of assessments and plans submitted with this LRD application (LRD23A/0011) refers to and includes the part of the site under the live application SD23A/0136. These elements are as follows, creche provision, green space factor and density calculations. It is also noted that significant drainage upgrades to Hazelhatch Road are also included in this application and did not form part of the LRD opinion. To be discussed in detail below.

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This application shall be assessed in its' own right and **not** in conjunction with other applications. The following items were stated in the LRD Opinion as being areas for the applicant to reconsider or address when making an LRD application:

1. Statement on Phasing Requirements (CS9)
2. Assessment of ACA impacts (applicant is advised to contact the SDCC Architectural Conservation Officer)
3. Statement on creche provision
4. Housing Quality Assessment
5. Schedule of Accommodation a. To include adequate information in relation to the calculation of Development Contributions.
6. Architect's Design Statement a. To include details on how 'The Plan Approach' has been followed (see Policies QDP1 and QDP2 of the County Development Plan) b. The Design Statement shall include, inter alia, a detailed analysis of the proposal and statement based on the guidance, principles and performance-based design criteria set out in South Dublin County's Height and Density Guide
7. Impacts of the proposed development on existing trees and biodiversity. Tree protection measures are required for existing trees to be retained.
8. Green Infrastructure Plan and details of the impacts of the proposed development on GI. a. Consideration of linear park/green infrastructure route along the western and southern boundary of the proposed development. b. Details of areas that could be left to re-wild or identified as locations for miniwoodlands with the landscape consultant for the development.
9. Details of proposed water attenuation by means of SuDS – underground attenuation should be omitted.
10. Green Space Factor Calculations
11. Street Tree Planting Plan. Details of increased street tree provision that is DMURS compliant.
12. Landscape Plans, to include: a. Landscape Masterplan b. Detailed Planting Plan; c. Detailed Cross Sections/Elevations through the landscape proposals d. Hard & Soft Landscape Details/Specifications
13. Details of Additional natural and free play opportunities
14. Ecological Impact Assessment
15. Traffic and Transport Assessment
16. Taking in Charge drawing and proposals a. To include details of any areas proposed to be taken by an Owner's Management Company. b. to include any revisions to the road layout.
17. Stage 2 Road Safety Audit
18. Updated Autotrack/swept path analysis for emergency vehicles around the development site.
19. Rationale for the car parking provision for the duplex. The applicant should consider reducing the allocation of car parking spaces for the Duplexes in the interest of sustainable transport.

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20. Layout Plans (no greater than 1:200) to show a. connections right up to the site boundary to ensure that no ransom strips are created on the links between the applicant's site and neighbouring developments. b. the proposed connections from the subject site to the Graydon development to the East via the DOE lands around St. Finian's School. c. segregated footpaths and cycle tracks. d. uncontrolled crossings at internal road junctions which could possibly combined with traffic calming ramps.
21. An updated Construction and Environmental Management Plan to include a developed Construction Traffic Management Plan.
22. An updated Resource Waste Management Plan to include contact details for the Resource Waste Manager once appointed.
23. Public Lighting Design, to be agreed with the Public Lighting Section in SDCC.
24. A report showing revised surface water attenuation calculation for proposed development. Show increased surface water attenuation as required.
25. Revised drawing in plan and cross-sectional view showing the location of all SuDS (Sustainable Drainage Systems). Show on the drawing the capacity in m3 of surface water attenuation for each SuDS system.
26. Details of the design, layout, and landscaping for the proposed pumping station.
27. Appropriate Assessment Screening Report
28. Environmental Impact Assessment Report (EIAR) or Screening Report as necessary
29. Building Lifecycle Report
30. Social Infrastructure Audit
31. Part V Proposals
32. Revised phasing strategy illustrating the commensurate delivery of Public Open Space with residential units.
33. Omission of the permanent 2 meter separating wall, between the application site and the residentially zoned lands to the south west of the site

The above items, and whether or not the applicant has sufficiently addressed them, have been considered as part of the assessment of the application. The applicant has provided a Response to LRD Opinion report, addressing each of the above concerns, with reference to relevant supporting documents submitted as part of the application. This will be discussed in further detail below.

Principle of Development **Zoning and Council Policy**

Zoning

The majority of the subject site is zoned 'Objective RES-N' - '*To provide for new residential communities in accordance with approved area plans.*' 'Residential' is 'Permitted in Principle' under this zoning objective. It is noted that RES-N seeks development in accordance with approved area plans. There is no approved area plan in this instance, given the Newcastle LAP

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has expired 9th December 2022 and no subsequent document has been produced. Notwithstanding this, it is considered that a plan-led approach has been developed for the subject site providing adequate linkages and connections to existing developments and to the wider area. A design statement outlining details linkages, neighbourhood areas and open space has been prepared by MOLA architects and is discussed in further detail below. It is noted that the site is also subject to a number of SLO's within the CDP which secure a plan-led approach to development and are discussed in further detail below. It is noted that some third-party submissions request that consideration is given to provision of future links outside of the site and to mitigate the potential for ransom strips to be created as part of this proposal. In the event of a grant of permission, a **condition** to this effect will be applied.

The proposed development also includes lands that are zoned 'Objective RU' (to the West of the site)- *'To protect and improve rural amenity and to provide for the development of agriculture.'* Residential (In accordance with Council policy for residential development in rural areas') is 'Open for Consideration' under this zoning objective. This is considered acceptable.

Council Policy relating to Newcastle:

Policy CS9 of the SDCC CDP 2022-2028 states: Newcastle *'Support the sustainable long-term growth of Newcastle by focusing on development growth within the current settlement boundary and based on the ability of local services to cater for sustainable growth levels'.*

In particular CS9 SL03 states 'A sequentially phased programme to be submitted alongside any planning application on the subject lands which provides for the delivery of the following in tandem with development or as described':

- 1) No more than 200 units to be permitted before the commencement of the remaining lands of c. 1.4ha to provide for the full Taobh Chnoic Park to the south.*
- 2) Urban Park / Square c. 1ha in size (Burgage South Park) to the satisfaction of the planning authority.*
- 3) East-West Link Street.*
- 4) Sean Feirm Park c. 0.2ha in size.*
- 5) a portion of Tower House Park c. 0.1ha.*
- 6) All applications shall demonstrate to the satisfaction of the Planning Authority how they are supporting the delivery of North South Street connections to the Main Street.*

With regards delivery of a new primary school at Taobh Chnoic, the timing of this will be subject to educational needs in consultation with the Department of Education. Prior to completion of 200 units confirmation to be provided from the Department of Education on the transfer of lands to provide for the school, subject to their confirmation of need.

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The LRD opinion stated to '*Detail justification for any phasing requirements not provided with CS9SL03*'.

The Applicant has addressed the **CS9 SL03** Phasing requirements as follows:

1) Taobh Chnoic Park Phase 2 - The provision of c. 1.74 hectares of the second phase of Taobh Chnoic Park is under the live application SD23A/0139 and does not form part of this application. However, both applications combined equates to 174 units and is under the 200-unit threshold associated with the phasing requirements. The provision of this park is welcomed by the Local Authority.

2) Burgage South Park - The applicant states that the majority of the Burgage South Park Lands are under the ownership of the Department of Education. Cairn delivered a portion the Burgage South Park Lands on the eastern side of the park as part of the Graydon Development. However, St. Finian's School (building and road including roundabout), encroaches significantly into Burgage South Park as planned in the LAP. It is noted that an additional 0.5 hectares of open space are also provided (arising from Condition no. 5 of ABP SHD 305343-19) Cairn has provided c. 0.19 hectares of Burgage South Park as part of the Graydon application (see above). It is further noted that the north-eastern portion of the Burgage South Park was permitted under an adjoining development to the north. However, the remainder of the lands are under the ownership of the Department of Education and Skills and therefore not within Cairn's control to deliver as part of any future planning application. In addition, it is noted a portion of the as constructed Primary school and associated roundabout and access road encroaches onto the area designated as Burgage Park South in the LAP. In this regard, the Burgage Park South is not capable of being delivered in the form envisaged. COS5 SLO 1 is an objective to identify and set aside land, ensuring the delivery of the quantum of open space within the general area of the Burgage South Neighbourhood Park as identified in the Newcastle Local Area Plan (2012), and to pursue all means of achieving this including proactive engagement with stakeholders and through the consideration of planning applications affecting this area. It is considered that the proposed planning application will not adversely impact on the achievement of COS5 SLO 1.

3) East West Link Street – The east west link street will be completed with this application. The previously permitted 'Graydon' (Ref: ABP 305343-19) development has an internal street that links into the layout and provides an entrance at the Athgoe Road with an upgraded junction layout which provides a footpath linking to the existing street. This is welcomed by the Local Authority.

4) Sean Feirm Park – This is to be delivered under this application. See below under Open Space, Green Infrastructure and Natural Heritage.

5) Tower Park – This is to be delivered under this application and is welcomed by the Local Authority. See below under Open Space, Green Infrastructure and Natural Heritage. It is noted that the remainder of Tower Park is located on lands not in the Applicant's ownership.

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6) North South Street Connections & Reservation of School Site - North South Street

Connections: The Applicant has already provided a North South link to Newcastle Main Street as part of the 'Graydon' development. This application has been designed to connect with the St. Finian's Way development (SD18A/0363 & PL06S.304908) to the North of the site via a cyclist and pedestrian (link 4) and via a vehicular, cyclist and pedestrian links (link 5 & 6). A pedestrian and cycle link (link 7) is also proposed to connect the permitted discount supermarket (SD22A/0312) to the development.

Reservation for school site: As part of the 'Graydon' development a site has been reserved for the provision of a new primary school. This is acceptable.

Council Policy relating to Community Infrastructure:

A number of policies in the County Development Plan, which relate specifically to Newcastle requires provision of community infrastructure and facilities to be developed in conjunction with housing development and in a coordinated matter. Key objectives are as follows:

CS9 Objective 1:

To ensure that development proposals provide for infrastructure including community buildings, sports pitches, and service provision in line with population growth as set out in the Newcastle LAP (2012 extended to December 2022) or any succeeding plan.

CS9 Objective 3:

To proactively support and promote the highest appropriate levels of services, social infrastructure, facilities, retail, open space amenity and economic activity to meet the needs of current and future growth in line with the scale and function of Newcastle within the settlement hierarchy.

CS9 Objective 4:

To facilitate and commit to the delivery of new residential development in a coordinated manner, ensuring alignment with investment infrastructure and supporting amenities and services. Such measures shall be delivered through appropriate phasing in line with CS9 SLO1, SLO2, SLO3 and SLO4.

The significant change to this scheme since LRD opinion stage to current application raises some concerns regarding timely delivery of certain infrastructure associated with phasing and the lack of community infrastructure provided as part of this proposal. It is noted that Taobh Chnoic park no longer forms part of this planning application. The applicant is requested to demonstrate how the above objectives with regards to community infrastructure are addressed.

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The Local Authority currently have plans underway with regards to delivering an expansion of St. Finian's community centre (Reg. Ref. SD22A/0286) located to the north of the site. The proposal at St. Finians includes upgrade to the existing building into a state-of-the-art community facility, which is in line with similar SDCC community buildings within the county (e.g. Ballycragh Community Centre). It is proposed to construct a new rear extension.

The report from the SDCC Delivery Team is noted. It outlines that the subject application does not provide for community floorspace. The Phase 1 lands at Graydon also did not provide for community floorspace and it is noted that the proposed units on the adjoining site under SD23A/0136 do not provide for community floorspace. The assessment of SHD3ABP-305343-19 (Graydon) was under the Newcastle LAP and the SDCC recommendation to ABP included provision for a special contribution in lieu for the community floorspace in accordance with the rate of delivery in the LAP.

ABP did not attach the financial condition in granting permission or require the construction of community floorspace. In the South Dublin County Development Plan 2022 – 2028, Policy COS 2 seeks to ensure that communities across the county have access to community centres and CS9 Objective 1 states it is an objective to ensure that development proposals provide for infrastructure including community buildings, sports pitches, and service provision in line with population growth as set out in the Newcastle LAP (2012 extended to December 2022) or any succeeding plan.

The Delivery Team considers that the approach to the delivery of community floorspace in the planning applications on the RES-N lands to the south is inadequate to comply with the Development Plan.

COS3 Objective 1 provides for the extension of existing community centres to meet the needs of the population. SDCC has developed a concept design for the extension of the St Finians Community Centre in Newcastle. This centre is on the Main Street and within walking distance of the proposed development. The extension of the existing community centre at St Finians is feasible and is a suitable and proximate location to meet the needs of the increasing population in this catchment. SDCC is progressing with proposals to initiate a planning process for the extension of the community centre. COS3 Objective 3 of the County Development Plan provides discretion to the Council to require residential or mixed used developments in new development areas to provide a pro rata contribution towards the provision of a community centre.

The Delivery Team considers that a financial contribution in lieu towards the extension of St Finians or the provision of a new community centre would be in accordance with the County Development Plan objectives. Any new centre would need to satisfy COS3 Objective 2 which outlines that generally smaller centres are between 350-650 sqm in size at the discretion of the

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Council. The applicant is invited to consult with the Planning Department in relation to the community floorspace options.

Given the change in proposal and omission of Taobh Chnoic park as part of this application, further information is requested to demonstrate how the applicant proposes to comply with policies included within CS9 which relate to community infrastructure. The applicant is requested to also consider policy objectives COS3 Objective 1, COS Objective 2 and COS3 Objective 3.

This can be addressed by way of **Additional Information**.

Quality Design and Healthy Placemaking

Urban Design and General Layout

The proposed development would provide 131 dwellings as follows:

- 119 no. 2 storey houses (10 no. 2 bedroom houses, 95 no. 3 bedroom houses, 13 no. 4 bedroom houses and 1 no. 5 bedroom house.
- 12 no. Apartments/duplexes in 1 no. 3 storey building (6 no. 2 bedroom apartments and 6 no. 3 bedroom duplex apartments).

The Plan Approach

QDP2 Objective 1 of 2022-2028 CDP requires that applications for new development shall be accompanied by a statement from a suitably qualified person detailing how *'The Plan Approach'* has been taken into consideration and incorporated into the design of the development, including the materials and finishes proposed. Policy QDP2 seeks to *'promote the creation of successful and sustainable neighbourhoods through the application of the eight key design principles to ensure the delivery of attractive, connected, and well-functioning places to live, work, visit, socialise and invest in throughout the County.'* This statement has been provided in the *Architectural Design Report* prepared by MOLA Architecture and sets out to address each of the individual eight key design principles – Neighbourhood Context, Healthy Placemaking, Connected Neighbourhoods, Public Realm, Thriving economy, Inclusive and Accessible, Built Form & Mix and Design & Materials.

The general layout of the proposed development in this part of the site has not significantly changed since the Stage 2 LRD Opinion Report, notwithstanding that the LRD opinion was including the south-east section of the site that is under a separate planning application SD23A/0136. The main difference between the site layout at the Opinion Stage 2 and the application stage are that 4 no. Proposed terraced houses (No's 102-105) located to the South of the site are now replaced with the Block A Duplex block a bin store & cycle store structure and 15 no. Car parking spaces (2 no. Accessible spaces & 2 no E.V. spaces included).

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The proposed layout intends to create green links across this site, adjacent sites, and Newcastle Village, with the existing burgage hedgerows and favouring pedestrian over vehicular movement. This has been enhanced with the inclusion of homezones and using DMURS. As noted in the Murray Associates Landscape Design Report the 2-meter separating walls have been omitted between the application site and the residentially zoned lands to the south west of the site.

The general layout of the residential units has been formed to provide for passive surveillance over the green links and parks. The layout is generally acceptable. See public realm and parks comments below.

The LRD opinion requested *further detail on different neighbourhoods, as well as the location on a layout plan. The layout plan should detail that appropriate distances are maintained between properties.* The two distinct proposed neighbourhoods are:

1) Character Area- Neighbourhood 1 – Sean Feirm Neighbourhood which is located to the North of the site from the East to the West. This neighbourhood is a mix of detached, semi-detached, and terraced housing comprising of circa 73 units on a 3.4 Ha. site. The main access for the site is off the Athgoe Road. The Newcastle Boulevard connects from here to the eastern boundary of the site. The rationale for having lower density housing to the West of the site is to provide for the transition from the rural hinterland. While this was an objective in the previous Newcastle LAP, it is welcomed in this instance. This Neighbourhood is also serviced by two parks – Towerhouse Park, which is a pocket park at the Athgoe Road entrance and Sean Feirm Park, which is a more formal park providing recreational activities. This shall be addressed in the Parks section below. It is proposed to use a brick finish on the houses and a self-rendered finish on the ground floor. The proposed brick colour used is to make this neighbourhood distinct from the other neighbourhoods. It was requested as per to the LRD opinion to address design rationale for pumping station located in this character area and the applicant states that the pumping station layout has been developed with the project Landscape Architect to integrate the pumping station into the open space. The majority of the pumping station infrastructure will be located below ground in the form of tanks. These tanks can be landscaped over, and the only indication of their presence is the locked access covers. This is considered to be acceptable. In the event of the grant of planning permission it shall be a **condition** that the approval of materials and finishes shall be agreed with the Planning Authority prior to commencement.

2) Character Area – Neighbourhood 2 – Taobh Chnoic Neighbourhood It should be noted that the analysis of this neighbourhood is inclusive of the adjacent site SD23A/0136 (Phase 2A, live planning file). The overall Taobh Chnoic Neighbourhood comprises of a mix of 2 storey detached, semi-detached and terraced houses along with 4 no. 3 storey duplex blocks. It is proposed to provide for 103 units on a site of c. 3.1 Ha.

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As part of this LRD application the Taobh Chnoic Character Area consists of 1 no. 3 storey duplex/apartment block (known as Duplex Block A) and a mixture of detached, semi-detached, and terraced houses. The main boulevard continues along the northern boundary and is bordered by the existing burgage hedgerow. The houses in this element provide a transition from Newcastle Village and the rural area to the South of the site. The duplex blocks and terraced housing provide for the main character of this neighbourhood. It is proposed that the proposed brick finishes will differ from the Sean Feirm Character area.

This Character Area is served by Taobh Chnoic Park (this park element is included in application SD23A/0136), which provides for c. 1.74 Ha (Phase 2) of an overall park area of 4.44 Ha. Which provides a large mixed facility County Park. As part of the *Architectural Design Report and the Planning Report and Statement of Consistency*, these requirements have been addressed and are acceptable. It should be noted that Character Area - Neighbourhood 5 – Taobh Chnoic partially incorporates Phase 2A (SD23A/0136) and in the event of the grant of planning permission it shall be a **condition** that Phase 2A and Phase 2B of the development integrate so as to make the Taobh Chnoic Character Area a cohesive neighbourhood area.

The LRD opinion requested that the final application include a *'Revised layout indicating connectivity to surrounding area. Justification should be provided for the inclusion of shared surfaces on the main link street if retained in the final design.'* DBFL Road Layout Drawing have been submitted, Please refer to Roads comments below. The scheme largely addresses the 8 key principles and therefore accords with Policy QDP2 and QDP2 Objective 1 of the Development Plan. Areas where the Planning Authority feels the design does not accord with the 8 Key Design Principles are detailed in this report, with **conditions** recommended to address these concerns.

Building Height and Density

Building Height

There are no significant concerns regarding height. It is noted that the site is located within an area of aviation designations however all elements of the proposal are two storey housing with one block of 3 storey duplexes, which is considered to be acceptable. The application was referred to the Irish Aviation Authority and a **condition** is to be applied in the event of a grant of planning for the applicant to engage with the Property Management Branch of the Department of Defence to undertake a preliminary screening assessment to confirm that the proposed development and any associated cranes that would be utilised during its construction would have no impact on the safety of flight operations at Casement Aerodrome.

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Building Density

Density The Building Height and Density Guide (BHDG) for South Dublin County (Appendix 10 of the CDP) forms the primary policy basis and toolkit to employ the delivery of increased building height and density within the County in a proactive but considered manner.

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG) Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide 2021.

Policy QDP9: High Quality Design - Building Height and Density Apply a context driven approach to building heights in South Dublin, as supported by South Dublin's Building Heights and Density Guide. The LAP has now expired, and the development is not bound by its density requirements. The Planning Authority considers that the primary density consideration at a national level remains the Sustainable Residential Development in Urban Areas (2009).

Circular NRUP 02/2021 Residential Densities in Towns and Villages (April 2021) discusses the issue of density to provide clarity of interpretation and application. The Circular clarifies the application of the Sustainable Residential Development Guidelines to ensure that when carrying out their planning functions, An Bord Pleanála and Planning Authorities apply a graduated and responsive, tailored approach to the assessment of residential densities.

The Circular outlines that small town and villages are defined within Section 6.0 of the Sustainable Residential Development Guidelines as those with a population ranging from 400 to 5,000 persons. The CDP states that the Newcastle settlement had a population in 2016 of 3,093 which is targeted to grow between the period 2022-2028 by 1,094 persons (35%) to 4,187 persons by 2028. Given the population size of Newcastle Section 6 (small towns and villages) is considered to be applicable. Section 6.11 of the Guidance provides a more clearly graduated approach to the application of densities within such locations, namely:

- Centrally located sites: 30-40+ dwellings per hectare;
- Edge of centre sites: 20-35 dwellings per hectare;
- Edge of small town/village: 15 - 20 dwellings per hectare.

The content and discretion outlined in the Circular NRUP 02/2021 outlines that areas and their contexts are clearly not all the same, and planning policy and guidance are intended to facilitate proportionate and tailored approaches to residential development, including the flexible application of residential density considerations.

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Given the sites proximity to the village, it is considered that it would likely fall somewhere between 'Edge of small town/village' and 'Centrally located Sites.' The proposed residential density is indicated as 33.33 units per hectare (net) in all of the planning documents. This would be an acceptable density if this related solely to the application site however it is noted however that this figure includes this application and the separate planning application (SD22A/0312) which is undetermined. Given this is as a result of a technical change to the scheme since LRD opinion, additional information will be sought in accordance with article 33(1A) of the Planning and Development Act 2000, as amended. An accurate density figure should be provided by way of **additional information**, including a justification for such figure and/or amendments to scheme to meet appropriate density, if required.

Sunlight and Daylight

All elements of the proposal are two storey housing with one block of 3 storey duplexes. No assessment of daylight/sunlight has been submitted and as per LRD opinion is not considered relevant in this instance.

Childcare

No childcare facility has been proposed for this application. The LRD opinion sought a '*detailed assessment of childcare provision within Newcastle*' with the final application. The Applicant has prepared a '*Statement of Creche Provision*' contained in the *Social Infrastructure Assessment* prepared by John Spain and Associates. It should be noted that the basis of this report combines Phase 2A (Planning application SD23A/0136) and Phase 2B (this LRD application) in the analysis, i.e. 179 no. residential units with open space.

As previously stated, this LRD application is assessed on its' own merits and the application SD23A/0136 is currently under consideration.

Within the assessment it was found that there are currently 5 no. Childcare facilities within 2km of the subject site accessible by foot, bicycle, or car. These 5 no. Creches cater for 211 no. children. It was noted that none of these creches currently have vacancies.

The Applicant has indicated that a creche facility within the adjacent 'Graydon' development has been permitted (ABP305343-19) with an area of c. 518 sq.m. on the basis of 377 dwellings. This permitted development (Graydon) subsequently has another current application (SD22A/0459/ABP316066-23) on the same site to increase the permitted childcare facility only to 778 sq.m. to cater for c. 172 no. Children. This ABP Appeal (ABP 316066-23) has not been decided yet.

The above proposal by the applicant in terms of creche provision is acceptable however it is noted that the permitted creche in Graydon has not come forward yet. As such, a **condition** will be applied in the event of a grant of permission to ensure the creche in adjoining Graydon is under construction prior to the occupation of 100 units in this scheme.

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Housing and Residential Amenity

Residential Accommodation

The Applicant has submitted a Housing Quality Assessment for housing and a Housing Quality Assessment for Apartment & Duplex Units, as assessed below:

Housing Quality Assessment (Housing)

Internal Accommodation

The applicant has provided a Schedule of Accommodation and a detailed Housing Quality Assessment (HQA) for all housing units within the scheme. From these documents it appears that the proposed development would comply with the relevant guidelines: the 'Quality Housing for Sustainable Communities – Best Practice Guidelines' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2020), and the Development Plan in relation to internal residential accommodation. All units exceed the minimum apartment size, and most are 10% larger than the minimum required apartment size.

Private Open Space

The HQA indicates that all units will be provided with at least the minimum acceptable private open space area as per the Development Plan standards however exact details of areas per unit are not shown on the accommodation schedule. This can be addressed by **condition** in the event of a grant of permission.

Housing Quality Assessment (Apartments & Duplex Units)

Internal Accommodation

The minimum apartment floor areas, according to the 2023 guidelines, are as follows:

- 2 Bed Apartment (4 persons) – minimum 73 sq.m required.
- 3 Bed Apartment (5 persons) – minimum 90 sq.m required.

The scheme provides a 3 storey Duplex/Apartment block that houses a total of 6 no two storey 3 bed Duplex units over 6 no. 2 bed ground floor apartments within the Taobh Chnoic Neighbourhood. The scheme provides for 12 units in total of which the 6 no 3 bed Duplex units exceed the 10% area increase.

The proposal provides floor areas of approximately 78 sq.m within for the 2 bed apartments and between 117 and 120 sq.m of floor space for the 3-bed apartment which is compliant with standards, and it considered to be acceptable.

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Private Open Space

The HQA states that units in the development provide at least the minimum internal storage and private amenity space (average of 19 sq. m). It is also noted that as per the Guidelines, private amenity space is provided for the ground floor units as an adjoining patio or terrace area and for the upper Duplex units a first-floor terrace is provided which all have a minimum depth of 1.5m or more. This is considered to be acceptable.

Single and Dual Aspect

The Design Standards for New Apartments require a minimum of 50% of units to be dual aspect in suburban or intermediate locations. The development exceeds this requirement with 100% of duplex/apartment developments achieving dual aspect. This is considered acceptable.

Unit Mix

The unit mix proposed is as follows:

Unit Size	Houses		Duplex / Apartment		Total	
	No.	%	No.	%	No.	%
1 Bed	—	—	—	—	—	—
2 Bed	10	8	6	50	16	12
3 Bed (end terrace)	52	44	6	50	58	44
3 Bed (semi-D)	43	36	—	—	43	36
4 Bed	13	11	0	0	13	11
5 Bed	1	1	0	0	1	1
Total	119		12		131	

The development will provide a range of unit sizes ranging from 2 to 5 bedrooms, catering for up to 5 people, primarily in houses, with 12 no. own door duplex units.

The proposed development meets the minimum 30% requirement for 3-bedroom units under the South Dublin County Development Plan 2022 – 2028, as per Policy H1 Objective 12, providing for 80%.

The application includes a HQA for the houses and apartments and it is considered, as demonstrated above that a sufficient mix of units is provided to cater for a wide range of demographics.

On the basis of the above, the unit types and mix proposed is considered acceptable.

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Public Housing / Part V

A response from the SDCC Housing Department states that the Part V proposals are noted, including the intention of the Developer to fulfill its Part V obligations by providing a total of 13 no. units consisting of 7 no. X 3 bedroom houses, 5 no. X 4 bedroom houses and 1 no X 5 bedroom house. The Housing Department agree in principle.

A Part V agreement can only be agreed in respect of permitted development, and a **condition** will be required confirming as such.

Architectural and Archaeological Conservation

Chapter 14 of the EIAR was prepared by Rob Goodbody of Historic Building Consultants (BA(mod), DipEnvP, DipABRC, MUBC, MA) and relates to Architectural Heritage. The Council's Architectural Conservation Officer has reviewed the application and has made the following recommendation:

- I would be recommending the following be attached to any grant of permission based on overall assessment and those concerns raised:*
- Based on appraisal of the proposed development it is considered that not enough details has been provided with regard to possible impacts of the development on those protected structures adjacent to the development site or within the ACA. It is considered that a balance needs determined for a housing development of this scale within a historic village area and how the new build will sit within the site context and those visual and direct impacts by way of proper mitigation measures. A Design Rational/Design statement should be provided given the nature of the proposed development and size of area within the existing environs of Newcastle Village and in particular how design element and use of materials and finishes can negate visual impacts on the existing rural setting and ACA.*
- It is considered that there are visual impacts in relation to this Protected Structure and its outbuildings in that its curtilage and site context are of a rural setting for the existing farmhouse (Newcastle Farm) and agricultural setting, and views associated with this property. An Architectural Impact Assessment and photomontages showing the full extent of the development and how the new building will be viewed from the Village Core and from the Protected Structures highlighted in the EIAR report the full extent of the overall visual impact on the existing historic built environment is required. The Architectural Impact Assessment should provide mitigation measures to reduce and direct visual impact on the setting of PS site and ACA.*

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- *There is indication that there will be direct visual impact on a number of PS. The loss of setting and material change to the existing landscape north of Newcastle Village; therefore, it is imperative that the overall design of new development takes cognisance of the site context and its location within Newcastle ACA. The design should reflect the architectural style and elements in a contemporary way and the use of materials should reflect the existing building stock within the village which gives Newcastle its architectural character. These elements of design and finishes will assist in minimising visual impacts and allow any new development to harmonise within the existing built environment. It is therefore recommended that a revised design should be submitted based on a design rationale taking regard of the site context and location within an ACA. A Schedule of Materials should be provided which provide a material/colour palette which reflects the existing built environment allowing a sensitive new development at this location.*

The above will be added as conditions to any grant of permission. A response to the application was also received from the Department of Housing, Heritage, and Local Government and **conditions** were included to ensure the protection and monitoring of any potential features of archaeological interest, and it is considered appropriate to include these in this instance also.

Open Space, Green Infrastructure and Natural Heritage

Public Realm have reviewed the application and have summarised their primary concerns as follows:

1. ***Lack of street trees*** - *The proposed street design is not DMURS compliant as there are lengths of street with no street trees. The main streets avenues are acceptable in terms of street tree planting, the issue is with the lack of street tree planting along the side streets.*
2. ***Play*** – *additional detail in terms of play provision within the development is required.*
3. ***Linear Park along Western Boundary*** – *additional housing units require removal in order to provide a useable and functional linear opens space along the western boundary of the proposed development.*

The Public Realm report recommends grant permission subject to **conditions**.

Quantum and Layout of Public Open Space

The Newcastle LAP, which expired December 2022 set out locations and proposed areas (in hectares) for proposed public open spaces within the Local Area Plan boundary. In order to secure their delivery, the current County Development Plan has brought forward these areas of proposed open space in the form of SLO's and has also zoned Taobh Chnoic Park as 'OS' Open

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Space. The applicant has provided details of each of these proposed open spaces and a commitment to delivering on a phased basis as summarised below:

- *Phase 1 will provide 18 no. units and Sean Feirm Park and north south green link,*
- *Phase 2 will provide 29 no. units and c. 50% of the Western Linear Park*
- *Phase 3 will provide 31 no. units and c. 50% of the remainder of the Western Linear Park*
- *Phase 4 will provide 8 no. units and the northern open space.*
- *Phase 5 will provide 27 no. units.*
- *Phase 6 will provide 18 no. units and the Towerpark element as it relates to Cairn lands.*

The LRD Opinion stated that the layout of public open space (POS) proposed was generally acceptable to the Planning Authority. Taobh Chnoic Park was initially proposed as part of the LRD at the opinion stage; however, a separate application (Reg. Ref. SD23A/0136) was submitted, and this now includes Taobh Chnoic. The applicant states that the total GI across the site measures approximately 1.34ha., or 25% of the site area. This is in addition to Taobh Chnoic Park (which measures 1.74ha). The total provision across the two sites is 3.08ha.

As stated, the proposed phase 2B development will provide c. 1.34 hectares of open space which includes 0.2ha public open space at Sean Feirm Park, 0.42ha along the western boundary and public open space areas in the north of the site and at Towerhouse Park. It is unclear whether the area of open space within 'RU' zoned lands has been used in this calculation.

The site area is stated as 10.7ha on the application form. The site area for Reg. Ref. SD23A/0136 is stated as 3.27ha. When taken in isolation the current application provides approximately 12.5% of the site area as public open space. Reg. Ref. SD23A/0136 would provide 53.2%. When taken together (site area of 13.97 ha.), the provision would be 22%. This is considered to be acceptable,

The applicant states that open space provision is substantially above the CDP requirement of 15% and the Draft Sustainable and Compact Settlement Guidelines requirement of 10%. Whilst this is the case and the land in question is within the applicant's ownership, it is noted that Reg. Ref. SD23A/0136 does not yet have permission. As the current status of the above application is unknown, a **condition** is recommended in the event of grant, linking the current proposal to development of Taobh Chnoic Park.

Green Infrastructure and Green Space Factor (GSF)

The LRD opinion required detail regarding the ability to achieve the Green Space Factor, a requirement of the CDP.

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A response from Murray Associates states the following:

“The proposed development adjoins and connects to Graydon residential area, which was recently constructed. This also included Taobh Chnoic Park which has a large play area, MUGA, playing pitch, allotments and other facilities and amenities. Phase 2B as proposed in this application is composed of residential dwellings and within the housing area incorporates several areas of open space, doorstep and local natural play spaces, SuDS measures and boundary planting. The main public open space area is composed of a 0.20 hectares public park, Sean Feirm Park, and several smaller open spaces, falling in the category of pocket public open spaces.

The main park is integrated on an attenuation basin area and composed by native and pollinator friendly species and a grass multi-use kickabout space, serving recreational activities for more active users during the driest parts of the year, and will catch the runoff water from larger precipitation events. The adjacent Phase 2A also includes for the completion of Taobh Chnoic Park. A hedgerow and ditch runs between the existing and proposed areas of the park, which will be retained, and another hedgerow bounds the western edge. This part of the park is conceived as a woodland park, with different woodland typologies which will provide diverse habitats, nature based solutions for drainage and superb opportunities for recreation. The character of the woodland areas provides another dimension to the park and complements the existing. It includes paths, seating, and grass multi-use kickabout spaces. All planting will be native and biodiverse.”

The applicant acknowledges that the current application cannot meet the 0.5 (minimum) GI score without the inclusion of elements associated with what is referred to as Phase A (live application SD23A/0136). This approach would not be considered acceptable to the Planning Authority given the reliance on a live application to meet the standards. **Additional information** is requested ensure the applicant can demonstrate compliance with the GSF through this development as a standalone.

Sustainable Drainage Systems

In accordance with the policies and objectives of the South Dublin County Development Plan 2022 – 2028, the LRD Opinion Report stated that the underground attenuation should be replaced with SuDS. The Report from Water Services also states that the attenuation is undersized by between 20% and 50%.

The applicant refers to ‘*the Infrastructure Design Report (IDR) prepared by DBFL, which has amended the SuDs for the layout which now excludes underground attenuation from the surface water strategy for the subject site.*

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The SuDS elements which were found applicable to the proposed scheme design and layout include the following:

- *Permeable paving driveways for all on-curtilage driveways*
- *Green link to drain to swales for reduction and treatment of run-off*
- *The attenuation storage systems will be an on-line system for treatment of run-off.*

The storage systems will be designed to maximise water quality.

- *Above ground attenuation provided*
- *Down pipes from roof surfaces diverted into driveway permeable paving to allow infiltration of run-off from roofs.*
- *Gully connections to tree pits*
- *A petrol interceptor to be provided before the outfalls from the subject site.*

The incorporation of the above SuDS elements will provide a sustainable manner in which to disperse surface water from the site, encourage groundwater recharge and provide treatment of run-off and subsequent improvement of discharge quality. Overground attenuation is provided and will enhance and provide additional nature-based SuDs solutions along with promoting biodiversity.'

It is noted that since the LRD opinion, a new component has been proposed as part of the application. This includes upgrades to the surface water network along Athgoe Road and Hazelhatch Road.

Art 33(1A) of the Planning and Development Act 2000, as amended states that the planning authority may only request further information in relation to matters of technical or environmental detail, or both, that were unforeseen at the time of the LRD opinion and the time of lodging the LRD planning application, or new matters raised through the planning application public participation process. It is considered that the introduction of significant drainage upgrades to the Hazelhatch Road as part of this application would constitute 'matters of technical or environmental detail that were unforeseen at the time of writing the LRD opinion.

The issues that need to be addressed, per the Water Services report, are as follows and will be requested as **additional information**, in accordance with Article 33(1A):

1. *Remove houses South of development adjacent to Manhole SF2-2 to allow a continuation of surface water flow above ground and prevent the narrowing of SuDS (Sustainable Drainage System) Swale at this point.*
2. *Examine if detention basin north of development at Manhole SC8 can be extended northwards and so reduce the need for 225mm surface water pipe at this location.*
3. *The attenuation is undersized by between 20% and 50% in various catchments and as such surface water attenuation needs to be increased accordingly. Submit a*

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report to show revised surface water attenuation calculations for proposed development.

- 4. The sub areas in catchment 3 do not add up to the total area of Catchment 3.*
- 5. Examine if additional street trees could be added to development.*
- 6. Additional swales should be added to development such as at boundary East of site that is proposed to be piped between Manhole SF3 and SF0.*
- 7. There is currently no capacity in existing surface water sewer at Hazelhatch Road to accept surface water from proposed development. No works shall begin until there is a Development Agreement in place between the applicant and South Dublin County Council for a new surface water pipe in at Hazelhatch Road.*
- 8. There is no information on the capacity of receiving watercourse from proposed new surface water pipe on Hazelhatch Road. There is no written permission from owner of water courses that is receiving surface water from new proposed surface water pipe on Hazelhatch Road.*
- 9. Carry out an assessment to determine if there will be an increased flood risk to properties downstream the discharge pipe. Submit a report to show results of assessment of surface water discharging to watercourse. If there is an increased surface water flow to receiving watercourses show in a report how this will be dealt with such that there is no additional flood risk to properties downstream of discharge point.*
- 10. Submit a letter from owner/s of watercourse receiving surface water at discharge point of proposed surface water pipe on Hazelhatch Road that the owner agrees to the location of discharge point of proposed surface water sewer at Hazelhatch Road.*
- 11. Prior to submission of revised drawings and reports contact water services to discuss surface water layout and attenuation calculations for proposed development.*

Water Services have reviewed the application and have recommended **additional information** is sought in relation to a number of issues including capacity in the surface water sewer at Hazelhatch Road. A number of third-party observations also raised water capacity as an issue. It is noted that upgrades to the surface water pipe at Hazelhatch Road is included as part of this application, which is welcomed, however the Local Authority would need to understand the implications of the upgrades including clarity of location of outflow and impact on receiving environment. The applicant has submitted a detailed FRA and an Infrastructure Design Report, both of which say the outfall is to a drainage ditch within the Liffey catchment. No further detail or assessment of the impact of the outfall on the receiving system is included.

A number of other items which relate to surface water have also been raised by water services including the potential omission/redesign of the apartment/duplex block due to proximity to an existing manhole. Linked to this point is an issue raised by the parks department and the potential omission/redesign of units along the western boundary to provide for an uninterrupted

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permeability strip along the Linear Park. These points are also to be addressed by way of **additional information.**

Flood Risk

In relation to flood risk, Water Services have reviewed the application and have request additional information as follows: *'Submit a report or hydromorphological report to show what impact if any that surface water discharge will have on properties downstream of proposed development. Show in report what mitigation measures are proposed in the event of increased flood risk to properties downstream of site.'*

Ecology

The applicant has prepared an Environmental Impact Assessment Report, the Biodiversity chapter has been prepared by Altamar and the Tree Survey has been prepared by Charles McCorkell.

A pre-survey biodiversity data search was carried out in August 2020 and updated in August 2023. This included examining records and data from the National Parks and Wildlife Service (NPWS), National Biological Data Centre (NBDC) and the Environmental Protection Agency (EPA), in addition to aerial, 6-inch maps and satellite imagery. A habitat survey of the site was undertaken within the appropriate seasonal timeframe for terrestrial fieldwork.

The following field surveys were undertaken:

- Terrestrial and avian Ecology (Bryan Deegan (MCIEEM) & Emma Peters of Altamar). September 16th, 2020, September 30th, 2021, 27th April 2022, 13th February 2023, 6th June 2023 (Bryan Deegan), and 24th August 2023 (Emma Peters)
- Mammal Survey (Bryan Deegan (MCIEEM) of Altamar). September 16th, 2020, September 30th, 2021, 8th March 2022, 27th April 2022, (14pth & 17thMay 2022.Camera traps). 13th February 2023.
- Bat Fauna (Bryan Deegan (MCIEEM) & Emma Peters of Altamar). September 16th, 2020, September 30th, 2021, 6th June 2022 (Bryan Deegan) & 24th August 2023 (Emma Peters)

The surveys identified the following habitats within the proposed development: ED3 Recolonising Bare Ground, WL1- Hedgerows, GA1-Improved Agricultural Grassland, BL3-Built land.

No rare or threatened plant species were recorded in the vicinity of the proposed site. No invasive plant species that could hinder removal of soil from the site during groundworks, such as Japanese knotweed, giant rhubarb, Himalayan balsam, or giant hogweed were noted on site.

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The following is states with regards fauna:

- **Amphibians/Reptiles:** The common frog (*Rana temporaria*) was not observed on site. Drainage ditches are present on site and the presence of frogs on site cannot be ruled out. The recently created pond increases the likelihood of attracting frogs for hunting and breeding. The common lizard (*Zootoca vivipara*) or smooth newt (*Lissotriton vulgaris*) were not recorded on site.
- **Terrestrial Mammals:** Badgers have been noted within the 1km² grid (NBDC). No terrestrial fauna of conservation importance was noted on the proposed development site. A family of foxes were noted and observed on trail cameras onsite.
- **Bats:** Foraging activity on site was low on site with soprano pipistrelle (*Pipistrellus pygmaeus*), Leisler's Bat (*Nyctalus leisleri*) and a common pipistrelle (*Pipistrellus pipistrellus*) bats foraging along hedgerows. There is no evidence of a current bat roost on site.
- **Birds:** Although there is construction activity proximate to the site the birds noted on site were traditional hedgerow/farmland species.

A number of mitigation measures are proposed. With regards bats, it is noted that the following is stated *"No roosts or potential roosts will be impacted. The foraging areas for bats along hedgerows will be temporarily lost until the trees within the green link area become mature and allow for insects to swarm. A post construction assessment will be carried out in the open space areas to ensure compliance with Bats & Lighting Guidance Notes for: Planners, engineers, architects, and developers."*

It is recommended that that mitigation measures outlined in the report are secured via **condition**.

Sustainable Movement

Vehicular access serving the site will be provided from:

- Athgoe Rd (L6001) to the west
- Newcastle Main Street (R120) to the North
- From the extended Newcastle Boulevard nearing completion to the east.

An east west route is proposed to the south of Main Street. This provides access from the Athgoe Road to the west through to Ballynakelly to the east by connecting to the extended Newcastle Boulevard through the adjacent Graydon development. These are the two main access points. The Development lands also provide Green links (Link street and Access Streets) that connect back to the surrounding existing Link Streets and Arterial Streets including the Main Street. Pedestrians and cyclists will be able to enter the scheme from the proposed pedestrian entrances/ green links from the north, east and west of the site. It is noted that the general layout/location of County Development Plan 6-year Road proposals are generally consistent with the road locations within the development proposal.

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On-street and on-curtilage parking in combination of perpendicular and parallel parking is proposed. Bicycle parking will be accommodated in the rear private areas of each house dwelling. Dedicated bin/bike secure stores to the apartment/duplexes will be provided in dedicated locations.

The following accessible facilities have been provided throughout the scheme to cater for both visitors and residents.

- Visitor Parking Bays
- Disabled Persons Parking Bays
- Visitor Cycle Parking
- Public Electric Car Charging Points
- Shared Car Scheme Parking Areas.

237 car parking spaces are proposed, along with 4 motorbike spaces and 94 cycle parking spaces. The car parking spaces include 144 on curtilage for houses, 64 on street for houses, 12 for duplex, 4 universal access spaces, 5 visitor spaces, 6 EV spaces and 2 car sharing (go car etc) spaces.

The cycle parking provides 30 duplex long stay and 64 visitor spaces across the site. A number of submissions have raised concerns regarding traffic.

The Roads Department has stated:

“Traffic and Transport Assessment

A traffic and transport assessment has been submitted, it details the existing road network and current public transport for the area. A transport assessment was carried out on 11 no. surrounding junctions, including the Hazelhatch bridge and the junctions at the N7.

The results of the junction analysis highlight that junctions 2 and 8 are above the 10% threshold for additional investigation.

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junctions during the base opening year, 2026, and 2031, and 2041, relative design year.

Ref	Junctions	Design Year	AM Peak Hour			PM Peak Hour		
			DM	DS	%Increase	DM	DS	%Increase
1	Athgoe / L6001 / Lyons Road	2026	514	517	0.56%	622	624	0.46%
		2031	544	596	0.53%	656	659	0.44%
		2041	570	573	0.50%	686	689	0.42%
2	Athgoe / Principal Access Road / Athgoe	2026	479	566	18.04%	618	726	17.49%
		2031	507	596	17.74%	650	762	17.29%
		2041	531	624	17.50%	678	794	17.14%
3	Athgoe / Hazelhatch Rd (R405) / Athgoe	2026	927	885	-4.55%	1136	1093	-3.77%
		2031	980	934	-4.64%	1197	1151	-3.85%
		2041	1026	978	-4.71%	1252	1203	-3.92%
4	Peamount Road / Main Street / Athgoe	2026	1108	999	-9.86%	1340	1208	-9.85%
		2031	1169	1054	-9.91%	1410	1270	-9.90%
		2041	1224	1102	-9.96%	1472	1326	-9.94%
5	Main Street / Graydon Road / Main Street	2026	1011	904	-10.56%	1208	1082	-10.40%
		2031	1064	951	-10.65%	1268	1135	-10.50%
		2041	1112	992	-10.73%	1322	1185	-10.59%
6	Main Street / Aylmer Road / Main Street / Burgage Crescent	2026	1098	1008	-8.23%	1343	1238	-7.80%
		2031	1157	1060	-8.38%	1413	1300	-7.95%
		2041	1210	1107	-8.51%	1475	1356	-8.07%
7	R120 / Newcastle Boulevard / R120	2026	1093	1130	3.39%	1240	1278	3.13%
		2031	1155	1192	3.21%	1307	1346	2.96%
		2041	1210	1247	3.06%	1368	1407	2.83%
8	Newcastle Blvd. / Burgage Crescent / Newcastle Blvd. / Lyons Ave.	2026	128	271	112.22%	195	333	71.07%
		2031	131	281	114.23%	199	345	73.32%
		2041	134	290	115.94%	203	355	75.26%
9	Hazelhatch Bridge	2026	794	801	0.91%	976	983	0.74%
		2031	841	848	0.86%	1033	1040	0.70%
		2041	883	890	0.81%	1085	1092	0.66%
10	R120 / N7 Interchange	2026	2802	2840	1.35%	2586	2626	1.53%
		2031	2967	3005	1.28%	2735	2775	1.44%
		2041	3114	3152	1.22%	2869	2908	1.38%
11	R120 / Rathcoole Junction	2026	2217	2236	0.85%	2312	2343	1.30%
		2031	2348	2367	0.81%	2447	2477	1.23%
		2041	2466	2485	0.77%	2568	2598	1.17%

Table 6-1 Proposed Development's Network Impacts

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Figure 7-1 junctions Included within the Detailed Network Analysis

The analysis of the three junctions for the “do something/do nothing” for 2026 opening year, 2031 interim year and 2041 year did not show an RFC value above 0.85 for any of the roads at these junctions. This means that the three junctions modelled will operate within acceptable limits up to the year 2041.

Car Parking

The applicant was requested to provide a “Rationale for the car parking provision for the duplex. The applicant should consider reducing the allocation of car parking spaces for the Duplexes in the interest of sustainable transport.”

The proposed development layout design provides a total of 237 no. car parking spaces. Of these 237 no. spaces, 208 no. are designated as resident parking for the houses and 12 no. will be designated as resident parking for the duplexes. There is an overall reduction in duplex parking provision primarily due to the reduction in the number of duplexes.

The overall parking provision is below the maximum allowable by the county development plan.

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Unit Type		No. of Units	SDCC Development Plan Standard	DHLGH Standard	SDCC Max Allowable		DHLGH Requirement
Duplex	2-bed	6	1.25 spaces / unit	1 space / unit + 1 visitor space / 3-4 units	8	17	Residents: 12 Visitors: 3-4
	3-bed	6	1.5 spaces / unit		9		
House	2-bed	10	1.5 spaces / unit	N/A	15	233	N/A
	3-bed	95			190		
	4-bed	13	2 spaces / unit		26		
	5-bed	1			2		
Total					250		15-16

Table 3-1 Car Parking Standards and Requirements

Bicycle Parking

A total of 94 no. residential bicycle parking spaces are proposed as part of the development scheme comprising 30 no. long stay secured / sheltered spaces for the duplex units and 64 no. short stay parking spaces spread across the subject site. The county development plan requires a minimum of 36no. spaces.

Unit Type	No. of Units	SDCC & DHLGH Standard		SDCC & DHLGH Requirement	
		Long Stay	Short Stay	Long Stay	Short Stay
Duplex	12	1 / bedroom	1 / 2 units	30	6
Houses	119	N/A	N/A	N/A	N/A
Total				36	

Table 3-2 Cycle Parking Standards

16. Taking in Charge drawing and proposals

a. To include details of any areas proposed to be taken by an Owner's Management Company.

b. to include any revisions to the road layout.

A draft TIC area plan has been submitted and is acceptable to the roads department.

17. Stage 2 Road Safety Audit

A stage two road safety audit has been provided. It identifies six problems, all of which have been resolved to the satisfaction of the consulting engineers. Roads are satisfied with the response.

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3.17 STAGE 2 ROAD SAFETY AUDIT

We refer the Planning Authority to the enclosed Stage 2 Road Safety Audit prepared by Burton Consulting Engineers which has been taken into account in the design of the layout of the proposed development. The Road Safety Audit is contained in Appendix I of the DBFL Infrastructure Design Report.

SAFETY AUDIT FORM – FEEDBACK ON AUDIT REPORT

Scheme: LRD Newcastle

Stage: 2 Road Safety Audit

Date Audit (Site Visit) Completed: 11-8-2023

Paragraph No. in Safety Audit Report	Problem accepted (yes/no)	Recommended measure accepted (yes/no)	Alternative measures (describe)	Alternative measures accepted by Auditors (Yes/No)
3.1	Y	Y		
3.2	Y	Y		
3.3	Y	N	The St. Finian's Way development is not taken in charge and is in 3 rd party ownership. A crossing facility is proposed to cross pedestrians to the western footpath within the developer's ownership.	Yes
3.4	Y	Y		
3.5	Y	Y		
3.6	N	N	The road spur is less than 50m. In these scenarios, refuse vehicles will turn at the raised table and reverse into the spur road in a similar way to a turning head. I.e. the junction will act like a turning head due to the short nature of the spur road.	Yes

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18. Updated Autotrack/swept path analysis for emergency vehicles around the development site.

An autotrack for the proposed layout, (excluding the part covered by SD23A/0136) has been submitted, while it only demonstrates the turning of a refuse truck and not a fire tender. The comment in the specified additional information document refers to refuse vehicle only, fire tender vehicles maybe larger and are required to access areas the refuse trucks do not.

3.18 UPDATED AUTOTRACK/SWEPT PATH ANALYSIS

Item no. 18 seeks:

"Updated Autotrack/swept path analysis for emergency vehicles around the development site."

The road layout drawings provide the swept path analysis.

The proposed development has been tracked to show that the development's proposed turning heads will accommodate a large refuse vehicle. Internal radii have been tracked to ensure a car and refuse vehicle can pass at the same time. Internal radii at the proposed signalised junction at L6001 Athgoe Road have also been tracked to ensure a car and refuse vehicle can pass at the same time.

19. Rationale for the car parking provision for the duplex. The applicant should consider reducing the allocation of car parking spaces for the Duplexes in the interest of sustainable transport.

There has been a reduction in the number of duplex units as they have been applied for under an alternate planning permission (SD23A/0136). Therefore, the amount of parking for the duplexes has been reduced to 12no. but the per unit number of parking spaces has remained the same.

As per Statement of Specified Additional Information Document submitted by John Spain & Assoc. Section 3.19 refers. It is considered that between phase 2A (SD23A/0136) and phase 2B (this LRD application) to provide 1 car space per duplex. Please note that phase 2a is subject of Further Information request and is undecided.

20. Layout Plans (no greater than 1:200) to show

- a. connections right up to the site boundary to ensure that no ransom strips are created on the links between the applicants' site and neighbouring developments.***
- b. the proposed connections from the subject site to the Graydon development to the East via the DOE lands around St. Finian's School.***
- c. segregated footpaths and cycle tracks.***
- d. uncontrolled crossings at internal road junctions which could possibly combined with traffic calming ramps.***

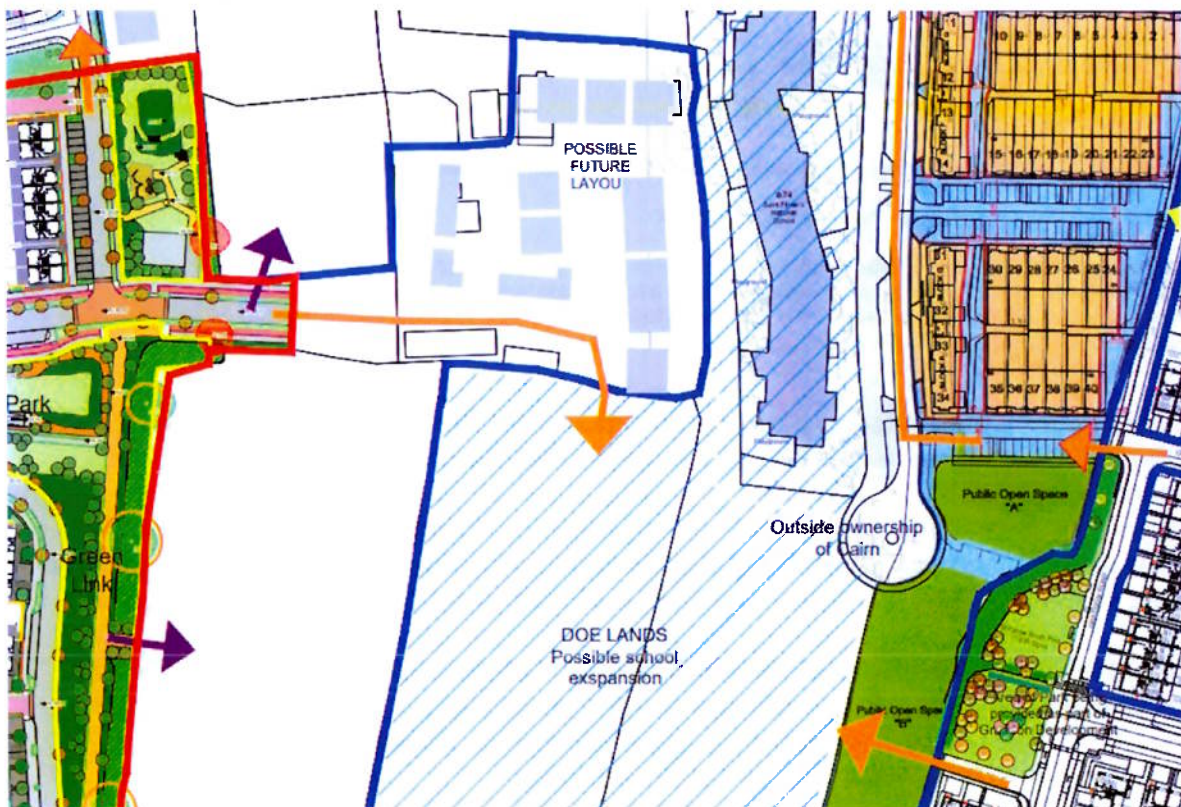
Although not shown at 1:200 scale a layout plan has been submitted showing connections right up to the boundary of future connections.

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The start of a proposed link east to the Graydon development is shown on the layout although the complete link has not been detailed. This is acceptable to the roads department. The applicant is required to provide cycle lane details that reflect the most up to date cycle design manual from the NTA. Particular attention should be made at junctions and the intersection points along the proposed cycle green way.



21. An updated Construction and Environmental Management Plan to include a developed Construction Traffic Management Plan.

An updated construction and Environmental Management Plan have been included and is acceptable to the roads section. Upon commencement of the development an updated plan will be required, as some alterations to the plan can be expected once a contractor is appointed.

22. An updated Resource Waste Management Plan to include contact details for the Resource Waste Manager once appointed.

An updated Resource Waste Management plan including the details of a waste resource manager has been included.

The waste management plan will require updating upon commencement and approval from the environmental department of SDCC should be sought.

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Upon commencement of the development an updated plan will be required, as some alterations to the plan can be expected once a contractor is appointed.

23. Public Lighting Design, to be agreed with the Public Lighting Section in SDCC

A public lighting design has been submitted; and has the agreement of the public lighting section."

There are no objections, subject to **conditions**.

Infrastructure and Environmental Services

Irish Water

Irish Water have reviewed the application and have stated no objection to the development. Their report recommends standard **conditions** requiring connection agreements pre-commencement of development. This is considered appropriate.

It is noted that the applicant has provided a Pre-Connection Enquiry / Confirmation of Feasibility from Irish Water which confirms the development can be facilitated without infrastructure upgrades.

Environmental Health

The Environmental Health Officer (EHO) has reviewed the application and has stated the development is acceptable. Their response recommends conditions in the event of a grant. These **conditions** are considered appropriate in the interests of public health and safety and should be included in the event of a grant.

SECTION 7: ENVIRONMENTAL CONSIDERATIONS

Screening for Appropriate Assessment

The applicant has provided an Appropriate Assessment screening report prepared by Altamar. This concludes "*Altamar have carried out an appropriate Assessment Screening Report for the proposed project and conclude that no Natura 2000 sites are within the zone of influence of this development. Having taken into consideration the proposed project, the effluent discharge from the proposed development works, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the settlement of silt over the intervening distance and dilution effect with other effluent and surface runoff, it is concluded that this development would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites*".

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On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

Environmental Impact Assessment Report

Adequacy of Environmental Impact Assessment Report (EIAR)

The applicant states that, in respect of the EIA Regulations, the proposed development is listed under Schedule 5 (Part 2) Paragraph 10(b)(iv) 'Urban development which would involve an area greater than 2 hectares in the case of business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.'

The site is c. 10.70 hectares which includes surface water upgrades along the Hazelhatch Road and is therefore considered to require an EIA.

An EIAR process is defined in the EIA regulations and Directive. That an environment impact assessment means a process consisting of:

1. The preparation of an environmental impact assessment report;
2. The carrying out of consultations;
3. The examination by the competent authority of the information presented in the EIA report and any supplementary information provided, where necessary, by the developer;
4. The reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examinations and;
5. The integration of the competent authority's reasoned conclusion into any of the decisions.

The EIAR is prepared by the developer and is submitted to a Competent Authority as part of a consent process. The EIAR consists of a systematic analysis and assessment of the potential effects of a proposed project on the receiving environment. The amended EIA Directive prescribes a range of environmental factors which are used to organise descriptions of the environment and these factors must be addressed in the EIAR. These are listed in Article 3 (1) of the amended directive. *What an EIAR is to contain:* the developer shall include at least: (a) a description of the project comprising information on the site, design, size and other relevant features of the project; (b) a description of the likely significant effects of the project on the

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environment; (c) a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment; (d) 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; (e) a non-technical summary of the information referred to in points (a) to (d); and (f) any additional information specified in Annex IV relevant to the specific characteristics of a particular project or type of project and to the environmental features likely to be affected. Adequacy of Environmental Impact Assessment Report (EIAR)

The EIAR sets out:

Chapter 1 – Introduction and Methodology

Chapter 2 – Description of the Project and Alternatives Examined

Chapters 3 – 15 sets out the required topics

Chapter 16 – sets out interactions

Chapter 17 – sets out summary off EIA mitigation and monitoring measures

An Environmental Impact Assessment Report (EIAR) has been submitted as part of the planning application which contains the EIAR and an Appendices. The direct, indirect, and cumulative effects of the proposed project on the specified factors are identified, described, and assessed in the following sections:

- Alternatives
- Population and human health
- Biodiversity
- Land and soils.
- Water, hydrology, and hydrogeology
- Monitoring
- Air quality and climate
- Noise and vibration
- Landscape and visual.
- Material assets – traffic and transportation
- Material assets – waste management
- Material assets – utilities
- Cultural heritage – archaeology
- Cultural heritage – architectural heritage
- Risk management for major accidents.
- Interactions

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Subject to Article 108 of the Planning and Development Regulations 2001 (as amended) the Planning Authority is required to examine the adequacy of the EIAR submitted. It is considered that the proposed EIAR contains the information as set out in Schedule 6 of the Planning and Development Regulations (2001) as amended and in accordance with European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

Alternatives

Alternative Locations

The application site is zoned for residential development under the South Dublin County Development Plan 2022-2028 within the ownership of Cairn Homes Properties Ltd., and the proposed uses are permitted in principle with the land use zoning objectives pertaining to the project site. A “do-nothing” scenario was considered to represent an inappropriate, unsustainable, and inefficient use of these residential zoned lands. A “do-nothing” scenario was considered to represent an inappropriate, unsustainable, and inefficient use of these residential zoned lands. The site provides opportunities for the coherent integration, consolidation, and sustainable development of the established town of Newcastle, as designated in the expired LAP area, and provides opportunities for improved permeability between established neighbourhoods and the town centre. The site and proposed development provide significant opportunities to deliver a substantial quantum of housing in the form of the sustainable urban expansion of Newcastle town and thereby contribute in a sustainable manner to meet strategic planning objectives at a local and regional level. On the basis of the foregoing, no alternative sites were considered or assessed for the purposes of preparing this EIAR, nor is it considered necessary to do so.

Alternative Sequential Development

The Applicant controls approximately 34ha to the south of Main Street that are zoned for a mix of residential uses (RES-N and RES) and open space (OS) in the South Dublin County Development Plan 2022-2028. Early alternatives for the proposed development were developed for the overall landholding. As part of the early consideration of the construction phase of the proposed development, alternatives were considered as to the appropriate progression of construction of the lands. In this regard, the main alternatives considered comprise of developing the western portion of the lands initially with access provided from the Athgoe Road (L6001) or construction of the eastern portion of the lands initially with access via Main Street/the adjoining Ballynakelly development. It was considered that the development of the eastern portion of the landholding as the first phase would result in the development of lands previously disturbed as part of ground works associated with Reg. Ref. SD05A/0344 (ABP Ref. PL06S.217096). In this regard, the commencement of development on the eastern portion of the lands would not result in the loss of agricultural lands and would provide an opportunity to reinstate and enhance some of the burgage plots and hedgerows lost due to previous works on site. Furthermore, it is sequentially preferential to commence development on the eastern portion of the overall landholding, facilitating infill development and consolidation of the established urban area.

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This approach would assist in enhancing permeability for existing residents of the Ballynakelly development to the east providing new connections to Main Street and amenity spaces forming part of the proposed development. Accordingly, it was considered that the construction of the eastern portion of the overall landholding would be preferable having regard to the environmental effects assessed. This LRD application comprises the western portion of the overall Carin landholding.

Alternative Uses

The subject site is zoned for residential and supporting uses as referenced above. The subject site is well served by existing social and community infrastructure with a wide mix and variety of uses in the surrounding area. In addition to residential use, there are other land uses which are permitted in principle on these lands such as garden centre, industry-light, shop local, shop neighbourhood. Furthermore, it is noted there is a supermarket (SuperValu) recently opened to the east as well as a substantial business park located at Greenouge (as well as recently permitted Lidl adjacent to the north). Including a supermarket on the subject lands would not be in compliance with the sequential test contained in the Retail Planning Guidelines 2012, as there are available, viable sites closer located to the town centre. It is not considered that an alternative comprising one of the alternative uses would result in the best use of these lands, particularly having regard to the generally acknowledged need of the population for housing.

Description of Alternative Processes

The relevance of alternative processes and technologies is limited in the case of this EIAR having regard to the nature of the proposed development, which is primarily for a residential development.

The Energy statement and Climate Action Plan prepared by Waterman Moylan Consulting Engineers identifies the energy standards with which the proposed development will have to comply and also sets out the overall strategy that will be adopted to achieve these energy efficiency targets. The dwellings will be required to minimise overall energy use and to incorporate an adequate proportion of renewable energy in accordance with Building Regulations Part L 2022, Conservation of Energy & Fuel. It is noted the proposed construction works comprise relatively standard building construction processes, which comprise some timber frame elements which are more sustainable compared to 100% block work. With reference to the operational phase, no new, unusual, or technically challenging operational techniques are required, as such no alternative operational processes have been considered.

Alternative Designs and Layouts

A number of alternative layouts for the proposed development were considered over the design process. In addition, the proposals for the development were subject to detailed discussion with the Planning Authority prior to the principles of the proposed layout being finalised. The significant environmental issues and potential effects which informed the proposed layout included population and human health, biodiversity, cultural heritage, transportation, and visual

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impact. Other factors which were fundamental to informing and directing detailed design included the land use zoning objectives under the South Dublin Development Plan 2022-2028 and the detailed design brief established in Chapter 6 of the (now expired) Newcastle Local Area Plan 2012-2022 which sets out specific framework objectives for designated neighbourhoods in Newcastle. The following alternatives are detailed:

- Alternative no. 1 – Layout as per the Newcastle Local Area Plan 2012-2022.
- Alternative no. 2 – Scheme Submitted for LRD Opinion to South Dublin County Council
- Proposed Preferred Alternative (no. 3) LRD application.

Based on a comparison of the environmental effects, as described for each Iteration above, together with the regulatory requirements of the Development Plan, it is considered the proposed development has been selected for the following reasons:

- The proposed development maximises the opportunity to protect, and where possible, existing and replace lost, burgage plots and associated hedgerows resulting in significant benefits in terms of biodiversity; cultural heritage and visual impact.
- Includes additional SUDs features (and exclusion of underground attenuation tanks) within the scheme which is positive from a water perspective compared to previous iterations.
- Includes a footpath for pedestrians along the Athgoe Road, which is positive from a Human Heath and a Material Assets - Traffic and Transportation perspective.
- The relocation of the access point further to the north and the inclusion of an additional pocket pack adjacent to the Tower, reduces Cultural Heritage and Visual Impacts.
- The proposed development results in a high degree of permeability, resulting in a highly connected neighbourhood with strong connections with existing development to the north, emerging development in Graydon to the east, and future development lands, to the south, which will have positive impacts on population and human health.
- Avoids significant environmental impacts on the receiving environment.

In summary, the overall design of the proposed development takes into account all environmental effects and provides for a sustainable development that has been optimised to emphasise positive environmental effects whilst reducing negative environmental impacts wherever possible. The preferred alternative is not considered to give rise to any significant adverse environmental impacts following the mitigation measures to be implemented at the construction and operational phases. The final proposed scheme also responds to the characteristics and constraints of the subject site vis a vis the previous iterations of the scheme and the alternative layouts considered.

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EIAR Reasoned Conclusion

Having regard to the environmental information contained within the EIAR and information submitted as part of the application, it is considered that the main significant direct and indirect residual effects of the proposed development on the environment are as follows:

- Population and human health
- Construction: Imperceptible, positive short-term impacts are likely to arise due to an increase in employment and economic activity associated with the construction of the proposed development.
- Operation: The project will comprise the development of an undeveloped site in terms of the provision of residential units to serve the growing residential population of the area. The proposed development will result in a positive alteration to the existing underutilised site in terms of the provision of residential units and community facilities to serve the growing population of the area in accordance with national and regional planning policy.
- Biodiversity: The construction and operational mitigation proposed for the development satisfactorily addresses the potential adverse effects on the sensitive receptors. The overall effect on the ecology of the proposed development will result in a low adverse not significant impact on the ecology of the area and locality. This is primarily as a result of the loss of terrestrial habitats of low importance on site, the retention of existing hedgerows where possible, supported by the creation of additional biodiversity features and complexity, standard construction and operational controls and a sensitive landscaping strategy.
- Land and soils.
- Topsoil: There is a quantity of topsoil material removed off-site to facilitate the development. Effect will be permanent and not significant as the land changes from a greenfield to a residential development with excess material disposed of at a licensed facility. Following implementation of mitigation measures included in section 5.6 and the CEMP (contained in Appendix D2 Volume III of the EIAR, the risk of deterioration or erosion during construction will be temporary and slight. Land use change from an agricultural area to a residential development during operational phase with associated public open space and landscaped areas will be permanent change to the existing topsoil condition. Effect will be permanent and negligible. Land use change from agricultural to landscaped open space operational phase will be a permanent change. Effects negligible to the topsoil condition.
- Sub-soil: The impact on land, soil, geology, and hydrogeology from accidental spillages of fuel and lubricants used during the construction phase of the development is predicted to be minimal when stored and used in a responsible manner. After implementation of the mitigation measures outlined in Section 5.6 and the CEMP (Appendix D1 Volume III of this EIAR) for the construction phase, the proposed development will not give rise to any significant long-term adverse effects. Slight negative effects during the construction phase will be short term only in duration. Implementation of the measures outlined in Section 5.6 and the PCEMP will ensure that the potential effects of the development on

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soils and the geological environment are minimised during the construction phase and that any residual effects will be short term and imperceptible. Residual effects from earthworks haulage and the risk of contamination of groundwater are deemed to be of minor risk. The residual impacts for a residential development, and open space are deemed to be imperceptible post construction (during the operational phase).

Landscaping for the developments will reduce the initial impact from the construction phase and will protect the soils again from weathering and erosion. The effects on the underlying bedrock geology arising from the construction phase will be imperceptible. The greatest effect will relate to the soils from the construction activity as soil levels will be altered throughout. However final landscaping should reduce and address these effects. It is anticipated that the effects on soils arising from the construction phase will be short term and not significant. The effects on the underlying bedrock geology arising from the construction phase will be imperceptible. Effects on the soil resulting from the proposed operational phase of the development is anticipated to be imperceptible; once the development is completed, risks to the land and soils will be from pollutants deriving from the use of the residential developments and/or from contaminated surface water run-off.

- Water, hydrology, and hydrogeology: The predicted residual effects of the construction and operation activities following implementation of the mitigation measures above is provided below.
- As surface water drainage design has been carried out in accordance with the GSDS, and SUDS methodologies are being implemented as part of a water quality treatment train approach (run-off from the development's impermeable areas is designed to be collected via a new stormwater network which incorporates on-line attenuation storage systems and SuDS features such as permeable paving, bio-retention areas, swales and tree pits to improve water quality in accordance with the principles of SuDS design. Which are all designed to improve water quality), with imperceptible effects on the water and hydrogeological environment arising from the operational phase.
- Implementation of the measures outlined in Section 6.6 will ensure that the potential effects of the development on soils and the geological environment are minimised during the construction phase and that any residual effects will be short term and imperceptible.
- Residual effects from earthworks haulage and the risk of contamination of groundwater are deemed to be of minor risk following implementation of the measures outlined in Section 6.6.
- The residual effects for a residential development, and open space are deemed to be imperceptible post construction (during the operational phase).
- Air quality and climate
- Construction:
- Air quality: Once the dust minimisation measures outlined in Section 7.5.1 are implemented, the impact of the proposed development in terms of dust soiling will be short-term, negative, localised, and imperceptible at nearby receptors.

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- **Climate:** According to the IAQM guidance (2023) site traffic, plant and machinery are unlikely to have a significant impact on climate. Therefore, the predicted impact is short-term, neutral, and imperceptible.
- **Human Health:** Best practice mitigation measures are proposed for the construction phase of the proposed development which will focus on the pro-active control of dust and other air pollutants to minimise generation of emissions at source. The mitigation measures that will be put in place during construction of the proposed development will ensure that the impact of the development complies with all EU ambient air quality legislative limit values which are based on the protection of human health. Therefore, the impact of construction of the proposed development is likely to be negative, short-term, and imperceptible with respect to human health.
- **Operation:**
- **Air quality:** Air dispersion modelling of operational traffic emissions associated with the proposed development was carried out using the UK DMRB model. The modelling assessment determined that the change in emissions of NO₂ at nearby sensitive receptors as a result of the proposed development will be imperceptible. Therefore, the operational phase impact to air quality is long-term, localised, neutral, and imperceptible.
- **Climate:** Modelling of operational phase CO₂ emissions as a result of the traffic associated with the proposed development was carried out to determine the impact to climate. It was found that emissions of CO₂ will increase by an imperceptible amount as a result of the proposed development and are significantly below the EU 2024 and 2030 GHG targets. The operational phase impact to climate is long-term, negative, and imperceptible. In addition, the proposed development has been designed to reduce the impact to climate where possible during operation.
- **Human Health:** As the air dispersion modelling has shown that emissions of air pollutants are significantly below the ambient air quality standards which are based on the protection of human health, impacts to human health are long-term, neutral, and imperceptible.
- **Noise and vibration**
- **Construction:**
- **Noise:** Construction noise levels are predicted to be above the Construction Noise Threshold to varying degrees at the limited number of residential noise sensitive receivers located at distances less than 35m from construction works. Construction noise levels are predicted to be below the Construction Noise Threshold at the offsite residential noise sensitive receivers located at distances greater than 35m from construction works, which represents the majority of nearby NSLs.
- **Good practice noise control measures** have been presented to reduce the impact of construction works. The impact of construction works at distances of 20-30m is predicted to be negative, moderate to significant and short-term. At distances of 35m and greater, the impact is predicted to be negative, slight to moderate and short-term.

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The impact of works associated with surface water upgrades at distances of 10-20m is predicted to be negative, significant, and brief. Noise levels associated with construction traffic have been predicted to represent an increase of less than 1 dB and therefore predicted to be of negative, not significant, and short-term impact. The above effects should be considered in the context that the effect is variable, and that this assessment considers the locations of the greatest potential impact.

- **Vibration:** Due to the distances between construction works and the nearest offsite receptors it is predicted that for the receptors (including the protected structures) the impact of construction vibration will be neutral, imperceptible, and short-term. Vibrations associated with surface water upgrade works are expected to have the potential to be perceptible due to the relatively short distances between areas of works and sensitive receptors. Vibration monitoring will be utilised to monitor the works and to inform necessity for mitigation so that vibration associated with the works falls within the criteria set out Section 8.2.1.2. The impact of vibration will be negative, slight, and brief.
- **Operation:**
- **Noise:** Mechanical Services Plant - Plant items will be located and selected so that cumulative plant noise emissions from the development achieve the appropriate noise criteria, the noise impact is predicted to be neutral, imperceptible, and long-term.
Additional Traffic on Surrounding Roads - Based on the traffic flows associated with the operation of the proposed development the impacts are predicted to range from positive to negative, imperceptible and permanent.
- **Vibration:** There are no appreciable sources of vibration associated with the operation of the proposed development. The vibration impact is predicted to be neutral, imperceptible, and long-term.
- **Landscape and visual.**
- **Landscape Construction:** Tree Protection Measures (as set out in the Charles McCorkell [Arborist] drawings included with the application) to existing trees to be retained will protect the important burgage hedgerows within the site. Screening measures implemented will not significantly change the assessment due to the distance from the site of the majority of receptors. The greatest visual impact from mitigation will be to dwellings to the north-west, a site hoarding element. This is specified for site protection and prevention of access and gives a small amount of amenity screening gain. Therefore, anticipated residual effects will be as per Table 9.11 due to the short-term nature of the construction process and the proposed height and scale of the development.
- **Landscape Operation:**
- **Short-term landscape impacts after the construction works (up to seven years):** Following construction, the main landscape impacts of the proposed development are associated with the change in land use from agricultural lands of low sensitivity to a more intensified residential use, which the subject lands have the capacity to absorb the range of building heights from 2 and 3 storeys. This is considered to be a slightly to moderately negative impact, as the majority of existing landscape is of low sensitivity.

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Where medium sensitivity exists closer to the eastern boundary with the burgage hedgerow, the new native tree and shrub planting, the increase in biodiversity and the strengthening of this existing ecological corridor will give a slightly positive impact on the landscape over the length of the hedgerow. However, as this is only a minority portion of the site area to the east, when considering the entirety of the site the assessment would remain slight to moderately negative. However, it is important to note that the proposed development is reflective of the existing and emerging development trends in the area in terms of massing and scale, located in 'Graydon' to the east.

- Medium-term landscape impacts (seven to fifteen years): As the existing planting matures on site the moderately negative impact will be reduced to a slightly negative impact upon the subject site.
- Long-term landscape impacts (over fifteen years): Maturing trees and hedgerows will further integrate the proposed development into the existing landscape, resulting in a long term not-significantly negative impact on the landscape.
- Visual:
- Material assets – traffic and transportation
- Construction: Following mitigation, the residual impacts upon the local receiving environment are characterised as being 'direct' and 'negative' but 'not significant' as the vehicle generation during construction will be significantly lower than that predicted by the subject development proposals once operational. These effects are 'likely' to occur; however, they will be 'short-term' in nature only lasting for the duration of the construction stage.
- Operation: The implementation of the mitigation measures outlined above including the MMP included within the TTA (will ensure that the residual effect on the local receiving environment is both managed and minimised. The future public transport improvements as part of Bus Connects will increase the capacity of public transport services for residents within Newcastle. The network impact will likely be reduced following the roll out of MMP measures which aim to reduce private car travel amongst future residents by 15% resulting in the reassignment of these vehicle trips to more sustainable modes as stated within the 'Essential Guide to Travel Planning' which states "good travel plans have succeeded in cutting the number of people driving to work by 15%".
- Material assets – waste management
- Construction: A carefully planned approach to waste management as set out in Section 11.7.1 and adherence to the RWMP (which includes mitigation measures) during the construction phase will ensure that the predicted effect on the environment will be short-term, imperceptible, and neutral.

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- **Operation:** During the operational phase, a structured approach to waste management as set out in Section 11.7.2 and adherence to the OWMP (which includes mitigation) will promote resource efficiency and waste minimisation. Provided the mitigation measures are implemented and a high rate of reuse, recycling and recovery is achieved, the predicted effect of the operational phase on the environment will be long-term, imperceptible, and neutral.
- **Material assets – utilities**
- **Construction:** Implementation of the measures outlined in Section 12.6 will ensure that the potential effects of the proposed development on the site's material assets do not occur during the construction phase and that any residual effects will be short term.
- **Operation:** The volume of potable water for treatment and use will increase due to the development of the lands. Please refer to Infrastructure Design Report prepared by DBFL Consulting Engineers for details. The demand on power supply, gas supply and telecommunications supply will all increase due to the
- development of the lands.
- **Cultural heritage – archaeology**
- **Construction:**
- **Archaeology:** Three Archaeological Areas have been identified within the proposed development area. AA1 (medieval and post medieval remains adjacent to tower house DU020-003007), AA2 (Kiln) and AA3 (undated linear feature). These sites will be subject to direct, negative, significant effects due to ground disturbances associated with the construction of housing and the insertion of an attenuation area adjacent to the recorded tower house (Towerhouse Park) and attenuation at Sean Feirm Park. The recorded tower house is located c. 25m west of proposed houses and 22m from the excavation required for an attenuation area. It is possible that ground disturbances associated with the development may have a direct negative impact on the ruined structures due to associated vibration affects. Any such affects, prior to mitigation, have the potential to be very significant (negative). Whilst the majority of the proposed development area has been subject to a detailed programme of archaeological testing, it is possible that small or isolated archaeological features may survive beneath the current ground level, outside of the footprint of the excavated test trenches. Groundworks associated with the development may have a direct negative impact on these remains. Impacts may range from moderate to significant, depending on the nature, extent, and significance of the archaeological remains that may be present. Excavation works for the proposed pipeline trench through the Zone of Archaeological Potential for DU020-003008 has the potential to result in direct negative impacts on archaeological features that may be buried beneath the current road surface. Impacts may range from moderate to significant, depending on the nature, extent, and significance of the archaeological remains that may be present.

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The central portion of the development area and current haulage road have been subject to archaeological assessment and a programme of archaeological excavation and monitoring. As such these areas have been fully investigated with regards to the archaeological resource and all remains preserved by record. As such no negative impacts are predicted in these areas as a result of the construction of the development.

- Cultural Heritage: No specific cultural heritage sites have been identified that will be impacted by the construction of the proposed development.
- Operation:
- Archaeology: A full landscape record of the tower house, which records its current condition and setting, adjacent to the proposed development, will be carried out prior to the commencement of construction and operation of the development.
- Cultural Heritage: No mitigation is required.
- Cultural heritage – architectural heritage
- Construction and Operational Phase: There will be a moderate residual indirect negative effect on the setting of BH-02, Newcastle Farm, There will be a significant residual indirect negative effect on the setting of BH-03, the tower house. Risk management for major accidents.
- Risk management for major accidents and/or disasters: The main risks arise during the construction period. The consequences may be limited but severe for the individuals concerned. Geographically widespread environmental consequences are not anticipated.
- Interactions

It is considered that the information contained within the EIAR allows for adequate assessment of the potential impacts of the proposed development on the receiving environment and complies with the requirements of Article 94 of the Planning and Development Regulations 2001 (as amended).

It is recommended that the mitigation measures set out in the EIAR are secured via **condition**.

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SECTION 8: CONCLUSION AND RECOMMENDATIONS

Contributions

Planning Reference Number	LRD23A/0011
Are any exemptions applicable?	No
Standard rate applicable to residential aspects of development	119.1
% reduction to rate, if applicable (0% if N/A)	
Rate applicable	119.1
Standard rate applicable to commercial aspects of development:	112.57
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	112.57
Area of Development (m2) to which residential rate applies	14,160.26
Amount of Floor area, if any, exempt (m2)	0
Total area to which residential development contribution applies (m2)	14160
Area of Development (m2) to which commercial rate applies	0
Amount of Floor area, if any, exempt (m2)	0
Total area to which residential development contribution applies (m2)	0
Residential contribution due 119.1x14,160.26 =	€1,686,486.97
Commercial contribution due 112.57x1015 =	€0
Total contribution due	€1,686,486.97

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Bonds

Dwellings	NO OF UNIT	CASH	BOND
1-20	20	€6,994	€8,043
21-50	30	€4,896	€5,630
51+	69	€2,798	€3,217
TOTAL DWELLING	119	€479,822.00	€551,733.00
Apartments	NO OF UNIT	CASH	BOND
1-20	12	€4,969	€5,715
21-50	0	€3,478	€4,000
51+	0	€1,988	€2,286
TOTAL DWELLING	12	€59,628.00	€68,580.00
TOTAL SECURITY CALCULATION		€539,450.00	€620,313.00

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is considered that additional information be requested to ensure that the proposal is in accordance with the proper planning and sustainable development of the area.

It is considered that the proposed scheme accords with the general objectives of the 'RES-N' zoning and would assist in increasing the variety of dwelling types available in the immediate area. Notwithstanding this, a significant change to the scheme is proposed since LRD opinion stage, particularly omission of 48 units and Taobh Chnoic Park and the addition of surface water upgrades to Hazelhatch Road. Additional information arising as a result of these changes is requested. Information is required in relation to:

1. Surface water drainage as a result of proposed upgrades.
1. Detail design around attenuation and proximity of units to existing manholes. Linear Park and potential omission/redesign of units on western boundary.
2. Community infrastructure and compliance with objective CS9.
3. Updated Design Statement including GSF, Density of scheme without considering live application to the west.

Recommendation

Request Additional Information.

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Additional Information

Additional Information was requested on the 12th of December 2023.

Additional Information was received on the 19th of February 2024 (not deemed significant).

Additional Information Consultations

Internal Consultee Reports

Community Department	No report received.
Architectural Conservation Officer	No report received.
Delivery Team	Report received.
Heritage Officer	No report received.
Housing Department	No objections, conditions recommended.
Public Realm	Report received.
Public Lighting	No objections, conditions recommended.
Roads	No objections.
Water Services	Refusal recommended.

External Consultee Reports

Uisce Eireann (Irish Water)	No objections, conditions recommended.
DHLGH NPWS	No observations received.
DHLGH Archaeological Heritage	No observations received.
Department of Defence	Observation received.
DHLGH	No observations received.
H.S.E. Environmental Health Officer	No observations received.
Irish Aviation Authority	No observations received.
South Dublin Childcare Committee	Observation received.

The SDCC Housing Department have reviewed the information submitted and recommend in their report that a Part V condition be attached to any grant of permission. The proposed Part V provision has not been amended as part of the additional information response. In the event of a grant of permission a Part V **condition** should be attached.

Public Lighting have reviewed the information submitted and state in their report that they are satisfied subject to a standard condition relating to public lighting. In the event of a grant of permission this **condition** should be attached.

Uisce Eireann (Irish Water) have reviewed the information submitted and state in their report that they have no objection to the development. Their report recommends standard conditions requiring connection agreements pre-commencement of development. In the event of a grant of permission a **condition** to this effect should be attached.

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The Department of Defence have submitted an observation stating the following:

Given the proximity to Casement Aerodrome, operation of cranes should be coordinated with Air Corps Air Traffic Services, no later than 28 days before use, contactable at airspaceandobstacles@defenceforces.ie or 01-4037681.

In the event of a grant of permission a **condition** to this effect should be attached.

The South Dublin Childcare Committee have submitted an observation stating the following:

SDCCC note that the planning application LRD23A/0011 is not in line with recommendations under the Childcare Facilities Guidelines for Planning Authorities 2001, Appendix 2 Application of the Standard of One Childcare Facility per 75 Dwellings in New Housing Areas.

Childcare Facilities Guidelines for Planning Authorities 2001, Appendix 2

12. Particulars of proposed strategic housing development Describe briefly, attaching outline plans, where appropriate. (C) the provision of services ancillary to the proposed residential development, including child care facilities and communal facilities and amenities, and the proposed gross floor space for each such service. Where it is not proposed to provide one childcare facility for each 75 houses in the proposed development, the request should be accompanied by a statement of the rationale for this.

Given the requirements under Childcare Facilities Guidelines for Planning Authorities 2001, SDCCC consider that planning permission is not feasible without any allocation of a creche.

As stated previously in this report, a creche facility has been permitted within the adjacent 'Graydon' development (ABP305343-19) with an area of c. 518 sq.m. on the basis of 377 dwellings. There is currently a permission under appeal (ABP 316066-23) to increase the capacity of this facility. In the event of a grant of permission a **condition** should be attached that ensures that the creche in adjoining Graydon or similar is under construction prior to the occupation of 100 units in this scheme.

The reports received from the Public Realm, Roads and Water Services Departments/Sections are discussed further below in this report.

Additional Information Assessment

Item 1 Requested

There is currently no capacity in the existing surface water sewer at Hazelhatch Road to accept surface water from proposed development. The Local Authority accepts the principle of upgrading the surface water sewer as part of this application.

The applicant has submitted a detailed FRA and an Infrastructure Design Report, both of which say the outfall is to a drainage ditch within the Liffey catchment. No further detail or assessment of the impact of the outfall on the receiving system is included.

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The following information is requested:

- i) Provision of information on the capacity of the receiving watercourse/ ditch network for proposed new surface water pipe on Hazelhatch Road.*
- ii) Submit a letter of consent to make the planning application from owner(s), if relevant, of the outfall point for the receiving surface water at the discharge point of proposed surface water pipe on Hazelhatch Road.*
- iii) Provision of assessment to determine if there will be an increased flood risk to properties downstream as a result of the discharge pipe. If there is an increased surface water flow to receiving watercourses/ ditch network show in a report how this will be dealt with such that there is no additional flood risk to properties downstream of discharge point.*
- iv) Prior to submission of revised drawings and reports contact water services to discuss surface water layout and attenuation calculations for proposed development. Please make contact with SDCC Water Services prior to submission.*

Applicant's Response:

- i) Drainage Ditch Assessment Technical Note prepared by DBFL Consulting Engineers. The drainage ditch generally has capacity for the additional flow and upgrade works required. It was agreed with SDCC that the surface water outfall and the upgrades to the existing ditch will be delivered in conjunction with SDCC. Updated Site-Specific Flood Risk Assessment submitted.
- ii) Existing ditch is typically located along the roadside. Options available including to divert the culverts onto the public road or where feasible provide new culverts at the entrances to a number of private dwelling entrances. The applicant would welcome a condition similar to that attached to Reg. Ref. SD23A/0136.
- iii) Updated SSFRA and Technical Note 210026-TN-003 submitted. The undertaking of the upgrades will mitigate the downstream flood risk. SSFRA concludes that residential development proposed is appropriate for the site's flood zone category, Planning System and Flood Risk Management Guidelines Sequential Approach is met and the 'Avoid' principal is achieved, and a Justification Test is not required as the site is in Flood Zone C. The development was concluded as having a good level of flood protection up to the 100-year return event. For pluvial floods exceeding the 100-year capacity of the drainage system then proposed flood routing mitigation measures are recommended. EIAR review submitted with the response.
- iv) DBFL met with SDCC prior to submission.

Assessment:

SDCC Water Services have reviewed the information submitted and recommend refusal in relation to surface water drainage and flooding onsite. This includes concerns with the lack of surface water attenuation on site, which is discussed further below in this report under AI Item 2.

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In relation to the proposed surface water pipe on Hazelhatch Road Water Services recommend that letter(s) from owner(s) of the watercourse receiving surface water at the discharge point stating that the owner(s) agree to the location of the discharge point should be submitted and that the design of the discharge point will need to be agreed with Water Services prior to the commencement of development. Water Services state in their report that no works shall begin until there is a Development Agreement in place between the applicant and SDCC for the new surface water pipe at Hazelhatch Road and that there is sufficient surface water pipe development and attenuation provided for proposed development.

It is noted that this infrastructure would also service the development permitted under Reg. Ref. SD23A/0136, with a final grant date of 20th of February 2024, which is subject to a condition that adequate attenuation including surface water pipe development on Hazelhatch shall be developed sufficiently to accommodate surface water flows for the site prior to commencement of development. It is recommended that a **condition** to this effect is attached to the subject LRD application in the event of a grant of permission.

It is therefore considered that this item has been satisfactorily addressed subject to condition. On site surface water attenuation is discussed further below.

Item 2 Requested

The applicant should provide revised drawings to incorporate the below amendments to the scheme:

- i) Redesign of apartment/duplex block located to the south of the development to provide for a sufficient setback from the Manhole SF2-2 to allow a continuation of surface water flow above ground and prevent the narrowing of SuDS (Sustainable Drainage System) Swale at this point.*
- ii) Review of Linear Park along Western Boundary and whether additional housing units require removal / redesign in order to provide uninterrupted permeability along the southern boundary and useable and functional linear opens space along the western boundary of the proposed development.*
- iii) Examine if detention basin north of development at Manhole SC8 can be extended northwards and so reduce the need for 225mm surface water pipe at this location.*
- iv) The attenuation is undersized by between 20% and 50% in various catchments and as such surface water attenuation needs to be increased accordingly. Submit a report to show revised surface water attenuation calculations for proposed development. The sub areas in catchment 3 do not add up to the total area of Catchment 3.*
- v) Additional swales should be added to development such as at boundary East of site that is proposed to be piped between Manhole SF3 and SF0. Please make contact with SDCC Water Services prior to submission.*

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Applicant's Response:

- i) The swale at the pinch point has been extended from 2.5m to 3.0m wide.
- ii) The visitor parking space and universally accessible set down area to the south of Duplex Block A have been moved northwards to accommodate a continuous pedestrian link along the southwestern boundary of the development.
- iii) Detention basin has been extended north of manhole SC8 to reduce the length of the 225mm surface water pipes required. Revised drawing submitted.
- iv) In total approx. 1,784m³ of storm water storage is provided. This is 107m³ higher than the volumes calculated using Microdrainage and HR Wallingford.
- v) Swale has been extended. It was not feasible to extend the swale fully from SF0 to SF3 due to the pinch point created by the proposed green link. There is an existing ditch that runs parallel to the green link which meant the only option to increase the swale was to shift the green link over the existing ditch resulting in the requirement to culvert a section of the existing ditch.

Assessment:

- i) Manhole SF2-2 is located proximate to the south-west corner of Duplex Block A. The swale at this location has been extended in width towards the site boundary (from 2.5m to 3.0m). Duplex Block A has not been redesigned or relocated. Water Services have reviewed the information submitted and state in their report *'Proposed swale is too narrow (3m at one location and it should be a minimum of 12m wide) along the southern boundary of site and there is insufficient surface water attenuation provided on site'*.

The Water Services and Public Realm Sections have raised concerns with the surface water attenuation and drainage and open space layout along the south/south-western boundary of the site, which is discussed in more detail below. This includes the area adjacent to Duplex Block A, which is considered to be a pinch point of the design of surface water attenuation and open space along this boundary.

It is considered that the revised proposal has not sufficiently addressed this item. In particular there is insufficient space between Duplex Block A and House No. 102 and the site boundary to allow for the continuation of surface water flow above ground and prevent the inappropriate narrowing of the SuDS (Sustainable Drainage System) swale at this location.

Duplex Block A should be revised so that Duplex/Apartment Nos. 1 to 6 (inclusive) are omitted. It is not clear from the information submitted how the unit nos. correspond to the drawings. It would be logical to assume that the nos. apply from south to north, therefore, Duplex/Apartment Nos. 1 to 6 (inclusive) refer to the southern half of the duplex block.

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House No. 102 should also be omitted and House No. 103 revised to address the open space. The omission of these units would provide for a larger area for surface water attenuation (Sustainable Urban Drainage Systems (SUDS)) and integrated landscaping in this part of the site.

Revised floor plans and elevational drawings for the remainder of the duplex block and House No. 103 should be submitted for written approval. The standalone bin and bicycle parking store should also be relocated to provide for area for surface water attenuation and integrated landscaping. This can be addressed by way of **condition**.

ii) The Public Realm Section have reviewed the information submitted and state the following in their report:

Main Concerns:

- *Linear Park along Southern/Western Boundary – Poor quality open space /overly constrained at points and with unsafe hidden areas. Green Infrastructure corridor not provided as previously requested. Major discrepancies between drainage drawings and landscape layout, leading to significant concern regarding the feasibility of drainage proposed within the public open space area. Units require removal in order to provide a useable and functional linear open space along the boundary of the proposed development.*



Existing layout is disjointed and creates isolated pockets of Public Open Space. Connected green link/linear park with additional SUDs required to resolve.

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• *Lack of street trees - The proposed street design is not DMURS compliant as there are lengths of street with no street trees. This was a major problem in the adjoining Graydon estate, which was not resolved at the compliance stage, despite the An Bord Pleanála conditions requiring the developer to resolve same. Street trees shall be provided fully in Public Realm areas and not within private or management company driveways. Street Tree Planting shall be located within the Public Realm and include SUDS. DMURs requires street trees every 14-20 m along streets, and this has not been achieved. See Section 4.2.2 Street Trees from the Design Manual for Urban Roads and Streets 2019 (DMURS).*



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Purple dots indicate where additional street trees are required.

- *SUDs- not consistent with SDCC Suds Guidance. Very few SUDS tree pits, water not treated /attenuated close to source. Plans have not sufficiently demonstrated the integration of SUDs features into the landscape or their biodiversity value. Details of suitable headwalls, low flow channels, or habitat creation using SUDs has not been demonstrated.*

Under-provision of natural SUDs features along western boundary open space- (as per SDCC Water and Drainage calculations). Requires additional space for SUDs features along this boundary. Inconsistency between landscape and drainage drawings leading one to question the feasibility / viability of the landscape and natural drainage proposals.

- *Play – additional detail in terms of play provision within the development is required. The proposal dominated by balancing equipment which is not accessible and has low play value. Play should include natural play elements and include universally accessible play opportunities. Clarification as to the total number and location of play opportunities/age range and universally accessible. An emphasis shall be on active, accessible play throughout the development. The applicant shall use engineered woodchip as playground surfacing material.*

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Additional provision/opportunities for play should be made within the proposed public open space areas within the Development.

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2022-2028 and with best practice guidelines and have significant concerns about the proposed development. If the Planning Department, consider that these significant issues can be addressed at compliance stage then the conditions below shall apply. The input of Planning, Roads and Water and Drainage will be required in assessing compliance as major design and layout changes are required. Compliances will need to be co-ordinated by the Planning Dept. and there should be no commencement of development permitted prior to the compliance with the conditions being achieved.

The Public Realm Section recommends that if permission were to be granted conditions should be attached. These conditions include a detailed landscape plan with a redesign of the western boundary to provide a continuous linear park link, housing units redesigned to front onto open space, defects liability for planting, detailed play provision, revised landscape proposal showing the provision of street trees, additional measures to treat and attenuate water integrated into the landscaping, comprehensive SUDS Management Plan, Tree/Hedgerow Protection Plan, and the retention of a Landscape Architect for the duration of construction.

Water Services recommend **refusal** in relation to surface water and flooding and state the following in their report in this regard:

Surface Water Report: Recommend Refusal:

1.1 Proposed swale is too narrow (3m at one location and it should be a minimum of 12m wide) along the southern boundary of site and there is insufficient surface water attenuation provided on site.

1.2 Proposed surface water attenuation (within red line boundary) is undersized by between 20% and 46% and this does not include surface water flowing onto site from adjacent lands south of development.

1.3 There is no surface water attention proposed for surface water flow from adjacent site south of development (outside of redline boundary). This additional surface water attenuation requirement is estimated at between 1,000m³ and 2,000m³ additional attenuation requirement from surface water flow from lands south of proposed site.

1.4 The lack of surface water attenuation on site from both surface water on site and surface water flowing onto site from adjacent lands increases the flood risk of properties both on site and downstream of proposed development.

1.5 The landscape drawing and surface water drainage drawing do not match up. This is especially the case with levels of proposed swale south of development.

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Alternatively, if this application is to be granted the following is recommended:

2.1 The proposed swale south of development is too narrow and needs to be widened to a minimum of 12m. The revised 12m wide swale should start from a point adjacent to Manhole SF5-3-1 South East of site to a point adjacent to Manhole SA1-2 South West of Site. Houses that lie within 12m of boundary need to be removed to allow room for proposed swale and additional surface water attenuation required for the development.

2.2 Check dams should be provided along swale to help attenuate surface. Show on revised drawing what increased surface water attenuation is provided.

2.3 Submit a letter from owner/s of watercourse receiving surface water at discharge point of proposed surface water pipe on Hazelhatch Road that the owner agrees to the location of discharge point of proposed surface water sewer at Hazelhatch Road. Design of discharge point from Hazelhatch Road will need to be agreed with water services prior to commencement of development.

2.2 Increase the surface water attenuation on site by between 20% and 46% as required in each catchment.

2.3 There is currently no capacity in existing surface water sewer at Hazelhatch Road to accept surface water from proposed development. No works shall begin until there is a Development Agreement in place between the applicant and South Dublin County Council for a new surface water pipe in at Hazelhatch Road.

No works shall begin until there is sufficient surface water pipe development and attenuation provided for proposed development.

2.4 Prior to submission of revised drawings and reports contact water services to discuss surface water layout and attenuation calculations for proposed development.

Flood Risk: Recommend Refusal:

3.1 As per above points made due to insufficient surface water attenuation provided the proposed development should be refused. The lack of attenuation on site by between 20% and 46% increased flood risk of properties. There is no attenuation provided from surface water of between 1,000m³ and 2,000m³ estimated from adjacent lands and this greatly increases the flood risk of properties both on site and downstream of site.

Alternatively, if this application is to be granted the following is recommended:

3.2 Increase surface water attenuation by between 20% and 46% on site. Provide additional surface water attenuation of between 1,000m³ and 2,000m³ for surface water flowing from lands south of development. Increase the width of swale to a minimum of 12m along the southern site boundary.

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The Roads Department have reviewed the information submitted and state in their report that *'The applicant is providing a pedestrian link to open space to the south of the development. The footpath should be a minimum of 2.0m wide. Roads are satisfied with the response'*. The report from Roads is noted. Standard roads **conditions** should be attached in the event of a grant of permission. Having regard to the recommended omission of residential units, car and bicycle provision should be revised. This can be addressed by way of **condition**.

The Water Services and Public Realm Sections have raised concerns with the surface water attenuation and drainage and open space layout on the site, in particular along the south/south-western site boundary. There are concerns with the quality of the layout and design of the linear park, surface water attenuation (SUDS) measures and the surface water capacity for the proposed development. The Water Services and Public Realm Sections recommend that the public open space along this boundary is revised in terms of area, layout, and design to provide for sufficient space for functional surface water attenuation/SUDS measures and integrated landscaping and open space, involving the omission of housing units along this boundary.

It is recommended that the **conditions** from Water Services and Public Realm Sections should be attached in the event of a grant of permission. This includes revised drainage and landscaping plans to provide for sufficient on site capacity and the appropriate design of SUDS and landscaping. It is recommended that duplex units and House No. 102 are omitted from the scheme and these areas revised to address these particular areas of concern. The further omission of units would not be warranted in the opinion of the Planning Department and may result in the creation of public open space that may be poorly surveilled or managed.

The open space at House Nos 04 and 23 should also be reviewed. There appears to be discrepancies between the proposed Site Layout Plan (Drawing No. NS-2B100) and the Landscape Masterplan (Drawing No. 1855-2B_PL_P_01) in relation to the open space to the side and rear of House No. 04. It is unclear whether this open space would all comprise the private open space for this house as it appears that a boundary is provided through it in the Site Layout Plan. This area can be detailed and agreed by way of **condition**.

House No. 23's house type (J3) should be revised at this location to ensure adequate passive surveillance of the public open space to the south of this house. The public and private open space provision at this location should also be revised to ensure public open space is appropriately designed at this location. It is noted that House Nos. 19 to 21, 59 to 62, 85 to 88 and 101 (inclusive) adjoin or face the public open space along the south/south-western boundary. These houses would have entrances fronting this public open space, which is to be welcomed.

iii) As addressed above.

iv) As addressed above.

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v) As addressed above.

It is therefore considered that this item has been addressed subject to **conditions**.

Item 3 Requested

The applicant is requested to demonstrate how the proposal will comply with policies included within CS9 of the South Dublin Development Plan 2022-2028 which relate to the provision of community infrastructure in Newcastle and the policy COS3 Community Centres. The applicant is requested to consider objectives COS3 Objective 1, COS3 Objective 2 and COS3 Objective 3 in the response and consider options in relation to community floorspace provision, namely construction of a community centre on site or consideration of a pro rata contribution to the redevelopment and expansion of St. Finian's Community Centre, located to the north of the site.

Applicant's Response:

The St. Finian's Community Centre in close proximity to the proposed development and there is also the desire not to fragment community floorspace into smaller unviable spaces.

Additional community floorspace of 140sq.m was also approved as part of the supermarket application under Reg. Ref. SD20A/0037.

The applicant would welcome a condition for an in lieu contribution towards community floorspace in the area. This should exclude any previous contributions already paid towards community facilities.

Assessment:

The extension of the existing community centre at St Finian's is feasible and is a suitable and proximate location to meet the needs of the increasing population in this catchment. The response from the applicant is therefore considered acceptable in this instance.

The SDCC Delivery Team have reviewed the information submitted and state the following in their report:

The response to the further information requested on the provision of the community floorspace is noted. The applicant has offered a financial contribution in lieu of the provision of community floorspace on the site. The Local Authority currently have plans underway with regards to delivering an expansion of St. Finian's community centre (Reg. Ref. SD22A/0286) located to the north of the site. The proposal at St. Finians includes upgrade to the existing building into a state-of-the-art community facility, which is in line with similar SDCC community buildings within the county. It is proposed to construct a new rear extension and upgrade the building. The financial contribution in lieu of floorspace provision is accepted by the Planning Authority in this context.

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The County Development Plan provides for a residential capacity of 646 for Newcastle in the Core Strategy. The current application of 131 and adjacent permitted development by the same applicant total 179 units, which is c28% of the overall planned residential capacity. In this context, the Planning Authority considers that a financial contribution to the value of 28% of the current order of magnitude costings for the Community Centre should be attached by condition. As such, the following condition is recommended.

Contribution in lieu of Community Floorspace

In accordance with the submitted response to the Further Information on XXXX and prior to occupation of the first 50 units or as otherwise agreed in writing with the Planning Authority, the applicant shall pay a financial contribution of €1,120,000 (one million, one hundred and twenty thousand euros) unless otherwise agreed in writing with the Planning Authority, towards the delivery of upgrades, extensions and/or new community centres in the area. The financial contribution is in lieu of the provision of community floorspace on-site.

REASON: To provide for community floorspace in accordance with Policy COS 3, Objective COS3 Objective 1, Objective 2, and Objective 3 of the South Dublin County Development Plan 2022 – 2028

Having regard to this it is considered that a **condition** to this effect should be attached to any grant of permission. The financial contribution will be affected by the omission of units (reduced to c27%). It is therefore considered that this item has been satisfactorily addressed subject to condition.

Item 4 Requested

It is noted that the development proposal has changed significantly since the plans and particulars submitted at LRD opinion stage. The applicant is requested to submit a number of revised details which consider the current application as standalone and not in conjunction with the live application Reg. Ref SD23A/0136, as follows:

- i) GSF calculated without reliance upon another site/live application.*
- ii) Revised density figure based on site area and unit numbers subject to this application (not inclusive of SD23A/0136).*
- iii) Updated architectural design statement / planning statement with accurate information and accurate figures clearly set out for the subject application, as standalone.*

Applicant's Response:

i) Sites were masterplanned as one site. The response indicates that the GSF for this Phase 2B LRD application is 0.44.

ii) Based on the net site area of 4.28ha (of the RES-N residential zoned land), the net density of the LRD Phase 2B application is 30.6dph.

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iii) Updated Statement of Consistency and documents submitted.

Assessment:

i) The applicant acknowledges that the current application cannot meet the 0.5 (minimum) GI score without the inclusion of elements associated with what is referred to as Phase A (Reg. Ref. SD23A/0136). It is noted that since the date of the request for Additional information Reg. Ref. SD23A/0136 has been granted permission. The Planning Department also notes that masterplanning the subject application and the permitted development to the east under Reg. Ref. SD23A/0136 is appropriate to ensure the two sites appropriately integrate.

The above-mentioned amendments to surface water attenuation and drainage and open space layout and design along the south/south-western boundary would allow for a higher GSF to be achieved onsite. Having regard to this it is considered that the proposal complies with GI5 Objective 4 subject to amendment through **condition**.

ii) Since the date of the request for Additional Information on this application, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage (2024) were published (as of 15th of January 2024). These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued as Ministerial guidelines under Section 28 of the Act in 2009.

Newcastle can be considered a Small/Medium Sized Town (1,500-5,000 population) under the Settlement Guidelines. Given the subject site's proximity to the centre and Main Street of Newcastle, it is considered to fall somewhere between 'Small/Medium Town - Centre' and 'Small/Medium Town Edge'. For 'Centre' development *'It is a policy and objective of these Guidelines that the scale of new development in the central areas of small to medium sized towns should respond positively to the scale, form and character of existing development, and to the capacity of services and infrastructure (including public transport and water services infrastructure)'*. Whereas for 'Town Edge' development *'It is a policy and objective of these Guidelines that densities in the range 25 dph to 40 dph (net) shall generally be applied at the edge of small to medium sized towns'*.

The proposed residential density for the subject LRD application is 30.6dph (net). It is noted that Reg. Ref SD23A/0136 has been granted permission as of 20th of February 2024. The sites have been masterplanned together and would provide for a residential density of 33.7dph. The above-mentioned omission of 7 no. units would provide for a net residential density on the LRD site of approx. 29dph (124 no. units on a net area of 4.28ha).

Having regard to the location of the site, proximity to public transport and services, surrounding context, it is considered that the proposed residential density complies with County policy and the relevant National guidelines. It is therefore considered that this item has been addressed.

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iii) Updated documentation submitted with information and figures for the subject application submitted. It is therefore considered that this item has been addressed.

Other

There is an objective under the County Development Plan in the southern part of the application site 'To Provide For Traveller Accommodation (indicative sites) - Newcastle.' The proposed development does not include provision of Traveller Accommodation.

It is noted that this objective is indicative in terms of location. The provision of Traveller Accommodation in South Dublin has to comply with the relevant policies and objectives of the CDP 2022-2028, including H4 Objectives 2 and 3 which are to ensure that Traveller Accommodation is located in proximity to services and is provided with the proper provision of infrastructure.

Having regard to the location and nature of the site it is considered that no provision of Traveller Accommodation is acceptable in this instance. Traveller Accommodation can be facilitated on more appropriately located and serviced sites in line with SDCC's Traveller Accommodation Programme 2019-2024 (and any superseding programmes agreed by the Council).

Development Contributions

Total gross floor area (excluding plant/ESB, tank rooms, car parking areas and bicycle/bin stores) 14,160.22sq.m

Omission of 7 no. units 697.8sq.m

Assessable area 6 no. duplex/apartments and 118 no. houses totalling 124 no. units (Part V to be excluded once agreed) = 13,462.42sq.m

Note that development contributions will not apply to the social housing units provided in accordance with the agreement made under Part V of the Act as per the South Dublin County Council Development Contribution Scheme 2021-2025.

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Planning Reference Number	LRD23A/0011
Summary of permission granted:	Residential development
Are any exemptions applicable?	
If yes, please specify:	
Is development commercial or residential?	Residential
Standard rate applicable to development:	126.46
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	126.46
Area of Development (m2)	13,462.42
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	13462.42
Vehicle display areas/ Open storage spaces	
Rate applicable	€12.65
Contribution	€0.00
Total development contribution due	€1,702,457.63

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Dwellings	NO OF UNIT	CASH	BOND
1-20	20	€6,994	€8,043
21-50	30	€4,896	€5,630
51+	68	€2,798	€3,217
TOTAL DWELLING	118	€477,024.00	€548,516.00
Apartments	NO OF UNIT	CASH	BOND
1-20	6	€4,969	€5,715
21-50	0	€3,478	€4,000
51+	0	€1,988	€2,286
TOTAL DWELLING	6	€29,814.00	€34,290.00
TOTAL SECURITY CALCULATION		€506,838.00	€582,806.00

SEA Monitoring

Building Use Type Proposed: Residential development and open space.

Floor Area: 13,462.42sq.m

Land Type: Greenfield development.

Site Area: 10.7 Hectares.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall layout and design of the development proposed it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on the 19th of February 2024, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Amendments.
Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, the following:
 - (a) Unless otherwise agreed, revised drawings showing the omission of Duplex/Apartment Nos. 1 to 6 (inclusive), the southern half of Duplex Block A, and House No. 102. Car and bicycle parking relating to these units shall be revised and the bin store/bicycle parking structure shall be re-sited so that it does not abutt public open space. The subject lands arising from the foregoing amendments shall be re-allocated to form public open space and shall more particularly function as part of the linear park/biodiversity corridor/nature-based surface water attenuation in conjunction with the aforementioned reduction in units. House No. 103 shall be revised to address the public open space to the south. Communal open space shall also be revised around Duplex Block A in conjunction with this reduction in units.
 - (b) Details of the Linear Park along the south/south-western boundary of the site and Sustainable Drainage Systems (SUDS) measures along the south-western boundary. Details shall include how the development would align with any future permitted development on the adjoining lands to the east of the application site.

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(c) Details showing how the development hereby permitted would integrate with the permitted development on the adjoining lands to the east of the application site so as to make the Taobh Chnoic Character Area a cohesive neighbourhood area.

(d) Revised plans showing the configuration and demarcation of open space at House Nos 04 and 23 addressing minor inconsistencies to the submitted plans. These plans shall clearly demarcate private and public open space. House No. 23's house type (J3) shall be revised to ensure adequate passive surveillance of the public open space to the south of this house. The public and private open space provision at this location should also be revised to ensure public open space is appropriately designed at this location in terms of ongoing maintenance by machinery.

(e) A revised Housing Quality Assessment indicating that all residential units hereby permitted will be provided with at least the minimum acceptable private open space area as per the South Dublin County Development Plan 2022-2028 standards for the completeness of the planning file.

Following written agreement, the development shall be implemented in accordance with the agreed details.

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

3. Architectural Conservation.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the SDCC Architectural Conservation Officer where necessary, the following:

(a) A Design Rationale/Design Statement detailing how design elements and use of materials, colour palettes and finishes soften and mitigate the visual impacts of the development on the Newcastle Village Architectural Conservation Area. The statement shall address how these design elements, materials, colour palettes and finishes balance the proposals in the context of the ACA and protected structures.

(b) Photomontages showing the full extent of the development and how the new buildings will be viewed from the Village Core and from the Protected Structures highlighted in the EIAR report.

REASON: In the interest of the protection of architectural heritage.

4. Materials and Finishes.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, details of external materials and finishes of all buildings hereby permitted onsite, and all works shall be carried out in accordance with this written agreement. Render on the duplex/apartment block shall be reduced or fully omitted.

REASON: In the interest of visual amenity.

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5. Phasing.

(a) Prior to the commencement of development, the applicant/owner shall submit, for the written agreement of the Planning Authority, a detailed phasing programme for the approved development that fully accords with the requirements of the Planning Authority. Such a phasing programme shall demonstrate full compliance with Development Plan policies and objectives in this regard as well as conditions herein.

(b) Prior to the occupation of the residential units hereby permitted, the extension to Taobh Chnoic Park hereby permitted shall be completed in full and to the satisfaction of South Dublin County Council.

(c) Prior to the occupation of 100 no. of the residential units hereby permitted, the creche facility permitted under An Bord Pleanála Ref. ABP305343-19, or an alternative approved creche facility with similar capacity for the area, shall be under construction.

REASON: To provide for the orderly and sustainable development of the site and compliance with South Dublin County Council's Development Plan.

6. Provision of Surface Water Infrastructure.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the SDCC Drainage and Water Services Section where necessary, details of adequate surface water drainage/attenuation for the development. This shall include the provision of a new surface water pipe to the outfall on Hazelhatch Road or surface water drainage/attenuation infrastructure otherwise agreed with South Dublin County Council. Adequate surface water attenuation for the site shall be in place prior to the commencement of development, including prior to the stripping of topsoil from the site. All agreed surface water attenuation/drainage details shall be fully implemented on site prior to the occupation of any of the dwelling units hereby permitted.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate surface water drainage provision.

7. Sustainable Drainage Systems (SUDS) and Landscaping.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the SDCC Drainage and Water Services and Public Realm Sections where necessary, the following:

(a) Surface water attenuation and Sustainable Urban Drainage Systems (SUDS) redesigned across the development to provide for sufficient capacity and functionality and incorporation with landscaping and green infrastructure. Additional details required to demonstrate how the SUDs are integrated into the landscape including use of low flow channels to ensure usability of open spaces, headwalls, biodiversity measures etc as described in SDCC Guidance. This shall include widening swales along the south/south-western site boundary including the swale located to the south of Duplex Block A. The review shall address the omission of residential units as specified to the Amendments Condition above.

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- (b) Review if dams should be provided along swale to help attenuate surface. Show on revised drawing what increased surface water attenuation is provided.
 - (c) Increase surface water attenuation by between 20% and 46% on site. Provide additional surface water attenuation of between 1, 000m³ and 2, 000m³ for surface water flowing from lands south of development.
 - (d) Plans showing surface water attenuation and drainage, SUDS and landscaping that aligns with any future permitted development on the adjoining lands to the east of the application site.
 - (e) Details of the proposed swales including dimensions, gradients, and planting.
- REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate surface water drainage provision.

8. Roads.

Prior to the commencement of development, the applicant/owner shall submit, for the written agreement of the Planning Authority, the following:

- (a) Details of provision for the charging of electric vehicles including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge). 100% of car parking spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points, and 20% of car parking spaces must be provided with electric vehicle charging points initially.
 - (b) Details of the proposed cycling/pedestrian routes through development, including layout details at a 1:200 scale of the cycle-ways that comply with the National Cycle Manual standards.
 - (c) An Autotrack/swept path analysis for emergency vehicles around the development site.
- REASON: In the interest of traffic safety and sustainable transport.

9. Archaeological Condition.

- (a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, and/or dredging associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
- (b) A Method Statement for the licensed archaeological monitoring, to be approved by the National Monuments Service, will include methodology for the preservation by record of features AA1, AA2 and AA3 that were identified during testing under Licence 20E0024.
- (c) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service of this Department, regarding appropriate mitigation (preservation in-situ/excavation).
- (d) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority,

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following consultation with the National Monuments Service of this Department, shall be complied with by the developer.

(e) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service of this Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

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

10. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

11. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

12. Landscape Plans.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the Public Realm Section where necessary, a fully detailed landscape plan that resolves inconsistencies between the submitted drainage plan and submitted landscaping plan and incorporates the following:

(a) Hard and soft landscaping, levels, sections and elevations, lighting, SuDS design, street tree provision, boundary treatments, play areas and existing green infrastructure assets on site. Plans shall include underground services, proposed lighting, or other features likely to impact on the delivery of the landscape plan. A Green Infrastructure Plan shall be submitted in addition to the landscape plan.

(b) The plan will include a redesign of the south/south-western boundary to provide for a linear park link. Plans shall demonstrate the accessibility of the open space for maintenance by machinery and by people and the proper integration of SUD features, biodiversity elements and play.

(c) The plans shall incorporate amendments arising from the foregoing Amendments

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Condition and shall demarcate the provision of public and private open space, including with reference to House Nos 04 and 23.

(d) Details of the landscaping over the pumping station tanks and around substation infrastructure.

REASON: In the interests of biodiversity, amenity, the provision, establishment and maintenance of a reasonable standard of landscape and the proper planning and sustainable development of the area in accordance with the policies and objectives of the South Dublin County Development Plan 2022-2028.

13. Defects Liability.

Trees, shrubs, or hedges planted that are removed, die, suffer damage, or become seriously diseased within three years of planting shall be replaced in the following planting season with similar size and species as initially required.

REASON: To ensure that the development retains a high standard of design, layout and amenity in accordance with relevant policies in the South Dublin County Development Plan 2022-2028.

14. Play.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the Public Realm Section where necessary, a fully detailed play design plan. Play areas to include a range of natural play elements and equipment suitable for children between 0-12 and include universally accessible equipment. All play equipment and ancillaries shall conform to European Standards EN 1176-1-11 and EN 1177.

REASON: To uphold the policies of the South Dublin County Development Plan 2022-2028 relating to Children's play, and to provide for the proper planning and sustainable development of the area.

15. Street Trees.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the Public Realm Section where necessary, landscape proposals including all the items outlined below:

(a) Street trees, spaced at 14-20m intervals planted on both sides of every street. The applicant is referred to DMURS (2019) for guidance on street tree provision.

(b) All Street Trees shall be planted fully within the Public Realm and shall have suitable tree pits that incorporate SuDS features.

(c) Street Trees to be planted at:

i) Minimum 18-20m girth along local streets (Check DMURS standards)

ii) Minimum 16-18cm girth on local roads, i.e. home zones.

(d) Unless otherwise agreed, where street trees have not been provided, the footpath should be moved to the inside, (i.e. car parking and tree on the street edge), to enable the street tree to be integral to street. Refer to diagrams in this report to see where additional

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trees are required.

Compliance with this condition will require moving footpaths to the inside outside the following housing units. Units 1-4, Units 45 -52, Units 19-22, Units 65-72, Units 59-73, Units 89-96, Units 97-101, 102-109, Units 114 -119.

(e) All Street Trees planted within the Public Realm shall have suitable tree pits that incorporates SuDS features including sufficient growing medium. Where the applicant can provide street trees within the street without the alteration of car parking, the applicant shall submit plans detailing compliance with all relevant standards in relation to DMURS and the provision of street trees.

REASON: In the interests of adequate Green Infrastructure provision in accordance with the South Dublin County Development Plan 2022-2028.

16. SUDS Management Plan.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, a comprehensive SUDS Management Plan that demonstrates that the SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with the policies and objectives of the South Dublin County Development Plan 2022-2028.

17. Tree and Hedgerow Protection.

(a) Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the Public Realm Section where necessary, a Tree/Hedgerow Protection plan in accordance with BS 5837:2012, and an Arboricultural Method Statement.

(b) Tree protection measures agreed under (a) above shall be implemented, and Public Realm notified of such prior to the commencement of any works on site.

REASON: To ensure the protection of trees and hedgerows in accordance with the South Dublin County Development Plan 2022-2028.

18. Retention of Landscape Architect.

Prior to commencement, the developer must appoint a qualified Landscape Architect as a Landscape Consultant for the duration of the construction. The planning authority must be informed of this appointment in writing prior to commencement. A Practical Completion Certificate, signed by the Landscape Architect, shall be sent to SDCC Public Realm Section upon the satisfactory completion of all landscape works.

REASON: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm in accordance with

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relevant policies in the South Dublin County Development Plan 2022-2028.

19. Mitigation Measures.

Mitigation and monitoring measures outlined in the plans and particulars submitted with this application, including the Environmental Impact Assessment Report (EIAR), shall be implemented in full within the timescales listed in the documentation, except where otherwise required by conditions attached to this permission.

REASON: In the interest of protecting the environment and the proper planning and sustainable development of the area.

20. Management Company.

A. Prior to the commencement of development the applicant/owner shall submit the following for the written agreement of the Planning Authority:

(i) A plan clearly identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the Multi-Unit Developments Act 2011, or other acceptable legal entity prior to the occupation of the first residential unit, and this plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, and;

(ii) A detailed building lifecycle report which shall include an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development, as well as demonstrating what measures have been specifically considered by the developer to effectively manage and minimise costs for the benefit of all potential residents.

The said external common areas of the development to be retained in private ownership indicated in the plan required shall not be taken in charge by the Council and shall instead be maintained in perpetuity by an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011.

B. Continued membership of an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011 shall be compulsory for all owners for the time being of property within the development.

C. No development shall take place under this permission until the applicant, owner or developer has lodged for the written agreement of the Planning Authority:

(i) A copy of the Certificate of Incorporation of the said Company responsible for the external common areas of the development to be retained in private ownership has been lodged with the Planning Authority in respect of the plan required above.

D. Any changes to the status or nature of the Owners' Management Company shall be notified to the Council forthwith.

E. The Owners' Management Company shall hold insurance for public liability risk at all times for all areas under its control or responsibility.

REASON: To ensure a proper standard of residential development and maintenance of

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the private areas within the development and compliance with the South Dublin County Council Development Plan.

21. Street Naming and Dwelling Numbering.

Prior to the commencement of any works on site the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

(i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme.

The agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Planning Authority's requirements. The development name should:

1. Avoid any duplication within the county of existing names, and
2. Reflect the local and historical context of the approved development, and
3. Comply with;
 - (a) Development Plan policy, and
 - (b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and
 - (c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and
 - (d) Preferably make exclusive use of the Irish language.

Proposals for an apartment name and numbering scheme and associated signage shall be lodged with the Planning Authority prior to the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site.

The applicant, developer, or owner is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required scheme.

REASON: In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.

22. Public Lighting.

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of works on site the applicant, owner or developer shall have lodged with the Planning Authority:

- (i) A Public Lighting Scheme including all electrical design, for the development as approved, designed to provide for high quality public lighting throughout the public realm of the site, prepared by competent public lighting design consultants to the current editions of both the European Lighting Standard ISEN13201 and the SDCC Specification for Public Lighting Installations in Residential and Industrial Developments: along with:
- (ii) Written confirmation from the Council's Public Lighting Section that the scheme is

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fully in compliance with the above standards applicable, and

(iii) A written commitment to implement the agreed Public Lighting Scheme in full, and maintain it to taking in charge standards in perpetuity or until taken in charge by the Council,

(iv) All the above requirements have been acknowledged in writing as acceptable by the Planning Authority.

The public lighting scheme shall be contained exclusively within the public realm of the development as approved, entirely in areas to be offered for taking in charge or subject to the responsibility in perpetuity of an approved management company.

Appropriate natural or artificial lighting or both shall be provided and maintained throughout car parking areas.

The external lighting scheme shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowed away from residential properties, public roads and any bat roosts or areas with bat activity. No lighting column shall be located within the eventual canopy spread of any proposed street tree or other tree as the case may be. The public lighting design consultants should consult with the Council's Public Realm section in this regard.

In addition, no dwelling unit/commercial unit shall be occupied on any street until the public lighting provided for that street is operational fully in accordance with the agreed Public Lighting Scheme for the overall development.

The applicant, owner or developer may consult with the Council's Public Lighting Section before lodging the required plan to them for agreement.

REASON: In the interests of public safety and amenity, to prevent light pollution and in the interests of the proper planning and sustainable development of the area.

23. Environmental Health.

Noise

(a) No equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 hours on Saturdays nor after 19:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

(b) Where intrusive machinery is required to be used at short notice, the main contractor shall ensure that nearby sensitive locations are informed prior to works commencing.

(c) Noise due to the normal operation of the proposed development, expressed as L_{Aeq} over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time.

(d) Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

(e) The applicant shall ensure that the design of the noise sources at the facility and the associated abatement measures will ensure that tonal or nuisance noise will not arise at the Noise Sensitive Locations NSLs due to the facility operation.

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(f) The applicant shall put in place management procedures and a maintenance program for the external plant. All mechanical plant items such as motors, pumps, generators etc. shall be regularly maintained to ensure that excessive noise generated by any worn or rattling components is minimised.

(g) Compliance verification through noise monitoring should be carried out during construction and operational phases of the development to ensure levels as outlined in the EIAR are achieved minimizing impact on Noise Sensitive locations.

Air

(h) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.

(i) Dust mitigation measures as outline in section 7.5 of the EIAR must be put in place during the construction phase of the development in order to minimise dust related human health impacts.

Lighting

(j) The lighting to be used on site must not be intrusive to any light sensitive location including residential properties, public areas or commercial buildings in close proximity to the development.

Drainage and Water

(k) Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.

(l) All fuel oil storage tanks and refuelling areas on site shall be constructed within a bunded area sufficient to hold any oil spillages plus any potential flooding to protect from ground contamination as well as any water sources. As a minimum, storage must be bunded to a volume not less than 110% of the tanks maximum capacity.

Pest Control

(m) The applicant shall put in place a pest control contract for the site for the duration of the construction works.

Refuse

(n) A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

REASON: In the interest of environmental protection and public health

24. Construction and Demolition Resource Waste Management Plan.

Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted

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to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

REASON: In the interest of proper planning and sustainable development.

25. Construction Traffic Management Plan.

Prior to the commencement of any works associated with the development hereby permitted, the applicant/developer shall submit a Traffic Management Plan (TMP) for the construction phase of the development for the written agreement of the Planning Authority. The TMP shall incorporate details of the road network to be used by construction traffic including oversized loads, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed TMP shall be implemented in full during the course of construction of the development.

REASON: In the interest of sustainable transport and safety.

26. Construction & Environmental Management Plan.

Prior to the commencement of development, the applicant/developer shall submit a site-specific Construction & Environmental Management Plan (CEMP) for the written agreement of the Planning Authority. The CEMP should detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt. Details around storage of construction materials, dust suppression and construction-related fuel and oil and roofed bunds that exclude rainwater shall be included. The developer must take precautions to ensure there is no entry of solids, during the connection of pipework, or at any stage to the existing surface water system. Flooding incidences during the construction phase should also be considered as part of the preparation of the CEMP. The CEMP should provide for the assignment of a designated, suitably experienced, and person during the construction phase, to monitor and ensure all environmental mitigation measures are implemented and functioning correctly and related record of checks shall be maintained and made available for inspection.

REASON: In the interests of public health and the proper planning and sustainable development of the area.

27. Use of Cranes.

Prior to the commencement of development, the applicant/developer shall contact the Property Management Branch of the Department of Defence to ensure that any crane operations do not impact on the safety of aircraft operations, no later than 28 days before use.

REASON: In the interest of aviation safety.

28. Restriction on Use and Occupancy.

Each proposed residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes,

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(including short-term letting).

REASON: To prevent unauthorised development.

29. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

30. Council Housing Strategy.

That the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:

(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2016-2022, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and

(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.

REASON: To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2016-2022.

31. Contribution in lieu of Community Floorspace

In accordance with the submitted response to the Further Information on the 19th of February 2024 and prior to occupation of the first 50 units or as otherwise agreed in writing with the Planning Authority, the applicant shall pay a financial contribution of €1, 080, 000 (one million eighty thousand euros) unless otherwise agreed in writing with the Planning Authority, towards the delivery of upgrades, extensions and/or new community centres in the area. The financial contribution is in lieu of the provision of community floorspace on-site.

REASON: To provide for community floorspace in accordance with Policy COS 3 and objectives COS3 Objective 1, Objective 2 and Objective 3 of the South Dublin County Development Plan 2022-2028.

32. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1, 702, 457.63 (One million seven hundred two thousand four hundred fifty-seven euros and sixty-three cents), in respect of public infrastructure and facilities benefiting development

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within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

33. Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:
- (A) Lodgement of a cash deposit of €506, 838.00 (Five hundred six thousand eight hundred thirty-eight euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or
- (B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €582, 806.00 (Five hundred eighty-two thousand eight hundred six euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of

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publicly accessible services in the development.

REASON: To ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

34. Regulation of Institutional Investment in Housing - Mixed unit-type development.

(a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

Note: A draft Section 47 Agreement on Bulk-Buying is available on request from the Planning Authority. It is recommended 2 copies of this Draft Agreement be completed and wet-ink signatures and company seals be attached by the developer and same be submitted by post to the Planning Authority when seeking to discharge this condition.

Comhairle Chontae Atha Cliath Theas

PR/0298/24

Record of Executive Business and Chief Executive's Order

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.


Comhairle Chontae Atha Cliath Theas

PR/0298/24

Record of Executive Business and Chief Executive's Order

REG. REF. LRD23A/0011

LOCATION: Within the townland of Newcastle South, Newcastle, And along Athgoe Road & Hazelhatch Road (R405) to (Ground Investigations Ireland premises), Co. Dublin.


Gormla O'Corrain
Senior Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 19 March 2024


Mick Mulhern, Director of Land Use, Planning & Transportation

To whom the appropriate powers have been delegated by the order number DELG (1923) of the Chief Executive of South Dublin County Council*

Appendix 4: Technical Note prepared by DBFL Consulting Engineers



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Technical Note – 210026-TN-004

Subject: Newcastle 2 – Fiona Murray Appeal
Lands

Recorded by Noel Gorman (for DBFL)

Client: Cairn Homes

Date: 08th May 2024

Contact: Cliona Eogan

Job No: 210026

1.0 Background

Cairn Homes have received an LRD Planning Grant under reference LRD23A/0011, to develop 131 dwellings and associated infrastructure at Newcastle, County Dublin. Since receiving the planning grant an appeal has been made by Fiona Murray who is the owner of the lands immediately south/southwest of the subject site and a plot to the north between Newcastle Main Street and the development. This technical note is to respond to the concerns highlighted in the appeal regarding connectivity and servicing the adjacent zoned lands owned by the appellant (highlighted in Figure 1.1 below) for future development of a similar scale (houses / duplexes). Any future development is subject to detailed design and statutory approvals. Figure 1.1 below outlines our understanding of the extent of the zoned lands in the ownership of the appellant. Each plot has been referenced from 1-3 for ease of reference within the report.

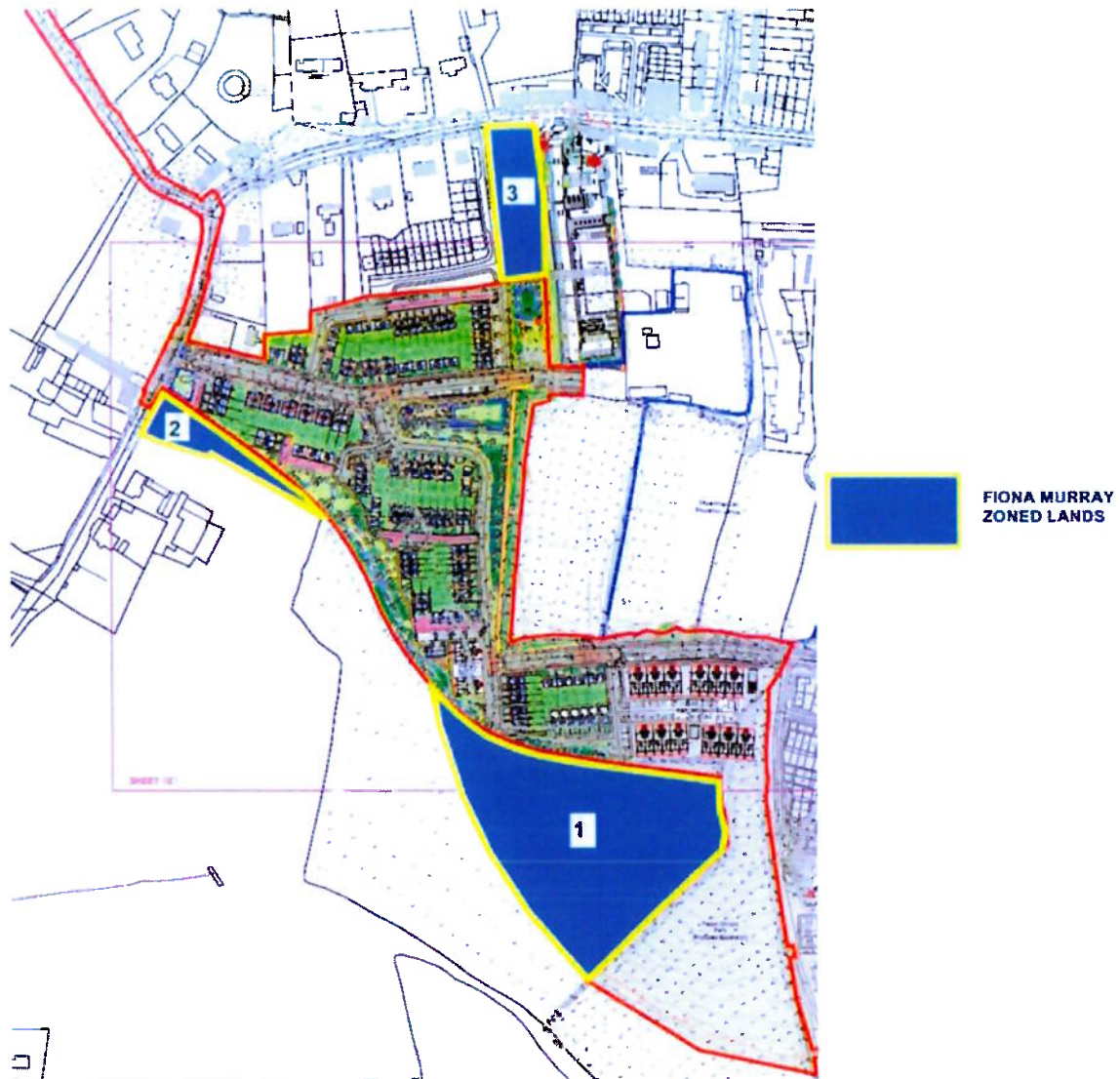


Figure 1.1 Fiona Murray Zoned Lands (indicative only)

2.0 Access

The proposed street layout within the Cairn development provides for 2 no. future street connections to Plot 1 at the locations shown in Figure 2.1 below. The street connections provide access to streets that are adequate in cross section to serve a typical residential development within Plot 1 based on the Design Manual for Urban Roads and Streets (DMURS). The proposed street layout within the Cairn development provides for a street connection to Plot 2 at the location shown in Figure 2.1 below. The street connection is to a homezone areas which would be appropriate for the number of units likely to be developed within Plot 2. It is assumed Plot 3 will be accessed from Newcastle Main Street or from the access road to the west as part of any future development. Notwithstanding this, the applicant is amenable to amending the approved layout to facilitate an access from the south. An indicative layout showing such a connection is shown below with the attenuation facility altered in form and shape to accommodate a 5.5m wide road and 2.0m wide footpaths



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on either side. See Figure 2.2 below. Such connectivity and permeability between residential developments is typically welcomed by the local authority.

We note the appeal letter requests additional connectivity / access points to the unzoned lands between Plot 1 and Plot 2. Considering this land is unzoned, it is considered inappropriate to provide such connectivity.

The concern of potential ransom strips at the access points highlighted in the appeal is noted. All access points to the appellant lands will be extended to the boundary to remove any potential ransom strips. A planning condition is welcomed in this regard.

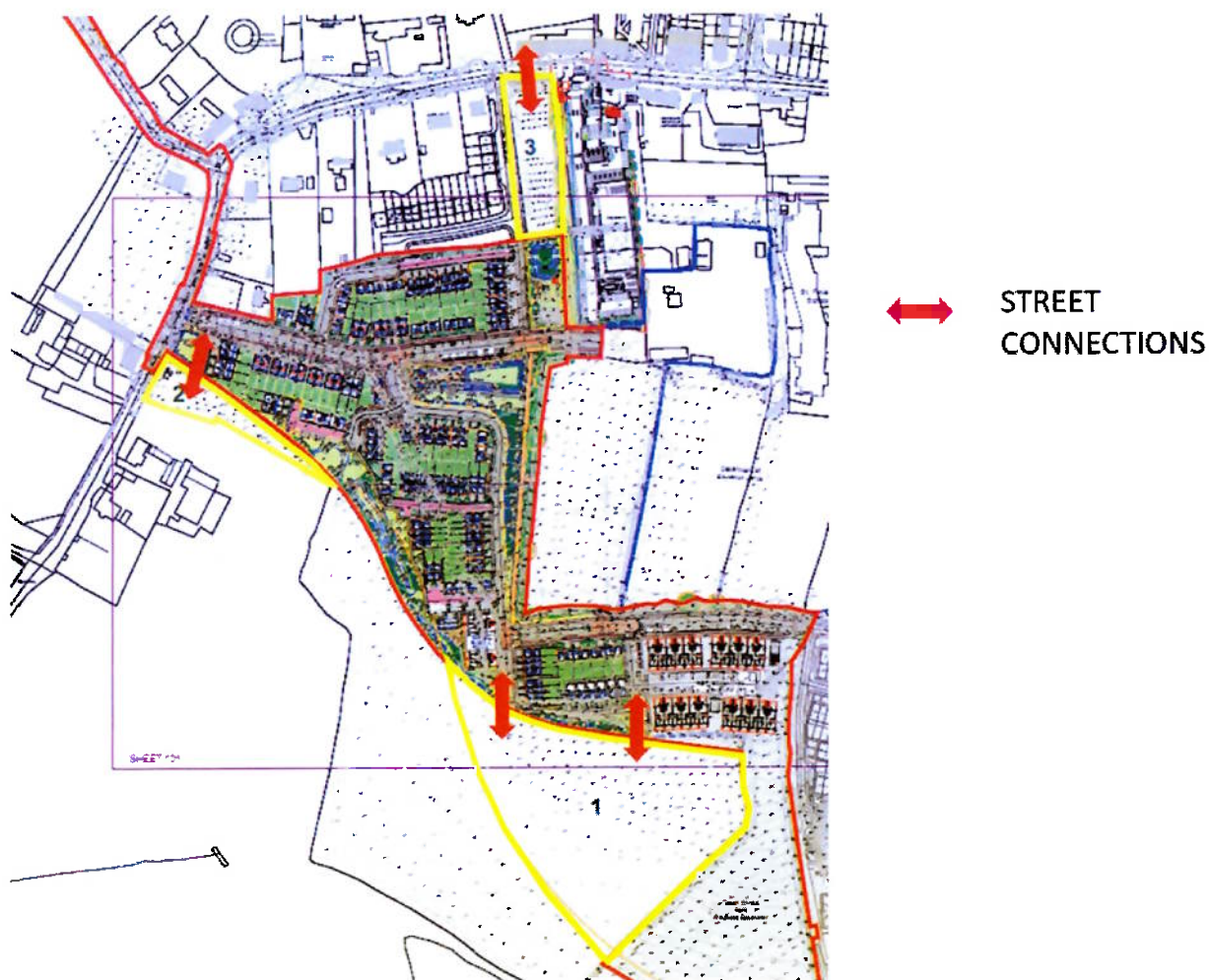


Figure 2.1 Street Connections to the South



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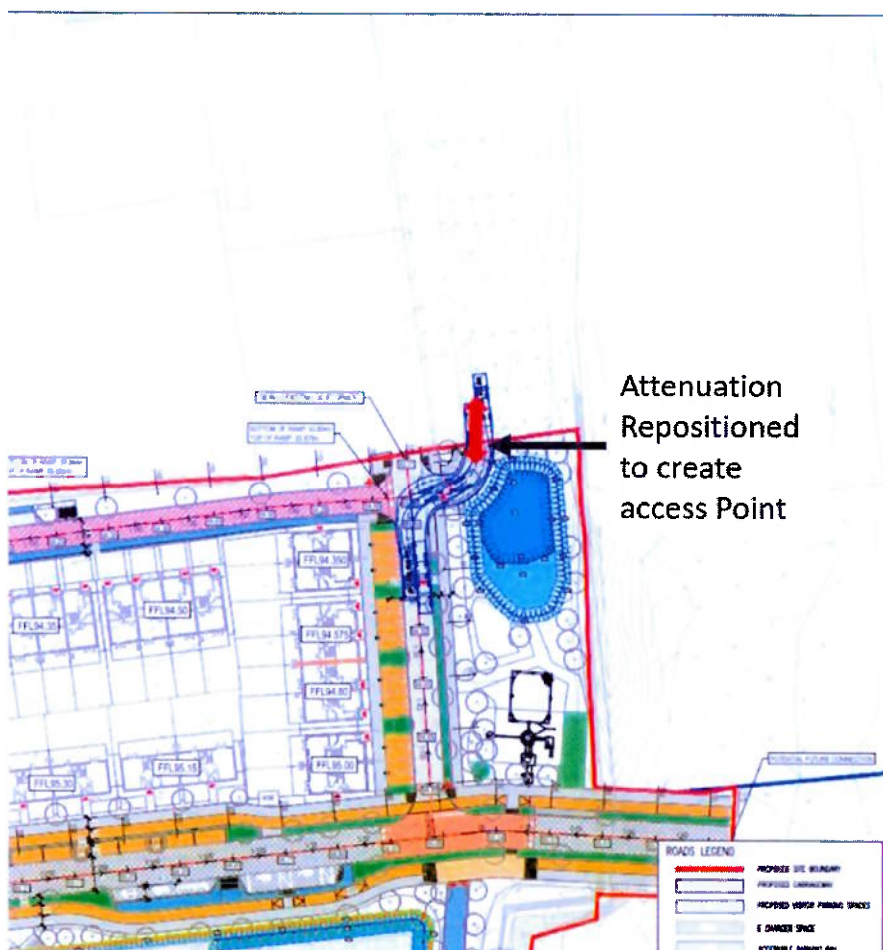


Figure 2.2 Attenuation Repositioned to in order to provide access

3.0 Foul Drainage

Cairn Homes have agreed with Irish Water to construct a foul pumping station within the proposed development to cater for foul flows from the development. The pumping station has been sized to accommodate foul flows from future development within Plot 1 and 2 and sewer connections are proposed as shown in Figure 3.1 below. The calculations for the pipe network capacity and pumping station capacity have accounted for future development within Plot 1 and Plot 2 of the appellant lands.

Given the topography (falling north towards main street) of Plot 3 it is likely the most economical solution for that site will be to outfall foul drainage to the existing foul drainage network on Main Street. The Irish Water drainage records are shown in figure 3.2 below which show a suitable outfall on Newcastle Main Street. Notwithstanding this, the applicant is agreeable to providing connections to the pumping station to the south should Irish Water prefer this route.



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Figure 3.1 Foul Sewer Connections

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Figure 3.2 Foul Connection onto Main Street Plot 3

4.0 Surface Water Drainage

DBFL have developed a surface water masterplan for the Newcastle South Lands. Surface water sewer connections are proposed to serve attenuated outflows from Plot 1. Therefore, any future development within Plot 1 will require attenuation to restrict outflows to greenfield runoff rates which would be a typical approach for any development. A surface water sewer connection is proposed to serve Plot 2. The attenuation within the Cairn Homes site has been sized to accommodate development within Plot 2 (typical low-density development) considering the constrained nature of Plot 2. The location of the connections are shown in Figure 4.1 below.

As Plot 3 is downstream and lower than the Cairn site, no surface water connections are proposed to Plot 3, it is envisaged that Plot 3 will outfall to the watercourse on its eastern or northern boundary. See figure 4.2 below.



Figure 4.1 Surface Water Sewer Connections

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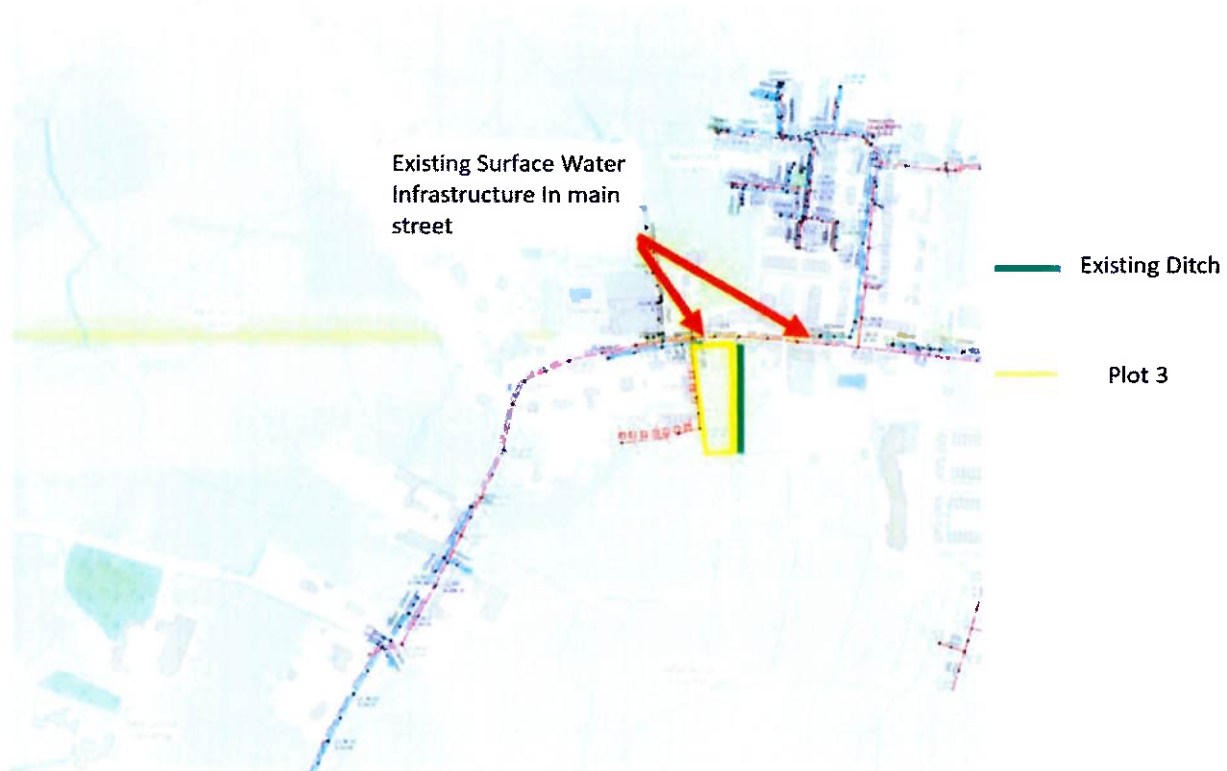


Figure 4.2 Surface Water Sewer Connections Plot 3

5.0 Watermains

Cairn Homes have agreed with Irish Water to construct a trunk watermain along the link street within the proposed development. The trunk watermain will be sized to provide potable water to future development within Plot 1 and 2 and connections can be provided to each plot as shown in Figure 5.1 below.

While the design currently doesn't include a water connection to Plot 3 as it was anticipated that a water connection would be provided from Newcastle Main Street, a water connection can be provided from the proposed development subject to agreement with Irish Water.



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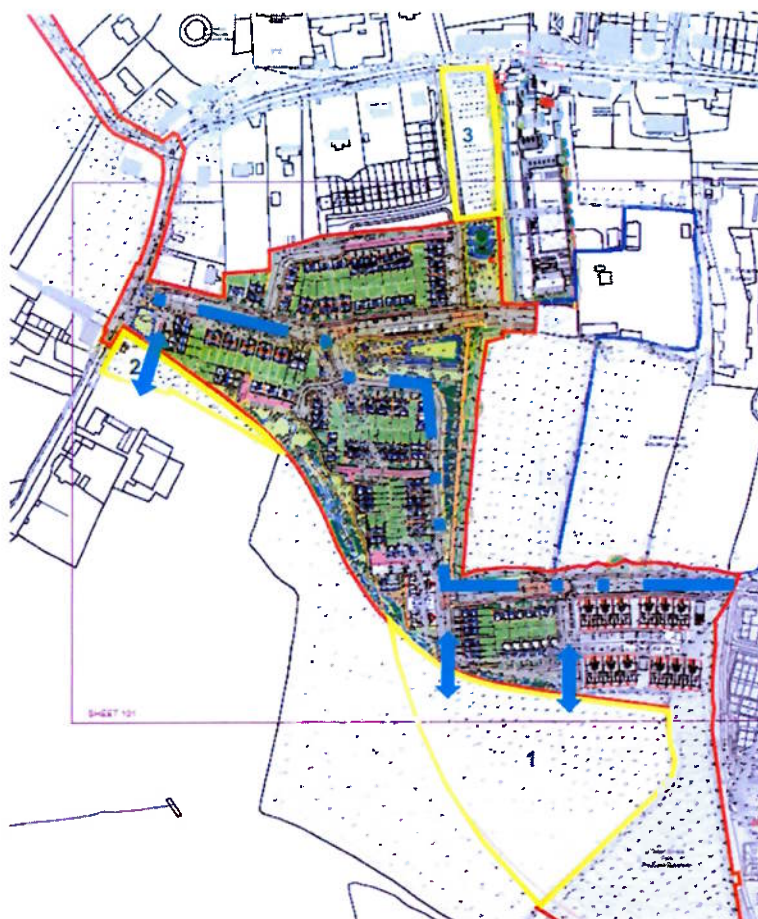


Figure 5.1 Watermain Connections



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