

Planning Report, Statement of Consistency and Statement of Material Contravention

**Strategic Housing Development at
Stocking Lane, Ballyboden, Dublin 16.**

October 2021



**MACCABE DURNEY
BARNES**
Planning Environment Economics

www.mdb.ie

MacCabe Durney Barnes
20 Fitzwilliam Place, Dublin 2
T:+353 1 6762594 F +353 1 6762310
W: www.mdb.ie

TABLE OF CONTENTS

PART A – PLANNING REPORT	III
1 INTRODUCTION	1
2 SITE LOCATION AND DESCRIPTION	2
2.1 General Site Location and Description	2
2.2 Transport and Services	3
2.3 Amenities	4
3 PLANNING HISTORY	4
3.1 Relevant Planning History on site	4
3.2 Relevant Planning History on Lands to North	6
3.3 Relevant Planning History in the Surrounding Area.....	6
4 PROPOSED DEVELOPMENT	7
4.1 Rationale for Development at this Location	7
4.2 Summary of Proposed Development	7
4.3 Extent of Application.....	11
4.4 Differences between the proposed scheme and ABP-308763-20	12
5 CONSULTATIONS WITH PLANNING AUTHORITY AND AN BORD PLEANÁLA	13
5.1 Consultations Associated with Previous SHD application - ABP-308763-20.....	13
5.2 s247 meeting with South Dublin County Council–P.A Ref: SHD1SPP005/21.....	15
5.3 An Bord Pleanala Pre-application consultation – Ref: ABP-310111-21	15
5.4 Conclusion of Consultations and Basis for Application	15
6 APPROPRIATE ASSESSMENT.....	16
7 ECOLOGICAL IMPACT ASSESSMENT	16
8 ENVIRONMENTAL IMPACT ASSESSMENT SCREENING.....	17
8.1 Background.....	17
8.2 European Directive as amended and associated transposing Regulations.....	17
8.3 Methodology	20
8.4 Article 299B(1)(b)(ii)(II) and article 299B(1)(c) Information.....	23
8.5 Screening Conclusion	31
9 PART V	31
10 FLOOD RISK.....	31
11 WATER SERVICES AND DRAINAGE	32
12 ACCESS AND TRAFFIC.....	33

13	CONSTRUCTION AND DEMOLITION MANAGEMENT /WASTE PLANS.....	33
14	CONCLUSION.....	33
	PART B – STATEMENT OF CONSISTENCY	34
15	STATEMENT OF CONSISTENCY	35
15.1	Key provisions	35
15.2	National.....	35
15.3	Regional.....	42
15.4	Section 28 Guidelines.....	43
15.5	County – South Dublin Development Plan 2016-2022	51
16	CONCLUSION.....	62
	PART C – STATEMENT OF MATERIAL CONTRAVENTION.....	63
17	INTRODUCTION.....	64
17.1	Material Contravention Elements.....	64
17.2	Legislative Context	65
18	JUSTIFICATION FOR THE MATERIAL CONTRAVENTION	66
18.1	Material Contravention 1 – Building Height	66
18.2	Material Contravention 2 – Apartment Sizes.....	76
19	CONCLUDING STATEMENT	78



Part A – Planning Report

1 Introduction

On behalf of the applicants, MacCabe Durney Barnes Ltd, this Statement comprising three parts as follows:

- Part A – Planning Report
- Part B – Statement of Consistency; and
- Part C – Statement of Material Contravention

It has been prepared to accompany a Strategic Housing Development (SHD) application to An Bord Pleanála under the Planning and Development (Housing) and Residential Tenancies Act, 2016, as amended in relation to a proposed strategic housing development on lands at Stocking Lane, Ballyboden, Dublin 16.

In summary, the proposed development consists of 131 residential units, a creche, a shop, landscaping, parking and site development works on lands c.2.47 ha.

This statement has been prepared in accordance with the requirements of the strategic housing development guidance document issued by An Bord Pleanála. Part A of this report provides further details of the proposed development in relation to the location and context of the application site.

A Statement of Consistency must demonstrate the following:

- In the applicant’s opinion, the proposal is consistent with the relevant objectives of the Development Plan concerned. The statement should be accompanied by a list of the principal plan objectives considered by the prospective applicant in making the statement.
- In the applicant’s opinion, the proposal is consistent with the relevant planning scheme for a strategic development zone made under section 169 of the Act of 2000 (where applicable). This does not apply to this application.
- In the applicant’s opinion, the proposal is consistent with any relevant guidelines issued by the Minister under section 28 of the Act of 2000. The statement should be accompanied by a list of the guidelines considered by the applicant in making the statement.

This statement demonstrates that the proposed development is consistent with relevant national planning policy guidelines issued under Section 28 of the Planning and Development Act, 2000, as amended, and with local planning policy in the *South Dublin County Council, 2016-2022*.

This statement should be read in conjunction with the accompanying detailed documentation prepared by Matt Barnes Architects, Cass Roche Landscape Architects, AECOM and OBA Consulting Engineers.

Further details of consistency with the quantitative standards for residential development in the Apartment Guidelines (2018) and the Quality Housing for Sustainable Communities (2009) is set out in the Planning Schedule and Housing Quality Assessment (HQA) prepared by Matt Barnes Architect.

2 Site Location and Description

2.1 General Site Location and Description

The 2.47 ha application site is located c 3km south of Rathfarnham, on the eastern side of Stocking Lane, a regional road, R115. The site is located within the M50. The eastern side of Stocking Lane in the vicinity of the application site, is characterised by suburban housing. The irregular shaped site consists of grazing land which slopes gently from south to north and from west to east. To the south and east of the of the application site are housing estates (Prospect Manor and Springvale) and to the north are a number of detached houses including Rockwood House, a protected structure. To the west of the site is Stocking Lane and opposite the site is the Ballyboden Water Works. Mature planting fronts the Stocking Lane boundary and a footpath and cycle path is located on the western side of Stocking Lane. The current access to the site is via a detached house to the north, St.Winnows. There is a further detached house, Coolamber, lying to the north of the site. The ground surface consists of grass and the current use of the application site is agricultural.

A significant feature of the site is that a pipe runs underground across the site in a west-east direction from the Ballyboden Waterworks under Stocking Lane across the site to Springvale housing estate to the east. There is a building free 10m wide zone over the pipe. Landscaping, roads and utilities can be accommodated within the zone.

Figure 1: Site Location Source MyPlan.ie

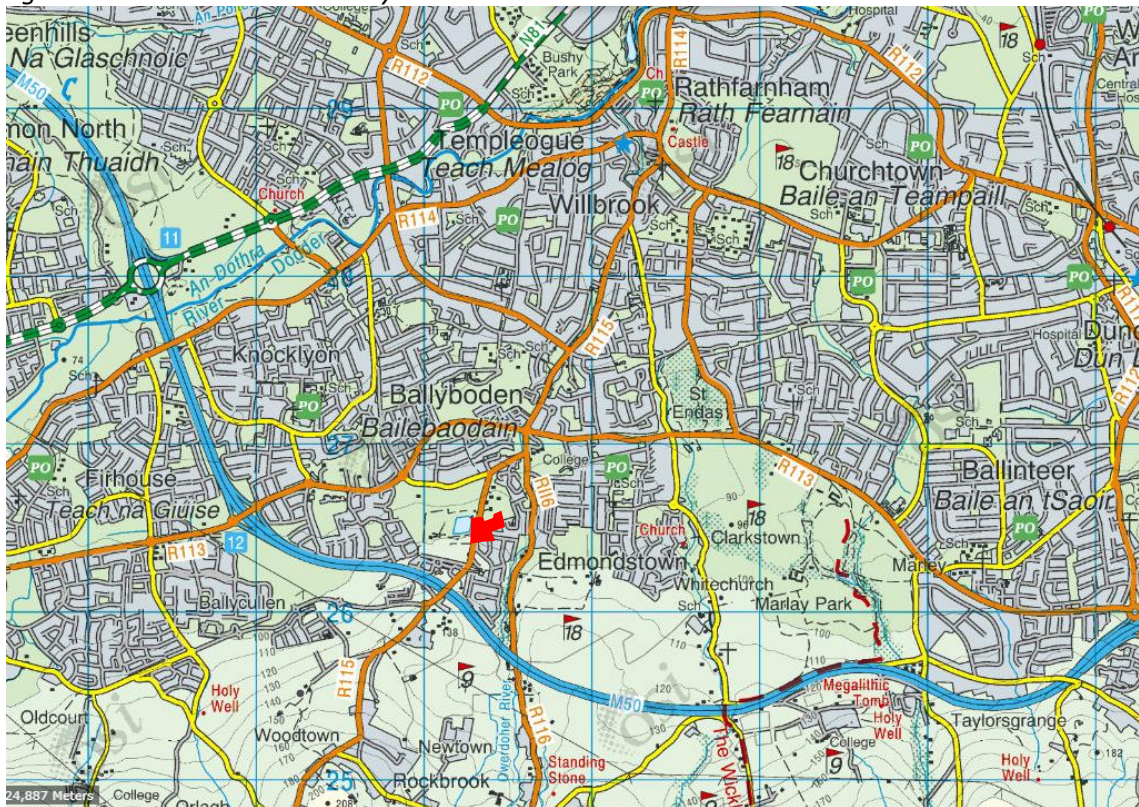


Figure 2: Aerial view of site (site in red)



Source: Google Earth

The site is bounded by trees along all boundaries.

Figure 3: Aerial view of site



2.2 Transport and Services

The R115 abuts the western side of the site. A dedicated cycle lane is located on the western side of the R115. The 15B bus passes along Stocking lane at an average of every 15 minutes. There is a further bus service 15 on Scholarstown Road which is within a 10 minute walk.

2.3 Amenities

The application site is close to a host of amenities;

- Shopping areas
- Public parks
- Places of worship
- Golf courses
- The Dublin Mountains

Further details are provided in the *Concept Plan and Design Criteria Statement* which accompanies this application.

3 Planning History

3.1 Relevant Planning History on site

ABP-308763-20, permission refused on the 25th March 2021 for a strategic housing development at a site c.2.47 ha comprising

- 131 residential units including:
 - 21 houses (11 no. 4-bed; 10 no. 5-bed) of up to two-storey plus roof storey.
 - 51 duplex apartment units (11 no. 1-bed; 23 no. 2-bed; 17 no. 3-bed) in seven blocks of up to three-storeys.
 - 59 apartment units (18 no. 1-bed; 38 no. 2-bed; 3 no. 3-bed) in three apartment blocks up to four-storeys.
- A creche of c. 128 sqm at the ground floor of Block L.
- A shop of c. 65 sqm at the ground floor of Block G, with associated storage.
- A total of 167 car parking spaces, of which:
 - 88 are at surface level and 79 in the basement under apartment Blocks F and G.
 - 5 are dedicated visitor parking spaces.
- A total of 288 cycle parking spaces and 5 no. motorcycle spaces.
- A new vehicular access onto Stocking Lane.
- A new vehicular and pedestrian/cycle access to the Springvale estate to the east.
- New roads, footpaths and cycle paths and connections within the site
- A new pedestrian crossing on Stocking Lane to the north west.
- The expansion and upgrade of the existing pedestrian crossing on Stocking Lane to the south west.

The development also includes landscaped private and public open space, boundary treatment, lighting, play area, an ESB substation, site drainage works and all ancillary site development works above and below ground.

The proposed development was refused on one ground:

‘Having regard to the provision of the South Dublin County Development Plan 2016-2022, specifically Housing (h) Policy 9
– Objective 3 requiring proposals to comply with Section 11.2.7 of the South Dublin County Development Plan 2016-2022, which states that new residential development that would adjoin existing one and/or two-storey housing, shall be more than two storeys in height, unless a separation distance of 35m or greater is achieved, and to the form, height layout of the proposed development, it is considered that the proposed development materially

contravenes the Housing (H) Policy 9 – Objective 3 of the South Dublin County Development Plan 2016-2022.

Furthermore, the statutory requirements relating to public notices and the submission of a material contravention statement have not been complied with by the applicant. Accordingly, the Board is precluded from granting permission in circumstances where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.'

Planning Reg. Ref. D18A/0225, permission was refused for 96 residential units in August 2018 for following reasons (in summary):

- The layout of apartment blocks did not provide the perimeter blocks. The design layout incorporated was poor layout quality and quantity of public open space and was dominated by car parking spaces and internal road network in the case of Blocks F1 and F2.
- Unsatisfactory public open space, including play areas.
- Non-compliance with the Design Manual for Urban Streets.
- Issues pertaining to surface water.
- Single-aspect units faced north.
- The positioning of apartment blocks in the centre of the site and associated semi-private open space requirements; and

Other issues, relating to minimum space requirements landscaping and planting.

Figure 4: P.A.Reg.Ref:D18A/0225 Layout



The proposed layout has been designed in response to the reasons for refusal. The Irish Water pipe that traverses the site remains a key constraint.

3.2 Relevant Planning History on Lands to North

P.A Reg.Ref: SD19A/0058 (ABP-304458-19): Permission was refused in September 2019 by the Board for 4 houses and 5 apartments, new vehicular access and associated site works at Coolamber, Stocking Lane for two reasons relating to the siting and orientation of Units 3 and 4 and the scale and proximity of these units relative to the existing adjoining dwelling 'Coolamber' and the location of and access to the area of public open space at the southern end of the site.

P.A Reg.Ref: SD20A/0002 (ABP-306966-20) – Permission was refused in October 2020 by the Board for 4 houses and 5 duplex apartment units and vehicular access at Coolamber, Stocking Lane for three reasons relating to the provision of quality open space, the potential impact upon zoned lands to the south (the subject site) and the relationship with Coolamber.

PA.Reg.Ref: SD21A/0194 – Permission was refused in September 2021 by South Dublin County Council for 3 three bedroom, two storey houses of 116sq.m; 1 three bed two storey house of 96sq.m; 5 duplex units in a two storey block, consisting of 2 one bed units and 2 two bed units and a three bed unit; demolition of 14sq.m of conservatory attached to Coolamber House with new vehicular access and associated site works at site adjacent. The decision has been appealed to An Bord Pleanála.

PA.Reg.Ref: SD21A/0202 – Further information was requested on the 13th September 2021 for the setback, widening and relocation of a site entrance northwards along the public road, allowing for improved sight lines and it's repositioning, reordering and construction; a new pedestrian entrance; demolition of small shed/garage structure; filling-in of an existing swimming pool; demolition of a portion of the west flanking courtyard wall to re-establish a historic courtyard entrance (as seen on Historic 6 Inch (1837-1842), Historic 25 inch (1888-1913) maps); construction of 11 residential units located surrounding Rookwood House (protected structure) on its associated grounds, made up of Section 1: The Gate Lodge consisting of Unit 1, [1.5-Storey two bed, 4 person detached dwelling (83.50sq.m); Section 2: Mews Houses consisting of Units 2, 3 & 4, (two storey three bed, four person terraced dwellings (105.10sq.m) and Unit 5 (two Storey, three bed, six person detached dwelling (138.00sq.m) and Section 3: Woodland Houses consisting of Units 6 & 9 (2.5-storey, four bed, six person detached dwellings (152.00sq.m), Units 7 & 10 (2.5-storey, four bed, six person semi-detached dwellings (152.00sq.m) and Units 8 & 11 (2.5-storey, three bed, six person semi-detached dwellings (125.90sq.m) and maintaining the existing Rookwood house (protected structure) as a residential house, as is; 22 car parking spaces, new pedestrian footpaths, internal road network, detailed landscaping, services and all associated works.

3.3 Relevant Planning History in the Surrounding Area

ABP Ref. 244732

In relation to larger developments, the most significant consented development in the vicinity is Scholarstown Wood where the Board granted on 12/8/2015 a 10 year permission for 247 houses, 70 apartments, creche and all associated site works. That site is located to the north west of the application site on the opposite side of Stocking Lane and has been substantially built and is occupied in part.

ABP Ref. 246765

The Board permitted the replacement of open treated water reservoir with a new covered reservoir and disinfection plant. (which currently supplies 30,000m³ per day of drinking water) 19/10/2016.

ABP Ref. 307222

Permission has been granted for a SHD development at Taylors Lane and the junction of Edmonstown Road on 14/9/2020, for 496 apartments and associated works.

4 Proposed Development

The proposed development is fully described below.

4.1 Rationale for Development at this Location

The design rationale for the proposed development is illustrated in the *Concept Plan and Design Criteria Statement* and the iterative process has evolved having regard to *the Urban Design Manual- A best Practice Guide* (2009), the accompanying document to the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009). This manual establishes 12 criteria that residential development should be assessed against. Additionally, the design layout has been informed by the following:

The rationale for the proposed development relates to the following:

- Need for housing
- Zoned for residential use by Council
- Location
- Transport Accessibility
- The development plan and national planning guidance
- Urban Development and Building Heights Guidelines
- Apartment Design Guidelines
- Irish Water pipe sterilisation area running east-west preventing from development along that corridor
- The irregular shape of the site
- The pattern of development in the area
- The elevation of the site over lands to the east
- DMURs
- Feedback from the Planning Authority
- The pattern of decisions from the Board on SHD applications
- The decision by An Bord Pleanála to refuse planning permission for ABP-308763-20 and the Inspector's Report informing the decision.

4.2 Summary of Proposed Development

The development consists 131 residential units, a creche and shop at site c 2.4 ha, Stocking Lane, Ballyboden, Dublin 16.

Table 1: Key statistics

Development Parameter	Summary
Parameter Site Proposal	Application Site 2.41 ha net, 2.47 gross
No. of residential units	131
No. of houses: 21 units comprising:	1 no. 3 bed 11 no. 4 bed 9 no. 5 bed
No. of apartments: 110 units comprising: (this includes duplex type apartments)	29 no. 1 bed 61 no. 2 bed 20 no. 3 bed
Ancillary to residential use	Management office: 24 sqm
Non-residential use:	Creche (128 sqm) Shop (65 sqm) Management space 24 sqm, ESB 14 sqm
Density	54.3 units per ha
Plot Ratio	0.54
Site Coverage	20%
Dual Aspect apartments	82 %
Car Parking	167
Bicycle parking	288
Motorcycle parking	5
Height	2 to 4 storeys
Open Space Public:	0.35 ha or 14.5% of the site
Communal open space (Apartments and duplex):	3,077 sqm

The breakdown of the overall residential unit types is as follows:

Table 2: Overall Breakdown of Units

Unit Type	1 bed Apt	2 bed apt	3 bed Apt	3 bed house	4 bed House	5 bed House	Total
No. of units	29	61	20	1	11	9	131
% of overall development	22%	47%	15%	1%	8%	7%	100%

The breakdown of apartments as follows:

Table 3: Breakdown of Apartments

Unit Type	1 bed Apt	2 bed apt	3 bed Apt	Total
No. of units	29	61	20	110
% of apartments	26%	55%	18%	100%

The description of the proposed is as follows:

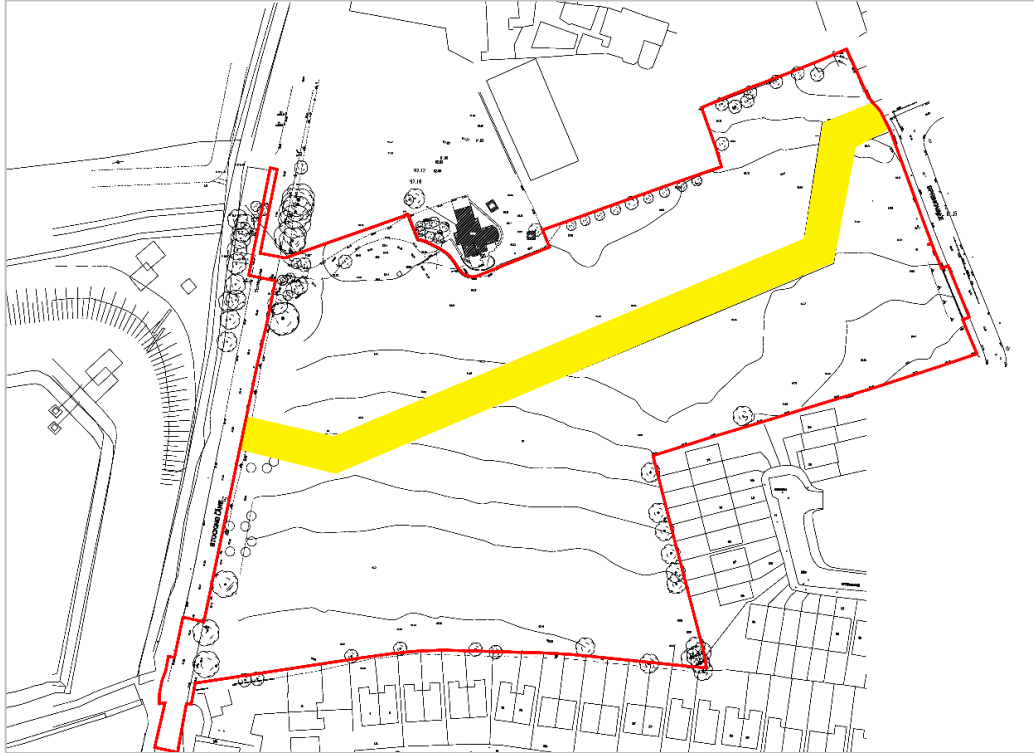
- 131 residential units including:
 - 21 houses (1 no. 3-bed; 11 no. 4-bed; 9 no. 5-bed) of up to two-storey plus roof storey.
 - 2 duplex apartment units (2 no. 2-bed) in a three-storey high block.
 - 108 apartment units (29 no. 1-bed; 59 no. 2-bed; 20 no. 3-bed) in ten apartment blocks up to four-storeys
- A creche of c. 128 sqm at the ground floor of Block L.
- A shop of c. 65 sqm at the ground floor of Block G, with associated storage.
- A total of 167 car parking spaces, of which:
 - 88 are at surface level and 79 in the basement under apartment Blocks F and G.
 - 5 are dedicated visitor parking spaces.
- A total of 288 cycle parking spaces and 5 no. motorcycle spaces.
- A new vehicular access onto Stocking Lane.
- A new pedestrian and cycle access to the Springvale estate to the east.
- New roads, footpaths and cycle paths and connections within the site
- A new pedestrian crossing on Stocking Lane to the north west.
- The expansion and upgrade of the existing pedestrian crossing on Stocking Lane to the south west.

The development also includes landscaped private and public open space, boundary treatment, lighting, play area, an ESB substation, site drainage works and all ancillary site development works above and below ground.

The site layout has been dictated by:

- The permitted development in the vicinity
- The constraint of the Irish Water pipe that traverses the site
- Issues relating to neighbouring amenity and preservation of development potential of neighbouring property.
- A need to preserve existing trees.
- A desire to provide attractive open spaces for future residents and the provision of well-designed attractive communal open space for the residents of the apartments
- A desire to create an attractive architectural ensemble that would appeal to the current housing market and contribute to the aesthetic qualities of Stocking Lane.
- The creation of a good residential mix of houses and apartments of different sizes that would cater for a cross section of family sizes.
- The feedback from the Planning Authority at the section 247 meetings and the planning history.
- The Opinion of the Board and the tripartite meeting with the Board and the Planning Authority, which required a stronger urban edge on Stocking Lane and other design considerations forming part of ABP-308763-20.
- The decision by An Bord Pleanála to refuse planning permission for ABP-308763-20 and the Inspector's Report informing the decision.

Figure 5: Location of Irish Water pipe in yellow where development is restricted influencing the layout of the scheme



The figure below illustrates the layout of the scheme.

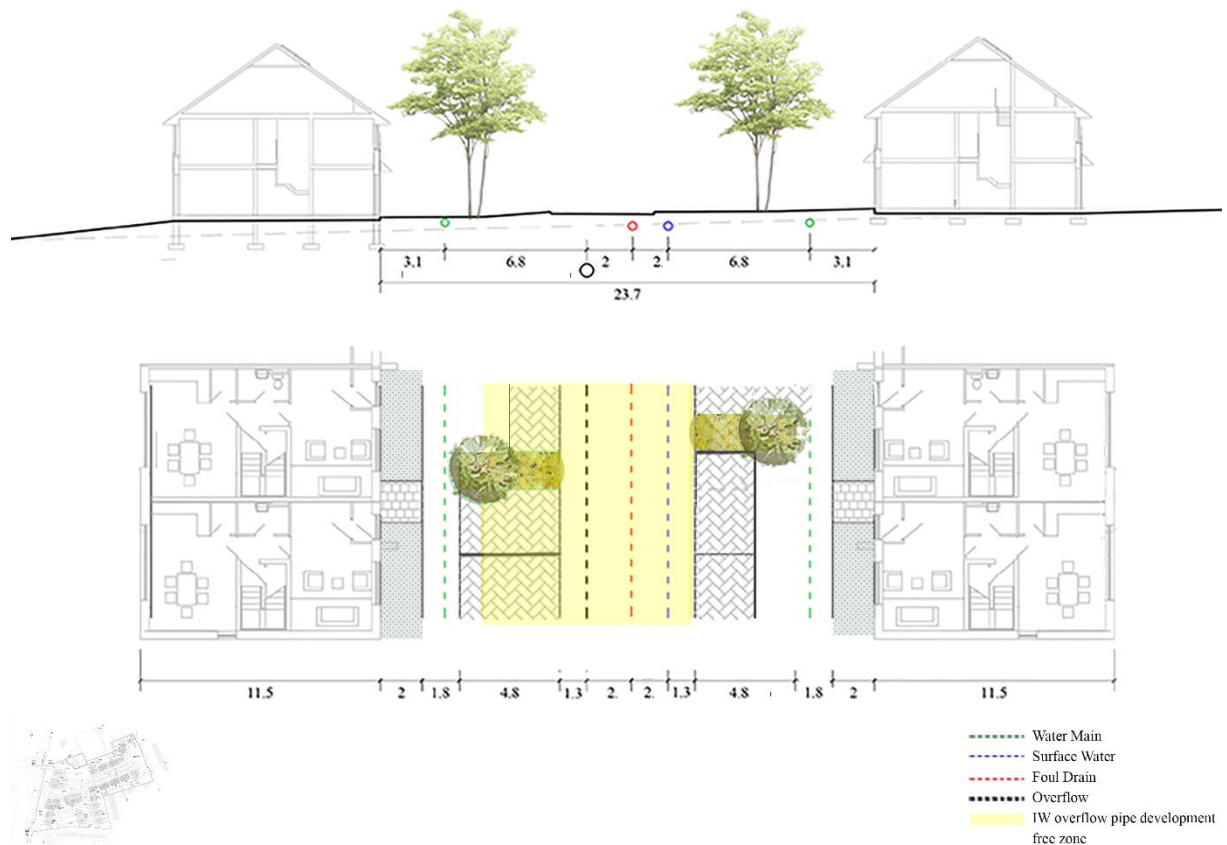
Figure 6 : Proposed site Layout



The evolution of the layout is illustrated in the *Concept Plan and Design Criteria Statement* accompanying the application. Specifically, the layout of the eastern part of the site is determined by the constraints associated with the existing Irish Water pipe. These are:

- No buildings or trees within the 5m of either side of the pipe
- Utilities should be a minimum of 2m distance from the Irish Water Pipe
- Trees should not be within private gardens, as requested by South Dublin County Council’s Parks Department
- Utilities should be a minimum of 1m distance from each other.

Figure 7: Layout along the Spine Road



The layout comprises the main public open space area c. 1,270 sqm with MUGA and playground, swale and wetland. A secondary open space is located to the east with kickabout and planting and totals c. 1,030 sqm. A linear open space south of the access road c.740 sqm is also proposed. Communal open space is proposed in a courtyard between Blocks H, F and J and other ones provided for Block A (2-3), C (10-11) and A (17-18) and to the rear of duplex Block K.

4.3 Extent of Application

Part of the application site include elements of the public road on Stocking Lane and Springvale. We refer to Letter PL 01/2021 re: Planning and Development (Amendment Regulations) 2021 (S.I 9 of 2021) and specifically to art 2(a) which provide that, when seeking planning permission

for a proposed development that is in, on, over or under a public road in cases where the applicant is not the legal owner of the land on which the proposed works are to be undertaken, the consent of the landowner is not required to be submitted with the application, subject to written confirmation being provided that the proposed development concerned to be undertaken by a statutory undertaker having a right or interest to provide the services. This applies to lands included in the red line for the purpose of footpath and road works. A letter of consent has been furnished by South Dublin Council in relation to works on the public road.

We refer the Board to the boundary proposals as identified in drawing no.1490-2012 Landscape layout, specifically the south-eastern boundary with Springvale. The boundary treatment identified in the dashed purple line lies outside the application site as outlined in red and is indicative.

4.4 Differences between the proposed scheme and ABP-308763-20

This application documentation and layout before the Board is essentially the same as that refused (ABP-308763-20). One key change is proposed between the two applications. The access road to the east to Springvale is proposed with fixed bollards. The access will be used for pedestrians and cyclists.

The proposed amendment to the access to Springvale is made on foot of the assessment found in section 12.7 of the Inspector's report ABP-308763-20. While the inspector considered the appropriateness of the pedestrian and cycle access to Springvale (12.7.13), it is noted in section 12.7.18 that

'this secondary vehicular access aspect of the proposed development should be omitted in the event of a permission [...]. Accordingly, a grant of permission for the proposed development would need to ensure that the development would be capable of solely being served by the proposed vehicular access off Stocking Lane.'

It is therefore proposed to maintain the proposed access to Springvale but for the sole use of pedestrians and cyclists.

Further minor amendments have been made to reflect recommendations of the Inspector made on ABP-308763-20. These include inter alia:

- Waste storage for block M.
- Updated ecological surveys.
- Amendments to dark zones and lighting proposals to avoid impacts on bats.
- House 15 in Block D was amended to a dormer bungalow.
- Minor amendments to blocks H,K,J and M to convert from duplex units to apartments

5 Consultations with Planning Authority and An Bord Pleanála

5.1 Consultations Associated with Previous SHD application - ABP-308763-20

Given that the proposed scheme before the Board is almost the same as the one refused on one procedural ground, with the exception of amendment to the access to Springvale, the applicants outline below the consultations undertaken with both the Planning Authority and the Board undertaken in relation to ABP-308763-20 to explain how the rationale of the proposed development.

5.1.1 First s247 meeting and response

Further to the pre application meeting for a SHD application at Stocking Lane, Ref. No. SHD1SPP008/19 held on 1st April 2019, the Planning Authority provided feedback. In summary, the main changes on foot of the issues raised at the pre-application meeting in April 2019 were as follows:

- Concept Plan and Design Criteria Statement included with layout options.
- Permeability within site and connectivity with surrounding residential estates demonstrated.
- Location of pedestrian walkway / cycleway ramp between subject site and Springvale estate (east) revised and a house overlooking the ramp was proposed to provide passive surveillance.
- Universal accessibility demonstrated and incorporated and a ramp provided to east.
- DMURS incorporated into scheme in engineering and landscape proposals
- Public open space in north east of site removed and incorporated into private amenity space.
- Photomontage prepared.
- Road width reduced.
- Proposed cycle way in eastern part of site omitted
- Raised table ramp required at internal crossroad junction included.
- Wider pedestrian crossing area on main road (Stocking Lane) to accommodate pedestrian safety included.
- Revision of pedestrian safety at junction with ramp from underground carpark.
- Full Landscape Design Rationale provided.
- Retention of trees and hedgerows was required, particularly along western boundary to maintain character of road and surrounding area by Planning Authority and was included in pre-application layout. This was the first point in the opinion of the Board where the Board wished for an urban form along Stocking Lane. The applicants have maintained the trees and hedgerows and are developing behind the tree lined road at this section.
- Boundary treatment included.
- Site sections and levels throughout site provided
- Open space demonstrated
- Trees incorporated in public lands along street – reduce front gardens to facilitate planting of trees along public street.
- Trees provided every 5 to 6 car parking spaces.

- Incorporated SUDS and tree pits.
- Swales incorporated.
- Gated open space for communal area.
- Bat Survey.
- Surface water attenuation calculations.
- Permeable paving of majority of parking spaces demonstrated.
- Refuse storage for apartments revised.
- Bicycle parking areas, revised.
- Review archaeology -Please note there is no evidence of archaeological history on this site. Irish Water have dug out the central area of the site for its entire width and have did not make any discovery.

5.1.2 Second s247 meeting

The Planning Authority agreed to facilitate a second meeting on 18th June 2019 to go through the amendments. In summary, the main issues raised in the second S247 Council minutes are provided below.

- Concept Plan and Design Criteria Statement included with layout options. Design Statement included.
- Permeability within site and connectivity with surrounding residential estates further demonstrated.
- Applicant was advised to ensure strip of land is connected in southwest corner to avoid need for pedestrians to go onto the public road to reach site pedestrian entrance (subsequent letter of SDCC letter of consent allowed for this area to be included in the application site).
- Open space / semi-private open space backing onto the rear gardens of existing houses will be gated open space for communal area. The Planning Authority refused permission previously on the grounds of lack of perimeter blocks under P.A Reg.Ref: D18A/0225. This layout creates perimeter blocks and a side orientation of Blocks H,J and K to the rear gardens at the Prospect Manor estate so as to protect their residential amenity. The gated communal open space backing onto rear open space protects existing and proposed residential amenity.
- Permeability to east of site needs attention and ideally a road access point linking east to west. The applicants have now provided this. A pedestrian cycle link provides connections to buses and retail for residents of both estates.
- High quality pedestrian / cycle access provided.
- Addition dwelling in north east of site is proposed and welcomed.
- Reconsider design layout and private open space pertaining to unit nos. 12 and 16. Omission of dwelling maybe required. Revised layout to provide better private open space.
- Provide attenuation as close as possible to source. This is provided and discussed with Council.

5.1.3 Meeting with Housing Section

A meeting with Housing/Part V section on 17th September 2019 took place. As a result of this meeting the proposed social housing layout was amended, and the design of apartment Block G was altered. The number of units and type of accommodation was discussed, and the applicant included the Councils preference in the Part V proposal details.

The applicants subsequently on foot of the revised design after the tripartite meeting with the Board, submitted the attached details to the Council for their review. No comments were forthcoming, and the proposed Part V arrangement is similar to the pre-application stage but reflecting the change in numbers.

5.1.4 Tri partite meeting with An Bord Pleanála ABP-308763-20

The tripartite meeting and pre-application documentation resulted in a detailed Opinion from the Board. This was addressed in a separate document as a response to the Opinion. The layout was amended to provide an urban frontage along Stocking Lane, central open space and a vehicular access to Springvale to reflect various items in the Opinion and submission by Planning Authority.

5.2 Current Application: s247 meeting with South Dublin County Council–P.A Ref: SHD1SPP005/21

One meeting was held with South Dublin County Council on the 16th April 2021 to discuss the decision by An Bord Pleanála to refuse planning permission for ABP-308763-20. The following items were discussed:

- The reason for refusal and its procedural nature.
- The merits of ABP-308763-20 as noted in the inspector’s report.
- Requirement to amend a house in Block D.
- Other minor amendments to the scheme required.
- Requirements to update supporting documentation, specifically the bats survey and lighting report.

5.3 Current Application: An Bord Pleanala Pre-application consultation – Ref: ABP-310111-21

Pre-application documentation was submitted on the 30th April 2021 and the tripartite meeting was held on the 23rd June 2021. The scheme was effectively the same as that refused under ABP-308763-20, with the exception that the link to Springvale was made cycle and pedestrian only and a draft material contravention statement was included. This addressed the reason for refusal under ABP-308763-20 relating to the material contravention and Inspector’s recommendation in relation to the link to Springvale. There was also significant local opposition to this link to Springvale from the residents of that estate. The Opinion issued by the Board on the 25th June indicated that that the scheme formed “a reasonable basis for an application” and that pursuant to article 285(5)(b) of the Planning & Development Regulations, certain information should be provided. This is considered in the Response to the Opinion.

5.4 Conclusion of Consultations and Basis for Application

The applicants and the Planning Authority engaged in discussions at a general and specific level on the proposed development. As seen from above, the applicants have designed the scheme around the key constraint, the Irish Waterpipe, addressed the previous reason for refusal and the Inspector’s recommendation.

Specifically, the application has been made with reference to section 7.14 of the Development Management Guidelines (2007), which state:

“All substantial reasons for refusal should be stated since it is in the interest of prospective developers to be aware of all the fundamental objections to their proposals if they are considering whether to amend the scheme and re-lodge or to appeal. It is essential to avoid a situation where some fundamental reason for refusal is not given and the subsequent amended application is refused for that reason.”

It is therefore taken, that there are no other grounds for refusal for the scheme, other than those stated in ABP-308763-20, particularly in a scenario where there is no material change in policy or context.

6 Appropriate Assessment

The European Council Birds Directive (79/409/EEC) and E.C. Habitats Directive (92/43/EEC, as amended), which are jointly transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011, as amended).

A screening report for Appropriate Assessment has been prepared by Biosphere Environmental Services as part of the application for this residential development.

In accordance with their obligations under the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011), the proposed development has to be assessed if the development could have ‘likely significant effects’ on any Natura sites. The screening document provides supporting information to assist the competent authority with an Appropriate Assessment screening exercise, including: a description of the proposed development, details of its environmental setting, a map and list of Natura 2000 sites within the potential zone of impact, and an assessment of potential impacts. It is concluded that the proposed development will not cause direct or indirect impacts on any Natura 2000 sites, and that a Stage 2 Appropriate Assessment is not required.

7 Ecological Impact Assessment

An ecological report, which accompanies the application, concludes that the proposed development will not cause any significant negative impacts on designated sites, habitats, legally protected species, or any other features of ecological importance.

The issue of EIA did not arise from the pre-application consultation undertaken with South Dublin County, the tri-partite meeting with the Board or in the Opinion of the Board.

8 Environmental Impact Assessment Screening

8.1 Background

Screening is the term used to describe the process for determining whether a proposed development is likely to have a significant effect on the environment and if it requires an Environmental Impact Assessment (EIA) by reference to the type and scale of the proposed development and the significance or the environmental sensitivity of the receiving environment. This information is provided to assist the Board in considering whether there are likely significant effects on the environment and if an EIAR is required.

Item 11 of the Board's Opinion states:

"The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage. "

8.2 European Directive as amended and associated transposing Regulations

The primary objective of the EIA Directives is to ensure that projects which are likely to have significant effects on the environment are subject to an assessment of their likely effects.

Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment came into effect on May 16th, 2017. The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) transpose the requirements of Directive 2014/52/EU, amending previous Directive 2011/92/EU, on the assessment of the effects of certain public and private projects on the environment (the EIA Directive) into planning law with effect from 1st September 2018. The regulations amend the Planning and Development Regulations 2001.

Directive 2014/52/EU does not make any amendments to the list of projects set out in the two annexes to the 2011 Directive. In the Irish legislation, Annexes I and II are broadly transposed by way of the Planning and Development Regulations 2001, as amended, in Schedule 5 Parts 1 and 2, with national thresholds added to certain Part 2 classes of development.

Article 92 of the Planning and Development Regulations 2001 as amended provides that:

"sub-threshold development" means development of a type set out in Part 2 of Schedule 5 which does not equal or exceed, as the case may be, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development;

Schedule 5 Part 1 projects require EIA if the stated threshold set therein has been met or exceeded or where no thresholds are set.

Schedule 5 Part 2 projects meeting or exceeding national thresholds set out therein, or where no thresholds are set, require EIA.

Schedule 5 Part 2 Sub-threshold projects require screening for EIA, except in cases where the likelihood of significant effects can be readily excluded.

Schedule 7 of the Planning and Development Regulations 2001 as amended, provides criteria for determining whether Development listed in Part 2 of Schedule 5 should be subject to an Environmental Impact Assessment. The following is specified in Schedule 7:

“1. Characteristics of proposed development

The characteristics of proposed development, in particular—

- (a) the size and design of the whole of the proposed development,*
- (b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,*
- (c) the nature of any associated demolition works,*
- (d) the use of natural resources, in particular land, soil, water and biodiversity,*
- (e) the production of waste,*
- (f) pollution and nuisances,*
- (g) the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge, and*
- (h) the risks to human health (for example, due to water contamination or air pollution).*

2. Location of proposed development

The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to—

- (a) the existing and approved land use,*
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,*
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas:*
 - (i) wetlands, riparian areas, river mouths;*
 - (ii) coastal zones and the marine environment;*
 - (iii) mountain and forest areas;*
 - (iv) nature reserves and parks;*
 - (v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;*
 - (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure;*
 - (vii) densely populated areas;*
 - (viii) landscapes and sites of historical, cultural or archaeological significance.*

3. Types and characteristics of potential impacts

The likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the

factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the Act, taking into account—

- (a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),*
- (b) the nature of the impact,*
- (c) the transboundary nature of the impact,*
- (d) the intensity and complexity of the impact,*
- (e) the probability of the impact,*
- (f) the expected onset, duration, frequency and reversibility of the impact,*
- (g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and*
- (h) the possibility of effectively reducing the impact.”*

Schedule 7A of the Regulations outline the information to be submitted in respect of the following:

“1. A description of the proposed development, including in particular—

(a) a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works, and

(b) a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.

2. A description of the aspects of the environment likely to be significantly affected by the proposed development.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from—

(a) the expected residues and emissions and the production of waste, where relevant, and
(b) the use of natural resources, in particular soil, land, water and biodiversity.

4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7. “

Article 299B (1)(b)(ii)(II) of the Planning and Development Regulations state:

“(II) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall satisfy itself that the applicant has provided to the Board

(A) the information specified in Schedule 7A,

(B) any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, and

(C) a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union

legislation other than the Environmental Impact Assessment Directive have been taken into account.”

Article 299(B)(1)(c) of the Regulations state:

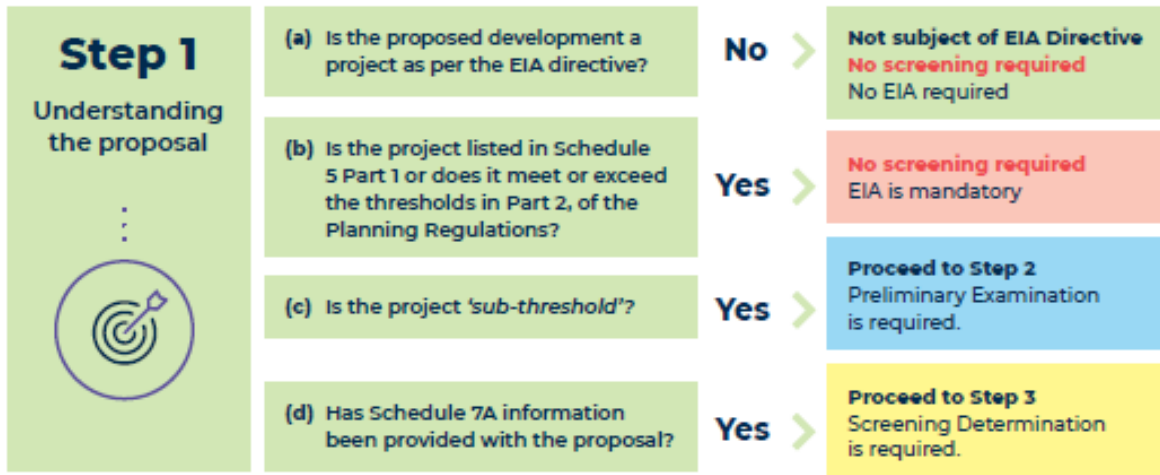
“c) The information referred to in paragraph (b)(ii)(II) may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.”

8.3 Methodology

The screening has had regard to the following:

- Planning and Development Act 2000 as amended
- Planning and Development Regulations 2001 as amended
- Directive 2014/52/EU of 16 April 2014 amending Directive 2011/92/EU
- The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018)
- Draft Guidelines on the information to be contained in Environmental Impact Assessment Reports, Environmental Protection Agency, 2017
- Environmental Impact Assessment of Projects: Guidance on Screening, European Commission, 2017
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment August 2018
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development 2003
- Circular Letter: PL 05/2018 27th August 2018 Transposition into Planning Law of Directive 2014/52/EU amending Directive 2011/92/EU on the effects of certain public and private projects on the environment (the EIA Directive) and Revised Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.
- Circular Letter: PL 10/2018 22 November 2018 Public notification of timeframe for application to An Bord Pleanála for screening determination in respect of local authority or State authority development.
- OPR Practice Note PN02 Environmental Impact Assessment Screening (May 2021)

The OPR’s Practice Note PN02 provides assistance to Planning Authorities as the Competent Authority (CA) in this area. An extract of the step-by step approach is illustrated below.



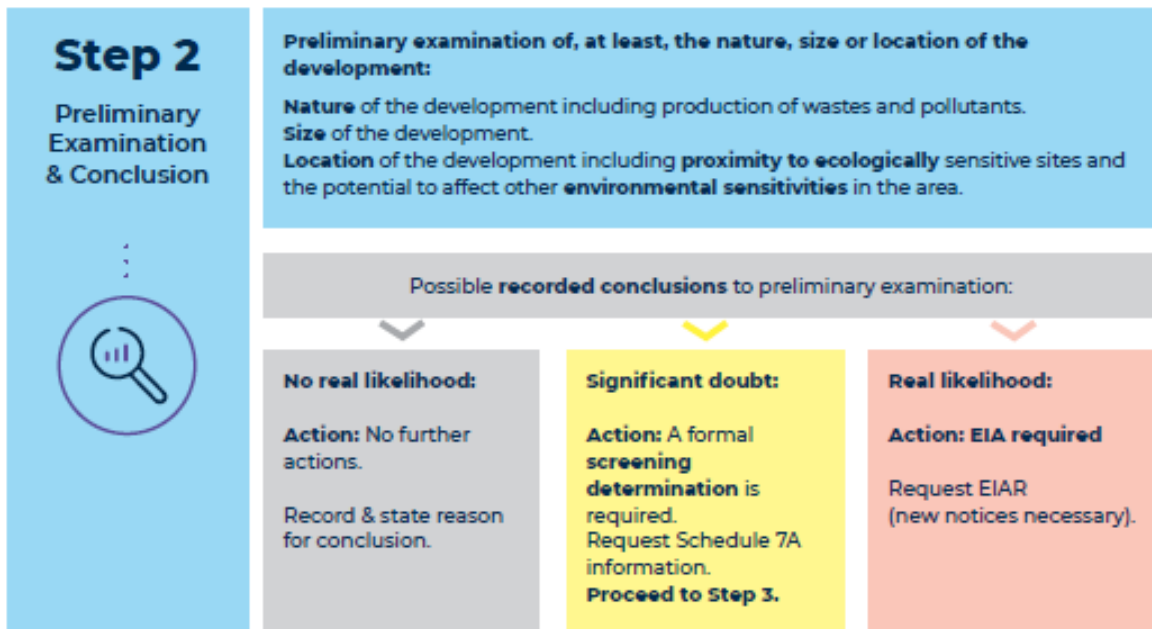
The proposed application is a project for the purpose of Environmental Impact Assessment (EIA) under Stage 1 stage (a) of the OPR guidance. Sub-threshold projects in Schedule 5 Part 2 require screening for EIA, except in cases where the likelihood of significant effects can be readily excluded.

Schedule 5 Part 2 provides the following relevant projects/thresholds.

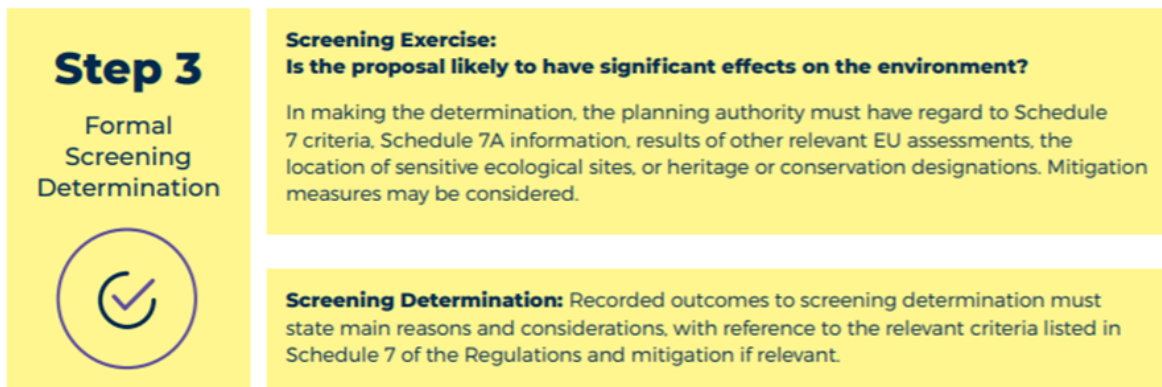
10. Infrastructure projects

- (a) ...
- (b) (i) Construction of more than **500 dwelling** units.
- (ii) Construction of a car-park providing **more than 400 spaces**, other than a car-park provided as part of, and incidental to the primary purpose of, a development.
- ..
- (iv) Urban development which would involve an area **greater than 2 hectares** in the case of a business district, **10 hectares in the case of other parts of a built-up area** and 20 hectares elsewhere.*(our emphasis).*

The development is a project falling under the EIA Directive. Having regard to the above thresholds, the application for 131 units, a creche and small retail unit (with associated parking) on a site c 2.47 ha may be described as sub-threshold development.



By referring to section 299B(1)(b)(ii)(II) indicates that there is doubt in regard to the likelihood of significant effects on the environment arising from the development and requires information to be submitted (Schedule 7A information). The competent authority then proceeds to the next stage of an EIA determination.



In making its screening determination, the planning authority must have regard to:

- Schedule 7 criteria
- Schedule 7A information,
- Any further relevant information on the characteristics of the development and its likely significant effects on the environment submitted by the applicant,
- Any mitigation measures proposed by the applicant
- The available results, where relevant, of preliminary verifications or assessments carried out under other relevant EU environmental legislation, including information submitted by the applicant on how the results of such assessments have been taken into account, and
- The likely significant effects on certain sensitive ecological sites.

The OPR's template is used. All of the relevant considerations, including Article 299B(1)(b)(ii)(II) and article 299B(1)(c) information are addressed.

8.4 Article 299B(1)(b)(ii)(II) and article 299B(1)(c) Information

Information to Support Screening Determination	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning):	
	If relevant, briefly describe the characteristics of the development (i.e. the nature and extent):
(a) The size and design of the whole of the proposed development (including any demolition works):	<p>The proposed development is for 131 residential units, retail and creche with associated landscaping and parking as described above in section 2.</p> <p>The proposed density is c.54 units per hectare as calculated in the architect's report, the houses are limited to two storeys plus attic storey, the duplex are three storey and the apartments up to four storeys.</p> <p>The design of the proposed development can be described as a modern suburban scheme with the built form around open spaces and new access. The proposed site coverage is c 20 % and the size of the proposed development is modest on residentially zoned lands within the settlement boundary as indicated in the County Development Plan. There is no demolition of any structures. There will be earth excavations associated with site works.</p> <p>Significant negative effects on the environment are not likely to arise</p>
(b) Other existing or permitted projects (including under other legislation that is subject to EIA) that could give rise to cumulative effects:	<p><i>Application site</i> There is no recent planning consent on the application site.</p> <p><i>Wider area</i> In the wider area there are a number of recent permissions for domestic extensions.</p> <p><i>ABP Ref: 244732</i> - In relation to larger developments, the most significant consented development in the vicinity is Scholarstown Wood where the Board granted on 12/8/2015 a 10 year permission for 247 houses, 70 apartments, creche and all associated site works. That site is located to the north west of the application site on the opposite side of Stocking Lane and has been completed .</p> <p><i>ABP Ref: 246765</i> - The Board permitted the replacement of open treated water reservoir with a new covered reservoir and disinfection plant (which currently supplies 30,000m³ per day of drinking water) on 19/10/2016. These works have been completed.</p> <p><i>ABP Ref: 30722</i> - Permission has been granted for a SHD development at Taylors Lane and the junction of Edmonstown Road on 14/9/2020, for 496 apartments and associated works. This development is currently under construction.</p>

	<p><i>ABP Ref: 307222</i> – A notification of a decision to grant permission in relation to a development at Taylors Lane for the demolition of existing structures, construction of 496 no. apartments, creche and associated site works was issue in September 2020. There is a judicial review pending and so development consent currently exists for this development.</p> <p>Given the distance involved with the above developments and nature of the consents, it is not considered that the proposed development will have any significant cumulative impact.</p>
<p>(c) Use of natural resources, in particular land, soil, water and biodiversity:</p> <p><i>Will construction or the operation of the proposal use natural resources such as land, soil, water, materials or energy, especially any resources which are non-renewable or are in short supply?</i></p>	<p>The land cover is grass. The lands are zoned for residential. The proposed use of the natural resource of land is aligned with the existing use in the general area. The proposed standard construction with limited excavation is not considered to have significant effects on soils. The built area is to be developed at a slightly higher density than present in accordance with the National Planning Framework objectives.</p> <p>All normal engineering infrastructure will prevent any discharge to soils.</p> <p>The nature of the proposed development will generate a demand for water but this is for residential use and is not considered significant. There are no surface water connections from the site. Adherence to best practice Construction and Environmental Management during the construction phase will ensure that development would not result in pollution of groundwater or surface water.</p> <p>In terms of biodiversity, the site is predominantly grass with mature trees on the boundaries. Some trees will be removed and a significant number will be retained. The development has been designed around protecting the mature trees along Stocking Lane. The lands will be developed in a permanent manner with new planting and new trees forming part of the landscape proposal. An Ecological Impact Assessment (EclA), including a bat survey, has been prepared as part of the application. It concludes that subject to the successful implementation of mitigating measures, the proposed development will not cause any significant negative impacts on designated sites, habitats, legally protected species, or any other features of ecological importance.</p> <p>Significant negative effects on the environment are not likely to arise.</p>
<p>(d) Production of waste:</p> <p><i>Will the proposal produce solid wastes during construction, operation, or decommissioning?</i></p>	<p>Construction & Demolition Waste</p> <p><i>An Outline Construction Management Plan and Waste Management Plan (OCMPWM)</i> is enclosed with the application. The Plan sets out measures to ensure that waste arisings during the construction phase will be managed and disposed of in a way that ensures the provisions of the Waste Management Acts 1996 – 2008 and associated Regulations and the Eastern Midlands Region Waste Management</p>

	<p>Plan are complied with. It will also ensure that optimum levels of waste reduction, re-use and recycling are achieved.</p> <p>Operational Waste <i>The OCMPWM</i> also aims to ensure maximum recycling, reuse and recovery of waste with diversion from landfill, wherever possible. The OWMP also seeks to provide guidance on the appropriate collection and transport of waste to prevent issues associated with litter or more serious environmental pollution (e.g. contamination of soil or water resources). The plan estimates the type of waste to be generated from the proposed development during the operational phase and provides a strategy for managing the different waste streams.</p> <p>Surface Water Sewer It is proposed to use a Sustainable Urban Drainage System (SUDS) approach to surface water management. The proposed surface water measures are aimed at improving the general surface water management of the site, by introducing interceptors, attenuation measures and by restricting the ultimate discharge off site, etc. It is proposed to ultimately discharge surface water from the proposed development, post attenuation, via the public drainage networks on Springvale and Stocking Lane.</p> <p>Foul Water Strategy It is proposed to discharge foul water from the proposed development, via gravity foul sewer network and connect into Springvale. Suitable grease traps will be installed prior to discharge into the aforementioned proposed on-site foul system.</p> <p>Significant negative effects on the environment are not likely to arise due to production of waste.</p>
<p>(e) Pollution and nuisances:</p> <p><i>Will the proposal release pollutants to ground or surface water, or air (including noise and vibrations) or water, or lead to exceeding environmental standards set out in other Directives?</i></p>	<p>Noise, vibration, lighting and dust arising from construction activities and construction traffic have the potential for pollution or nuisance. Any risk of surface water pollution can be avoided by adherence to best practice construction and environmental management during the construction phase which will ensure that the development would not result in pollution of groundwater or surface water. Dust nuisance during construction can be controlled by a dust minimisation plan. No operational impacts in this regard are anticipated.</p> <p>The proposed development is primarily for residential development. Accordingly, there are no significant expected residues or emissions. Aspects of energy efficiency are incorporated into the modern energy efficient design of the buildings.</p> <p>Significant negative effects on the environment are not likely to arise due to pollution or nuisance.</p>

<p>(f) Major accidents and disasters:</p> <p><i>In accordance with scientific knowledge, is there a risk of major accidents and/or disasters which are relevant to the project, including those caused by climate change?</i></p>	<p>Standard construction practices will be employed throughout the construction phase. The subject lands are not proximate to any Seveso site.</p> <p>A Flood Risk Assessment has been carried out for the proposal. The proposed development of the site will not pose any flooding issues. Based on the indicative flood mapping, the development site is located within Flood Zone C “Low Probability”. The site is classified as “Less Vulnerable” and therefore the development is classified as appropriate.</p> <p>There is no significant risk of accidents or disasters.</p>
<p>(g) Risks to human health, for example due to water contamination or air pollution:</p>	<p>The nature of the proposed development and the engineering provisions will not lead to the likelihood of any risk to human health. Any risk arising from construction will be localised and temporary in nature. The proposed development is of standard construction method and of appropriate scale and does not require the use of particular substances or use of technologies which of themselves are likely to give rise to significant environmental effects. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location. Foul water will discharge to the public sewer. Surface water will discharge to the public sewer following attenuation.</p> <p>There is no risk to human health within the meaning of the Directive.</p>
<p>2. Location of proposed development:</p>	
<p>The environmental sensitivity of geographical areas likely to be affected by the proposed development:</p>	<p>If relevant, briefly describe the characteristics of the location (with particular regard to the (a) existing and approved land use, (b) the relative abundance, availability, quality and regenerative capacity of natural resources, and (c) the absorption capacity of the environment):</p>
<p>(a) Generally describe the location of the site and its surroundings:</p>	<p>The 2.47 ha application site is located c 3km south of Rathfarnham, on the eastern side of Stocking Lane, a regional road, R115. The site is located within the M50. The eastern side of Stocking Lane in the vicinity of the application site, is characterised by suburban housing. The irregular shaped site consists of grazing land which slopes gently from south to north and from west to east. To the south and east of the of the application site are housing estates (Prospect Manor and Springvale) and to the north are a number of detached houses including Rockwood House, a protected structure. To the west of the site is Stocking Lane and opposite the site is the Ballyboden Water Works. Mature planting fronts the Stocking Lane boundary and a footpath and cycle path is located on the western side of Stocking Lane.</p> <p>The existing use is agriculture and approved land use is residential where residential use is permissible in principle under the Development Plan provisions.</p> <p>The proposal is not of such a scale that it would impact significantly upon the regenerative capacity of natural resources in this geographical area. The site is located adjacent to residential estates</p>

	<p>to the south and east, and one-off houses to the north where the serviced land is currently occupied at a low/medium density. The application involves the loss of some trees but it is compensated by proposed new tree planting and a wetland area to encourage biodiversity.</p>
<p>(b) Is the project located within, close to or has it the potential to impact on any site specified in Article 103(3)(a)(v) of the Regulations:</p> <ul style="list-style-type: none"> - European site - NHA/pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation, conservation, protection of which is an objective of a development plan/ local area plan/ draft plan or variation of a plan. 	<p>Those European sites within 5-6km distance are</p> <ul style="list-style-type: none"> • Glenasmole Valley SAC (code 01209) • Wicklow Mountains SAC (code 02122) • Wicklow Mountains SPA (code 04044) <p>The nearest site is located 5.3 km north east of the Glenasmole Special Area of Conservation (Site Code 001209). There are four designated sites in Dublin Bay, c8km distance. There is no European site (SAC/ SPA/ pSAC/ pSPA), NHA/ pNHA, designated Nature Reserve, or designated refuge for flora or fauna on or within the vicinity of the site. There is no place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan on or within the vicinity of the site.</p> <p>An AA Screening Report is submitted with the application illustrating that there is no potential impact upon a designated European site.</p>
<p>(c) Are there any other areas on or around the location that are important or sensitive for reasons of their ecology e.g. wetlands, watercourses or other waterbodies (including riparian areas and river mouths), the coastal zone and the marine environment, mountains, forests or woodlands, that could be affected by the project?</p>	<p>The Owendoher River flows in a south to north direction, c100m to the east of the subject site. Standard SUDS measures are proposed in addition to surface water drainage to public sewers. The Flood Risk Assessment submitted with the application concludes that there will be no risk of flooding from the site. The proposal is not of such a location or scale that it would impact upon the absorption capacity of this aspect.</p> <p>There are no coastal zones, marine environment, mountains, forests or woodlands that could be affected by the project</p>
<p>(d) Is the proposal likely to be highly visible to many people? Are there any areas or features of high landscape or scenic value on or around the location, or are there any routes or facilities that are used by the public for recreation or other facilities which could be affected by the proposal?</p>	<p>A Landscape and Visual Impact Assessment (LVIA) has been prepared and submitted with the application.</p> <p>It demonstrates that there would be no adverse effects upon amenities or landscapes of scenic value.</p>
<p>(e) Are there any areas or features of historic or cultural importance on or around the location that could be affected by the project?</p>	<p>The National Monuments Service Archaeological Survey Database does not indicate any specific designations to this site or in the immediate vicinity.</p> <p>No protected structures exist on the site and the site is not located in a conservation area. The nearest protected structure is over 40 m from the northern boundary of the site and is screened by planting.</p>

<p>(f) Are there areas within or around the location which are densely populated or built-up, or occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities that could be affected by the proposal?</p>	<p>The development is located within an existing suburban residential area. There are houses on adjoining lands but no other sensitive land uses.</p>
<p>(g) Are there any areas within or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, that could be affected by the proposal?</p>	<p>There is potential for aquatic life in the Owendoher River. However, given the distance from the site and the lack of a direct hydrological link, there is no likely significant effects.</p>
<p>(h) Are there any areas within or around the location which are already subject to pollution or environmental damage, and where there has already been a failure in environmental standards that could be affected by the proposal e.g. the status of water bodies under the Water Framework Directive?</p>	<p>The Owendoher is EPA code IE_EA_09O011700. It falls within the Dodder Subcatchment and the Liffey and Dublin Bay Catchment. It had a good ecological status in 2018 which represented an improvement from the previous reporting periods where it was poor and then moderate. Dublin Bay, which is also monitored under the Water Framework Directive is not at risk.</p>
<p>(i) Is the site located in an area susceptible to subsidence, landslides, erosion, or flooding which could cause the proposal to present environmental problems?</p>	<p>The site is not liable to subsidence or erosion.</p>
<p>(j) Are there any additional considerations that are specific to this location?</p>	<p>For the vast majority, the site is classified at Medium (M) in the National Groundwater Vulnerability database collated by the Geological Survey Ireland. A small part of the site is classified at Low (L) to the north west of the site. The bedrock is mostly butter mountain formation with dark slate-schist, quartzite and coticule, with a small section of type 2p microline porphyritic which includes granite with microline phenocrysts, which are typical of areas on foot of the Dublin Mountains. The EPA mapping indicates the site subsoil is classified as limestone till.</p> <p>The EPA has indicated the following air zone for the area. Air Zone: Zone A Dublin Conurbation Location: Dublin Source: Environmental Protection Agency Scientific Score: 1 Date: July, 2015</p>

3. Types and characteristics of potential impacts:		
If relevant, briefly describe the characteristics of the potential impacts under the headings below.	If relevant, briefly describe any mitigation measures proposed to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment?
<p>(including where relevant the magnitude and spatial extent of the impact (e.g. geographical areas and size of population likely to be affected), nature of impact, intensity and complexity of impact, probability of impact, and duration, frequency and reversibility of the impact):</p>		
<i>Population and human health:</i>		
<p>Construction activities may require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and last for the construction period. Probable impact during construction. Operational waste will need to be managed. Other significant operational impacts are not anticipated.</p>	<p>An <i>Outline Construction Management Plan and Waste Management Plan (OCMPWM)</i> is proposed as mitigation measure.</p>	<p>No likely significant effects</p>
<i>Biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive.</i>		
<p>There are no likely significant effects upon species or habitats protected under the Habitats and Birds Directives. The development could potentially impact on foraging bats. Trees will be removed, but will not significantly effect biodiversity.</p>	<p>An Ecological Impact Assessment (ECIA) including bat survey has been prepared. Mitigation measures are included in the report and include bat sensitive lighting.</p>	<p>No likely significant effects</p>
<i>Land, soil, water, air and climate:</i>		
<p>There are potential spills to surface water and ground water during the construction phase. These impacts will temporary and reversible</p>	<p>An <i>Outline Construction Management Plan and Waste Management Plan (OCMPWM)</i> is proposed as mitigation measure.</p>	<p>No likely significant effects</p>
<i>Material assets, cultural heritage and the landscape:*</i>		
<p>An LVIA has been undertaken. There are no likely significant effects landscape, visual or cultural heritage, or material assets identified.</p>	<p>No significant adverse effects have been identified, no measures are recommended to avoid or prevent such impacts.</p>	<p>No likely significant effects</p>

Cumulative effects:		
It is considered that cumulative impacts with other existing and/or approved projects are not likely to cause significant effects on the environment.	No significant adverse effects have been identified, no measures are recommended to avoid or prevent such impacts.	No likely significant effects
Transboundary effects:		
There are no transboundary effects	No significant adverse effects have been identified, no measures are recommended to avoid or prevent such impacts.	No likely significant effects
4. Additional Considerations:(including Article 299B (1)(b)(ii)(II) (C) of the Regulations Statement)		
<p>Further relevant information, if any, relating to how the results of any other relevant assessments of the effects on the environment have been taken into account (e.g. SEA, AA screening, AA):</p>	<p>SEA Directive: the lands are zoned under the South Dublin County Development Plan 2016-2022. The plan was subject to SEA.</p> <p>Birds and Habitats Directive: An Appropriate Assessment screening report has been prepared and concludes that there is no potential effects upon a Designated European Site.</p> <p>Water Framework Directive: The Owendoher is monitored under the Directive (code: IE_WE_470_0100) and the status is good. The site is 8km from Dublin Bay (IE_EA_090_0000), which is also monitored under the Directive and the status is good. The monitoring results are taken into account. The groundwater is also monitored under the WFD and the site lies over Kilcullen (code: IE_EA_G_003). The status is good.</p> <p>MSFD: the site is located c. 8km east of the MSFD assessment area. There is no likely impact upon the assessment area given the distance.</p> <p>Ambient Air Quality and Heavy Metals in the Ambient Air Directives: n/a to the proposed development.</p> <p>IED: n/a to the proposed development.</p> <p>Seveso Directive: n/a to the proposed development.</p> <p>Trans-European Network in Transport, Energy and Telecommunication: n/a to the proposed development.</p> <p>Flood Directive: a Stage 2 flood risk assessment accompanies this application</p> <p>The are no likely significant effects on certain sensitive ecological sites.</p>	

8.5 Screening Conclusion

The screening report has been prepared in response to Item 11 of the Board's Opinion. The report has assessed the potential impact of the proposed development on the environment. The proposed development is below the thresholds for mandatory EIA. It is considered that having regard to the following:

- Schedule 7A information submitted above
- The nature and scale of the proposed development which is below the thresholds set out in Class 10 of Part 2 of Schedule 5 of the Planning and Development Regulations
- The surrounding land uses and pattern of development
- Its location distant from any ecologically sensitive site, including Natura 2000 sites
- Availability of services
- The criteria set out in Schedule 7 of the Planning and Development Regulations

The development would not give rise to likely significant effects on the environment and an EIAR is not required.

9 Part V

As part of the s247 pre-application consultations with South Dublin County Council, Part V units were proposed in Block F & G, in addition to a mid-terrace house. The letter from South Dublin County Council, dated 15th October 2019, responded to this proposal and confirmed their preference to acquire units on site. The current proposal reflects this original proposal and includes 13 dwellings representing 10% of all units and consists of:

- 6 no. 1 bed apartments
- 5 no. 2 bed apartments
- 1 no. 3 bed apartment
- 1 no. 4 bed mid terrace house
- 12 no. basement parking space
- 2 no. surface parking spaces

10 Flood Risk

The site and development proposals have been considered in accordance with the requirements of "The Planning System and Flood Risk Management Guidelines for Planning Authorities" 2009, published by the Department Environment, Heritage and Local Government.

This assessment consists of 'Stage 1 – Flood Risk Identification'. The scope for Stage 1 is to identify whether there may be any flooding or surface water management issues related to the proposed residential development site that may warrant further investigation. If the results from the Stage 1 assessment concludes that no flood risks are identified, then the FRA is not required to proceed to a more detailed stage.

A Site Specific Flood Risk (SFRA) has been undertaken and accompanies the application. It confirms that the site is in Flood Zone C. A review of the OPW's flood maps shows one recorded flooding event near the site as shown on Figure 6 below.

Figure 9: Flood Events in Area



Source: OPW Flood Maps

That flooding event of the Owendoher River occurred to the north-east of the site on Edmondstown Road in November 2000. Three private residences were affected and this flood was possibly linked to works on the M50 motorway. This location is c.10m below the lowest point on the site.

The SFRA concludes:

- No OPW record of flooding with the potential to affect the proposed development on the site or in the immediate vicinity of the site;
- The site is beyond the reach of coastal flooding effects;
- The proposed development is located outside (and above) the identified CFRAM Fluvial flooding zone;
- The nature of the topography prevents standing water ponding;
- Stocking Lane and the site has moderate fall (watershed) northwards;
- The provision of a new SW sewers system, provision of gardens and the provision of property boundary walls will reduce effects on the adjoining sites;
- Proposed SUDS include attenuation, which will reduce SW discharge rate to the existing SW sewer system.

Given the findings above it is considered that the site and development pose negligible flood risk.

11 Water Services and Drainage

The site is serviced with potable water and sewerage. The scheme has been designed in accordance with the requirements of Irish Water. A *Statement of Design Acceptance* from Irish Water accompanies the application.

The surface water drainage and attenuation have been designed in consultation with South Dublin County Council's Engineering Department. It accords with their requirements.

For full details, please see *Engineering Drainage Report* from OBA Consulting.

12 Access and Traffic

The development provides for a new vehicular access onto Stocking Lane and a pedestrian, cyclists and emergency access to Springvale. It also provides a pedestrian crossing on Stocking Lane at the north western corner, connecting with the existing footpath on the western side of the road. The existing crossing at the south western corner would be improved providing access to the cycle lane on the western side of Stocking Lane and the bus stop. The new access to Springvale will help increase east-west pedestrian and cycle permeability and penetration across the urban fabric. This access to Springvale has been provided in response to the Board's opinion for ABP.Ref.308763-20.. The link will be available for cyclists and pedestrians only. The development will connect well to Prospect Manor to the south and to the new Stocking Wood development to the west.

The internal road network has been designed in accordance with the requirements of the *Design Manual Urban for Roads and Streets* (DMURS). The *Traffic and Transport Assessment* by Aecom demonstrates how the scheme has been designed from a traffic and transport perspective to integrate within the existing network and to minimise potential impacts.

13 Construction and Demolition Management /Waste Plans

An Outline Construction Management and Waste Management Plan accompanies the application.

14 Conclusion

The proposal is for a high-quality residential development on residentially zoned lands adjacent to established residential housing. The proposed development incorporates a retail unit and a creche providing an active community element, which can serve the existing development and adjoining area. The proposal achieves the government policy of providing much needed housing. The proposal is consistent with national and local policy and the proper planning and sustainable development of the area.

Part B – Statement of Consistency

15 Statement of Consistency

15.1 Key provisions

The key national and regional planning policy documents as well as Section 28 Guidelines as they relates to the proposed development are set out below. After each section it is indicated how the development is consistent with the stated polices.

National	Project Ireland 2040 - National Planning Framework (2018)
	National Development Plan 2018-2027
	Transport Strategy for the Greater Dublin Area 2016-2020
	Design Manual for Urban Roads and Streets (2013) amended 2019
	Smarter Travel – A New Transport Policy for Ireland (2009-2020)
	National Transportation Authority – Permeability Best Practice Guide 2015
	Birds and Habitats Directive
	Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities (2007)
	The Provision of Schools and the Planning System – A Code of Practice for Planning Authorities 2008
Regional	Regional Spatial & Economic Strategy (RSES) 2019
Guidelines	Urban Development and Building Heights (2018)
	Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018) (as amended 2020)
	The Planning System and Flood Risk Management (2009)
	Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
	Urban Design Manual - A Best Practice Guide (2009)
	The Planning System and Flood Risk Management (2009)
	Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009)
	Urban Design Manual - Best Practice Guidelines (2009)
	Guidelines for Planning Authorities on Childcare Facilities (2001)
	Development Management Guidelines for Planning Authorities (2007)
County	South Dublin County Council Development Plan 2016-2023

15.2 National

15.2.1 Project Ireland 2040 - National Planning Framework

The National Planning Framework (NPF) guides national, regional and local planning decisions until 2040 as the high-level strategic plan for shaping the future growth and development. The National Strategic Outcomes are expressed as follows:

1. Compact Growth
2. Enhanced Regional Accessibility
3. Strengthened Rural Economies and Communities

4. Sustainable Mobility
5. A Strong Economy, supported by Enterprise, Innovation and Skills
6. High-Quality International Connectivity
7. Enhanced Amenities and Heritage
8. Transition to a Low Carbon and Climate Resilient Society
9. Sustainable Management of Water, Waste and other Environmental Resources
10. Access to Quality Childcare, Education and Health Services

One of the principal elements of the NPF's overall strategy for spatial planning (NPF Sections 1.3 and 2.6) is compact growth, which will include:

'Deliver at least half (50%) of all new homes that are targeted in the five Cities, and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within the existing built-up footprint.'
(NPO 3b)

The present application meets this objective in that it will consolidate residential developments on Stocking Lane and therefore suburban Dublin on what are residentially zoned lands.

Several policy objectives may be considered applicable to this development.

National Policy Objective 11

'In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.'

The proposed development is located on residentially zoned lands within the South Dublin Development Plan 2017-2023.

National Policy Objective 13

'In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.'

The proposed development provides a high quality residential development of up to 4-storeys.

National Policy Objective 27

'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.'

The proposal incorporates cycling, walking and connectivity to existing roads, public transport and local facilities.

National Policy Objective 28

'Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater

accessibility in the delivery of sustainable communities and the provision of associated services.'

The proposed development integrates social housing units in a mix of typologies after discussions with the housing section of the Council. In addition, the scheme proposes apartment units in an area where apartments and two-bed units are relatively limited, allowing older residents to downsize while remaining in their community. This allows for vacating larger single-family dwellings in and around the surrounding established estates for new families and households, therefore contributing to a sustainable neighbourhood.

National Policy Objective 32

'To target the delivery of 550,000 additional households to 2040 National Policy.'

The present application contributes to this objective.

National Policy Objective 33

'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.'

The present application meets this objective and has regard to the pre-application consultations with South Dublin County Council and An Bord Pleanála.

Policy Objective 34

'Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.'

The present application meets this objective by providing a mix of unit sizes and types in the area and by the provision of houses which have the potential to be adapted to the varying needs of households and include the potential for amending layouts and provision of extensions. A lifecycle assessment report is submitted as part of this application to An Bord Pleanála.

National Policy Objective 35

'Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.'

The proposed net density is 54 units per ha. The proposed density is fully compliant with the provisions of the NFP in this regard. This density is appropriate as the subject site is an infill site, within the M50 and located adjacent to public transport.

15.2.2 National Development Plan 2018-2027

The National Development Plan sets out the investment priorities that will underpin the successful implementation of the new National Planning Framework (NPF). This will guide national, regional and local planning and investment decisions in Ireland over the next two decades, to cater for an expected population increase of over 1 million people.

"1.6 Housing Challenge

Resolving the systemic factors underlying the current housing crisis is at the heart of the NPF and reflecting this, housing and sustainable urban development is a priority for the National Development Plan. By 2040 the population of Ireland is expected to reach almost 6 million with a need for 550,000 more homes and the creation of 660,000 additional jobs to achieve and maintain full employment. The need to provide in excess of half-a-million more homes over the period to 2040 corresponds to a long-term trend of 25,000 new homes every year. A higher level of output is needed in the short- to medium-term to respond to the existing deficit that has given rise to the housing crisis.”

The proposed development provides 131 residential units on residentially zoned lands at appropriate density and mix along with the provision of 10% integrated social housing. The proposed development accords with the National Development Plan.

15.2.3 Transport Strategy for the Greater Dublin Area 2016-2020

This strategy provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA) over the next two decades. It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities. It is, therefore, an essential component, along with investment programmes in other sectors, for the orderly development of the GDA over the next 20 years. Corridor E – N81 Settlements – South Tallaght – Rathfarnham – to Dublin City Centre has an emerging solution comprises a BRT to Tallaght via Rathfarnham and Terenure. This will result in a significant increase in capacity and reliability compared to existing public transport services and will balance public transport requirements with those of the private car. The BRT will be supplemented by a core radial bus corridor between Rathfarnham, Rathmines and the City Centre.

This development proposes to develop residentially zoned lands which are in close proximity of both bus and cycle networks.

Consultation - Bus Connects

A proposed new bus network has been the subject of public consultation by Bus connects. Stocking Lane is identified as being on the Bus Connects network.

15.2.4 Design Manual for Urban Roads and Streets (2013) as amended 2019

The Design Manual for Urban Roads and Streets (DMURS) has as its aim, to put well-designed streets at the heart of sustainable communities.

The key issues include the provision of transport networks that promote real alternatives to car journeys and encouragement of lower vehicular speeds in urban areas with a view to making streets safer and more attractive places. The use of DMURS is mandatory on all urban roads and streets with a speed limit of 60 km/h or less.

DMURS calls for an integrated approach to street design that incorporates not only engineering elements but also elements of urban design and landscaping that instinctively alter driver

behaviour, resulting in lower speeds and thus a safer environment for all road users. DMURS sets out a user hierarchy that prioritises sustainable travel modes.

A number of core elements are included in DMURS including:

- There will be no frontage free distributor roads, with long uninterrupted straights and high boundary walls;
- Carriageway widths, especially in residential areas, will be narrower, but footpaths and verges may be wider;
- All junctions will have tighter radii, especially those where the side road serves a residential area;
- Pedestrian delays will be included in the calculation of optimum traffic signal timings. Consequently, traffic signals will have lower cycle times;
- Residential areas will no longer be a series of cul-de-sacs which are linked to the general road network by a single access. Instead, they will be accessible from multiple points:
- Signalised junctions will no longer provide left turn slip roads with dividing islands. Instead, junctions will be more compact and more pedestrian friendly;
- Pedestrian barriers will be rare.

The adopted design approach successfully achieves the appropriate balance between the functional requirements of different network users whilst enhancing the sense of place. The implementation of self-regulating street design actively manages movement by offering real modal and route choices in a low speed, high quality residential environment. Specific attributes of the schemes design which contribute to achieving DMURS objective include:

- The potential dominance of on-street car parking is actively managed through the provision of landscaped buffers and the specification of maintained grass areas and trees.
- On-street activity is promoted internally along the residential streets through the adoption of “own door” dwellings where possible.
- Proposed internal footpaths are no less than 1.8m throughout the development with safe connections/tie-ins to the existing external pedestrian networks on Stocking Lane.
- Appropriate visibility splays, as per DMURS requirements are enjoyed at the internal nodes and at the new site access junction to the external road network.
- A variety of materials and finishes will be specified in the shared areas to indicate that the carriageway is an extension of the pedestrian domain. Internally within the development carriageway kerb heights will be specified as 75-80mm in accordance with the objectives of DMURS. The proposed residential developments internal hierarchy of local streets incorporates narrowest possible carriageway widths, bearing in mind the Irish Water pipe constraint and the demonstrated link between carriageway width, forward visibility and vehicle speed.

15.2.5 Smarter Travel – A New Transport Policy for Ireland (2009-2020)

The vision for sustainability in transport sets out five key goals:

- i. to reduce overall travel demand,
- ii. to maximise the efficiency of the transport network,
- iii. to reduce reliance on fossil fuels,

- iv. to reduce transport emissions and
- v. to improve accessibility to transport.

To achieve these goals and to ensure that sustainable travel and transport, the Government sets the following key targets:

- Future population and employment growth will predominantly take place in sustainable compact forms, which reduce the need to travel for employment and services
- 500,000 more people will take alternative means to commute to work to the extent that the total share of car commuting will drop from 65% to 45%
- Alternatives such as walking, cycling and public transport will be supported and provided to the extent that these will rise to 55% of total commuter journeys to work
- The total kilometres travelled by the car fleet in 2020 will not increase significantly from current levels
- A reduction will be achieved on the 2005 figure for greenhouse gas emissions from the transport sector.

The policy outlines the need to improve the alignment of spatial and transport planning to stop urban sprawl and urban-generated one-off housing in peri-urban areas. To ensure that a reduction in travel demand and reliance on the car can be achieved, there must be appropriate, reliable and user-friendly alternatives in place. The main commitment is to transform both rural and urban bus services to meet this challenge. It envisages that around 200,000 people will switch to cycling and walking.

Dublin Bus stops are located immediately adjacent to the site and are served by route No. 15b. The improved permeability to the adjacent Springvale estate will allow residents of that estate walk through the proposed development to access this service and residents of the new scheme access to buses at Edmonton Road, Route No. 61.

15.2.6NTA's Permeability Best Practice Guide 2015

The Guide published by the NTA considers that there are benefits to be gained from maintaining and creating pedestrian and cycle links in urban and suburban areas.

The layout allows for the full consideration of pedestrian and cycle movements within the site. A new pedestrian/cycle access is provided to the Springvale estate. In addition, pedestrian and cycle access allows connectivity between Edmonstown Road and Stocking Lane areas without cars dominating the connections in these residential estates. There are possibilities to cater for further permeability to the site to the north and a pedestrian/cycle access has been designed to the boundary. A new pedestrian crossing is proposed to the north west across Stocking Lane. To the south west, an enhanced pedestrian crossing is proposed across Stocking Lane to allow connection to the bus stop at Stocking Lane. A footpath is provided to Prospect Manor.

15.2.7 Birds and Habitats Directive

The European Council Birds Directive (79/409/EEC) and E.C. Habitats Directive (92/43/EEC, as amended), which are jointly transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011, as amended).

A screening for Appropriate Assessment report has been prepared by Biosphere Environmental Services as part of the planning application for a residential development.

In accordance with their obligations under the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011), the proposed development has to be assessed if the development could have 'likely significant effects' on any other Natura sites. The screening document provides supporting information to assist the competent authority with an Appropriate Assessment screening exercise, including: a description of the proposed development, details of its environmental setting, a map and list of Natura 2000 sites within the potential zone of impact, and an assessment of potential impacts. It is concluded that the proposed development will not cause direct or indirect impacts on any Natura 2000 sites, and that Appropriate Assessment is not required.

15.2.8 Delivering Homes, Sustaining Communities Statement on Housing Policy (2007) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities (2007)

Delivering Homes, Sustaining Communities sets out a range of actions focused on:

- building sustainable communities;
- responding to housing need in a way that maximises choice and responsibility;
- and effectively delivering accommodation programmes.

Sustainable communities are defined in the Guidelines as having a high quality natural and built environment, with a dynamic and innovative economy, good transport, supportive community and voluntary services, and are environmentally sound.

The Best Practice Guidelines Consider that good quality, sustainable housing development should be:

- Socially and environmentally appropriate
- Architecturally appropriate
- Accessible and adaptable.
- Safe, secure and healthy
- Affordable.
- Durable
- Resource efficient

This application is accompanied by a Housing Quality Assessment prepared by Matt Barnes Architects showing consistency with the suite of documents applicable to sustainable residential development.

15.2.9 The Provision of Schools and the Planning System – A Code of Practice for Planning Authorities

The Code of Practice sets out best practice approaches that should be followed by planning authorities in ensuring that the planning system plays its full part in facilitating the timely and cost-effective roll-out of school facilities by the Department of Education and Science and in line with the principles of proper planning and sustainable development. It is considered that the primary and secondary school requirements for the proposed development will be catered for by the existing schools in the area.

15.3 Regional

15.3.1 Regional Spatial & Economic Strategy (RSES) 2019

The *Regional Spatial and Economic Strategy the Eastern and Midland Regional Assembly (EMRA)* was made on the 28th June 2019 and is a strategic plan and investment framework to shape the future development of the eastern regional to 2031 and beyond which is a new concept in Irish Planning tying spatial planning to economic factors.

The vision for the RSES is to create a sustainable and competitive region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all. The central need identified by the RSES is ‘to be people focused as quality of life encapsulates strong economic output and stability, good environmental performance and good standard of living for all.’

The RSES outline Guiding Principles for Integration of Land Use and Transport in the region. They include the following:

- For urban-generated development, the development of lands within or contiguous with existing urban areas should be prioritised over development in less accessible locations. Residential development should be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport – including infill and brownfield sites – are prioritised.
- Planning at the local level should prioritise walking, cycling and public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centres, public transport services, and other services at the local level such as schools.
- Support the ‘10 minute’ settlement concept, whereby a range of community facilities and services are accessible in short walking and cycling timeframes from homes or accessible by high quality public transport to these services in larger settlements.
- Cycle parking should be appropriately designed into the urban realm and new developments at an early stage to ensure that adequate cycle parking facilities are provided.
- Support investment in infrastructure and behavioural change interventions to encourage and support a shift to sustainable modes of transport and support the use of design solutions and innovative approaches to reduce car dependency.

RSES Settlement Strategy supports, and as set out in Regional Policy Objective 4, the consolidation and redevelopment of infill, and brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs. The aim is to have

“50% of all new homes 20 to be provided in the existing built up area of Dublin City and Suburbs in tandem with the delivery of key infrastructure to achieve a population of 1.4 million people by 2031.”

RPO 4.3 supports development of infill sites as follows:

“Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.”

Section 5.3 sets the Guiding Principles for the growth of the Dublin Metropolitan Area. Some of these principles include:

- Compact sustainable growth
- Integrated transport and land use
- Accelerate housing delivery
- Co-ordination and active land management

RPO 5.4 states the future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the Section 28 national guidelines.

RPO 5.5 promotes a clear sequential approach to the future development of Dublin Metropolitan Area, with a primary focus on the consolidation of the city and existing suburbs, and the development of Key Metropolitan Towns.

The RSES also promote development within the metropolitan area of Dublin that achieve integration of land use and transport planning (Section 8.1), compact growth (as an alternative to urban sprawl)(Section 8.2), and apartment developments that help achieve a wider demographic profile for an area (particularly in areas with empty nesters in suburban locations).

The proposed development provides for a high-quality residential development of an appropriate density on an infill site which serves to consolidate the Metropolitan Area of Dublin. It is well served by public transport, promotes cycling and walking, is highly accessible to schools, shops and other community facilities. The development itself provides a mix of unit types to cater for different age cohorts and persons of different social background. Community facilities are provided on site in the form of a shop, creche and public open space and play facilities.

15.4 Section 28 Guidelines

15.4.1 Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018) as amended 2020

The Sustainable Urban Housing Design Standards for New Apartments were published by the Minister for Housing, Planning and Local Government in 2018 and amended in 2020. The guidelines update previous guidance from 2015 and supersede Development Plans and previous guidelines.

The Guidelines identify three location types suitable for apartment development (section 2.4). The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors. The subject site is considered to fall within 2) Intermediate Urban Locations, where densities in excess of 45 units per ha will apply. The 15B bus passes along Stocking lane at an average of every 15 minutes during the peak period. There is a further bus service No.15 on Scholarstown Road which is within a 10 minute walk from the site and has a 8-12 minute service during the peak period.

The key relevant Specific Planning Policy Requirements (SPPRs) are summarised as follows:

Table 4: Summary of 2020 Apartment Guidelines

MIX	Policy	Requirement	Proposal			SPPR Ref.
			1 bed	2 bed	3 bed	
	Up to 50% one-bedroom or studio type units		29	61	20	1
			26%	55 %	18 %	
FLOOR AREAS	Studio (1 per)	37 sqm min	N/A			3
	1-bedroom (2 per)	45 sqm min	Applied – refer to HQA			3
	2-bedroom (3 per)	63 sqm min				3
	2-bedroom (4 per)	73 sqm min				3
	3-bedroom	90 sqm min				3
EXCEED FLOOR AREA	Majority units to exceed minimum floor area	10 % minimum	Applied – refer to HQA			Text
DUAL ASPECT	Suburban/intermediate	Min. 50%	82% of the apartment units are dual aspect			4
	Preference 3 bed = dual aspect		All 3-bed dual aspect			Text
	North face single aspect limited		All single aspect units are south facing			Text
CORE	Max. 12 units per floor		Applied			6
PARKING	PAs must consider a reduced overall car parking standard.		A reduced ratio was applied to the apartments. Refer to TTA by AECOM			Text
CYCLE	1 per bedroom + 1 visitor per 2 units	211 bedroom + 55 visitor = 267	288 provided			Text
FLOOR TO CEILING	Ground Floor	2.7 m	Applied – Refer to HQA			5
	Upper Floor	2.4 m	Applied – Refer to HQA			
STORAGE	1-bedroom	3 sqm	Applied – Refer to HQA			Appendix
	2-bedroom (3 per)	5 sqm				

	Policy	Requirement	Proposal	SPPR Ref.
	2-bedroom (4 per)	6 sqm		
	3 -bedroom	9 sqm		
COMMUNAL SPACE	1-bedroom	5 sqm	Applied – Refer to HQA. A total requirement of 890 sqm applies and is provided.	Appendix
	2-bedroom (3 per)	6 sqm		
	2-bedroom (4 per)	7 sqm		
	3 -bedroom	9 sqm		
Part V	10%		Applied	Text
Creche	Childcare guidelines		Provided	Text
Play	Provision play areas	See below	Provided	Text

Apartment sizes

Specific Planning Policy Requirement 3 provides for minimum floor areas as provided in the Appendix to the guidelines :

Fig 10: Extract from Apartment Guidelines 2020

Minimum overall apartment floor areas

Studio	37 sq m (n/a)*
One bedroom	45 sq m (38 sq m)*
Two bedrooms (3 person)**	63 sq m (n/a)*
Two bedrooms (4 person)	73 sq m (55 sq m)*
Three bedrooms	90 sq m (70 sq m)*

* Figures in brackets refer to 1995 guidelines

** Permissible in limited circumstances

The proposed development includes 13 two-bedroom three person units. In the previous application, the Inspector addressed the issue of the proposal which remains unchanged.

“These two-bedroom three-person apartments would provide some variation in residential accommodation and five of the 13 apartments would be allocated for Part V requirements. The overall provision of these units as part of the scheme would not exceed the 10% maximum limitation set out in section 3.7 of the New Apartments Guidelines”.

The rationale for providing this size of unit, allows a work from home situation with a second bedroom as an office, it allows carers for seniors and additional space for small households.

Section 3.6 provides that planning authorities may also consider a two-bedroom apartment to accommodate 3 persons, with a minimum floor area of 63 square metres, and section 3.7 provides that while providing necessary variation in dwelling size, no more than 10% of the total number of units in any private residential development may comprise this category of two-

bedroom three-person apartment. The proposed number of this category is less than 10 percent of the overall residential development.

Play areas

The Guidelines indicate the following should be provided.

- Small play spaces (about 85 – 100 sq. metres) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, in a scheme that includes 25 or more units with two or more bedrooms.
- Play areas (200–400 sq. metres) for older children and young teenagers, in a scheme that includes 100 or more apartments with two or more bedrooms.

The play areas are detailed in the Landscape Drawings and Landscape design report prepared by Cass Roche. A total of 793 sqm of play areas is proposed in and around the site. Both of which are located directly adjacent to the apartment blocks. A dedicated play area can be found within the managed community amenity area and totals 187 m².

15.4.2 Urban Development and Building Heights (2018)

The Guidelines were published subsequently to the National Planning Framework and set out the criteria for consideration for increased building height in urban / city-centre locations and suburban and wider town location with a view to accommodate significant population growth. It is now Government policy to generally seek to increase building height in appropriate urban locations with good public transport accessibility.

SPPR1 states that Planning Authorities are responsible for identifying appropriate locations for building heights and that no blanket ‘numerical’ height shall be applied. The South Dublin County Development Plan 2016-2022 has not been reviewed since the publication of these Guidelines.

SPPR2 relates to statutory policy and development plans.

SPPR3 provide that it is a specific planning policy requirement that where an applicant complies with certain criteria, a planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. The Guidelines also include a number of criteria to consider when making and subsequently assessing a planning application. There is no significant height proposed as the maximum height is 4 storeys.

SPPR 4 provides that it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

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

2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and
3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.”

The proposed development with an appropriate density, mix of houses, duplex and apartments in a variety of typologies meets this SPPR fully.

15.4.3 The Planning System and Flood Risk Management (2009)

The core objectives of the Guidelines are to:

- Avoid inappropriate development in areas at risk of flooding;
- Avoid new developments increasing flood risk elsewhere, including that which may arise from surface water run-off;
- Ensure effective management of residual risks for development permitted in floodplains;
- Avoid unnecessary restriction of national, regional or local economic and social growth;
- Improve the understanding of flood risk among relevant stakeholders; and
- Ensure that the requirements of EU and national law in relation to the natural environment and nature conservation are complied with at all stages of flood risk management.

No issues regarding flooding have been raised in the previous application on the site or at the pre-planning meetings. In addition, a Site Specific Flood Risk Assessment is submitted with this application.

15.4.4 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

The aim of these guidelines is to set out the key planning principles which should be reflected in development plans and local area plans, and which should guide the preparation and assessment of planning applications for residential development in urban areas.

The Guidelines provide that where there is good planning, good management, and the necessary social infrastructure, higher density housing has proven capable of supporting sustainable and inclusive communities. In general, increased densities should be encouraged on residentially zoned lands and particularly in the following locations:

- a) City and town centres
- b) ‘Brownfield’ sites (within city or town centres).
- c) Public transport corridors
- d) Inner suburban / infill
- e) Institutional lands
- f) Outer Suburban / ‘Greenfield’ sites

The proposed development may be considered under categories (c) Public Transport Corridor, (d) Inner Suburban / Infill – (i) Infill residential development. In seeking to achieve density,

developments must strike a balance between the protection of amenities and the privacy of adjoining units, as well as that of the character.

Public transport corridors (c) occur where the scheme is walking distance from public transport nodes (e.g. stations / halts / bus stops). The application site has a bus stop beside the road frontage. In general, minimum net densities of 50 dwellings per hectare apply on public transport corridors. A Dublin Bus stop is located immediately adjacent to the site and is served by the high frequency route No. 15b. The improved permeability to the adjacent Springvale estate will allow residents of that estate walk through the proposed development to access this service and residents of the new scheme access to buses at Edmonton/Whitechurch, Route No. 61.

In relation to (d), in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The height of apartments block up to 4 storeys does not give rise to concerns of overlooking or overshadowing within the site itself or to neighbouring properties.

The Guidelines set out layout and design considerations, whereby proposals must make the most effective use of the site, while contributing positively to the surroundings. Development must have a sense of identity and place, while providing for effective connectivity. Finally, public areas forming part of the proposals should be guided by passive surveillance.

The proposed makes the most effective use of land possible having regard to the significant restriction by the Irish Water Pipe. The lands are currently unbuilt yet are ideally located within close proximity of community facilities in a residential area and within walking distance of public transport. The layout is broadly organised around open space and courtyards with overlooking from four blocks laid around it. Natural surveillance is also provided in the other public areas of the development.

Appendix A provides detail on measuring residential density. A net site density measure is a more refined estimate than a gross site density measure and includes only those areas which will be developed for housing and directly associated uses. These will include;

- access roads within the site;
- private garden space;
- car parking areas;
- incidental open space and landscaping; and
- children's play areas where these are to be provided.

It therefore excludes:

- major and local distributor roads;
- primary schools, churches, local shopping etc.;
- open spaces serving a wider area; and
- significant landscape buffer strips.

The application site with the permission of South Dublin Co. Council extends across Stocking Lane in order to provide linkages to the cycle path. This area is excluded from density calculation. The gross site area is 2.47 ha and the net area 2.41ha. This results in a proposed net density of 54.3 units per hectare.

15.4.5 Urban Design Manual- A best Practice Guide (2009)

The Urban Design Manual is the accompanying document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). This manual establishes 12 criteria that residential development should be assessed against. The proposed development is considered consistent with the 12 criteria as illustrated in the accompanying Concept Plan and Design Criteria Statement.

15.4.6 Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009)

An AA screening report accompanies this application.

15.4.7 Guidelines for Planning Authorities on Childcare Facilities (2001)

Government policy on childcare is to increase the number of childcare places and facilities available and to improve the quality of childcare services for the community. The Guidelines are to be reviewed by the Department.

For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate.

One childcare facility is provided in this development. The proposed development consists of 131 residential units. 29 no. are 1 bed-units. It is noted that the Apartment Guidelines state the following

*“4.7 Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. **One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision** and subject to location, this may also apply in part or whole, to units with two or more bedrooms”.*

In this regard, it is considered that 102 units is an appropriate calculation having regard to the one-bedroom units which are not generally contributing to the requirement providing a requirement for 27 places. The current proposal includes a creche of 128 sqm or spaces for 22 children, so slightly below the requirement envisaged by the guidelines.

Using the 2016 Census of Population, the average household size in the Edmondstown Electoral Division (ED) is 2.98 persons. Applying this to the proposed development, it is estimated that

102 units would yield 305 persons. Around 7% of the population in the ED is aged between 0 and 4 years old. This would result in 21 children aged between 0 and 4.

The Quarterly National Household Survey (QNHS) carried out by the Central Statistics Office includes on childcare. The last available report the Q4 2016 published in July 2017 indicates that 19% of pre-school age children attend a childcare facility (creche, Montessori, group, aftercare school facility). This means that four children living in the proposed development would attend a preschool facility. It is therefore considered that the provision of a creche to cater for 22 children is adequate to serve the needs of the proposed development.

15.4.8 Development Management Guidelines for Planning Authorities June, 2007

These Guidelines are issued under section 28 of the Planning and Development Act 2000 as amended.

Section 1.5.2 of the guidelines refer to statutory requirements and fair procedures and states *“In the case of a decision to refuse permission, the applicant is entitled to know all of the relevant reasons for refusal: this will also allow him/her to assess the prospects of a revised application or of an appeal to the Board.”*

Section 7.14 refers to reasons for refusal of planning permission and elaborates on the above. Specifically the guidelines require all reasons for refusal to be provided.

“Section 34(10) of the Planning Act requires that a decision (and the notification of the decision) shall state the main reasons and considerations on which the decision is based. This is of fundamental importance to applicants so that they can assess options open to them as a consequence of the refusal. Reasons for refusal should therefore be clear and unambiguous, as informative and helpful as possible, should be self-contained statements, and should be related specifically to the particular development proposal.

*All substantial reasons for refusal should be stated since it is in the interest of prospective developers to be aware of all the fundamental objections to their proposals if they are considering whether to amend the scheme and re-lodge or to appeal. ***It is essential to avoid a situation where some fundamental reason for refusal is not given and the subsequent amended application is refused for that reason.*** Also, as stated in para. 6.8 information deficits should be referred to in the planning decision so that the applicant is made aware that there could be further obstacles to the grant of permission other than the reasons listed.” (our emphasis)*

Section 7.15 relates to refusals arising from development plans or local area plans.

“A statement of objectives in a development plan should not be regarded as imposing a blanket prohibition on particular classes of development and does not relieve the planning authority of responsibility for considering the merits or otherwise of particular applications. A brief reference to an objective or policy statement is not, therefore, adequate as a reason for refusal if it is not made clear what the objective is, how it

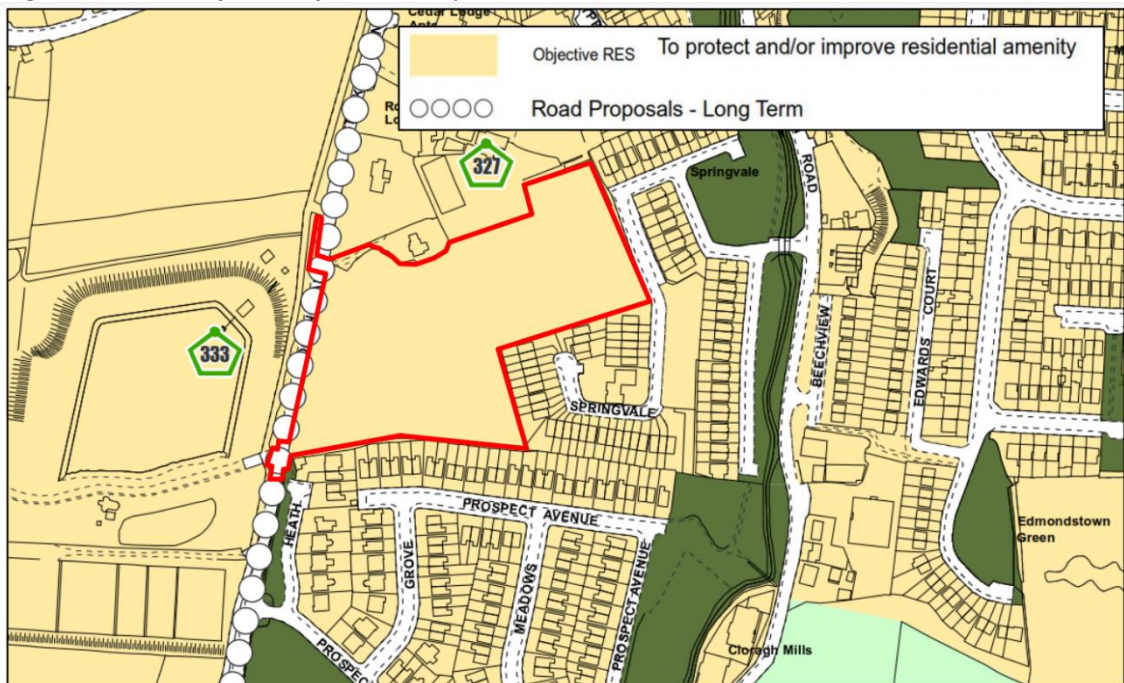
would be contravened by the proposed development, and why that contravention would be contrary to the proper planning and sustainable development of the area. A reason for refusal must, as far as possible, bring out the reasonableness of applying the provisions of the plan in the particular case. Accordingly, caution should be exercised when refusing permission on the grounds that the proposed development would materially contravene the development plan. Where such a reason is given it must be clearly shown that specific policies/objectives of the plan would be breached in a significant way.”

15.5 County – South Dublin Development Plan 2016-2022

The site is zoned Objective RES ‘To protect and/or improve residential amenity’. There are no specific objectives on the site. The nearest objective is Ref. 333 which relates to a protected structure at the Ballyboden Waterworks opposite the application. Ref. 327 relates to a protected structure Rockwood House c 40 north of the site. A long term roads objective is located along Stocking Lane.

Table 11.2 provides the use classes where residential and shop-local is permitted in principle and childcare and shop-neighbourhood are open for consideration.

Figure 11: Extract from Objectives Map



The site is identified as a ‘capacity site’ in Map 1.3 of the Written Statement i.e contributing to the County housing capacity.

As there is significant overlap between the guidelines above and the development plan, the statement of consistency regarding the development plan is addressed by topic in a table below.

Table 5: General and Strategic Objectives

GENERAL AND STRATEGIC	Comment on consistency if applicable
Policy CS 1 Consolidation and CS1 Objective 1	The proposed development is consistent with the strategic objectives
Policy CS6 Local Area Plans	No LAP applies
Zoning 'RES'	Site is zoned Residential

Table 6: Relevant Housing Objectives

HOUSING	Comment on consistency if applicable
<p>Policy H3 Housing for Older People: It is the policy of the Council to support the provision of accommodation for older people in established residential and mixed use areas that offer a choice and mix of accommodation types to older people (independent and semi-independent living) within their communities and at locations that are proximate to services and amenities. H3 Objectives 1-4</p>	<p>The scheme has a range of options which is suitable for older persons. In addition, the mix proposed would provide attractive options for downsizers. The policy is complied with while the objectives are specific rather than general.</p>
<p>Policy H6 Sustainable Communities: It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.</p>	<p>This is complied with.</p>
<p>Policy H7 Urban Design in Residential Developments: It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared under Section 28 of the Planning & Development Act 2000 (as amended). H7 Objectives 1-4</p>	<p>See sections relating to compliance with Ministerial Guidelines.</p> <p>Where relevant, objectives 1-4 are complied with.</p>
<p>Policy H8 Residential Densities: The policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context is complied with. H8 Objective 1: To ensure that the density of residential development makes efficient use of zoned lands... H8 Objective 2: To consider higher residential densities at appropriate locations that are close</p>	<p>The relevant policy 8 and objectives are complied with. The site is within the M50 and the proposed density is 54 units per ha.</p>

HOUSING	Comment on consistency if applicable
<p>to Town, District and Local Centres and high capacity public transport corridors in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009). H8 Objective 3: n/a H8 Objective 4: n/a H8 Objective 5: n/a. H8 Objective 6: To apply the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N) and are not subject to a SDZ designation, a Local Area Plan and/or an approved plan, excluding lands within the M50 and lands on the edge or within the Small Towns/ Villages in the County. H8 Objective 7: n/a</p>	<p>The Inspector considered in ABP-308763-20 <i>“the proposed density of 54 units per hectare is at the lower end of permissible densities based on Guidelines and would be appropriate given the immediate proximity to existing services.”</i></p>
<p>Policy 9 Residential Building Heights: It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.</p> <p>H9 Objective 1: To encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity. H9 Objective 2: To ensure that higher buildings in established areas respect the surrounding context. H9 Objective 3: <i>To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).</i> H9 Objective 4: n/a H9 Objective 5: n/a</p>	<p>The policy of the Council to support varied building heights is complied with.</p> <p>The proposed higher buildings respect the existing context.</p> <p>Prospect Manor, the estate located to the south of the application site is characterised by 2-storey units. It is proposed to develop units of up to three storeys high along the southern boundary with Prospect Manor. Prospect Manor is positioned on higher grounds that the application site as shown on the site sections B-B1 and A-A1 on dwg no. 2183-160/A Contiguous Elevations and site sections. As a result of the changes in topography, which favour Prospect Manor, Blocks H, J and K’s ridge heights range from 107.25m AOD to 107.6m AOD or less than one meter higher than the prevailing ridge height at 106.99m AOD on Prospect Manor. Similarly, the Block K and House Type B units backing onto Springvale have a ridge height at 107.15m AOD and 104.45m AOD respectively compared to</p>

HOUSING	Comment on consistency if applicable
	<p>prevailing ridge height at 103.07m AOD in Springvale. The proposed development incorporates progressive heights increase avoiding marked increases between existing and proposed units.</p> <p>In relation to Policy H9 Objective 3, we are of the view that the development incorporates gradual change in building height as required by the objective. This is also reflected in the Council’s pre-application report to the Board, where it states <i>“The proposed height represents a gradual change in height and is generally in accordance with Policy H9 Objective 3, as there is no significant marked increase in building height in close proximity to existing housing. ... It remains the view of the Planning Authority that the conflict of the proposal with section 11.2.7 does not constitute a material contravention of the South Dublin County Development Plan 2016 - 2022.”</i> The objective refers to <i>“(see also section 11.2.7)”</i> which indicates that 11.2.7 is an additional development standard requirement and is therefore not an integral part of Policy H9 Objective 3. However, we note that in the Board decision under ABP-308763-20 stated <i>“Having regard to the provisions of the South Dublin Development Plan, specifically Housing (H) Policy 9 – Objective 3 requiring proposals to comply with section 11.2.7 of the South Dublin County Development Plan 2016-2022, which states that new residential development that would adjoining existing one, and or two storey housing, shall be no more than two storey in height, unless a separation distance of 35m or greater is achieved, and to the form height and layout of the proposed development, it is considered that the proposed development materially contravenes the housing (H) Policy 9 – Objective 3 of the South Dublin County Development Plan.”</i> On this basis</p>

HOUSING	Comment on consistency if applicable
	we have included a material contravention statement in Part C of this Report.
<p>Policy H10 Mix of Dwelling Types: The policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures is complied with.</p>	This is complied with.
<p>Policy H11 Residential Design and Layout: H11 Objective 1: To promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards set out in Chapter 11 Implementation. H11 Objective 2: To promote new residential developments taking account of energy efficiency, prioritising passive house construction standards, as well as renewable energy opportunities, including solar energy where appropriate, in accordance with Part L of the Building Regulations.</p>	<p>Please see concept plan and design statement.</p> <p>The proposed development complies with the development standards set out in chapter 11.</p> <p>Energy efficiency is addressed in design and layout.</p> <p>An energy efficiency statement accompanies this application.</p>
<p>Policy H14 Internal Residential Accommodation: is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long term needs of a variety of household types and sizes. Objectives 1-2</p>	<p>The scheme provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs to a variety of household types and sizes.</p> <p>Objectives 1-2 are complied with.</p>
<p>Policy H15 Privacy and security: It is the policy of the Council to promote a high standard of privacy and security for existing objectives and proposed dwellings through the design and layout of housing. Objectives 1-5</p>	<p>A high standard of privacy and security for existing and proposed dwellings through the design and layout of housing is provided.</p> <p>Where relevant Objectives 1-3 are complied with.</p>
<p>Police H16 Steep or varying Topography It is the policy of the Council to ensure that development on lands with a steep and/or varying topography is designed and sited to minimise impacts on the natural slope of the site. Objectives 1-2</p>	<p>The scheme is designed and sited to minimise impacts on the topography of the site and adjoining lands.</p> <p>Objectives 1-2 are complied with.</p>

Table 7: Open Space Objectives and Walking/cycling

OPEN SPACE MANAGEMENT	Comment on consistency if applicable
<p>Policy H12 Open Space Space: It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area. Objectives 1-4</p>	<p>The proposed scheme is consistent with the policy of the Council that a hierarchical network of high-quality open space is available to those who live, work and visit the County, providing for both passive and active recreation, and that the resource offered by public open spaces, parks and playing fields is maximized through effective management. Where relevant, the objectives are complied with.</p>
<p>Policy H13 Private and Semi- Private Open Space: It is the policy of the Council to ensure that all dwellings have access to high quality private open space (inc. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments. Objectives 1-3</p>	<p>All dwellings have access to high quality private open space (inc. semi-private open space for duplex and apartment units). Where relevant Objectives 1-3 are complied with</p>
WALKING AND CYCLING	
<p>Policy TM3 Walking and Cycling: Objective 1 to 6</p>	<p>The scheme is consistent with the policy of the Council to re-balance movement priorities towards more sustainable modes of transportation. It provides walking and cycling links and improve permeability in an east-west manner.</p>

Table 8: Water Supply and Wastewater Objectives

WATER SUPPLY AND WASTEWATER	Comment on consistency if applicable
<p>It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County</p>	<p>A letter of Design Acceptance accompanies the application</p>
<p>Policy IE2 Surface Water & Groundwater</p>	<p>An engineering report accompanies the application. The application was discussed with the drainage section of the Council.</p>
<p>Policy IE3 Flood Risk</p>	<p>There is no flood risk associated with this site. A site specific flood risk assessment is submitted as part of this application</p>

Table 9: Transport and Mobility Objectives

TRANSPORT AND MOBILITY	Comment on consistency if applicable
The Development Plan includes Table 6.6 Medium to Long Term Road Objectives which identified Ballyboden Road / Stocking Lane (R115) for upgrade with the objective <i>'to enhance pedestrian and cycling facilities and exploits the tourist potential of the route'</i> .	The development complies with this objective to its west.
Transport and Mobility (TM) Policy 6 Road and Street Design	The development complies, please refer to AECOM's Transport and Traffic Assessment.
TM7 Car Parking Objectives 1, 2, 3, 4	The development complies, please refer to AECOM's Transport and Traffic Assessment.

Table 10: Green Infrastructure Objectives

GREEN INFRASTRUCTURE	Comment on consistency if applicable
Policy G1 Overarching	A variety of open space and green / ecological corridors are proposed as part of the development.
Policy G2 Green Infrastructure Network and objectives	The proposal retains key elements of existing green infrastructure network, namely trees. Where appropriate, landscaping proposal to include planting of trees will complement and enhance the network. Biodiversity proposals are integrated.
Policy G3 Water course network	The proposed development does not affect the water course network.
Policy G4 Public Open Space	A hierarchy of open space is proposed as part of the development. It is focused on the central open space and supported by further public and communal open space throughout the site. Landscaping proposals are of high quality. Particularly attention was given to the protection of light sensitive species, specifically bats. Refer to the Ecological Impact Assessment and the Landscape Report.
Policy G5 Sustainable urban Drainage systems	This is complied with. Please refer to the OBA Drainage Report and the Landscape Report by PC Roche.
Policy G6 New Developments in Urban Areas	<p>The proposed development complies with the subsection of policy G6. Please refer to the Landscape Report. In particular, the development:</p> <ul style="list-style-type: none"> • Protects and enhances existing tree stands • Provides links into the wider Green Infrastructure network; and • for multifunctional open space provision that includes provision for ecology and sustainable water management. <p>These principles are aligned with those presented in the Green City Guidelines. Following the surveys</p>

GREEN INFRASTRUCTURE	Comment on consistency if applicable
	<p>carried out for Ecological Impact Assessment and the tree survey, the development integrated recommendations pertaining to the preservation and enhancement of biodiversity on site. These particularly influence the landscape and architectural proposals. The public open space provision is broadly split into four areas of open spaces across the site. These are connected with existing and new ecological corridors, in the form of tree groups and planting. Wildflower planting is also proposed to allow for pollinator friendly areas. As a result, the site, even if developed, will continue to play a role and reinforce the county green infrastructure, linking with existing area of formal and informal open spaces and parks.</p>

Table 10: Urban centre Objective

URBAN CENTRES	Comment on consistency if applicable
<p>URBAN CENTRES (UC) Policy 6 Building Heights It is the policy of the Council to support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County. Objectives 1-3</p>	<p>This objective relates to town, district, village and local centres and regeneration areas.</p>

Table 11. Retail

RETAIL	Comment on consistency if applicable
<p>R1 Objective 9: To encourage and facilitate the provision of local convenience shops (Shop – Local) in existing residential areas where there is a deficiency of retail provision in the catchment, subject to protecting residential amenity</p>	<p>There are no local shops within 2.5 km of the site. The provision of a local shop is consistent with the objective.</p>

Table 12: Development Standards

Section 11.3.1. Residential	Comment on consistency if applicable
(i) Mix of Dwelling Types	Please refer to the schedule
(i) Residential Density	The Development plan requires the residential density (net) of new development should generally be greater than 35 dwellings per hectare. Density of 54 units per ha is proposed.
(ii) Public Open Space/Children’s Play	A detailed Landscape Plan that outlines the extent of open space and details for its treatment is

Section 11.3.1. Residential	Comment on consistency if applicable															
	<p>included and includes opportunities for children’s play.</p> <p>The required minimum of 10% of the total site area as public open space is achieved.</p> <p>Children have access to safe and secure outdoor play opportunities accessible from their homes.</p> <p>The scheme includes formal provision for children’s through provision of a Young Children’s Area for Play (YCAP), or a Local Equipped Area for Play (LEAP) or a Natural Play Area. Where publicly accessible YCAPs to be taken-in-charge by the local authority and are sited so that they are accessible and supervised, without causing nuisance to nearby residents.</p>															
(iii) Dwelling Standards	<p>Table 11.20: Minimum Space Standards for Houses are complied with and exceeded. Please refer to the Schedule of Accommodation.</p> <table border="1" data-bbox="794 891 1398 1144"> <thead> <tr> <th>Type of Unit</th> <th>Houses</th> <th>Private Open Space</th> </tr> </thead> <tbody> <tr> <td>1 Bedroom</td> <td>50 sq.m</td> <td>48 sq.m</td> </tr> <tr> <td>2 Bedroom</td> <td>80 sq.m</td> <td>55 sq.m</td> </tr> <tr> <td>3 Bedroom</td> <td>92 sq.m</td> <td>60 sq.m</td> </tr> <tr> <td>4 Bedroom or more</td> <td>110 sq.m</td> <td>70 sq.m</td> </tr> </tbody> </table>	Type of Unit	Houses	Private Open Space	1 Bedroom	50 sq.m	48 sq.m	2 Bedroom	80 sq.m	55 sq.m	3 Bedroom	92 sq.m	60 sq.m	4 Bedroom or more	110 sq.m	70 sq.m
Type of Unit	Houses	Private Open Space														
1 Bedroom	50 sq.m	48 sq.m														
2 Bedroom	80 sq.m	55 sq.m														
3 Bedroom	92 sq.m	60 sq.m														
4 Bedroom or more	110 sq.m	70 sq.m														
(ii) Privacy	Complies – Refer to Schedule of Accommodation															
(v) Dual Aspect	Complies – Refer to Schedule of Accommodation															
(vi) Access cores and Communal Areas	Complies – Refer to Schedule of Accommodation															
(vii) Clothes Drying Facilities	Complies – Refer to Schedule of Accommodation															
<p>Table 11.21: Minimum Space Standards for Apartments</p> <p>Table 11.21: Minimum Space Standards for Apartments</p> <table border="1" data-bbox="284 1435 719 1697"> <thead> <tr> <th>TYPE OF UNIT</th> <th>APARTMENTS</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>40 sq.m</td> </tr> <tr> <td>One Bedroom</td> <td>45 sq.m</td> </tr> <tr> <td>Two Bedroom</td> <td>73 sq.m</td> </tr> <tr> <td>Three Bedrooms</td> <td>90 sq.m</td> </tr> </tbody> </table>	TYPE OF UNIT	APARTMENTS	Studio	40 sq.m	One Bedroom	45 sq.m	Two Bedroom	73 sq.m	Three Bedrooms	90 sq.m	<p>Superseded by s28 guidelines as detailed above.</p> <p>The proposed development complies with the Apartment Guidelines 2020, which allows for 2 bed 3 person apartments of 63sqm. The Plan has not been varied to comply with the 2020 Guidelines. On this basis a material contravention statement has been prepared in Part C, as a number of units are below 73sqm but above 63 sqm.</p>					
TYPE OF UNIT	APARTMENTS															
Studio	40 sq.m															
One Bedroom	45 sq.m															
Two Bedroom	73 sq.m															
Three Bedrooms	90 sq.m															

<p>Section 1.1.4. 1 Bicycle Parking Standards</p>	<p>The ratio applied to apartments has been superseded by the Apartment Design Guidelines.</p> <p>Table 11.22. Minimum Bicycle Parking Rate</p> <table border="1" data-bbox="794 427 1350 719"> <thead> <tr> <th></th> <th>Long term</th> <th>short</th> </tr> </thead> <tbody> <tr> <td>Residential Apartment</td> <td>1 per 5 apartments</td> <td>1 per 10 apartments</td> </tr> <tr> <td>creche</td> <td>1 per 5 staff</td> <td>1 per 10 children</td> </tr> <tr> <td>Retail Convenience</td> <td>1 per 5 staff</td> <td>1 per 50 sqm GFA</td> </tr> </tbody> </table> <p>288 spaces provided for apartments and visitors. Houses have private open space to the rear which can accommodate cycle parking requirements.</p>		Long term	short	Residential Apartment	1 per 5 apartments	1 per 10 apartments	creche	1 per 5 staff	1 per 10 children	Retail Convenience	1 per 5 staff	1 per 50 sqm GFA
	Long term	short											
Residential Apartment	1 per 5 apartments	1 per 10 apartments											
creche	1 per 5 staff	1 per 10 children											
Retail Convenience	1 per 5 staff	1 per 50 sqm GFA											
<p>Section 11.2.7 Building Height – Development proposals including ‘higher buildings’ than the prevailing height in the area should be supported by a strong urban design rationale and provide an appropriate series of measures to promote the transition to a higher building. It requires that the appropriate or maximum height will be determined by:</p> <ul style="list-style-type: none"> - The prevailing building height in the surrounding area - The proximity to existing housing – new residential development that adjoins existing one and/or two-storey housing (backs or sides or faces) shall be no more than two storey in height, unless a separation distance of 35 metres or greater is achieved. - The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space. - The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development. 	<p>Each point is addressed in turn</p> <ul style="list-style-type: none"> ▪ The proposed development includes a minor increase in ridge height compared to existing units in Prospect Manor and Springvale. Even though the above-mentioned estates are characterised by two-storey high units, those are also located on higher grounds than the application site. We refer the Board to dwg 2183-161A Contiguous Elevations and site sections and 2183-160A - Contiguous Elevations and site section. ▪ When assessing ABP-308763-20, An Bord Pleanála considered that the proposed development did not comply with section 11.2.7. as elements were greater than the existing two storey houses within 35m. We refer the Board to Part C of this report – Material Contravention. ▪ A cohesive streetscape is provided, minimising as far as practical on-street parking. The scheme provides a logical and legible approach. The scale of the buildings is laid with the greater height and mass located centrally to the site and progressive step downs toward the boundaries. <p>The closest protected structure is Rookwood House (RPS ref.327), located north of the application site. The distance between the proposed blocks on the northern boundary and the structure and their layout would not</p>												

	give rise to undue impacts on Rookwood House.
Table 11.22 Minimum bicycle parking rates	Please refer the Aecom's TTA
Section 11.4.2 Car Parking Standards	Zone 1
Table 11.24.' Maximum Parking Rates (Residential Development)	A total number of 167 spaces are provided. The rationale for provision is detailed in the TTA by AECOM.
Section 11.4.3 Car Parking for Electric Vehicle	24 EV parking spaces are provided
Section 11.4.4 Car Parking design and layout	Please refer to the TTA by AECOM.
Section 11.4.5 transport and traffic assessment	Accompanies application (TTA prepared by AECOM).
11.3.11 Early Childhood Care and Education	
Childcare facilities should be purpose built at ground floor.	The creche is proposed to be located at ground floor of block L.
Suitability of the site for the type of and size of facility proposed.	The proposed creche is of such size that it meets the needs arising from the development.
Local traffic conditions	Please refer the Aecom's TTA
Access, car parking and drop off facilities for staff and customers	Please refer the Aecom's TTA and drawings
Nature of the facility (full day care, sessional, after school, etc).	Full day care
Number of children to be catered for	22 children
Intended hours of operation.	8 am to 6 pm Monday to Friday
Impact on residential amenity	No impact on existing amenities. The creche was designed to avoid impact on proposed residential units.
Table 11.22 Bicycle parking	Please refer the Aecom's TTA
Section 11.6. 1 (i) Flood risk assessment	A Site Specific Flood Risk Assessment provided to an appropriate level of detail. This site is not identified as at risk.
Section 11.6. 1 (ii j Surface Water	Measures in compliance with the Greater Dublin Strategic Drainage Study (GSDSDS) and Greater Dublin Regional Code of Practice for Drainage Works are included in application. Further references can be found in the infrastructure report.
Section 11.6. 1 (iii) Sustainable Urban Drainage System (SUDS)	Sustainable Urban Drainage Systems (SUDS) are incorporated into the design
Section 11.6. 1 (iv) Groundwater	There is no groundwater contamination proposed and this is not sensitive location, or brownfield development
Section 11. 6. 1 (v) Rainwater Harvesting	Swales have been provided. Details can be found in the engineering drawings.

Section 11. 6.1 (vi) Water Services	Consultations with Irish Water in relation to requirements regarding buffer zones around public water utilities prior to applying for planning permission have been conducted. And in relation to the layout and design the water services.
Section 11.6.3 Environment Hazard Management and specifically lighting	Please refer to Saber Lighting drawings and report
Section 11.6.5 Waste management (ii) design and siting of refuse and recycling facilities in developments (iv) Construction and demolition waste	Please refer to the outline construction and waste management plan for details and floorplans. An outline Construction and Demolition Waste Management is submitted as part of this application.

Table 13: Other Requirements

Section 11.7.2 Energy Performance In New Buildings	An Energy Efficiency Statement is submitted as part of this application.
Section 11. 2.1 - Design Statement	Included in application: <ul style="list-style-type: none"> • A Concept Plan and Design Criteria Statement • DMURS statement (in the TTA) • The Green City Guidelines are addressed above under Green Infrastructure.
Table 1.1. 17.' Masterplan Considerations	Noted and included in application
Section 11.8.1 EIA	Please refer to Part A of this report
Section 11.8.2 AA	Please refer to AA screening prepared by Biosphere Environmental Services.

16 Conclusion

This statement of consistency demonstrates that the proposed development compiles with relevant national, regional and local planning policies and objectives. Consultations with the County Council pursuant to Section 247 have taken place. It is therefore submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national, regional and local planning policies and guidelines.

Part C – Statement of Material Contravention

17 Introduction

17.1 Material Contravention Elements

17.1.1 Building height

This section has been drafted in response to Item 13 of the Application Form. The subject of the Material Contravention is also introduced in previous sections of this report. The Board determined that it was precluded from granting planning permission for ABP-308763-20, as it was considered that:

‘Having regard to the provisions of the South Dublin County Development Plan 2016-2022, specifically housing policy 9 - objective 3 requiring proposals to comply with Section 11.2.7 of the South Dublin County Development Plan 2016-2022, which states that new residential development that would adjoin existing one and/or two-storey housing, shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved, and to the form, height and layout of the proposed development, it is considered that the proposed development materially contravenes the housing policy 9 – objective 3 of the South Dublin County Development Plan 2016-2022.

Furthermore, the statutory requirements relating to public notices and the submission of a material contravention statement have not been complied with by the applicant. Accordingly, the Board is precluded from granting permission in circumstances where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.’

We note that the Planning Authority, in its reports on the previous scheme proposed under ABP-308763-20 and that submitted at the pre-application consultation stage for the subject application under Ref: ABP-310111-21, did not consider that the development constituted a material contravention of the South Dublin County Development Plan in relation to height. Notwithstanding this, this view does not appear to be shared by An Bord Pleanála having regard to the history above.

Having regard to the view that the Board took in the previous decision, should the Board consider that a material contravention occurs, this statement provides a justification for the material contravention of the South Dublin County Development Plan 2016-2022.

The proposed development is described in detail in Part A of this report and includes blocks ranging up to three storeys within 35 m of existing two-storey units.

17.1.2 Apartment sizes

The proposed development complies with the Apartment Guidelines 2020, which allows for 2 bed 3 person apartments of 63sqm. The Plan has not been varied to comply with the 2020 Guidelines. The Development Plan has a minimum of 73 sqm for 2 bedroom apartments. Having regard to the interpretation of the Board in relation to non-compliance with development plan development standards (as per building height above), a material contravention statement has

been prepared in relation to this matter, as a number of units are below 73sqm but above 63 sqm.

The minimum size for apartments is stated in table 11.21 of the Development Plan. The Apartment Guidelines introduced a two bed three person unit subject to various criteria outlined in previous sections.

Fig 12 Extract from County Development Plan

Table 11.21: Minimum Space Standards for Apartments

TYPE OF UNIT	APARTMENTS	PRIVATE OPEN SPACE	COMMUNAL OPEN SPACE	STORAGE
Studio	40 sq.m	4 sq.m	4 sq.m	3 sq.m
One Bedroom	45 sq.m	5 sq.m	5 sq.m	3 sq.m
Two Bedroom	73 sq.m	7 sq.m	7sq.m	6 sq.m
Three Bedrooms	90 sq.m	9 sq.m	9 sq.m	9 sq.m

Fig 13 Extract from Apartment Guidelines 2020

Minimum overall apartment floor areas

Studio	37 sq m (n/a)*
One bedroom	45 sq m (38 sq m)*
Two bedrooms (3 person)**	63 sq m (n/a)*
Two bedrooms (4 person)	73 sq m (55 sq m)*
Three bedrooms	90 sq m (70 sq m)*

* Figures in brackets refer to 1995 guidelines

** Permissible in limited circumstances

Neither the Planning Authority or the Board have raised this a potential material contravention but for the avoidance of doubt and having regard to the comprehensive approach to material contraventions that has emerged over the SHD process, it is proposed to address this and advertise as a material contravention.

17.2 Legislative Context

S.9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that the Board may decide to grant a permission for a proposed strategic housing development in respect of an application where the development materially contravenes the development plan relating to the area concerned.

It also states in s.9(6)(b) that grant of permission may not be given if the material contravention relates to zoning.

Pursuant to s.9(6)(c) a grant of permission may be given by the Board where the Board considers that that if section 37(2)(b) of the Planning and Development Act 2000, as amended, were to apply, it could grant planning permission.

S.37(2)(b) of the Planning and Development Act 2000, as amended, effectively allows the Board to grant permission, when it considers that:

- (i) the proposed development is of strategic or national importance,*
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

The legislation indicates that a material contravention may be justified under any of the above criteria.

18 Justification for the Material Contravention

18.1 Material Contravention 1 – Building Height

18.1.1 Proposed development of strategic or national importance

The development is identified as a strategic housing development and has therefore been defined as **strategic** in legislation.

The National Planning Framework sets out the importance of compact growth. In particular, reference is made to the following objectives of the NPF

- NPO 2(a) – target growth of 50% of the future population to be focused in the existing cities and their suburbs.
- NPO 3(a) – deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 3(b) – deliver at least 50% of all new homes that are targeted in the five Cities and their suburbs, within the existing built-up footprints
- NPO 4 – create attractive, liveable and well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 5 - develop cities and towns of sufficient scale and quality
- NPO 6 – regenerate and rejuvenate cities and towns so that they can accommodate increased residential population.

NPO 13 introduced the concept of higher buildings and lowered parking standards. It states:

“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.”

Furthermore, NPO 33 states;

“Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”

It also includes NPO 35 which states:

“Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.”

The development is therefore of **national** importance.

18.1.2 Development Plan Conflicts and not clearly stated

Relevant Development Plan Provisions

Housing (H) Policy 9 (Residential Building Height) states that:

“it is the policy of the Council to support varied building heights across residential and mixed use areas in the South Dublin County.”

H9 Objective 1 seeks to:

“encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity.”

Whereas H9 Objective 2 seeks:

“To ensure that higher buildings in established areas respect the surrounding context.”

Notwithstanding the aforementioned objectives, H9 Objective 3 states:

“To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).”

Furthermore, section 11.2.7, relates to building height in development standards and states, inter alia:

“The appropriate maximum or minimum height of any building will be determined by:

- *The prevailing building height in the surrounding area.*
- *The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.*
- *The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.*
- *The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.”*

Housing (H) Policy 8 (Residential Densities) seeks to:

“promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.’

Through H8 Objective 1, it ensures that:

“the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).”

These guidelines indicate that a minimum density of 50 units per hectare on public transport corridors should be secured.

The Apartment Guidelines 2020 defined the subject site as an intermediary location which is within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services. Densities in excess of 45 units per hectare are required.

Development Plan Conflicts and Not Clearly Stated

1. The relationship between Housing (H) Policy 9 (varied building height), H9 Objective 1 (varied building height in new development), H9 Objective 2 (respecting encouraging a variety of building height) *and* H9 Objective 3 (gradual change in building height) and s11.2.7 (no 3 storey plus within 35m of existing two storey) is **not clearly stated**.
2. It has been demonstrated in Table 6 of Part B of this report that the development incorporates gradual change in building height as required by Housing (H) Policy H9 Objective 3. The Planning Authority concur with this view. Prospect Manor, the estate located to the south of the application site is characterised by 2-storey houses. It is proposed to develop units of up to three storeys high along the southern boundary with Prospect Manor. Prospect Manor is positioned on higher grounds than the application site as shown on the site sections B-B1 and A-A1 on dwg no. 2183-160/A Contiguous Elevations and site sections. As a result of the changes in topography, which favour Prospect Manor, Blocks H,

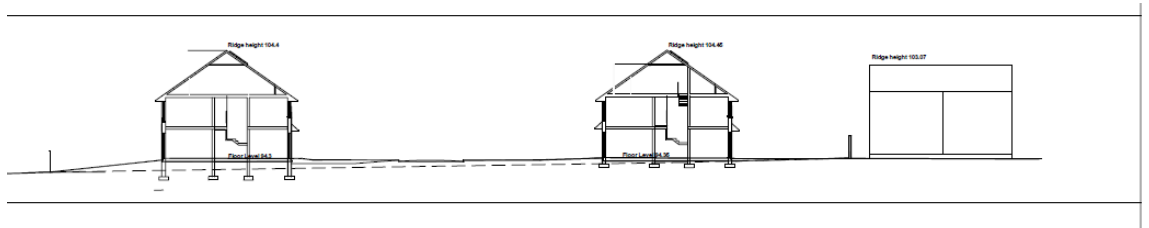
J and K's ridge heights range from 107.25m AOD to 107.6m AOD or less than one meter higher than the prevailing ridge height at 106.99m AOD on Prospect Manor.

Fig.14 Extract from section B2B2 Drawing no. 2018-160A



Similarly, Block K and House Type B units backing onto Springvale have a ridge height at 107.15m AOD and 104.45m AOD, respectively, compared to prevailing ridge height at 103.07m AOD in Springvale. The proposed development incorporates progressive heights increase avoiding marked increases between existing and proposed units.

Fig.15 Extract from section E-E1 Drawing no. 2018-161A



The conflict between development plan provisions arises when this objective is considered in conjunction with the second bullet point of 11.2.7 of the Development Plan which requires that new residential development that adjoins one and/or two storey housing shall not be more than two storeys in height unless a separation distance of 35m or greater is achieved. It has been demonstrated that there is a gradual change in building height as required by H9 Objective 3, but section 11.27 fails to consider a situation as in the present case where there is a marked difference in ground levels and where gradual increases in height with use of roof space third floor accommodation is achieved. To apply the wording rigidly would mean that a 3 storey house on a significantly lower level than a 2 storey house, 34 metres apart would be considered to materially contravene the development management standard despite having a similar ridge line. H9 Objective 3 therefore conflicts with 11.2.7.

This is a clear and evident **conflict in development plan provisions in relation to building height.**

3. Housing (H) Policy 8 seeks higher densities and H8 Objective 1 seeks densities in line *Sustainable Residential Development in Urban Areas*, which require densities in excess of 50 units per ha on public transport corridors. Sustainable Urban Housing: Design Standards for

New Apartments 2020 (as amended) actively promote higher density in appropriate locations. The Guidelines identify three location types suitable for apartment development (section 2.4). The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors. The subject site is considered to fall within 2) Intermediate Urban Locations, where densities in excess of 45 units per ha will apply. The 15B bus passes along Stocking lane at an average of every 15 minutes during the peak period. There is a further bus service No.15 on Scholarstown Road which is within a 15 minute walk from the site and has a 8-12 minute service during the peak period.

It has been demonstrated in Stocking Lane that the proposed density at 54.3 uph was acceptable. It was qualified by the Board's Inspector as being '*on the lower end of permissible densities based on Guidelines and would be appropriate given the immediate proximity to existing services*' (s.12.2.8 of the Inspector's Report). The site is particularly constrained with the Irish Water overflow pipe which imposes that development be stepped back from either side. An element of height is prerequisite to achieve density, where such constraints apply.

Applying a two-storey height limit via a 35m buffer to existing 2 storey housing on large portions of the site and restricting higher development to a small proportion would mean that it would not be possible to realise the density objectives specified in the Plan. This is an evident **conflict in development plan provisions in relation to building height and density.**

18.1.3 Should be granted pursuant to relevant policy of Government and section 28 Guidelines

There are conflicts between national policy, s.28 Guidelines and the County Development Plan.

National Planning Framework 2040

The National Planning Framework (NPF) 2040 includes National Policy Objective (NPO) 13 which states:

'In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.'

NPO 33 states;

"Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location."

It also includes NPO 35 which states:

'Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.'

The development ***should be granted having regard to the national policy height and density.***

Urban Development and Building Heights – Guidelines for Planning Authorities (2018)

We have reviewed the Guidelines in earlier sections of this report. The guidelines state in section 1.14 that:

*‘where SPPRs are stated in this document, **they take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes.** Where such conflicts arise, such plans/ schemes need to be amended by the relevant planning authority to reflect the content and requirements of these guidelines and properly inform the public of the relevant SPPR requirements.’*

The guidelines state that in some instances, Development Plans have set out overly restrictive ‘numerical’ maximum heights leading to displacement of development.

We also refer the Board in particular to:

- SPPR 1 on the need for Planning Authority to expressly identify areas for increased building height;
- SPPR 3 on the need for the Applicants and the Planning Authority to ensure that the development concurs with the development management criteria set out in section 3 of the Guidelines.
- SPPR 4 is a specific planning policy requirement development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure: the minimum densities for such locations set out in the; a greater mix of building heights and typologies in planning for the future development of suburban locations; and avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

The applicants have assessed the development against the criteria set out in section 3 of the Guidelines. The Guidelines were published subsequently to the National Planning Framework and set out the principles and criteria for consideration for increased building height in urban / city-centre locations and suburban and wider town location with a view to accommodate significant population growth. It is now Government policy to generally seek to increase building height in appropriate urban locations with good public transport accessibility.

SPPR1 states that Planning Authorities are responsible for identifying appropriate locations for building heights and that no blanket ‘numerical’ height shall be applied. The South Dublin County Development Plan 2016-2022 which sets out blanket heights and a blanket 35 metre separation regardless of levels, has not been reviewed since the publication of these Guidelines.

The principles set out in Section 3.1 of the Guidelines pose the following three questions:

Q 1 Does the proposal positively assist in securing National Planning Framework objectives of focussing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver growth in our urban centres?

Response

This proposal is located in the Dublin urban area on an infill site. NPO 33 of the NPF seek to prioritise the delivery of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to the location. The site is located in an ageing mature neighbourhood, which is largely dominated by two-storey family homes on generous plots of land. The proposed development includes a greater mix of unit types including houses, duplexes and apartments ranging from one to four-bed units. Stocking Lane is located in the 'Consolidation Areas within the Gateway' which the County Development Plan considered to be area to present serious risks to the viability of services and facilities into the future. It is therefore considered that the proposed development owing to the mix of units and typologies proposed would contribute to the achievement of the NPF. It contributes to achieving NPF objectives relating to brownfield field development and consolidation of suburbs in cities and towns.

Q 2. Is the proposal in line with the requirements of the Development Plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?

Response

The proposal is in substantial compliance with the South Dublin County Development Plan with the exception of the blanket height restriction applying to new 3 storey plus developments within 35m of existing one and/or storey dwellings. The Development Plan was adopted prior to the guidelines and does not take account of the guidelines.

Q 3. Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

As stated above the Development Plan contains a restriction on height that does not conform with the guidelines. The Guidelines also include a number of criteria to consider when making and subsequently assessing a planning application. SPPR 3 considers that compliance with those criteria is essential to secure planning permission for a higher building and that permission may be granted even if a local objective would normally restrict the height. The criteria are set out in s.3.2 of the Guidelines and are addressed hereafter:

At the scale of the relevant town:

- a) Site is well served with high capacity, frequent service and good links to other modes of public transport.
- b) Development proposal incorporates increased building height, including proposals within architecturally sensitive areas, should successfully integrate / enhance the character of the area.
- c) Proposed development should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve required densities while being cognisant of adjoining developments.

Response

- a) There are available public bus services available near the site. A bus stop served by Dublin Bus line 15b is located close to the site, which connects Stocking Lane to the city centre and other public transport route and offers a 15-minute peak hour service. Other bus services are located on Edmondstown Road which links Kilmashogue to Dundrum Town Centre. Bus links

to UCD (line 175), Citywest, Whitechurch (line 61) and Eden Quay are available within a 15 minute of the walk. In addition, Stocking Lane is proposed to form part of the BusConnect network, connecting the site to high frequency public transportation, with a bus every 10 minutes.

- b) The development provides for a modest building height of up to four storeys. The proposed development includes a significant element of underground parking which allows for a reduction in the dominance of cars in the streetscape. The proposed building materials include light-toned brickworks with elements of cut Wicklow granite incorporate as the sensitive nod to the broader mountain context of the area. As a whole, the proposed development makes a contemporary statement and positively contributes to the broader area owing to the high quality and varied open space hierarchy proposed. Numerous trees are being retained and protected which contribute to the retention of the sylvan character on Stocking Lane. Notwithstanding this, an urban edge is proposed in line with previous discussions between the applicants and An Bord Pleanála. It is acknowledged present a degree of change in the existing prevailing sylvan character of Stocking Lane. Landscaping and architectural proposals for the site contribute toward maintaining this sylvan character and mature trees, while seeking to make efficient use of the site. As a result, the higher buildings are located on its western part, rising to up to four storey high. Finally, the proposed development includes blocks which would not give rise to undue impacts onto Rookwood, a Protected Structure. There is a gradual increase in height from the adjoining two storey housing in Prospect Manor and Springvale.
- c) The proposed development provides a strong urban edge at its entrance, while retaining the sylvan character of Stocking Lane. It makes efficient use of the site, with careful consideration for existing constraints, namely the Irish Water overflow pipes and existing units located along the southern boundary. The layout is generally arranged along a boulevard, serving as a central spine through the site, which marks the reservation for the overflow pipe. Open space, that is well overlooked, is provided in excess of the development plan requirements. The layout and design of the scheme is logical and legible. Proposed materials include cues from the wider mountain setting with cut granite proposed. It respect the height of adjoining existing two storey developments with lower two and three storey buildings along the southern and eastern boundaries adjoining Prospect Manor and Springvale.

At the scale of district/neighbourhood/street:

- a) Development responds to overall natural and built environment and makes a positive contribution to urban neighbourhood/streetscape.
- b) Development is not monolithic and avoids long uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.
- c) Development enhances the urban design context for public spaces, additional height enhances sense of scale and enclosure while being in line with the requirements of the Flood Risk Guidelines.
- d) Proposal makes a positive contribution to the improvement of legibility through the site or urban area and integrates in a cohesive manner.
- e) Development positively contributes to the mix of dwelling typologies available in the neighbourhood.

Response

- a) We refer the Board to the Concept Plan which provides greater details into the design rationale for the site. The site layout is generally organised an east – west boulevard. The higher density area is principally located to the west of the site and is more urban in nature, in line with the need to create a strong urban edge. Notwithstanding the need to create an urban edge, an internal footpath and cycleway is proposed between Stocking Lane and the proposed western blocks, adding an improved pedestrian and cyclist route inside the line mature trees along Stocking Lane, which has potential for further route extension on adjoining lands. Lastly, the proposed development includes a pedestrian and cyclist link to the east toward Springvale, which will promote east-west permeability and greater penetration through the built fabric.
- b) The proposed development has been designed to address corners and provide natural surveillance of open spaces, while avoiding direct overlooking into proposed or existing units. It is not monolithic, as it includes a variety in building forms, height, scale and masses, incorporating curved features to provide architectural and aesthetic interest.
- c) The scheme provides a variety of dwelling types to integrate with the existing developments to the south and east of the site. The distinctive nature of the development seeks to reach a balance with the existing neighbouring housing stock. The proposed development of this layout with its roads, footpaths, cycleways and public space are set against the backdrop of its existing use as a greenfield agricultural site. The site has views of the Dublin mountains. The higher floor of the apartment block has views over the Dublin Mountains. The proposal will provide a positive addition to the area, retaining a lot of the existing trees to maintain the identity of the site. In relation to open space provision, the main open space is located in the northern centre of the site. It is well overlooked by the wrap around units to its immediate east the apartment blocks located to the west and south west, providing a sense of enclosure. This is emphasised by the wraparound unit provides a strong corner into the site looking east.

All main open spaces are overlooked by surrounding dwellings providing a safe amenity and passive surveillance for the children and adults alike. The layout seeks to maximise the views from within the homes over the public spaces to provide passive supervision. The home zones provide less formal street scape encouraging pedestrian interaction.

The development is in line with the requirements of the Flood Risk Guidelines.

- d) From an urban design perspective, the design adopted a logical and legible approach having due regard to primary constraints, specifically the overflow pipe, splitting the site in an east-west manner, the need to protect the residential amenities of existing units on the southern boundaries and the need to retain the sylvan character of Stocking Lane, particularly mature trees. In doing so, the layout proposes increased density, height, mass and scale towards the west, where the principal public transport link is connected. Higher buildings are centrally located to avoid undue impacts on the residential amenities of existing residential units. The rest of the layout is logically organised along the site’s most significant constraints, with an east-west boulevard which corresponds to the footprint of the Irish Water overflow pipe. It is well integrated with pedestrian/cycle connections to Springvale, Prospect Manor, and the cycle and footpath on the western side of Stocking Lane.

- e) Ballyboden and general area, is a typically suburban mature neighbourhood, characterised by a majority of one and two storey individual housing units, set on reasonably large plots of land. The application site is located in a 'Consolidation Area within the Gateway', which the CDP identifies as areas where the viability of services, including public transports, owing to a falling population is at risk. There has been limited population renewal. The provision of a mix of typologies to include apartments, duplexes and houses and sizes from one to four bedrooms will bring variety to this mature residential area.

At scale of the site / building:

- a) Form, massing and height should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.
- b) Provision outlined in BRE 'Site Layout Planning for Daylight and Sunlight' or BS 8206-2:2008 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight.
- c) Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

Response

- a) A total of 82% of the apartments are proposed to be dual aspect, which is well in excess of statutory requirements. In addition, the layout, separation distances and orientation would negatively impact on the natural lighting and ventilation of the units which are not dual aspect.
- b) Please see the submitted Daylight Analysis and Overshadowing report prepared by H3D for assessment on daylight. It addresses the full extent of the requirements of BRE209/BS2011. It indicates full compliance with daylighting requirements within the scheme. In addition, it indicates that

'the proposed development would not cause an unacceptable overshadowing impact on the neighbouring rear garden amenity spaces.....From the Average Daylight Factor (ADF) analysis, all habitable spaces passed the BRE guideline levels. In our opinion, the proposed development is considered to provide an excellent standard of amenity from a daylight perspective.

All rear garden amenity spaces and communal spaces analysed exceeded the BRE guideline level for overshadowing thus meeting the BRE guideline levels.

All windows analysed exceeded the BRE guideline level for VSC thus meeting the BRE guideline levels.'

- c) The scheme is able to fully comply with daylight provisions and no compensatory design solutions are required.

Specific Assessments

To support proposals at some or all of these scales, specific assessments **may** be required and these may include:

Specific Impact assessment of the micro-climatic effects such as down-draft. Such assessments shall include measures to avoid/mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.

Response

The proposed development is modest in height and issues of down-draft do not arise.

In development locations in proximity to sensitive bird and/or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and/or collision.

Response

An Appropriate Assessment report is submitted as part of this application to ABP. It concludes that there will not be likely significant effects on Special Protection Areas or Special Areas of Conservation. An Ecological Impact Assessment and bat survey is also submitted and includes recommendations relating to bat sensitive public lighting specifically. In addition, a public lighting report is submitted. The site is not located on a location which may give rise to concern of impacts on flight lines and/or collision.

An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.

Response

The development is modest in height and is located at a low datum level. There are no communications masts in the vicinity and no identified channels.

The development ***should be granted having regard to the section 28 Guidelines on Building Height.***

18.2 Material Contravention 2 – Apartment Sizes

18.2.1 The Development is of Strategic or National Importance

The same points as per 18.1.1 above apply.

The development is of ***strategic and national importance.***

18.2.2 Should be granted pursuant to relevant policy of Government and section 28 Guidelines

National Planning Framework 2040

NPO 33 seeks of the NPF seeks higher densities in appropriate locations.

The development should be ***granted having regard to the national policy on density.***

Sustainable Urban Housing: Design Standards for New Apartments (2020)

The achievement of national policy objectives is supported by a set a section 28 Ministerial Guidelines, specifically the Sustainable Urban Housing: Design Standards for New Apartments 2020 (as amended). These Guidelines actively promote higher density in appropriate locations.

*“1.20 These guidelines have been issued by the Minister for Housing, Planning and Local Government under Section 28 of the Planning and Development Act 2000 (as amended). **Planning authorities and An Bord Pleanála are required to have regard to the guidelines and are also required to apply any specific planning policy requirements (SPPRs) of the guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended) in carrying out their functions.***

*1.21 Accordingly, where **SPPRs are stated in this document, they take precedence over any conflicting, policies and objectives** of development plans, local area plans and strategic development zone planning schemes. **Where such conflicts arise, such plans should be amended** by the relevant planning authority to reflect the content of these guidelines and properly inform the public of the relevant SPPR requirements.”*

The Guidelines identify three location types suitable for apartment development (section 2.4). The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors. The subject site is considered to fall within 2) Intermediate Urban Locations, where densities in excess of 45 units per ha will apply. The 15B bus passes along Stocking lane at an average of every 15 minutes during the peak period. There is a further bus service No.15 on Scholarstown Road which is within a 15 minute walk from the site and has a 8-12 minute service during the peak period.

Such sites should seek to achieve a density superior to 45 units per hectare. The proposed development is compliance in that it proposes a density of 54.3 units per hectare.

Achievement of higher densities is also secured through slightly smaller apartment sizes. The Sustainable Urban Housing: Design Standards for New Apartments 2020 introduced a variation to the apartment sizes which is not included in the County Development Plan. The minor variation has been highlighted above in section 17.1.2 above. The rationale has been provided. This matter was considered by the Inspector in the previous application and was considered satisfactory and in accordance with the criteria in the guidelines. The issue of the three person unit was addressed by the Inspector in the previous application, where he stated.

“These two-bedroom three-person apartments would provide some variation in residential accommodation and five of the 13 apartments would be allocated for Part V requirements. The overall provision of these units as part of the scheme would not exceed the 10% maximum limitation set out in section 3.7 of the New Apartments Guidelines”.

It is justified that pursuant to 37(2)(b) (iii) permission for the proposed development should be granted having regard these guidelines issued under section 28 of the Act. The development **should be granted having regard to the section 28 Guidelines on Design Standards for New Apartments 2020.**

19 Concluding Statement

In light of the foregoing, it is respectfully requested that An Bord Pleanála now have regard to the justification set out within this statement and permit the proposed height contravention of the South Dublin Development Plan and contravention of apartment size requirements.

Having regard to the provisions of section 37(2)(b) of the Planning and Development Act, 2000 (as amended) and notably on the basis that:

- The proposed development is of strategic importance, that being that the proposal qualifies as a Strategic Housing Development by virtue of the nature of the definition identified under the Planning and Development (Housing) and Residential Tenancies Act, 2016.
- There are conflicting objectives between the South Dublin County Development Plan 2016-2022 in relation to building height.
- Permission should be granted, notwithstanding the Development Plan provisions relating to height and apartment sizes having regard to:
 - *Urban Development and Building Height - Guidelines for Planning Authorities (2018)*
 - *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)*; and
 - *Project Ireland: National Planning Framework 2040*.

It is on this basis that An Bord Pleanála can now favourably consider the proposal for height as submitted in this case, and for amended apartment size requirements in the proposed scheme. We trust that due consideration will be given to the content of this report in the assessment of this matter.

