

The Secretary
An Bord Pleanála
64 Marlborough St
Dublin 1

Date: 15th November 2021

RE:

Agent	Angela O'Donoghue
Address for correspondence:	17 Glendoher Close, Rathfarnham, Dublin 16
Development	SHD – www.stockinglaneshd2.com
Location	Stocking Lane
Planning Authority	South Dublin County Council
Reference Number	311616

Dear Sir,

We would like to make the following observation to the above scheme.

- The Applicant has submitted an application that is contrary to sustainable development, principles of proper planning and the SDCC Development Plan.
- The application has failed to submit a complete and accurate Statement of Consistency and Statement of Material Contravention
- The Applicant has failed to provide the necessary information for the Board to make an Appropriate Assessment of the application and the impact it will have in situ and ex situ of the site. The Board is obliged to take the precautionary principle when considering this application and to rely with scientific certainty on accurate and complete information. The Board has been placed in an impossible situation – they must refuse.
- It is noticeable that the Applicant has submitted Surveys that are a number of years out of date and were commissioned for another planning application quite different to this current one and such previous applications were refused planning permission. It is not a fair procedure to be expected to comment on a proposal with documentation that is clearly not fit for purpose which ABP knew from the tripartite stage that such information was not fit for purpose and still allowed for it to proceed without any health warning or remedial action.
- There is no Social Audit, Road Safety Audit and details regarding their traffic assessment bear no relationship to what is the current reality of traffic/traffic movements in the receiving environment.
- The introduction of another pedestrian crossing making three within a short distance illustrates a lack of planning and piecemeal development and the introduction of additional egresses onto Stocking Lane is a huge concern and it is noted that such

egresses and crossing will require adequate sightlines which in turn means the removal and fragmentation of additional green infrastructure and trees of huge scenic and biodiversity loss.

- In terms of an Architectural Response the design strategy for the site is a sub-optimal architectural solution for this site and does not adhere to the 12 principles within the Urban Design Manual, notably respect for context and how poorly the proposed development responds to its surroundings. The proposal also destroys any potential distinctiveness for the development by eroding the sylvan character of Stocking Lane and introducing an overbearing urban edge to Stocking Lane.
- The traffic and transport surveys are inadequate and out of date.
- The suggestion by the Applicant that there will be improvements or enhanced public transport services is vague, unconfirmed and therefore unreliable and it is well documented that any planned additional capacity by BusConnects cannot accommodate the existing demand let alone for planning permissions recently granted planning permission by ABP. Operating on a wing and a prayer appears to be the approach taken by this Applicant as a means of public transport to serve this site. Wishful thinking is not the basis of sustainable development.
- The technical note supplied by Martin Peters Associates (MPA) for the previous SHD Ref:308763 (Stocking Lane SHD Round 1) clearly shows the inadequacy of the Traffic and Transport assessment by the applicant and no new public service provision has been announced to date. This is in addition to the MPA Technical notes and reports that ABP has received for applications regarding Scholarstown SHD and Taylor's Lane SHD which outline the pressure the local road network is currently facing. What has been confirmed is the granting of permissions by An Bord Pleanala for three SHDs on Stocking Avenue (White Pines East SHD, White Pines Central SHD and Ballycullen SHD) in addition to the Taylor's Lane SHD which are all to be serviced by the 15B with no further service increased announced. It is clear that this SHD will be car dependent in an environment where there are a number of SHDS already approved of and the location of the new HSE Primary Care Centre for the Ballyboden, Whitechurch, Rathfarnham and Knocklyon area is to be located on Edmondstown Road and yet none of the cumulative effects of this traffic impact on the receiving environment has been assessed. The Martin Peters Associates report for the previous SHD clearly indicates that the local Junctions and local Roundabouts are at capacity or near capacity and that was before other SHDs had been given the green light.
- In addition there is no scheduling or phasing plan of any of these other SHDs which ABP has granted permission for to date into the receiving environment.
- The EIA Report is of a very poor standard and remarkably fails quite spectacularly to address the impact this development will have on bats but if that wasn't bad enough, they have failed to address the issue of other protected species birds (kingfisher, merlin, red kites etc) and otters. Their desktop online research failed to reference the 2019 DCC Otter Survey which identifies the Owendoher at this very location that includes Springvale which independently confirms the popularity of the Owendoher as a habitat for otters. The documentation submitted clearly links this development to the Owendoher and yet the Developer in other sections appears to take a contrarian view and refers to the watercourse as the River Suir which is in a different County. In addition, on page 15 of the EIA Report the applicant's ecologist clearly connects this site in situ with the Ballyboden Reservoir ex situ:

" The majority of bat feeding activity was around the canopies of mature trees, both conifers and broadleaf species. The woodland on the western site boundary forms a continuous line of vegetation along the sides of Stocking Lane, with a connection to the open reservoir to the west of the site. This complex of woodland and freshwater habitats appears to be a locally-important feeding area for bats. "

- Clearly this site is an ecological corridor between the Ballyboden Reservoir Wetland (former reservoir now a nature wetland) and the Owendoher River for foraging, nesting and feeding wildlife as is part of a group significance and network that has not been fully assessed for birds and wildlife. This incomplete assessment is not an example of best practice or acting with scientific certainty. Clearly this site has a higher ecological value for bats etc than has been submitted by the Applicant.
- Baseline data for the Bat Surveys that took place in 2018 and 2021 have not been submitted in full and in detail and in addition the ecological surveys that were presented to the Local Authority for SD21a/094 for Coolamber by the Architect/Applicant appear to contradict the facts presented in this application in terms of the specific area surveyed. In fact by the very criteria presented by the Ecologist in the Sd21a/094 subcontracted by NM Ecology (who was co-engaged by this Applicant for its SHD application) the value of this habitat would be categorised as High Value due to its proximity to the Owendoher to the East and the decommissioned Reservoir to the West which is now a Nature Wetlands and the linear nature of the field boundaries in situ and ex situ of the subject site including the neighbouring Coolamber Development SD21a/094. The fragmentation of bat habitat on sites along Stocking Lane and along Stocking Avenue has not been assessed cumulatively and it is important to note that this application does not refer to the SD21a/094 either in its EIAR and the proposed mitigation measures cannot be assessed with scientific certainty as the foundations on which they are based are piecemeal and incomplete.
- This development appears to be contrary to European Law such as the European Habitats Directive, The EIA Directive, the Water Framework Directive and the Birds Directive
- The EU Habitats Directive ensures the protection of the otters, merlin, red kites, bats, kingfishers, to name but a few protected species but who crucially have been identified as being present in the subject site area and along the Owendoher River. This river corridor is a wildlife sanctuary and as such, must be protected as a matter of urgency. The presence of such protected species requires the Applicant to proceed on a precautionary principle and with scientific certainty and he has displayed neither.

Commission notice "Managing Natura 2000 sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC" Brussels, 21.11.2018 C(2018) 7621 final states at;

3.6.6 Considering suitable mitigation measures to avoid or reduce the impacts Page 51

For the competent authority to be able to decide if the mitigation measures are sufficient to remove any potential adverse effects of the plan or project on the site (and do not

inadvertently cause other adverse effects on the species and habitat types in question), each mitigation measure must be described in detail, with an explanation based on scientific evidence of how it will eliminate or reduce the adverse impacts which have been identified. Information should also be provided of how, when and by whom they will be implemented, and what arrangements will be put in place to monitor their effectiveness and take corrective measures if necessary. The need for definitive data at the time of authorization is also raised in case C-142/16, paragraphs 37-45.

The applicant has failed to assess the impact this development will have on the aforementioned protected species, the Owendoher (as a nursery for the Dodder Catchment) and Dublin Bay (Natura 2000 site). Therefore, as a domino effect there are no appropriate mitigation measures earmarked in the documentation for bats or otters etc. Ignoring the connectivity of this site with a Natura 2000 site and the plethora of protected species which will be impacted by this development and the impact of surface water/drainage on the Owendoher clearly shows that this Applicant does not understand the very basics of EU Law. This proposal with its inadequate AA and EIA Report does not comply with EU Habitats Directive and EIA Directive and therefore in the opinion of the European Commission it does not comply with EU Law.

This lazy, overbearing monotonous, ill thought-out design, oppressive in scale, height and site configuration is completely out of character for a tree lined spectacled Stocking Lane with unique rural & natural heritage signifiers. Single aspect apartments in such a densified site are really out of place in this locality and are contrary to the Ballyboden Village Area Masterplan where Natural Linkages are promoted and emphasised. It is clearly a 'copy and paste' block approach which might suit an afternoon of LEGO but hardly conducive to a sense of community and sense of place? Do we really have to accept such depressing architectural performance from this firm?

Dr. Barnes who owned this subject site, before his death, was highly regarded in the area as a man ahead of his time in terms of health and the importance that the environment has on your health. It was not unusual to see him cycle around the area and for him to espouse the importance of the green prescription – the positive role of nature to one's health. It is a profound disappointment that his surname is associated with this application of this proposal.

- The removal of trees onsite and particularly the destruction of the ancient hedgerow / rampart/boundary treatment along Stocking Lane which is part of the Old Military Road is unacceptable. ABP has in the past in respect of the neighbouring Scholarstown Woods Development mandated the retention of an 8th Century Boundary Treatment along Scholarstown Road – a Pilgrimage route from St Maelrauns in Tallaght, to St Kevin's in Glendalough. The Developer of Scholarstown Wood is currently the subject of a Planning Enforcement Complaint in respect of damage done to the green infrastructure of this ancient pilgrimage route both on Stocking Lane and on Scholarstown Road. Stocking Lane is part of this same 8th Century ancient pilgrimage route and the boundary treatment of this subject site is extremely rare in urban terms. Stocking Lane has a rural and historical significance that is being torn apart by this ill-thought and unsympathetic design and density.
- Within the subject site you will see examples of old stone walls pertaining to the old Springvale Demesne. Within the Springvale Residential Development care was taken to retain a tree lined entrance and stone walls which contributed to the character and amenity of the estate. The Applicant is intent to demolish these old stone walls as part of this development – surely it would contribute to the amenity value and a sense of placemaking and local heritage that these stone walls would be retained.
- The topography of the site is quite complex and should this development be sanctioned will have devastating impact on the residential amenity of Springvale and Prospect estates. It is clear that Critical Cross Sections have been omitted and it would be negligent of An Bord Pleanála to grant permission in the absence of such critical cross sections.

- We are deeply concerned about the extent of overshadowing and loss of privacy by taller buildings within this development on an elevated site on the surrounding neighbouring estates.
- One of the previous reasons for refusal for the last SHD 308763 was that it breached the 35m separation distance between buildings and yet this current SHD 311616 makes exactly the same mistake with devastating consequences for existing residents of Springvale Estate and Prospect Estate
- The Letter from Irish Water regarding feasibility of connection in terms of the scale of development does not correlate with the proposed development as outlined in the site notice. We note that residents in Springvale have complained to Irish Water regarding the Springvale connection to the Irish Water Network and it would appear that Irish Water nor the applicant have not included or assessed these issues of incapacity within Springvale to deal with the issue of surface water and sewerage connectivity and yet it is intended to link into the Springvale connection.
- There is no Statement of Design Acceptance by Irish Water submitted as part of this SHD application for 131 units by the Applicant.
- It is a concern that the proposed SHD does not have fire flow capacity.
- It has been noted by Irish Water that there is no connection agreement in place between Irish Water and this applicant.
- The removal of such an amount of earth to facilitate this overbearing proposal including an underground car park and its associated construction site footprint would have a devastating impact on the residential amenity of Springvale and Prospect and might create issues of subsidence and landslide. SDCC have stated that “access arrangements to the site should be carefully considered, noting the major earthworks would be required to reprofile the site to achieve an equal level with the adjoining developments to the East.”
- The Inspector’s Report for the previous SHD onsite which the Board upheld in its decision to refuse clearly indicated that no vehicular access on the eastern boundary should be included in any future proposal. The SDCC Roads Department appears to have ignored ABP’s instruction and have referenced this Eastern Egress as “An additional emergency /future vehicular access must be created into Springvale by lowering the subject site on its eastern boundary to tie into levels at the Springvale Estate”. The site notice does not reference this ‘emergency /future vehicular access’ but references it as an access for pedestrian and cyclists on eastern side of the site and yet within other documentation appears to be referenced as a non-vehicular access but also as an emergency vehicular egress and also a vehicular egress. This is most confusing, and the lack of clarity makes it impossible for a reasonable assessment to take place.
- The proposed vehicular access albeit for emergency use supposedly through Springvale operated by bollards has not been the subject of a Road Safety Audit – if it had it would not have been incorporated as part of this development. It creates serious road safety issues specifically injurious and dangerous vehicular movements on roads that have acute angles and blind spots. It also drastically changes the residential amenity and character of Springvale, ‘a vehicular rat run’ introduced into a quiet cul de sac development in an area zoned to protect and improve residential amenity’ is deeply objectionable to local residents. There was no pre-planning consultation with any Springvale Residents. Normally for this to happen SDCC would insist on a plebiscite and yet they recommended this to the Applicant during the tripartite meeting. We fully support permeability between housing estates but that is for pedestrian and cycling traffic but we cannot support this type of vehicular permeability as it is egregious to local residents and the character of their estate and quite simply put – irresponsible and dangerous.
- It is interesting to note that permeability with Springvale is clearly desired by this applicant but permeability with other developments at Cooeoamber and Rookwood which are at planning

stage with SDCC and ABP have been ignored and that there appears to be an aversion to apply this objective of permeability with other neighbouring developments which appears to reflect a level of bias and incoherence of policy and objective applications by both ABP and SDCC and ensures unsustainable development with its inherent problems for future residents of the area.

- The extensive canopy loss of mature native trees is also at odds with SDCC Tree Management Policy and contravenes the objectives and policies of SDCC Development Plan. More trees are needed to capture carbon and the protection of mature trees is imperative. New trees will not have equal value in terms of biodiversity, surface water flood management, carbon off-setting. It is clear that with a less intensive development and a more sensitive layout that more trees and hedgerow could be retained. No attempt has been made to do that by the Applicant and this contrary to SDCC's policies on Climate Action, Biodiversity, Hedgerow and Tree Objectives and Policies.
- Air and Noise quality will be compromised, thus impacting the health of communities living in the area.
- The public open space is below standard to what is available in surrounding areas – no kick about space for example and no circular pedestrian paths.
- The assessment of creche provision in the area bears no correlation to the availability of childcare spaces in reality – this is a serious flaw.
- We have serious concerns about the Irish Water Wayleave that traverses the subject site and the impact this development will have on its stability and sustainability.
- We are deeply concerned that the attenuation tanks are co-located in the same area for Public Open Space provision.
- The management and design of surface water provision onsite is inadequate. For example the Roof Plan & sustainability. The Roof Plan appears to indicate no sustainable drainage such as green roofs and no renewable energy such as solar panels. This absence contravenes SDCC policies on Sustainable Urban Drainage System (SUDS) which states:

'In general, all new developments will be required to incorporate Sustainable Urban Drainage Systems (SUDS). SUDS include devices such as swales, permeable pavements, filter drains, storage ponds, constructed wetlands, soakways and green roofs. In some exceptional cases and at the discretion of the Planning Authority, where it is demonstrated that SUDS devices are not feasible, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. Such alternative measures will only be considered as a last resort'.

- The removal of so many trees and hedgerows/ditches is counter intuitive to the policies of having nature based solutions as a more sustainable approach to flood alleviation and management. Scholarstown Wood which is west of this development on Stocking Lane is known to flood and have surface water management problems which it did not have pre-development. The Applicant has failed to mention the current flooding incidents on Stocking Lane and Scholarstown Road in its EIA Screening Report.
- The Applicants AA Screening is fundamentally flawed for both this SHD Round 2 and the last SHD Round 1 for this subject site. It states:

'Should any contaminated water from the development site enter the river (via drains), conceivably it could make its way downstream and end up in Dublin Bay via the River Dodder and the River Liffey. However, it is noted that the distance downstream from the proposed development site and the designated areas of Dublin Bay is estimated at 13 km, and the course is almost entirely through suburban and urban areas'.

The decision of the European Court of Justice in Case C-258/11 (Sweetman v An Bord Pleanála) states in relation to appropriate assessment:

“So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned (see, to this effect, Case C-404/09 Commission v Spain, paragraph 100 and the case-law cited). It is for the national court to establish whether the assessment of the implications for the site meets these requirements”.

The assessment in this case is inconclusive and is not definitive. The applicant has failed to remove all reasonable scientific doubt as to the effects of the works proposed on the protected sites. The Owendoher River is part of the River Dodder Catchment, connected hydrologically and ecologically to two NATURA 2000 sites. The Owendoher River is itself an important ecological feature in the area. The ecology surveys associated with this development are out of date and wholly inadequate and should not have been relied upon to conclude on ecological impact.

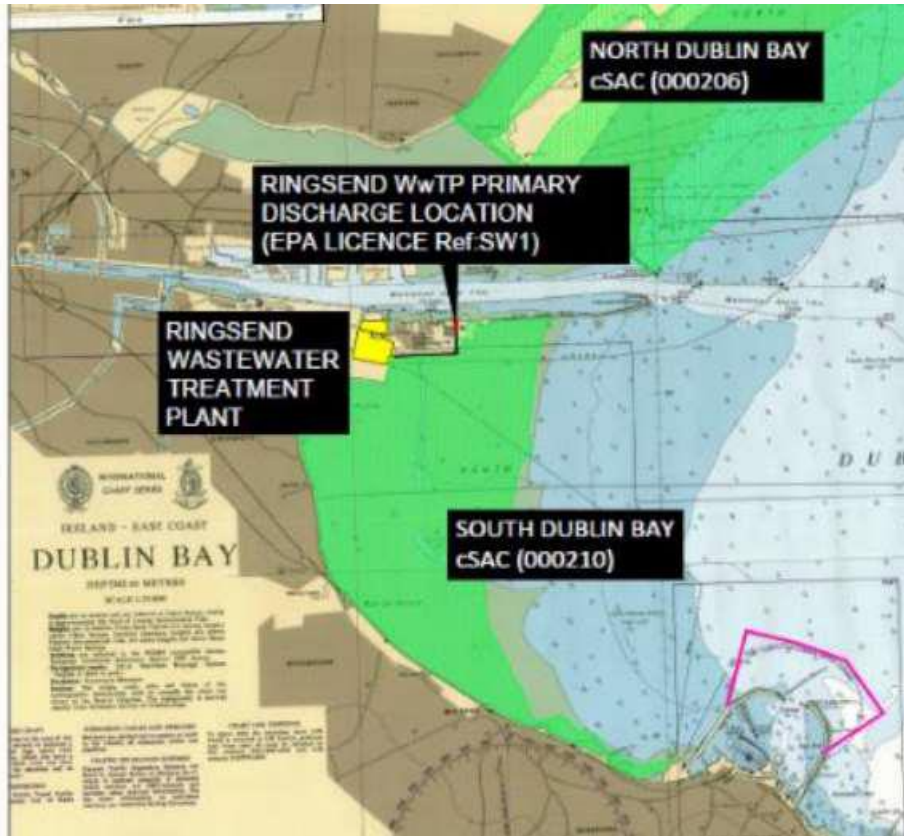
- Pathways via Ringsend Wastewater Treatment Plan

There is a pathway from the site via wastewater and surface flows to the Natura 2000 sites in Dublin Bay, via the Ringsend treatment plant and the River Dodder respectively. The Ringsend wastewater treatment plant (WwTP), when functional, treats and then discharges into Dublin Bay.

The plant is designed to serve a population equivalent (PE) of 1.64 million, but is currently operating above its capacity at 1.9m PE. The proposed development will increase the excess loading on the Ringsend Wastewater Treatment Plant. The Ringsend WwTP and its outfall are outside but adjacent to the boundaries of the South Dublin Bay and North Dublin Bay SACs and within the vicinity of 2 additional SACs. Irish Water data details that untreated wastewater has overflowed into Dublin Bay from the Ringsend Wastewater Treatment Plant (WWTP) more than 100 times since the beginning of 2015, with more than 9 billion litres of untreated waste water discharged into the Liffey estuary from storm holding tanks at Ringsend WWTP, including:

- 2.8 billion litres discharged on 30 occasions in 2015
- 3.1 billion litres discharged on 35 occasions in 2016
- 1.2 billion litres discharged on 14 occasions in 2017
- 2 billion litres discharged on 18 occasions in 2018
- 320 million litres discharged on seven occasions in 2019

The proposal will increase loading on the WwTP, leading to increased discharge incidents into Dublin Bay, therefore, in combination with other plans or protects. negatively impacting on the South Dublin Bay SAC, in contravention of the Habitats Directive.



2.1.4.2 Treatment Capacity Report Summary - Ringsend WWTP

Treatment capacity is an assessment of the hydraulic (flow) and organic (the amount of pollutants) load a treatment plant is designed to treat versus the current loading of that plant.

RINGSEND WWTP	
Peak Hydraulic Capacity (m ³ /day) - As Constructed	959,040
DWF to the Treatment Plant (m ³ /day)	274,076
Current Hydraulic Loading - annual max (m ³ /day)	832,269
Average Hydraulic loading to the Treatment Plant (m ³ /day)	458,641
Organic Capacity - Design / As Constructed (PE)	1,640,000
Organic Capacity - Current loading (PE) - peak week load	2,278,887
Organic Capacity – Remaining (PE)	0
Will the capacity be exceeded in the next three years? (Yes/No)	Yes

No flow or BOD data was discounted by IW for 2020.

- Public Transport Deficiency

There is an existing deficiency in public transport serving the area proportionate to the existing, permitted and planned residential developments in the area (including recently permitted SHDs for 590 units on Scholarstown Road, Dublin 16 - Case Reference: ABP-305878-19 and 496 no. apartments at Taylors Lane and Edmondstown Road, Taylors Lane, Ballyboden, Dublin 16. Case Reference: ABP-307222-20). The Transport Strategy for the Greater Dublin Area 2016 – 2035 published by the NTA divides the GDA into corridors. The proposed site is located within Corridor E. The strategy notes that public transport mode share in Corridor E for all trip purposes is 9%, with the car mode share for all trip purposes at a staggering 73%. The modal share is symptomatic of the deficiency in public transport infrastructure in the area. The proposed development, with a density of 141.7 units per

hectare, will exacerbate car dominance and traffic in the area. The Strategy states 'Corridor E is made up of generally suburban residential development and is not defined on the basis of a major transport route, road or public transport service. It presents a challenge in that respect as it is more difficult to serve with high capacity public transport than other corridors'.

'For the Metropolitan parts of this corridor, the performance of the Rathfarnham Quality Bus Corridor is poor relative to others and requires enhancement. As such, a number of options, including Light Rail, have been examined. However, due to the land use constraints in the corridor and owing to the pressure on the existing road network, a Luas line was not deemed feasible'. As noted herein, and outlined by the strategy above, this corridor will never see the benefits of high capacity public transport which allow high density residential development to be absorbed sustainably.

The proposed development is therefore over development on a highly constrained transport corridor. A reduced quantum of units is demonstrably the more suitable solution for this site. As discussed further herein, the residents of Ballyboden will not see any noticeable improvement from the proposed Bus Connects project and indeed there is huge concern amongst residents that the bus service will deteriorate, with routes commencing in Tallaght that are at capacity by the time they reach Ballyboden.

It should be noted that SHDs of this scale and quantum have typically been permitted on sites adjacent to high quality public transport corridors and proximate to substantial social and community infrastructure and services – it is patently clear that the proposed site benefits from neither. Stocking Lane SHD Submission 2

The site is not located proximate to a Town Centre, District Centre or Village Centre as defined in the urban hierarchy set out in the South Dublin Development Plan 2016-2022. In addition, the area is comparably poorly served by public transport and deficient in social and community infrastructure and facilities (particularly retail); and is completely incapable of absorbing this additional quantum of development in a sustainable way (having regard also to the quantum of permitted residential development in the area), and in fact will reinforce car dependency. Given the significant infrastructure constraints in the area, a reduced quantum of units would be more appropriate on this site.

In contrast to large scale high density SHDs permitted in Dublin in recent years, the proposed site is not proximate to a Dart station, a Luas station or a commuter rail station. The 15B bus route providing access to Dublin City Centre, whilst frequent, is not a QBC, does not benefit from a dedicated bus lane, and as a consequence shares the lane with commuter car traffic; with the capacity constraints, inevitable delays and slow service inherent in such an arrangement. This proposed development is therefore not reconcilable with transport policy TM1 Objective 6 outlined in South County Council's Development Plan 2016-2022 which states; "To support the delivery of sufficient public transport and road capacity to facilitate sustainable new development in the County".

In relation to the proposed Bus Connects project, Core Bus Corridor Route 12 - Rathfarnham to City Centre 12 is intended to terminate at the intersection of Nutgrove Avenue, Grange Road and Rathfarnham Wood; c.2.3km north of the proposed development. We note therefore that local existing public transport capacity will remain constrained even with the provision of this potential infrastructure at a future date.

It is considered best practice and preferable to direct high density development into areas which have excellent public transport, employment, retail, and social/community infrastructure rather than to poorly served and capacity constrained areas such as the subject site. None of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and Bus Connects will not address this.

- Traffic Impact/ Cumulative Traffic Impact

We would implore An Bord Pleanála to thoroughly examine the applicant's cumulative traffic studies, models and conclusions and obtain expert technical advice if required to scrutinise the traffic documentation. It is considered that the cumulative traffic studies are deficient and the methodology utilised by the applicant fails to present the worst case cumulative impact as required, having regard to the already highly constrained baseline, the addition of numerous recent residential developments, and the permitted and proposed developments in the area. An overall Traffic Impact Study/traffic management plan for the area is outstanding and was referred to in recent permitted developments in the area. An overall traffic study is required prior to any approval of further residential development in the area. We wish to highlight the significant additional strain to be potentially placed on an already heavily congested road network by recent, permitted and proposed developments in the area.

Baseline:

The baseline includes the heavily congested existing situation in the area and partially includes the constructed Scholarstown Wood residential development. Note this development is not yet fully occupied and this is not reflected in the applicant's cumulative traffic studies.

- Scholarstown Wood – Constructed residential development of 319 dwelling houses granted under Reg. Ref SD15A/0017 (PL06S.244732) and SD16A/0355.

Permitted:

- 496 no. apartments at Taylors Lane and Edmondstown Road, Taylors Lane, Ballyboden, Dublin 16. Case Reference: ABP-307222-20). Circa 1,339 future residents.
- Primary Care Centre - SD13A/0222/EP - Erection of a new Primary Care Centre of 3,841sq.m.

of 1-4 storeys; construction of new vehicle/bicycle entranceway in Edmondstown Road to replace the existing entrance; parking for 81 cars, 2 ambulances and 26 bicycles.

The Inspector for ABP recommended refusal and stated the proposal 'would result in overspill car parking generated by the proposed development onto adjacent residential streets and in particular within the Moyville residential estate adjoining to the south which is accessed via Moyville Hill off Edmondstown Road, and the traffic generated by the proposed development would impact on the safety and flow of traffic on Edmondstown Road (R116), and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.

- Scholarstown SHD, Scholarstown Road, Dublin 16 - Demolition of existing structures on site, construction of 590 no. residential units (480 no. Build to Rent units, 110 no. Build to Sell units), crèche and associated site works.

The TTA for this permitted development of 590 units states that the 'at the Scholarstown Road/Orlagh Grove roundabout there is a minor increase in average delay and queueing due to the development. For the 2026 and 2036 Design Year scenarios, the roundabout continues to operate over capacity for both the Do Nothing and Do Something scenarios'. The Scholarstown/Orlagh Grove roundabout is a crucial junction for access to the M50. It will be further impacted by this proposal. Other capacity constraints on junctions in the area were identified in this TTA. This capacity issue will undoubtedly be exacerbated if ABP choose to permit another high-density residential development in this area. South Dublin County Council noted 'the development will contribute to an already heavily trafficked road (Scholarstown Road)'.

ABP noted 'Current public transport options are limited to low and high frequency bus services without defined bus corridors'

Other new residential developments in Firhouse, Ballycullen, Stocking Lane, Scholarstown Road, which all feed into Ballyboden and impact the roundabouts on Taylor's Lane, Ballyboden Way, Scholarstown road and Stocking Avenue

Recently granted by ABP on Stocking Avenue which egresses onto Stocking Lane:

- White Pines East SHD
- White Pines Central SHD
- Ballycullen SHD

None of the above SHDs have been factored into the assessment of cumulative impacts for this SHD. It is a dysfunctional administrative practice to allow this amount of car based development in an area on known congested roads and junctions and where the public transport is not there to service this demand. Whilst the Inspector of ABP has consistently displayed a bias in the assessments of Traffic and Transport by SHD applicants and has ignored technical reports by MPA consistently it is the individual resident who will ultimately validate that the assessment by ABP heretofore on the cumulative has been woefully inadequate when they are stuck in a local gridlock. Often the SDCC Roads Department is complicit in this convenient aversion to the facts that the current road network cannot cope with the existing traffic. So the consistent dismissal by ABP of the plight of residents in our area in favour of this intensive development is quite scandalous.

The TTA associated with the recently permitted SHD at Taylors Lane emphasise that the Ballyboden Road/Taylor's Lane roundabout is under severe pressure. Further residential development can simply not be accommodated on infrastructure that is at capacity.

'The ARCADY analysis results showed that the roundabout is currently (pre-development "Do-Nothing 2021") approaching capacity which means that the roundabout is currently under pressure and will not be able to cater for future increasing flows'.

And;

'The Ballyboden Road/Taylor's Lane roundabout is currently approaching capacity and will need to be updated to cater for future flows'. The existing traffic congestion on the junctions in the area is already unsustainable. The local Orlagh roundabout is at capacity. There are also frequent traffic jams on the Scholarstown Road which will be exacerbated by the proposed development. Having regard to the outlined deficiency in public transport in the area, the outer suburban location and proximity to the M50, it is considered more than likely that the future residents of the proposed development will be faced with limited transport options, and car dependency will inevitably result, proliferating an already heavily constrained and car logged local road network.

As noted herein, a section of a bus corridor in an outer suburban location cannot be compared to a high frequency light rail service, or even a QBC or dedicated bus lane; as it is piecemeal infrastructure where the bus journey spends the majority of the trip in traffic jams with all other commuting traffic.

Public Participation- Aarhus Convention, EU Law & Covid Restrictions etc

We believe that our ability to study the complicated documentation associated with this SHD application was restricted and to fully participate in this public consultation was extremely difficult and we respectfully submit that this public consultation is contrary to the Aarhus Convention. We believe that the public were prohibited from taking part in this public consultation in a reasonable, unrestricted and meaningful manner including the public inspection of hard copies. We were precluded from participation in the tripartite meetings and therefore we have had no chance to put forward our local knowledge/insight for consideration. ABP is not in a position to seek 'Further Information' or

Clarification of Further Information and therefore we have been robbed of any opportunity to have a meaningful say in the development of our area which is contrary to Local Agenda 21.

This subject site is part of the Ballyboden Village Area Masterplan (Phase 2) which is long overdue for completion and as such any grant of planning permission would not only be premature but also a signifier of fragmented and unsustainable development. We were promised by SDCC that Phase 2 would be completed and we were promised public consultation in its preparation. In the past developers have sought our opinion on their local proposals and ABP had at its discretion the authority to invite any party to attend such a tri-partite meeting but they chose not to.

In addition we note that in the Appeal documentation for SD21a/094 & ABP 311559 that the Appellant has requested that this SHD Ref:311616 should be assessed in conjunction with Appeal Ref:311559 and that both files have 'synergy' and "enables an Bord Pleanála to assess the relationship of the duplex block to the residential amenity of the neighbouring site." We are also advised that the architect and applicant is Matt Barnes for both schemes. It would appear from the Applicants of both this current SHD 311616 and Appeal 311559 that the timing of both submissions to ABP albeit under Statutory Instruments are to be read in conjunction with each other. This represents piecemeal development and fragmentation which is contrary to the EIA Directive.

The Guidelines further state in 3.2.3 that the whole project needs to be described and assessed as a whole and not be divided or split into several parts:

CASE LAW

In Case C-142/07 Ecologistas en Acción-CODA v Ayuntamiento de Madrid, (2008) the Court of Justice of the European Union (CJEU) held that by splitting most of the the project into sections that were less than 5 km (the threshold above which national legislation required EIA), there was a failure to consider cumulative and indirect impacts of the project.

The Judgement in this case stated 'The objective of the EIA Directive cannot be circumvented by the splitting of projects. Where several projects, taken together, may have significant effects on the environment within the meaning of Article 2(1), their environmental impact should be assessed as a whole. It is necessary to consider projects jointly in particular where they are connected, follow on from one another, or their environmental effects overlap.'⁴⁰

The whole project needs to be described.

In Section 3.5.7 references off site or secondary projects need to be considered or screened.

These are projects that may arise largely because of the existence of the principal project.

CASE LAW

In O'Grianna v An Bord Pleanála (IEHC 632, 12/12/2014) the High Court quashed the decision of the Bord granting planning permission for a wind farm in County Cork on 'project splitting' grounds. The developer maintained that the EIS could not consider the effects of the connection of the wind farm to the national grid as that design was not available and would be undertaken

subsequently by ESB Networks. The Bord accepted this position and clarified that the grid connection was not covered by its permission to develop the wind farm.

The Court held that grid connection was an integral part of the development and could not be considered as a separate project.

‘The wind turbine development on its own serves no function if it cannot be connected to the national grid. In that way, the connection to the national grid is fundamental to the entire project, and in principle at least the cumulative effect of both must be assessed in order to comply with the Directive.’

The decision by the Applicant to approach the planning process with two different and very separate planning vehicles for the same parent site, albeit in two parcels, we respectfully submit, is a form of piecemeal development (project splitting) as it does not describe the whole project and therefore their EIA screening Report has failed to consider the ‘cumulative and indirect impacts of the project’, that is the whole project. It is possible that the Board may consider linking the two planning applications together in an effort to co-ordinate matters which may be laudable and encouraged by the Applicant - however SD21a/0094 and its current appeal (311559) has not featured as a consideration (or screened) in the Applicant’s EIAR for SHD 311616.

Many people did not have the opportunity to inspect the files within the An Bord Pleanala building. An Bord Pleanala refuses to upload their public files online. In addition, there were restrictions at the planning counter in SDCC and therefore this state of sorry affairs is clearly in breach of the Aarhus Convention and EU Law.

We also note that SDCC did not upload any pre-planning or tri-partite documentation, so it is not possible to make a complete and detailed observation on the SHD and its origins which is the standard and practice.

In conclusion, this development represents one of the worse planning applications we have seen in recent years and it is clearly contrary to sustainable development, the SDCC Development Plan, its zonings, objectives and policies, principles of proper planning, common sense and EU Law

Yours Faithfully,

Angela O’Donoghue &

Agent for the attached signatories below

ABP REF: 311616 - Stocking Lane SHD

PRINT NAME	ADDRESS	Signature
Mick + Leona Ellis	23 SPRINGVALE	M. and L. Ellis
MARTIN + MICHELLE KIRBY	19 SPRINGVALE	Martin Kirby
DEREK MANNING	29 WOODFIELD	Derek Manning
Jean Jane	58 SPRINGVALE	Jean Jane
RICHARD SMITH	36 SPRINGVALE	Richard Smith
DAVID O'DOWD	26 SPRINGVALE	David O'Dowd
Heidi Kavanagh	9 Spengvale	Heidi Kavanagh
Ken Hill	28 Springvale	Ken Hill
Pauline Hill	29 Springvale	Pauline Hill
Dorothy Hill	29 Spengvale	Dorothy Hill
Alyson Rudden	27 Springvale	Alyson Rudden
Cheryl & Brian	55 SPRINGVALE	Cheryl & Brian
Annelle Casey	32 Springvale	Annelle Casey

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PRINT NAME	ADDRESS	Signature
GABRIEL M. MAN	12 SPRINGVILLE, SHROUBTON	G. Man
DEIDRE FORDE	12 SPRINGVILLE, SHROUBTON RD	D. Forde
Neil Coogan	24 Stocking Wood Drive	Neil Coogan
HELEN MAKRON	62 SPRINGVALE	Helen Makron