

Councillors Guss O'Connell, Paul Gogarty and Liona O'Toole.

C/O 47 Palmerstown Green,

Palmerstown.

Dublin 20. D20V272

Observations on the Planning Application to An Board Pleanála for a proposed Strategic Housing Development by AAI Palmerstown Limited on lands at Cherry Orchard Industrial Estate, Kennelsfort Road Upper, Palmerstown, Dublin 20. Ref: SHD3ABP-312430-22

We, Councillor Guss O'Connell, Councillor Paul Gogarty and Councillor Liona O'Toole of South Dublin County Council c/o 47 Palmerstown Green, Palmerstown, Dublin 20, want to lodge our absolute opposition to the current proposed planning development Ref SHD3ABP-312430-22 for the reasons set out below. We call on An Board Pleanála to reject the current application as being premature given the objective in the South County Dublin Development Plan 2016-2022 to provide a Local Area Plan before launching any regeneration programme and the application as submitted does not represent good planning and it is not in accordance with proper planning for the area.

The Proposal

AA1 Palmerstown have applied for permission for a four-block "SHD" that involves the demolition of an existing warehouse / factory building at 64 and 65 Cherry Orchard Industrial Estate Kennelsfort Road, Palmerstown and the construction of a residential development of 144 apartments with supporting tenant amenity facilities (gym and activity areas, lounges and meeting room), employment uses including 2 incubator units and a remote working space, building management facilities and all ancillary site development works.

The proposed development includes 72 1-bedroom apartment and 72 2-bedroom apartments to be provided as follows: Building A (35 1-bedroom & 24 2-bedroom over 5-9 storeys), Building B (7 1-bedroom & 10 2-bedroom over 3-4-storeys), Building C (16 1-bedroom, 19 2-bedroom over 5-storeys), Building D (14 1-bedroom & 19 2-bedroom over 4-5-storeys). Vehicular access to the proposed development will be provided via an entrance from the existing estate road as accessed from Kennelsfort Road Upper.

The proposal includes improvement works on the northern side of the junction at the estate road/Kennelsfort Road Upper, new pedestrian/cycle paths on the estate road to the south of the site, and provision of a controlled pedestrian crossing on Kennelsfort Road Upper to the west as part of enabling infrastructure. The proposed development provides for outdoor amenity areas, landscaping, external podium lift, under-podium and street car parking, bicycle parking, bin stores, ESB substation, public lighting, roof mounted solar panels and all ancillary site development works.

Overview

At the outset we want to make it clear that we are objecting to this proposed development on the basis that it is premature for these regeneration lands, as it stands it does not represent good or proper planning for this area of the Palmerstown community in South Dublin. We are calling on An Bord Pleanála to reject the planning application and direct that South Dublin Council prepare a Local Area Plan prior to any future planning applications.

Our objections are based purely on planning grounds, and we are not against traditional housing at this location. This Industrial Estate has been in decline and does need an uplift. However, it is fundamental to regeneration that it be done in a planned and thoughtful manner and one that is in keeping with a local area plan. The current development proposal fails that test.

We are requesting that An Bord Pleanála hold an Oral Hearing for this AHD application as it has far-reaching consequences, not only for this regeneration site, but for the wider communities of Palmerstown and Ballyfermot.

The Case

The following are taken from the *Material Contravention Statement Prepared by HWP hw planning, Dec 2021*, at the behest of AAI Palmerstown and accompanies the Planning Application and which we challenge in detail as follows.

1. “Section 8(1)(iv)(II) of the Act of 2016 specifies that where a proposed development is considered to materially contravene the relevant Development Plan or Local Area Plan (other than in relation to the zoning of the land), then the SHD application must include a statement indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2) (b) of the Act of 2000. This statement addresses the possibility that the proposed development could be deemed by An Bord Pleanála to represent a material contravention of some of the policies and objectives contained in the South Dublin County Development Plan 2016 - 2022. Ultimately it is a matter for An Bord Pleanála to determine whether the proposed development does in fact materially contravene the relevant Development Plan / Town Plan. However, for the purposes of this planning application, the applicant has identified the aspects of the proposed development that may be considered a material contravention.” **We are asking An Bord Pleanála to exercise its discretion and reject the arguments as to why the material contraventions should be ignored. The case has not been made that section 37(2) (b) of the Act of 2000 applies or should apply.**

2. "The subject site is zoned REGEN in accordance with Core Strategy Policy 1 Objective 2 of the South Dublin County Development Plan 2016 (as varied) (SCCDP) - to promote and support the regeneration of underutilised industrial areas (to facilitate enterprise and/or residential led development). The subject lands are also identified as a housing capacity site in Section 1.6.4 of the Development Plan." **This is an accurate statement and represents the situation in 2016 when the 2016-2022 Development Plan was made. The present proposal does not address industrial regeneration despite the take up in indigenous small businesses across the economy. Housing is one option for the REGEN zoning but given its location some industrial use should also be considered.**

3. "Underutilised industrial lands that are close to town centres and transport nodes are designated with Zoning Objective Regeneration 'REGEN' (to facilitate enterprise and/or residential led regeneration). These lands are serviced and offer significant potential for more intensive employment and/or residential development and associated uses. The transition from underutilised industrial areas is likely to occur on an incremental basis and may need to be supported by an economic regeneration strategy. It is envisaged that not more than 50% of these areas will come forward for housing during the period 2016-2022"
These lands, being inside the M50 are part of the total brownfield lands available for regeneration. The (advance) regeneration plans for the Naas Road at City Edge are part of the same strategy. There will be some dislocation for prosperous businesses during the development phase of this development at City Edge and Cherry Orchard Industrial can benefit. Much of the Cherry Orchard Industrial estate is flourishing and sustainable. It is premature therefore to proceed now with a piecemeal REGEN development at this location.

4. "The SDCCDP Housing Policy 9 - Objective 3 establishes that a gradual change in building heights should be incorporated where new residential development is to be located in close proximity to existing one and two storey housing. The policy cross references supporting text under Section 11.2.7 of the plan which states that new residential development that

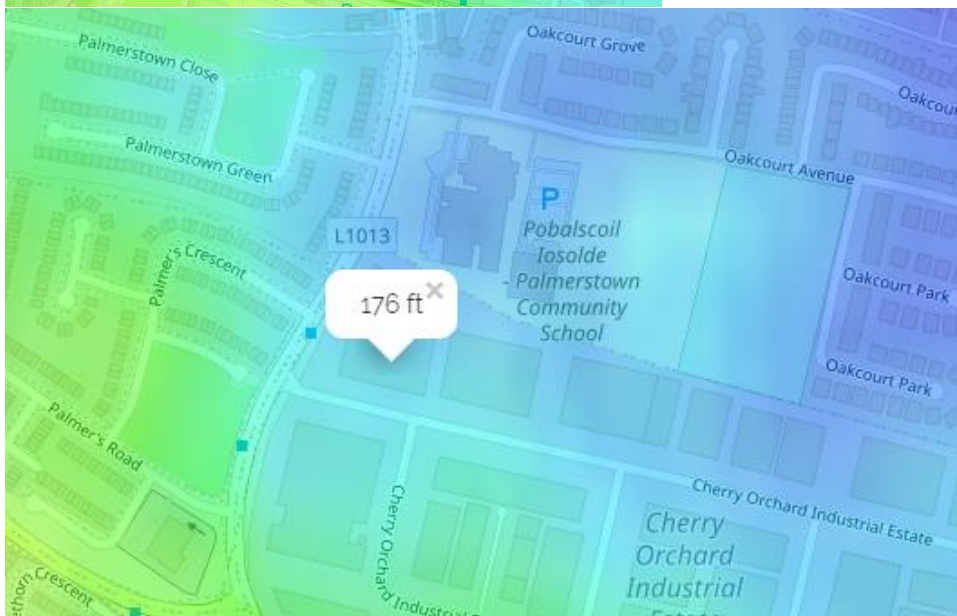
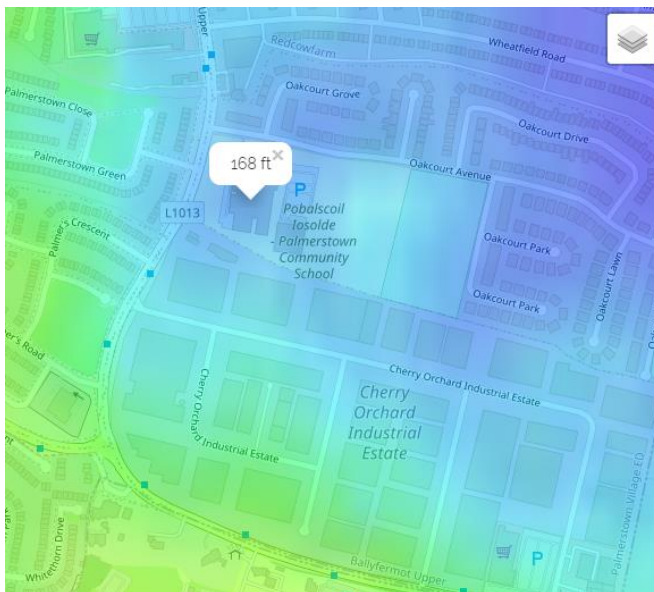
adjoins existing one and/or two-storey housing, shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved. It also states that the appropriate maximum or minimum height of any building will be determined by inter alia the prevailing building height in the surrounding area. There is a change in height from 9 storeys to 2 storeys between Building A and Palmers Park. The separation distances between the proposed development and existing housing to the west range between 26.7m and 34.1m, and do not meet this requirement in the strictest sense.” **This is a blatant attempt to thwart the intentions of the South Dublin County Development Plan 2016-2022 and should be rejected. This section of the 2016-2022 County Development Plan attracted serious debate and what was eventually agreed was a compromise that was fair to all sides. REGEN and infill development must be carried out in a manner that enhances, or at least does not adversely affect the quality of residential and commercial life in existing communities. The proposed development is even closer to Palmerstown Community School (a DEIS School) which, except for the Sports Complex to the rear, is a single-story building with upwards of 1000 students and staff.**



This image shows how close the ground floor school is to the building site

5. Shadowing

The maps here show the difference in elevation between the school and the proposed site



The single storey Community School is up to 10 feet lower in elevation so the oppressive nature of the building on the daylight going into the school and the visual impact in the school yard is likely to be overwhelming.

Added to this is the impact of shadowing at certain times of the year, shown here in September and November:

Displayed Time: 14:30 (GMT+0.0) Az:219.1 Mult:1.6

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Next>

Auto-Play

Location: 53.015 -8.3777
Date: 2022-09-09
Time: 14:30 (GMT+0.0)
Shadow: Az:219.1 Mult:1.6



Scene drawing tool:

Show shadows: Daily aggregate Snapshot time

Displayed Time: 14:00 (GMT+0.0) Az:205.7 Mult:4.5

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Auto-Play

Location: 53.015 -8.3777
Date: 2022-09-09
Time: 14:00 (GMT+0.0)
Shadow: Az:205.7 Mult:4.5



Selected object:

Width m, Length m

Add box Add triangle

Rotation deg. Sides: Solid Transparent

Grid scale: 10 m
(size of major grid line)

Height: m m m Set

The <https://www.findmyshadow.com/> tool attached is rudimentary but shows the shadowing effect of buildings at ground level based on approximate heights for each block. The shadowing report given by the consultant gives figures of "acceptable levels" but does not show in real terms the impact of the shadow on adjacent areas.

The single storey school is approximately 8-10 metres lower than the ground level of the proposed site. Add in the shadowing effects of a four storey near building and the taller one further away and it is clear that the quality of life for students will be impacted in terms of perceptible daylight in the afternoons in winter especially.

Show shadows: Daily aggregate Snapshot time

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Location: 53.1214, -8.3777
Date: 2022-09-04
Time: 08:30 (GMT+1.0)
Shadow: Az:110.5 Mult:11.7

Selected object:
Width: m, Length: m
Rotation: deg, Sides: Solid Transparent
Height: m m m
Grid scale: 10 m (size of major grid line)
Background image: shd5.png Image size/position:

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Location: 53.1214, -8.3777
Date: 2022-09-04
Time: 10:00 (GMT+0.0)
Shadow: Az:148.5 Mult:6.0

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Note how shadowing will impact on the housing estates opposite as winter progresses in the mornings with a noticeable loss of light. However, the impact on the school will be greater and this does not appear to have been assessed at all. Further analysis of shadowing needs to be outlined in a presentation and in this context, we also recommend an oral hearing.

6. “The SDCCDP Housing Policy 9 - Objective 4 requires tall buildings that exceed five storeys in height to be directed to strategic and landmark locations in Town Centres, Mixed Use Zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme. The subject site does not fall within these categories.” **The HWP hw planning report acknowledges this breach of the 2016-2022 County Development Plan. Again, the requirement for a Local Area Plan is ignored. There are numerous examples throughout the planning application where arguments are put forward that are partisan to the present proposal but ignore future regeneration of the Cherry Orchard Industrial Estate and the needs of the surrounding communities.**
7. “The SDCCDP Housing Policy 10 - Objective 1 provides generally that new residential developments should cater for a wide variety of housing types, sizes and tenures in line with the Interim South Dublin County Council Housing Strategy 2016-2022. This strategy has a specific requirement for a minimum of 30% 3-bedroom units to be provided in residential schemes. The proposed scheme provides for 1 and 2-bedroom units only.” **This contravention of the South Dublin County Development Plan 2016-2022 must be taken seriously by An Bord Pleanála. Housing needs in the general area indicate that a mix is required and this includes 3 bed units. Given the way the Palmerstown Community grew over the past 60 years, many Palmerstonians are now returning with their families to live here. It is unthinkable (as proposed in this application), given the current housing shortage, that the development will be populated by people with no families who are happy to take public transport to work in the City. Such people are best catered for in the City Centre where they have the facilities they want. People who wish to rear families are attracted to communities such as Palmerstown. The type of REGEN or infill development should reflect this aspiration.**
8. “In the interest of clarity we ask the Board to note that we consider the following items do not contravene the SDCCDP (*Material Contravention Statement Prepared by HWP hw planning, Dec 2021*):
- Section 11.4.3 of the SDCCDP stipulates that ‘Basement car parks that protrude above the ground level as a street interface will generally not be acceptable in town and village centres due to their visually obtrusive and inactive nature. A protrusion of up to 1.2m may be acceptable in residential areas provided the facade is screened with planting and it does not inhibit levels of passive surveillance from residences or the formation of ‘own door’. We ask to Board to note that the parking provision in the proposed scheme is under-podium level and not at basement level. Nonetheless podium edges have been designed to ensure that more active, non-residential uses address the street and landscaped to ensure they are not visually obtrusive. **“ The type of car parking proposed is in direct conflict with the above and is at the expense of open and recreational space that is needed for residents of the development and for the neighbouring community.**
- “In addition, Policy C8 (b) of the SDCCDP Policy C8 (b) states it is the policy of the Council to require the provision of new childcare facilities in tandem with the delivery of new 4 HW Planning communities. As noted in the accompanying Childcare Statement, having regard to the 2020 Apartment Guidelines, it is considered that the 72 no. 2-bedroom apartments falls below the 75-unit threshold that would typically trigger the requirement for a 20 no. child

place creche.” **We reject this as being anti-family and not in the interest of children. This attempt to frustrate the implementation of good guidelines must be resisted.**

“Furthermore, we note item 3 in the ABP Opinion, relating to the potential for a material contravention arising from any deviation from public open space policy. As noted in Section 00 of the Landscape Design Strategy Strategy, we consider the open space provision is in line with the quantum, quality, functionality and usability requirements as set out in SDCCDP policy.” **Not an accurate statement and is at odds with requirements especially given the location of the open space enclosed as it is by high rise apartments. The recent experience during the Pandemic highlighted the need for access to open space close to residences.**

9. **The Report goes on “Local Policy 2.1 South Dublin County Development Plan 2016 - 2022 Housing (H) Residential Building Heights (which state) It is the policy of the Council to support varied building heights across residential and mixed-use areas in South Dublin County.” The application breaches this policy without any justification other than over development of the site.**

“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 “. **The application breaches this policy. It does not support any of the objectives. In terms of visual amenity, it is located in the third highest point of Palmerstown and will dominate the surrounding two-story housing estates and school.**

“H9 Objective 2: To ensure that higher buildings in established areas respect the surrounding context.” **The application breaches this policy and would be a blot in the horizon.**

“H9 Objective 3: 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). **The application breaches this policy and has an abrupt and sharp impact on housing across the narrow roadway.**

“H9 Objective 4: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.” **The application breaches this policy and would frustrate any future Local Area Plan.**

“H7 Objective 4: That any future development of both residential and/or commercial developments in Palmerstown Village and the greater Palmerstown Area shall not be higher than or in excess of three stories in height.” **The application breaches this policy and if any development is to go ahead here it must conform and be in the context of a Local Area Plan.**

“H10 Objective 1: To ensure that new residential developments provide for a wide variety of housing types, sizes and tenures in line with the Interim South Dublin County Council Housing Strategy 2016-2022.” **The application breaches this policy and if approved will set the tenure for future development contrary to best planning for a settled community that is facing regeneration.**

“UC6 Objective 1: To encourage varied building heights in town, district, village, local and regeneration areas to support compact urban form, sense of place, urban legibility and visual diversity while maintaining a general restriction on the development of tall buildings adjacent to two-storey housing.” **The application breaches this policy and takes no account of the existing built residential communities or future development.**

“UC6 Objective 3: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centre, Regeneration and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme.” **The application breaches this policy as it is not part of a Local Area Plan or Planning Scheme.**

“6 HW Planning 11.2.7 Building Height Varied building heights are supported across residential areas, urban centres and regeneration zones in South Dublin County, subject to appropriate safeguards to protect the amenity of the area. Development proposals that include ‘higher buildings’ that are greater than the prevailing building height in the area should be supported by a strong urban design rationale (as part of a Design Statement) and provide an appropriate series of measures that promote the transition to a higher building. Proposals for higher buildings of over three storeys in residential areas should be accompanied by a site analysis (including character appraisal) and statement that addresses the impact of the development (see also Section 11.2.1 – Design Statements). The appropriate maximum or minimum height of any building will be determined by: a) The prevailing building height in the surrounding area; b) 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; c) 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; d) The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development. Proposals for ‘tall buildings’, that exceed five storeys will only be considered at areas of strategic planning importance such as key nodes, along the main street network and along principal open spaces in Town Centres, Regeneration zones and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme.” **The application breaches this policy in each of the sub-objectives from (a) to (d) and once again is premature given that it is not part of a Local Area Plan or Planning Scheme. It ignores the presence of, and impact on, the Community School.**

10. **The Material Contravention Statement Prepared by HWP hw planning, Dec 2021 goes on:**

“The Project Ireland 2040: National Planning Framework One of the principal goals of the NPF is to deliver compact growth through the activation of strategic areas and achieving effective density and consolidation. Promoting the compact growth approach rather than a continued sprawl of urban development, is listed as the Framework’s top priority and will be achieved by future developments complying with the following National policy Objectives HW Planning 7 National Policy Objective 4 - Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.” **These are noble aspirations, and urban sprawl is to be prevented, but homes should be attractive, high quality, not high rise in a location where well designed high rise is impossible.**

11. “National Policy Objective 3A- Deliver at least 40% of all new homes nationally, within the built up footprints of existing settlements. 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.” **This objective is not adhered to in the current proposed development. It**

lacks planning standards. There is no justification for it especially given the proposed REGEN at City Edge.

12. “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 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.” **This is not a well-designed development; it represents and overdevelopment of the site and will undermine the quality of life for existing and future residents.**

13. “Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’. 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.” **The application as set out does not address this requirement. Given that it is a regeneration project, it should be accompanied by a Local Area Plan that would set out clear guidelines on the protection of daylight for both existing and future residents. This, we contend, is all the more urgent given the National and South Dublin County Climate Policies and Action Plan.**

14. Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, provides the Board with the ability to grant permission for a proposed strategic housing development that materially contravenes the Development Plan or Local Area Plan, other than in relation to land use zoning. As demonstrated in the accompanying Statement of Consistency the proposed development is consistent with the zoning objective for the site in that it provides for a residential development with supporting employment use and makes provision for improvements to the local road network, which have been agreed with South Dublin County Council. Section 9(6)(c) of the 2016 Act, states that the Board may only grant permission for a development that materially contravenes a Development Plan where it considers that, if Section HW Planning 13 37(2)(b) of the Planning & Development Act of 2000 were to apply, it would grant permission for the proposed development.” **It is our contention that the case has not been made where the Section HW Planning 13 37(2)(b) of the Planning & Development Act of 2000 can be applied. We ask that An Bord Pleanála reject the plan outright.**

15. "Section 37(2)(b)(ii) and (iii) of the Planning Act, 2000, provides the Board with the ability to grant permission for a proposed development, which materially contravenes the Development Plan, where the Board considers that: (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, (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, The proposed development is considered to be consistent with current Government policy for the sustainable delivery of housing to meet population growth projections, as articulated in NPF and RSES objectives for the Eastern and Midlands Region." **The case for the application of Section 37(2)(b)(ii) and (iii) of the Planning Act, 2000, is not proven. There are no conflicting objectives in the County Development Plan and the policies have been clearly stated.**

16. "The proposed development is consistent with National Policy Objectives 3(a), 4, 11 and 35, which prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location and increased densities in settlements. The proposed development is consistent with relevant Ministerial Guidelines issued in accordance with Section 28 of the Planning and Development Act, 2000 and which are: a, Sustainable Urban Housing: Design Standards for New Apartments (2018 & 2020); and b, Urban Development and Building Heights Guidelines for Planning Authorities (December 2018). The proposed development is in accordance with SPR1 and SPPR 3 of Urban Development and Building Heights Guidelines for Planning Authorities (December 2018), which specify that it is Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city core, and that planning authority may approve such development, even where specific objectives of the relevant development may indicate otherwise when the assessment criteria are met, such as in the present case." **The proposal is not in keeping with National Policy Objectives 3(a), 4, 11 and 35, which prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location and increased densities in settlements. The scale is wrong for this location. It is premature in the over reliance on public transport. We are totally in favour of the move to public transport. We welcome the idea for car sharing. But this settlement will be well and truly established before the public transport system is bedded in and at capacity. In the meantime, private transport from the proposed development will clog both the roadways and nearby residential areas.**

17. "Furthermore, the relaxation of the County Development Plan building design standards in terms of separation distances are in line with the Sustainable Urban Housing: Design Standards for New Apartments (March 2018 & 2020) which specifically advocates 'a move away from rigidly applied, blanket planning standards in relation to building design, in favour of performance-based standards to ensure well-designed high-quality outcome'. We consider the proposed scheme would result in a high-quality outcome and this relaxation in relation to the 35m separation distance is justified in design term. The relaxation of the housing mix objective for a minimum of 30% 3-bedroom units to be provided in residential

schemes, as contained in the Interim South Dublin County Council Housing Strategy 2016-2022, is considered appropriate in view SPPR1 of the Sustainable Urban Housing: Design Standards for New Apartments (March 2018 & 2020). This specifies that up to 50% of the scheme may comprise one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. The proposed scheme complies fully with this requirement." **We contend that this proposed development represents "a move away from rigidly applied, blanket planning standards' to a free for all set of standards to the serious reduction in the quality of life for current and future residents. By definition, given housing trends, buyers of these apartments will rear families in them with all the consequences of the poor design and layout that they represent in their current form. They must be rejected.**

18. **We utterly reject the following as being grossly inaccurate** "On the basis of the reasons and considerations set out in the report above, we consider that sufficient justification is available for An Bord Pleanála to grant permission for the proposed development in accordance with Section 37(2)(b)(ii) and (iii) of the Planning Act, 2000, if the Board considers the development contravenes the height, separation distance and housing mix policies of the South Dublin County Development Plan 2016 – 2022" (*Material Contravention Statement Prepared by HWP hw planning, Dec 2021*).

19. **We totally reject the arguments put forward for the lack of childcare facilities contained in the Statement of Childcare Rationale Prepared by HWP hw planning November 2021** "The proposed development is a high-density apartment scheme that is intended to primarily cater for the significant numbers of people employed in Dublin City Centre and other employment centres in the vicinity of Palmerstown. It is envisaged that the occupancy in the development will be characterized mainly by young working professionals, therefore, the scheme consists of a mixture of 1-2 bed apartments. The 2020 Apartment Guidelines state that 'one-bedroom or studio type units should not generally be considered to contribute towards any requirement for childcare provision'. Having regard to this, it is considered that when 1-bedroom apartments are excluded from consideration of childcare demand, the residual 72 no. 2-bedroom apartments falls below the 75-unit threshold that would typically trigger the requirement for a 20 no. child place crèche. Alongside this, a review of the capacity in existing childcare facilities in the vicinity based on available Tusla Pre-School Inspection Reports indicates there is capacity available. Furthermore, at pre-consultation stage it was established by South Dublin County Council that this scheme would not require a crèche." We seriously dispute the argument that this scheme will "cater for the significant numbers of people employed in Dublin City Centre and other employment centres in the vicinity of Palmerstown." **People who espouse an apartment style living will choose the City where they will find a supportive environment. Any development on Orchard Gate should cater for mixed use including families, singletons and older people who want to "right size". In any case, childcare facilities are a must.**

20. "Policy C8 of the County Development Plan states: (a) It is the policy of the Council to support and facilitate the provision of good quality and accessible childcare facilities at suitable locations in the County. (b) It is the policy of the Council to require the provision of new childcare facilities in tandem with the delivery of new communities. Objective 3 set out: To support the provision of small-scale childcare facilities in residential areas subject to appropriate safeguards to protect the amenities of the area, having regard to noise pollution and traffic management. As outlined, section 4.7 of the 2020 Apartment Guidelines which states that: a) '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' **"Council policy must be upheld here. Its proximity to the Industrial Units (and proposed working hubs) illustrates this need.**
21. "In view of the central and accessible location and proposed housing mix of the development, it is envisaged that it will house relatively few families when compared to a typical residential scheme. As a result, we consider that the resulting demand for childcare will not be comparable to an average suburban residential development." **This is an assumption that is all too familiar (in other planning facets) and leads to very poor planning and must be rejected.**
22. Having regard to the 2020 Apartment Guidelines, it is considered that the 72 no. 2- bedroom apartments falls below the 75-unit threshold that would typically trigger the requirement for a 20 no. child place creche. Within this, the guidelines readily acknowledge that not all 2-bed units will reasonably give rise to childcare demand. Given the nature of the scheme and its proximity to existing and future employment centres and high frequency public transport, it is envisaged that the proposed development will be attractive to young professionals and will consist of a smaller proportion of families, as reflected in the existing population profile of the area. Based on a review of the capacity in existing childcare facilities in the vicinity, we consider that there is sufficient capacity available to cater for any childcare demand that may arise from the proposed scheme. In their Section 6(4)(b) consultation opinion, South Dublin County Council confirmed their view that the rationale for the non-provision of a creche as part of the proposed development is 'considered acceptable'" **This argument falls as there is no guarantee that the scheme (if it goes ahead) will be populated by young professionals. They are unlikely to want to but in any case can be accommodated in the (build to rent) Randalwood Development at Palmers Gate. This is another argument to get out of providing quality and adequate accommodation for today's housing market. This is a another reason why the scheme must be rejected by An Bord Pleanála.**

23. Schools

We outlined previously that a Local Area Plan needs to be carried out first in relation to Palmerstown. The same argument was made in relation to the Randelswood application closer to the village. Along with the potential granting of further units at the Silver Granite site, Palmerstown could see up to 900 additional units being provided in the community and school capacity will not be able to meet demand. This is why consultations need to be held with the Department of Education and Skills and a planned strategy adopted.

24. Energy

We welcome this section but are very concerned at the vague reference on energy supply beyond solar and heat pump. “Compliance to part L 2019 is achieved by means of a 70% primary energy reduction on the reference dwelling or an EPC (primary energy) of 0.30 or less, a 65% carbon diode reduction or a CPC (carbon dioxide) of 0.35 or less and an equivalent primary renewable energy contribution of 20% or more. The compliance calculation results were achieved by the application of the suggested façade parameters in combination with an air source heat pump for space and hot water heating and photovoltaic panels. However as mentioned in the technical sections, compliance can also be achieved by several other methods listed in section 4.8 in combination with proposed passive reduction measures outlined in section 4.7.

25. **With reference to the Traffic Impact Assessment Mobility Management Plan and DMURS Statement prepared by TPS M Moran & Associates December 2021 we wish to comment as follows:**

In this report we will identify the existing traffic conditions and assess the relative level of impact the proposed development is likely to have on the local road network. We will also identify how the traffic associated with the proposed residential apartment development can be accommodated on the adjacent road network.” It is a very superficial approach, and the modelling and surveys are at odds with the lived experience. Its reliance on public transport while laudable is unrealistic as we explained above, travel patterns using private transport will be well established before the public transport system kicks in. We have the experience of Adamstown to go on. If the Traffic Impact Assessment is to be accepted, then any development at this location must be phased to match public transport capacity.

“In this area Kennelsfort Road Upper operates with an urban speed limit of 30kph and contains with a 7.5 tonne heavy vehicle weight restriction in place along the length of this road. Along the frontage of the site the Kennelsfort Road Upper has a general carriageway width of 8.0metres with broken centre line road markings. Dedicated cycle lanes are also located adjacent to both carriageways with illuminated pedestrian footpaths and wide grass verges located adjacent to both sides of this road. Dublin Bus operates a northbound and southbound service along the Kennelsfort Road Upper with the southbound Bus Stop 4888

located adjacent to the application site and the northbound Bus Stop 2207 located less than 2 minutes walk to the southwest of the development site.” **The wide grass verge only exists as far as the junction with Oak Court Estate and, except for the space directly in front of the proposed site, only exists on the Western side of the road. The cycle ways are shared a space and are extremely hazardous.**

“3.33 It is proposed to provide 310 bicycle spaces within the development site of which 226 are for residents and 84 bicycle spaces for visitors. In addition, it is also proposed to provide a dedicated cycle lane adjacent to the proposed pedestrian footpath along the frontage of the site can connect with the existing cycle lanes on Kennelsfort Road Upper.” **As indicated above the current cycleways are hazardous and while the provision of the high number of cycle parking spaces are to be welcomed, they are premature given the stage of the development of cycleways. Another reason to defer, or scale back, any development at Orchard Gate.**

“4.4 The AM peak hour and PM peak hour trips generation associated with the proposed 144 residential apartment development is further summarised and shown within Table 6.0 : **AM Peak: Arrivals 11 Departures 37 PM Peak: Arrivals 29 Departures 13 Departures per hour.**” **This is at best a most optimistic projection, at worst misleading, and the comparisons listed in the report bear little resemblance to Palmerstown, Kennelsfort Road or its traffic problems. On traffic alone, the application must be rejected. The Upper Kennelsfort Road and its junctions are already over trafficked. A Local Area Plan would highlight both the traffic problems and the solutions. This application is premature. It is not regeneration, it is relegation.**

“4.7 Car ownership would need to dramatically increase at the site in order to have a significant effect on the capacity of the surrounding road network. We do not consider this scenario likely and therefore we have not taken account for traffic growth in the estimated levels of traffic to and from the development site over time.” **A big mistake. In a number of years’ time when there is an adequate public transport system in Dublin and there has been a Local Area Plan, it would be possible to look towards moderate development at Orchard Gate. But this is too premature.**

“4.8 In contrast to the above, the levels of traffic on the surrounding road network will increase over time. In Table 6.2 of the ‘Project Appraisal Guidelines for National Roads Units 5.3 – Travel Demand Projections published by Transport Infrastructure for Ireland traffic growth projections are provided. 4.9 This publication produces link-based traffic growth rates from 2016 to 2030, 2030 to 2040 and 2040 to 2050 within Low, Central and High Sensitivity Growth Rates. Based on Central growth rates between 2016 and 2030 traffic growth of 1.62% per annum is projected with traffic growth of 1.51% per annum projected between 2030 and 2040 for the Dublin Metropolitan Area.” **These projections have to be balanced against the lived experience in that they are historically inaccurate.**

4.10 In order to assess a worst-case traffic growth situation, we have added all the above traffic growth projections (23.31% traffic growth say 24%) from the projected completion year of 2024 to 2039 (15 years after completion) onto the recorded traffic on the surrounding road network.

4.12 In addition, we have assigned all the development traffic to the key junction, this being Kennelsfort Road Upper and the Cherry Orchard Industrial Estate junction. The distribution of all of the traffic associated with the proposed apartment development at completion and the future years up to 2039 derived from the above projections is outlined within Figures 2.0

and 3.0 below with the distribution based on the recorded AM and PM recorded traffic turning movements on Kennelsfort Road Upper and Cherry Orchard Industrial Estate.

6.3 This traffic-modelling period covers the projected critical AM and PM peak period at 2039. A copy of the AM and PM peak hour PICADY9 data and results are as Appendix 3.0 to this report with a summary of the output results shown within Table 7.0 and Table 8.0 below:

6.4 From the above summary Tables 7.0 and Table 8.0 above it is indicated that the Kennelsfort Road Upper at its junction with the Cherry Orchard Industrial Estate Road can accommodate the traffic growth at 2039 and 100% of the projected levels of traffic associated with the proposed 144-unit residential apartment development. 6.5 These tables also indicate that during the AM and PM peak traffic periods the proposed junction experiences almost free flow traffic conditions with no material queuing projected within this junction, operating with reserve capacity of over 50% during the critical peak traffic period at 2039.” **All of these reports are based on modelling that has not proved accurate in the past. The report emphasises again and again that it is referring to Kennelsfort Road and its junction with Orchard Gate (Cherry Orchard Industrial Estate) and the 144 proposed residents in the development, But what of future development if it is to be at the same scale. What about the junction of the R148 and Kennelsfort Road and what of the 15 other junctions on Kennelsfort Road. A road built for horse drawn traffic prior to 1963? A traditional semidetached two story or even three-story development on the Cherry Orchard regeneration site may be just tolerable, but not nine story developments.**

“6.2 Table 11.24 indicates that the number of spaces provided for any particular residential development should not exceed the maximum provision. Furthermore, the maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to:

- The proximity of the site to public transport and the quality of the transport service it provides.
- The proximity of the development to services that fulfil occasional and day to day needs.
- The existence of a robust and achievable Workforce Management or Mobility Management Plan for the development.
- The ability of people to fulfil multiple needs in a single journey.

“7.3 The proposed residential development units made up of 144 apartment units, of which “72 are one bedroom with 72 two-bedroom apartments. The extent of maximum car parking based on the proposed development being within Zone 2 of the Development Plan is shown outlined within Table 11.24 of the current South Dublin Development Plan 2016 to 2022 which suggests 1 space per 2-bedroom apartment and 0.75 spaces per 1-bedroom apartment.

“7.4 Based on these maximum parking standards some 126 car parking spaces would be required to serve the development.

“7.5 It is proposed to provide 65 car parking spaces and 310 resident and visitor bicycle parking spaces within the development site at surface level some 52% in compliance with the development plan car parking standards.

“7.7 Considering the site proximity to a public transport corridor and dedicated cycle provision we consider this level of car parking within the site to be sufficient to serve this residential apartment proposal.” **We disagree with the conclusions above. As stated already, public transport will not be on site for a number of years. Sixty five car spaces are inadequate. In addition, it is standard practice in Ireland, whatever the day to day needs in commuting terms, to have a car for social purposes. Residents of Orchard Gate are not to aspire to a car. Unrealistic.**

"7.12 This application site which is adjacent to existing Dublin Bus public transport routes and within 350metres of the Clondalkin/ Ballyfermot Road QBC and in our view fully complies with these new national guidelines and can be classified as a one of the ...'Central and /or Accessible Urban Locations' set out within the guidelines.

7".26 It is also proposed to operate a Car Club within this site. The Car Club operator would most likely be GoCar with 2 dedicated car club spaces provided within a dedicated car club layby adjacent to the site on the Cherry Orchard Industrial Estate Road for residents and other car club members within the Palmerstown area. A similar car club layby in DunLaoghaire is shown within Photograph 1.0 below.

"7.42 In addition, to the above, a Mobility Management Travel Plan can be operated by Management Company within the development site to both encourage and facilitate tenants to travel by sustainable means." **While a car club is to be welcomed the reliance in the short term on the QBC and the radial Bus service is unrealistic. Any development of the proposed scale at this location will have to be developed in phases in tandem with public transport hence the need for a Local Area Plan. The infrastructure is just not adequate. Such a development will seriously undermine the quality of life for the existing and proposed community.**

"8.2 As previously discussed, DMURS places the emphasis not on road link or junction capacity but the sharing of the available road space.

"9.1 While a road safety audit is not a requirement under the Planning Act, we suggest the Board might consider conditioning such an audit if they are minded to grant planning permission for this development. The findings and recommendations of the audit to be agreed with South Dublin County Council.

"10.5 The proposed residential site being within a Central Area traffic growth rates for the years 2016 and 2030 of 1.62% per annum were applied with traffic growth of 1.51% per annum applied to the based traffic data for the years between 2030 and 2040 for the Dublin Metropolitan Area.

"10.17 We understand the land area which broadly contains the westbound carriageway within the Cherry Orchard Industrial Estate (fronting the application site) is not in the charge of the Local Authority nor is this land area in the control of the applicant." **It is noted that 'While a road safety audit is not a requirement under the Planning Act, we suggest the Board might consider conditioning such an audit if they are minded to grant planning permission for this development. The findings and recommendations of the audit to be agreed with South Dublin County Council.' This Audit should be carried out before any permission is granted for any development on Cherry Orchard Industrial Estate regeneration zone and it should be in the context of a Local Area Plan where the public would have an active voice. There is a genuine concern that the current application if approved, will undermine the viability of the Cherry Orchard Industrial Estate with the consequent loss of job opportunities in this part of the County.**

SIGNED: Cllr Guss O'Connell, Cllr Liona O'Toole, Cllr Paul Gogarty