

An Bord Pleanála,  
Marlborough Street.  
Dublin 1.

**3<sup>rd</sup> Party Observation by Katharine Maurer on behalf of Burnella Cottages Ltd in relation to the proposed Strategic Housing Development (SHD) at Mill Road, Saggart by Tetrarch Residential Ltd.**

**An Bord Pleanála Reference:**

**TA06S.312501**

Last day for Submission of Observation:

14<sup>th</sup> February 2022

Observation Fee of €20 has been included with online submission.

This Observation is submitted on behalf of the OMC, Burnella Cottages Ltd., of the Coldwater Lakes and Saggart Lakes development residents who live in Saggart. They share the concerns expressed by South Dublin County Council (SDCC) and An Bord Pleanála (ABP) at the pre-application stage and feel that these have not been adequately addressed in the proposed Strategic Housing Application by Tetrarch Residential Ltd. on the aforementioned lands.

The documentation submitted in support of the SHD application (millroadshd.ie), related relevant planning submissions by the applicants on neighbouring lands in their ownership as well as rezoning submissions to SDCC for the same, existing planning permissions granted in the area, and the statutory and legislative planning framework at national, regional, and local levels have informed this Observation. Particular reference is made to the proposed 'Future Masterplan' by Tetrarch Residential Ltd which the applicant states has been submitted at the request of SDCC following pre-application consultation.

**Introduction.**

The parties to this observation are long-standing residents of Saggart and its environs. They have a deep vested interest in the sustainable development of the area and preservation of the amenities which give it its character. To this end, they support the designation of Saggart as 'a self-sustaining growth town' by SDCC and the strategic augmentation of the existing infrastructure allowing appropriately scaled residential expansion in the area.

The established residential development, Coldwater Lakes and Saggart Lakes, lies to the east of Garter Lane and is adjacent to the Tetrarch landholding known as Citywest Executive Golf Course. It sits on land purchased from H.S.S. Ltd. which was the previous owner of the extended Tetrarch lands at Citywest.

**Application for SHD and Material Contraventions of the SDCC DP 2016 – 2022**

Based on the required pre-application consultation with SDCC and with ABP, ABP decided that there was a reasonable basis upon which to make the SHD application. The grounds for this have been put forward by Manahan Planners in their *Statement of Consistency and Height Material Contravention Statement*.

On p4 of the Height Material Contravention Statement, it is stated that as per *The Planning and Development (Housing) and Residential Tenancies Act, 2016*, ABP may grant permission

for a development which materially contravenes a Development Plan or Local Area Plan, other than in relation to the zoning of land:

*(6) (a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.*

*(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.*

*(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.*

*The referenced Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) states:*

*(2) (b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that.*

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

We note that there is no record of the refusal of permission by SDCC for a related development on this site either in the documentation submitted or on the SDCC planning register. The only listed application made on the SDCC planning portal map is Reg. Ref. SD14A/0003 which was made by Bushnell Investments Ltd and was withdrawn. Nevertheless, it is clear that ABP can only grant permission for an SHD as long as it considers that one of the conditions listed is met.

In support of this, Manahan Planners continue:

*Furthermore, planning permission has been granted by An Bord Pleanála for substantial residential developments on adjoining lands through the Strategic Housing Development process which provides for a pattern of development in the area (e.g., Gartons Lane SHD, Saggart, Co. Dublin). It is, therefore, considered that sufficient justification exists for An Bord Pleanála to grant permission for the proposed development notwithstanding the material contravention of the Development Plan. p5*

They precede this statement by noting that *'recent National Policy provides justification for the proposed increased density and building heights within the subject scheme due to the strong encouragement of higher densities on appropriately zoned (RES-N) and serviced lands adjacent to town centres, employment hubs and high-quality public transport.'*

The Garters Lane SHD is proximate to the Saggart LUAS station and fulfils the requirements for consideration.

The subject site is not of strategic or national importance, it is not subject to conflicting objectives in the SDCC DP, is aligned with the EMRA RSES, MASP objectives and is in line with the permitted pattern of development appropriate to its zoning and location. It is outside the accepted distances to high quality public transport links and does not meet the criteria for justifying higher density and increased heights.

The applicants and their agents present the site as an urban site which relates to a larger urban hinterland and as within applicable distance of the Saggart LUAS station.

In *The Statement of Consistency, 4.2.1 Core Strategy*, they note that,

*'On December 9th, 2019, SDCC made Variation No. 4 to the Development Plan – this was adopted to align the Core Strategy of the Development Plan with new strategic policy set out in the National Planning Framework 2040 (NPF) the Regional Spatial and Economic Strategy (RSES). This Variation sets out the areas Saggart and Citywest will be defined as a "Self-Sustaining Growth Town". This is changed from "Emerging Moderate Sustainable Growth Town" previous.*

*"Saggart/Citywest can be defined as a self-sustaining growth town. The population taken in conjunction with the extent of economic activity, the quality of public transport provision, the designation of Citywest Shopping Centre as a Level 3 Retail Centre in the Retail Strategy for the Greater Dublin Area 2008-2016 and future growth potential, align strongly with the definition of a Self-Sustaining Growth Town in the RSES. It is considered appropriate to reflect this under the County Settlement Hierarchy by designating Saggart/Citywest as a Self-Sustaining Growth Town." p6*

The Core Strategy Map shows the site on the westernmost edge of the designation. They further note the following:

*"The self-sustaining growth town of Saggart/Citywest will develop based on the capacity of the public transport network and social infrastructure. While additional long-term capacity exists in this area, the capacity of zoned lands is considered to be sufficient to meet demand during the period 2016-2022."*

*'The EMRA RSES states that the new district at Fortunestown near the self-sustaining town of Saggart / Citywest has a short-term population capacity of 45,000 and a medium-term capacity of 21,000 giving a total of capacity of 66,000 persons. Further detail regarding the EMRA RSES is provided in Section 5.3 of this report.' P 7  
Statement of Consistency*

In Section 5.3, the South Dublin Strategic Development Areas and Corridors, Capacity Infrastructure from the Metropolitan Area Strategic Plan is shown:

*LUAS red line - Regeneration of brownfield lands in Tallaght. New district at Fortunestown in the emerging town of Saggart/Citywest. P19 Statement of Consistency*

It is clear that the strategic proposed development area relates directly to the location of the LUAS Red Line. Fortunestown is identified as the nodal centre which extends west to the Citywest area.

The designations of Citywest/Saggart in the SDCC DP makes clear distinction between the two settlements as Citywest is a Level 4 Retail centre and Saggart is a Level 3 Retail centre. The zoning and quantum as well as type of development is different in both due to the strategic recognition by SDCC in its current and proposed DPs of the condition of an urban/suburban location beside a Metropolitan Consolidation Town and an edge location beside a Rural Metropolitan Area close to Small Towns. As such, the justification for this level of development is completely dependent on the provision of local infrastructure e.g., transport links and amenities. As is clear from the distance to the Saggart LUAS stop and the poor bus connection, this local infrastructure does not exist within acceptable distance of the proposed SHD and the social amenities that currently exist are already too few for rapid growth in Saggart and would be put under further strain by the quantum of the proposed development by the applicant.

In December 2018, the Minister issued the Urban Development and Building Height Guidelines for Planning Authorities under section 28 of the Planning and Development Act 2000 (as amended).

*Section 37(2)(b) of the Planning and Development Act 2000 (as amended) states inter alia that:*

*“iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,*

*or*

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan”.*

*The Minister’s Urban Development and Building Height Guidelines were issued in December 2018, in line with the content of Section 28 of the Planning and Development Act 2000 (as amended).*

*The Board is required under Section 28 to have regard to Ministerial Guidelines. The Guidelines set out four Specific Planning Policy Requirements (SPPRs) objectives for the assessment of building height. The Board is required to comply with SPPRs.*

*Section 1.14 of the Guidelines states that:*

*“Accordingly, where SPPRs are stated in this document, they take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes”.*

While the Statement of Consistency submitted starts with the statement that the development is consistent with the relevant policies, it is clear that it is in breach of many of them and that there is no 'national or strategic' importance which would justify such a breach and permission for the development as it stands.

*Manahan Planners, P2. 1. Executive Summary*

*The Statement of Consistency has been prepared to accompany a Strategic Housing Development with ABP. The report demonstrates that the proposed residential development at Mill Road, Saggart, Co. Dublin is consistent with the relevant planning policies pertaining to the site at local, county and national level.*

We describe our concerns relating to these contraventions below.

**The replacement of SHDs with Large Scale Residential Developments (LSRDs).**

We draw the attention of ABP and the Inspector to the decision for LSRDs to replace SHDs made last year. It is clear that SHDs are deemed not fit for purpose. Furthermore, the Minister explicitly stated that *'These are very significant changes, restoring the primary decision-making function to local authorities, while also introducing mandatory timelines to ensure an efficient process for large scale residential developments [...] This will allow for enhanced public participation on these local developments'*.

We do not think that an application for an SHD is necessary for the site for reasons of time constraints, as in the time this application has taken (pre-application consultation with SDCC was on 03.09.2020), a planning application for the same could have been processed by the Local Authority Planning Department and would at this stage have reached ABP if it were refused. It appears that the decision to apply for an SHD was due to the quantum of development which was in contravention of the SDCC DP on multiple grounds.

**Site Location and Land Holdings by Applicant in Environs**

The subject site of the application comprises lands on the Mill Road, Saggart formerly known as 'Paddy Reilly's Lands'. The Cape Wrath Hotel Unlimited Company lands adjacent to this site are identified as being in the ownership of the applicant (Drawing PA-002 *Site Location Map*).

While Drawing PA-002 *Site Location Map* clearly identifies the land of the subject site, there are conflicting red ownership lines shown in various other maps in the submission. These appear to relate to a sewerage line which crosses the N7 and is shown to be in the ownership of the applicant, but which is omitted in several places.

Throughout the submissions in support of the applications, the maps and plans are shown in varying orientations. We note that a number of these do not show the north point to clarify the information being shown in context. We refer inter alia to the Masterplan Amenity Plan, the Site Plan of the Ground Floor and the Car Parking Plan in the Design Statement submitted.

These conflicting and potentially confusing representations of the site and its context are a serious matter. As public documents, all applications are required to adhere to basic

standards in the provision of information to allow full understanding of the submission and public participation in the process. Not doing so could potentially disenfranchise citizens from being fully informed about serious and long reaching consequences in the built environment and leave any decision made by the Bord open to challenge.

### **Masterplan**

It appears that the primary justification for the proposed Mill Road SHD is based on the applicant's proposed Future Masterplan for their extended adjacent lands which is referred to throughout the application. No detail of the proposed Masterplan has been submitted apart from drawing PA-002 *Proposed Masterplan Connectivity and Permeability* and the *Masterplan of proposed development in context of Citywest lands* on p2 of the Architectural Design Statement by Darmody Architects.

Neither show the Masterplan boundaries nor the proposed Plan itself; gross potential future zoning is indicated in the second map but none of this is in accordance with the current or proposed zoning under the SDCC DPs and is not subject to any current planning application. It comprises 'Residential development A', 'Residential Development B', 'Car Park' and 'Cemetery'. There is no detail regarding layouts, quantum and type of development, scaling, massing, or context. Various other drawings indicate this land as 'commercial/residential or 'open space / amenity'.

We note that some of these lands, which are currently subject to Reg. Ref. SD21A/0088 for the provision of a sports complex, are shown as a Cemetery with an access road adjacent to it. We further note that Further Information has been requested regarding this application, made by Cape Wrath Hotel Unlimited Company, as SDCC and other third parties have expressed concern at the lack of information regarding undertakings to ensure this is an amenity for the local community and that pedestrian and cycling connections be permanently provided through lands connecting to the LUAS station and wider network to avoid unsustainable vehicular traffic in the area. The indication of this as a Cemetery on the Masterplan submitted in the subject application is completely contrary to their submission in a separate live application (SD21A/0088).

Tetrarch Residential Ltd. presented '*A Glimpse of the Citywest Masterplan*' to the Minister for Housing in Jan 2021 which included wide-ranging development on their landbank as far as and including Citywest village which they describe as '*appropriate development beside Saggart LUAS line*'. They state that they want to deliver 'significant levels of affordable and senior living housing' and support growth in the community via amenities such as new sports pitches, a community centre, public parks and a greenway.'

This Masterplan has also been presented at numerous junctures to public representatives and was submitted in applications as the basis for an extensive land zoning change during the public consultation period for the new SDCC Development Plan 2022 – 2028 (SDCC DP 2022 - 2028).

Based on this, Tom Phillips Associates on behalf of Cape Wrath made submission to SDCC for rezoning in DP 22-28 of 89ha of surrounding land including the former golf course which

closed in early 2021 which does not include reference to the adjoining lands owned by Tetrarch's at Mill Road.

The Local Authority (SDCC) Chief Executive's Report of Draft Plan Public Consultation categorically and robustly rejected the application for rezoning on the grounds of sustainable and orderly planning and development in the area.

In contrast to the applicant's submission at the Public Consultation Stage, the Saggart residents asked for CS8 Obj 2 'to support well-designed infill development along the main street and core village area of Saggart'. The desire of the local residents and established community is clearly for the revitalisation of the existing village. It is reasonable to state that they are best placed to understand the core issues at stake in developing a self-sustaining and well-served growth town preserving its character and the amenities which make it attractive. It is notable that there have been no meaningful discussions between Tetrarch and stakeholders locally and that a public meeting about their proposals called by Tetrarch was cancelled by them at short notice.

Integral to the current Mill Road SHD application are the connections between the lands apparently ultimately owned by Tetrarch. We request that in the interests of a fair planning process and correct and orderly development, all lands which relate to any developments pertaining to the SHD application and therefore the Masterplan referred to therein, should be clearly described in the public information documentation required for an SHD application.

### **Inconsistent Zoning Designations**

Saggart is not in a Strategic Development Zone (SDZ) nor is it subject to a Local Area Plan (LAP). The site has a new residential zoning (Res-N) and is referred to as greenfield in the Design Statement:

*'The proposal is for the development of a greenfield site which is on zoned land in an established residential area and represents an opportunity to enrich and expand on the existing residential offer.'*

Further mention is made of the adjacent '*undeveloped sites to the NW and S*'. The application shows the lands east of the site as under the ownership of the applicant which are zoned Objective OS '*to preserve and provide for open space and recreational amenities*'. These lands were subject to Reg Ref SD21A/0088. These are further described as '*The amenity lands of Citywest adjacent to the north east have a 240 acre parkland and golf course with health and leisure facilities and a conference centre.*' Other references are to the land as *brownfield* and the 'Future Masterplan' drawing submitted identifies the current ex-golf course lands adjacent as *commercial and residential* and, on the context plan, they are defined as *Amenity Recreation Lands*.

Further inaccurate phrases are variously used to describe the proposed development and site, inter alia:

'developing outer suburb of Saggart'.

'high density urban block'

'a gateway landmark to the lands to the east, for potential future development.'

‘urban marker for the wider citywest lands to the east’.

‘zoned lands in a suburban area of Saggart/Citywest, located in close proximity to frequent public transport.’

‘an underutilised greenfield site on residentially zoned land’.

‘Substantial residential and commercial development has transformed the area from a rural area to a developing outer suburb.’

Based on this and the Masterplan, it seems quite evident that this development is intended to prepare the way for substantial developments on other lands owned by Tetrarch including Amenity lands. By repeatedly but inaccurately referring to the ‘urban’ nature of the site, the related loosening of the restrictions on zoning locally becomes the defining narrative.

### **Development Standards and Material Contraventions**

The breaches of development standards and material contraventions of the SDCC DP are discussed below. Despite the statement quoted above, the proposed development is in considerable breach of the statutory framework and no concrete basis has been put forward for these.

The applicants conclude that,

*‘the design proposals described in this document are a culmination of an intensive collaborate [sic] process with an experienced Design Team to develop a sustainable urban layout that will foster a sense of place.*

*The proposal is for the development of a greenfield site which is on zoned land in an established residential area and represents an opportunity to enrich and expand on the existing residential offer.’ p51 Conclusion*

This is on the basis that they have used ‘compensatory design measures’ to ensure that residential amenity has been preserved despite not fulfilling the minimum or maximum design standers required. They further state that,

*‘the scheme design responds to its immediate context with the height of the proposed buildings reflecting a variety of residential density and as an urban planning tool to provide distinct character areas’ p20*

As this is a greenfield site with few adjacent dwellings, it is extraordinary that ‘compensatory’ measures had to be taken. There are no extenuating circumstances which would lead to the compromises of Development Standards and good planning practice as are required in the subject application in order to allow the quantum of development proposed.

### **Responses to ABP & SDCC Pre-Application Opinions**

Both SDCC and ABP had lengthy and comprehensive Opinions which have been responded to by the applicant and their agents and are included in the reports submitted in support of the application. It is notable that many concerns raised have been rejected and left unaddressed by the applicant where they state that it is their opinion that the proposal is exempted from the development and regulatory standards. No justification is put forward to give credence to this apart from a privately proposed, non-statutory masterplan which not included in the SDCC DP, for which no LAP has been put in place and which is dependent on future development on lands outside the ownership of the applicant for which legal and binding undertakings cannot be given.



### **Integrated Area Plan/Masterplan**

The Future Masterplan submitted is a schematic which does not indicate anything beyond putative connections. The OS zoning of the lands at the hotel have been changed and are, in part, no longer fully permitted OS uses. The sports complex is indicated as a cemetery. The proposed connections to the LUAS station are drawn through land in the ownership of others with no record of wayleaves or agreements for the same, and, where in the ownership of Tetrarch, there is no binding undertaking that they will be applied. There is no agreement in place with the adjoining landowner regarding the duplication of roads etc. (SDA13/0221).

### **Height**

The taller apartment block height is 24.6m and is designated a gateway marker which will define the edge of the site and the Cape Wrath Hotel lands. It sits at the end of the Boulevard which runs along the east west axis of the south side of the site. Its scale is completely out of keeping with any development in the area and would be visible from protected views in the SDCC DP. Its location is stated to be integral to the development of the adjoining lands owned by the applicant. The 'urban' form and proposed height increases from the housing to this point, implying that similarly tall development is what is being considered for the OS lands beside it. It is clear that the Boulevard is intended to set up future development of vehicular/road connections along the route of the proposed cycleway and pedestrian path.

### **Pedestrian links to LUAS**

Throughout the application, there is consistent understating of the walking time to the LUAS and overstatement of the bus provision. The applicant states that the LUAS is variously approx. 1km away or up to 1.5km away and that it will be c950m away using the 'potential pedestrian links' through the adjacent lands. *p11 Architectural Design Statement*. All measurements appear to have been taken from the corner of the site closest to the LUAS station. Even at this, the distance is further than acceptable for justification of higher density and height. There are no figures for the distance that would be walked by the majority of residents of the site which do not live in the corner apartment block.

PA-002 shows the proposed pedestrian route in blue and the route for the future masterplan in purple. From the corner, the blue route is 1.118m and the purple 778.5m (OSI Geohive map). Again, this does not include any distance walked within the site.

The red ownership line for the subject site only extends partially into the adjacent lands. No phased extension for the same is defined nor is a wayleave shown. As the blue route is the route related to the SHD, it is noted it passes through land not in the ownership of the applicant as it reaches Garter Lane. There is no notice of agreement or another party to the application.

### **Density**

As mentioned above, the proposed application is in substantial material contravention of the development standards SDCC DP. However, even if such density were justified, there is no reason for the applicant to have used tall buildings to achieve it. There are many models and built examples of densities in accordance with the SDCC DP uph using low/medium-rise housing typologies which are suitable for the site and would provide real amenity to the residents and visitors / users of the public realm.

We also note that throughout the reports the density is given as 60 and 61 in different places.

### **Residential Amenity with regard to Sunlighting, Daylighting, Overshadowing, Overlooking and Visual Impact and Noise.**

Prior to January 2019, there were no standards or guidance documents (statutory or otherwise) on the subject of daylighting prepared or published in Ireland. In their absence, Irish practitioners have tended to refer to the UK standard, BS 8206-2:2008: Lighting for Buildings – Part 2: Code of practice for daylighting with reference to BRE 209 Site Layout Planning for Daylight and Sunlight - A guide to good practice (Building Research Establishment Report, 2011) for site layout planning.

In January 2019, the new European Standard EN 17037 was adopted in Ireland (IS EN 17037) but with no corresponding regulatory or legislative framework. Inter alia, this standard raises indoor natural lighting levels in order to reduce dependence on artificial lighting to provide acceptable standards in internal settings. This has positive consequences for living standards and wellbeing as well as energy efficiency and sustainability which contribute positively to reaching Ireland's climate obligations.

The tests which had been used to calculate these levels were 'No Skyline' (NSL) and 'Average Daylight Factor' (ADF), which are based on the BRE 209, and BS 8206-2. The newer tests are 'Daylight Factor' (DF) and 'Illumination Level' (LUX).

In the UK, EN17037 has been adapted and incorporated as BS EN17037:2008 which supersedes BS 8206-2. However, a UK National Annex has been included to ensure that indoor lighting levels raised above the BS levels by EN 17037 are reduced to stay in line with previous BS targets. This was stated to be done in recognition of the national need to increase urban density and deliver more accommodation and still includes reference to the 2011 BRE 209. BRE 209 is an advisory document which is no longer regarded as fit for purpose and a revised addendum, or an updated edition was due to be published late in 2020 or early 2021. In particular, it no longer addresses many contemporary needs in a rapidly changing environment, most particularly due to the need to maximise natural lighting and conserve energy while reducing emissions.

Chris Shackleton Consulting's Sunlight, Daylight and Shadow Assessment Report primarily uses BRE 209 Site Layout Planning for Daylight and Sunlight - A guide to good practice (Building Research Establishment Report, 2011).

*'This analysis has been carried out in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011) and BS 8206 Lighting for Buildings and Part 2: Code of Practice for Daylighting.*

***All references quoted in this report are from BRE document "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice – Second Edition – 2011 (BR 209) by Paul Littlefair" unless specifically noted otherwise.'***

It is clear from the report that while the proposed development could not meet the standards of IS EN 17037, it even falls below the minimum standards set out in the BRE

2009. The only circumstances in which this is deemed acceptable are clearly defined in the introduction,

*“In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportion of existing buildings.”*

*p.1, Introduction BRE 209.*

The subject site and development do not meet any of these criteria and should not require any reduction in even the minimum standards set out in BRE 2009. The CSC report and DA refer to the development as ‘*in compliance with the relaxed compliance rate*’ which is justified ‘*given that the proposed development is a high-density proposal, [and] the results for ADF and sunlight is [sic] deemed as compliant and positive for the scale of the apartment units*’.

While it is not required that the proposed development meet the higher levels of the new standard IS EN 17037, it is below the reduced standards from the minimum expected in the BRE 2009. We submit that this cannot fulfil the development standards required to justify a material contravention of the SDCC DP.

### **Landscaping Proposals**

The Landscaping Report makes it clear that there will be loss of hedgerows and amenity as well as some loss of vegetation on the adjoining lands. This should be addressed with reference to EU Directives and the proposed erosion of amenity space in the Masterplan.

*‘a connection to the LUAS stop at citywest is proposed through the lands to the north of the site. This is proposed as a cycleway and footpath combined but separated into parallel paths. This runs through what is currently a golf course, to connect with the existing roads, paths, and circulation routes around Citywest Hotel, and from there, cyclists and pedestrians can continue on to the LUAS, bus stops and the wider citywest area. All existing trees and vegetation will be avoided in the golf course except at the connection to citywest where there will be an area of recently planted vegetation removed to facilitate this important connection.’*

*‘...there are no notable views in the surrounding context, although the current parkland to the east of the site is scenic as a golf course laid out with trees and water features. However, this area is the subject of a masterplan and is not likely to remain as is in the longer term.’*

### **CGIs 3D modelling**

There are very few CGI views in the submission. They are repeated in different documents and are all ‘summer’ views i.e., all trees are in full leaf. This is particularly pertinent to the views of the site from Mill Road. The development is largely obscured and not indicative of its condition for approx. 5 months of the year. There appear to be no views from the adjoining lands of the apartment towers so a realistic assessment cannot be made about their impact on the visual amenity in the vicinity.

### **Surface Car Parking**

The entire site car parking is surface parking. While the quantum is considerably below the maximum allowable under the SDCC DP, this is predicated upon close proximity to the LUAS station and future Bus Connects service. As the site is 1.6 – 1.8km from the LUAS station (SDCC statement), the current bus service is hourly (45 mins at peak times) and the implementation of Bus Connects is delayed, it is clear that 1 car per dwelling is unlikely to suffice. This means that there will be parking issues on site which would spill over onto local roads and the TRICs assessment may be too low.

The CGIs show some cars but not a full complement which will give a very different, and markedly less pleasant, visual environment as well as lessening the openness of the spaces as shown in the images.

### **Aviation**

We note that a copy of the Application notice sent to Irish Aviation Authority and Operator of Baldonnell Aerodrome but not the Department of Defence.

### **Drainage and Supply**

We have noted the various inclusion and omission of the sewer across the N7.

### **Environmental Impact Assessment**

While no EIA has been submitted with this application, due to the extended nature of the proposed Masterplan which underpins it, we feel that an EIA is a critical investigation of the viability of the proposed development.

In the interest of good planning, we further believe that, as a full Masterplan is required to assess the proposed quantum of development on the site at Mill Road, the wider landholding should be integrated into the subject application. This means that the Cumulative Threshold would be met which requires a full EIA and AA. An Archaeology report would be required as well as due consideration for the Protected Structure on the Citywest Hotel land. The Flood Risk Management Plan for the Camac River catchment for the full site would require assessment.

### **Statutory Declarations**

We trust that the Bord will obtain independent advice from all relevant statutory bodies regarding this SHD including the Department of Defence as a matter of process.

### **Conclusion.**

We submit that this application is justified only by the representation of the site and Saggart and its environs as an 'urban' location more suited to the Fortunestown LAP of which it is not a part. The site is on the westernmost edge of the Citywest/Saggart self-sustaining growth town boundary, it is not within 1km of the Saggart LUAS station and adjoins the Rural Metropolitan Area. We feel, therefore, that there is no statutory basis for materially contravening the SDCC DP. The schematic Masterplan as submitted, and which is an integral part of the proposed development, would lead to the loss of the substantial amenity lands which currently provide a significant asset to the wider local area and to visitors using the LUAS line from the city.

It is clear that best industry standards and practice have not informed this development due to the non-attainment of minimum and below minimum developmental standards (Daylighting, Walking Distances & Transport Provision, Residential Amenity, Appropriate Site Density and Layout). This would be seriously injurious to the receiving environment and the existing community in Saggart and the surroundings.

The granting of permission would allow the further attrition of character of the area and further applications for substandard residential developments subject to zoning changes.

We support the granting of permission for appropriately zoned land, but it should be at a level of development which is in line with the SDCC DP objectives which was drawn up and adopted as a democratic document following public consultation.

The current residents of Saggart are eager to see the village develop appropriately and at a sustainable rate. Community amenities lag behind the provision of housing in terms of the quantum granted in recent years. It is clear that the demographic has changed since the 2016 census both as the population ages and as new residents move to the area. There is an increasing need for residential and amenity provision for young and maturing families. The expansion of Citywest and the environs as locuses of employment, the local green spaces and amenities, and the increasing cost of city centre living has made Saggart an attractive destination. There are 223 apartments/duplexes and 51 houses proposed in the subject application meaning apartments make up 80% of the scheme, which is on a greenfield site, outside a town centre and adjacent to a rural area. While apartments can be provided in a suitable way for towns such as Saggart as infill and clustered blocks within a recognisable and delineated system of local streets and lanes, this quantum does not allow for sustainable amenity and density and an appropriate mix. There are substantial opportunities for denser development within the Fortunestown LAP and we feel that the provision of houses with private open space should be the focus of provision on this site in Saggart.

The undersigned have no legal competence however we would ask the Bord to ensure that all letters of consent from any lands to which the use is referred be sought. We refer particularly to the lands on Garter Lane which are indicate as the access point for the pedestrian and cycle route to the Saggart LUAS Station in the future masterplan submitted.

We therefore respectfully ask the Bord to reject the present Application.

Katharine Maurer, 14<sup>th</sup> of March 2022.

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