

**Ref: ABP-313145-22**

## **INTRODUCTION**

South Dublin County Council hereby sets out its Chief Executive's Report, including recommendations on the above Strategic Housing Development for An Bord Pleanála (ABP or The Board). The Board as the competent authority has validated the application, and will carry out an Appropriate Assessment Screening of the proposed development, and will decide to grant or refuse permission for the proposed development.

### **Statutory Requirements of this Report**

This report sets out, in accordance with the provisions of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the Planning and Development (Strategic Housing Development) Regulations 2017 - inter alia:

1. A summary of the points raised in the submissions received by An Bord Pleanála on the application.
2. The Chief Executive's view on the effects of the proposed development on the proper planning and sustainable development of the area and on the environment, having regard to matters specified in Section 34(2) of the Planning and Development Act, 2000 (as amended) and submissions received by An Bord Pleanála on the application.
3. A summary of the views of the relevant elected members on the proposed development as expressed at a meeting of members of the Tallaght Area Committee meeting on 25<sup>th</sup> April 2022 and the Clondalkin Area Committee Meeting on 18<sup>th</sup> May 2022. This is because the site encroaches on both ACM boundaries.
4. The Planning Authority's opinion as to whether the proposed strategic housing development would be consistent with the relevant objectives of the development plan or local area plan, including a statement as to whether the Planning Authority recommends to An Bord Pleanála that permission should be granted or refused, together with the reasons for its recommendation.
5. Conditions of permission  
Where the Planning Authority recommends that permission be granted or refused, the planning conditions and reasons for them that it would recommend if An Bord Pleanála grants permission.

### **Summary of Key Issues Arising**

1. The proposed development would materially contravene objectives of the Fortunestown Local Area Plan and the South Dublin County Development Plan 2016 - 2022, relating to the following matters:
  - Residential Density
  - Building Height
  - Average unit size
  - Siting of apartments and duplexes
  - Under-provision of own-door units
  - Use of intrusive engineering solutions on a site of steep and varying topography

2. Insufficient information has been provided at this stage within the submitted EIAR and AIA to allow a full assessment of the proposed new footpath on Boherboy Road up to the junction of the N81
3. The cut and fill design solutions proposed in the south-west corner are intrusive and an enhanced design solution that accords with the natural topography of the site would better achieve policies and objectives in the County Development Plan. The plots in this area should be omitted or a conditioned seeking design changes.
4. The proposed development does not provide adequately designed cycle routes through the site in particular along the central spine and this should be amended.

## **PROPOSED DEVELOPMENT**

### **Development Description**

The development will consist of 655 no. dwellings, comprised of:

- 257 no. 2, 3 & 4 bed, 2 & 3 storey detached, semi-detached & terraced houses,
- 152 no. 1, 2 & 3 bed duplex units in 17 no. 2-3, 3-4 & 4 storey blocks, and
- 246 no. 1, 2 & 3 bed apartments in 9 no. buildings ranging in height from 2, 2-5, 4-5 & 5 storeys,
- and a 2 storey crèche (693m<sup>2</sup>).
- Access to the development will be via one no. vehicular access point from the Boherboy Road, along with proposed upgrade works to Boherboy Road to include the provision of a roadside footpath along the front of the site at the Boherboy Road, continuing eastwards to the junction with the N81 Blessington Road (for an overall distance of c.370m).
- The proposed development also provides for pedestrian and cyclist connectivity to the adjoining Carrigmore Park to the north-east, and vehicular, pedestrian and cyclist connections to adjoining developments at Corbally Heath to the east and Carrigmore Green to the north.
- The proposed development provides for
  - (i) all associated site development works above and below ground, including surface water attenuation & an underground foul sewerage pumping station at the northern end of the site,
  - (ii) public open spaces (c. 3Ha), including alongside the Corbally Stream, which will accommodate the provision of pedestrian / cyclist links to Carrigmore Park to the north-east,
  - (iii) communal open spaces (c. 6,392m<sup>2</sup>),
  - (iv) hard and soft landscaping and boundary treatments,
  - (v) undercroft, basement & surface car parking (914 no. car parking spaces, including EV parking),
  - (vi) bicycle parking (797 no. bicycle parking spaces),
  - (vii) bin & bicycle storage, (viii) public lighting, and (ix), plant (M&E), utility services & 5 no. ESB sub-stations, all on an overall application site area of 18.3ha. In accordance with the Fortunestown Local Area Plan (2012), an area of c. 1.4Ha within the site is reserved as a future school site.

## Development Statistics

Development Statistics (all values as stated in application form or planning statement)		
	ABP-308352-20 (Stage 2 Pre-Planning)	This Application (Stage 3)
Tenure	Not stated	Build-to-Sell
Apartments	244 (39% of total development)	246 (37.6% of total development)
1-Bed Apartments	71 (30% of apartments)	62 (25.2% of apartments)
2-Bed Apartments	163 (67%)	177 (72%)
3-Bed Apartments	10 (4%)	7 (2.8%)
Duplexes	116 (18% of total development)	152 (23.2% of total development)
1-Bed Duplexes	3 (3% of duplexes)	4 (2.6% of duplexes)
2-Bed Duplexes	56 (48%)	72 (47.4%)
3-Bed Duplexes	57 (49%)	76 (50%)
Houses	268 (43% of total development)	257 (39.2% of total development)
2-Bed Houses	9 (13% of houses)	8 (3.1% of houses)
3-Bed Houses	182 (68%)	167 (65%)
4-Bed Houses	77 (28%)	81 (31.5%)
Total Units	628	655
Total 1-Beds	74 (12%)	66 (10.1%)
Total 2-Beds	228 (36%)	257 (39.2%)
Total 3-Beds	249 (40%)	251 (38.3%)
Total 4-Beds	77 (12%)	81 (12.4%)
Retail Units	0	0
Crèche Floor Area (Sq.m.)	632	693
Crèche Spaces	163	163
Gross Site Area (Ha.)	18.26	18.3
Net Site Area* (Ha.)	17.6 *Excludes Boherboy Road	17.69 *Excludes Boherboy Road
Net Developable Area** (Ha.)	15.1 **Excludes Boherboy Road and School Site.	15.28 ***Excludes Boherboy Road, School site and park/riparian buffer along eastern boundary.
Communal Amenity Space (Sq.m.)	3,476 (2% of net site area)	6,392 (3.6% of net site area)
Public Amenity Space*** (Sq.m.)	26,645 (15%)	24,619 (14%) ***Includes an area of steep topography to south-west of site.
Density (Net Developable Area)	41.6 dph	43 dph
Density (Net Site Area)		37 dph

Plot Ratio	0.35	0.38
Site Coverage	35%	17%
Building Height	3 – 8 storeys	2 - 5 storeys
Dual Aspect	Stated as Majority of Apartments, all Duplexes and all Houses	All houses and all duplexes 52% of apartments
Gross Floor Area (Sq.m.)	55,752	66,450.9
Car Parking Provision	867	919
Car Parking Ratio	1.4	1.4
Bicycle Parking Provision	604 (for apartments, duplexes and crèche only)	797

### **Procedural Note and Summary of s.247 Consultations**

#### Pre-Planning with the Planning Authority (SDCC Ref. SHD1SPP006/20)

The applicant met with the Planning Authority on 26<sup>th</sup> March 2020 (via Teams) to discuss a proposed development consisting of 690 dwellings and all associated site development works on a site area of c. 17.5ha.

Main points of preplanning discussion were:

- Previous Reasons for Refusal
- Site Topography
- Residential Character
- School Site
- Street Layout
- Biodiversity
- Connections and Accessibility

#### Stage 2 Pre-Planning Consultation with An Bord Pleanála and South Dublin County Council (ABP Ref: ABP-308352-20)

The applicant's agent and design team attended a preplanning consultation meeting with the Planning Authority and An Bord Pleanála on 20<sup>th</sup> November 2020, held remotely. This meeting considered a proposal for 628 no. units (268 no. houses and 360 no. apartments), creche and associated site works. In the townland of Boherboy, Saggart Road, Co. Dublin.

The Board's Consultation Opinion was released in December 2020. The Board confirmed that the documents provided would constitute a reasonable basis for making an application. However, the Board also advised that additional document/information was provided with regard to the following:

1. Residential Density and overcoming a previous reason for refusal.
2. Design, scale and character of development
3. Inclusion of works to be carried out and letters of consent.
4. Clarify extent of works on Boherboy Road
5. Additional cross-sections demonstrating extent of cut-and-fill on the site.
6. Clear rationale for connectivity and permeability through the site.
7. Site Specific Flood Risk Assessment
8. Statement of Compliance with DMURS

9. Housing Quality Assessment
10. Building Life Cycle Report
11. Phasing Scheme
12. Compliance with Part V of the Planning Act
13. Draft Construction management Plan
14. Draft Waste Management Plan
15. Material Contravention Statement

The Board otherwise required that certain plans and particular should be provided and specified those external consultees it would be necessary to notify about the application.

## **DEVELOPMENT CONTEXT**

### **Site Description**

The site is situated on the Boherboy Road, a local road (L2008), approximately 1.3km east of Saggart Village. The site topography slopes downwards from the south of the site adjacent to the Boherboy Road to the north of the site. Site levels range from 155mOD in the southwest corner to 117.5mOD in the northwest corner, **a difference of c 37 metres in elevation between the southern and northern site boundaries.**

The subject lands are currently a greenfield site. The site is bordered on all sides (north south, east and west) by mature hedgerow and trees. There is a field boundary hedgerow and dry ditch traversing the centre of the site in a north to south axis. All boundary hedgerows along with the central hedgerow are identified on the first edition Ordnance Survey map (1843). The Corbally Stream traverses along the eastern boundary of the site in a north to south axis, turning in a westerly direction at the northeast boundary before exiting the site at the northwest corner. The southern site boundary has a c.360 metre frontage on to the Boherboy Road.

Residential developments are present to the north (Carrigmore residential areas) and east (Corbally and Verschoyle residential areas) of the site. A public park adjoins the site to the northeast while Citywest Shopping Centre is located beyond the park further to the north east. Lands to the west of the site comprise golf lands and are zoned Open Space ('OS'). Lands to the south of the site, on the southern side of the Boherboy Road comprise rural zoned lands. Despite its proximity to Citywest and Tallaght, the Boherboy Road retains a very rural character, with mature trees and hedgerows along each side of the roadside. There are no footpaths or public lighting utilities along the Boherboy Road. There are detached dwellings located along the Boherboy Road. There is a small bridge over the Corbally Stream as the Boherboy Road traverses the stream (southeast of the site). The Boherboy Road continues west from the site towards Saggart Village. The eastern site boundary is located 300 metres from the junction of the N81 Blessington Road and the L2008 Boherboy Road. There is a continuous white line in the centre of the road. A 60km/h speed restriction applies in this area. There are various utilities traversing the site which includes water network pipes, and underground and over-ground electricity transmission lines.

### **Site Area**

Stated as approx. 18.3 ha.

### **Zoning and Council Policy**

The lands are zoned Objective 'RES-N' in the South Dublin County Development Plan 2016 - 2022, 'to provide for new residential communities in accordance with approved area plans'.

The subject lands are located within the development boundary of the Fortunestown Local Area Plan 2012. This LAP was extended in 2018 and will expire in 2022 (subject to Section 251 of the Planning and Development Act).

The subject lands constitute the 'Boherboy' neighbourhood area identified in the Plan. The proposed development generally accords with the use designations in the LAP, in that the site is mostly designated for residential, open space, and school use. More detailed assessment of the proposed uses is undertaken below.

### **SEA Sensitivity Screening**

- Site is located in or close to the rural area.
- Site contains lands that are within SFRA Flood Zone A.
- Site contains lands that are within SFRA Flood Zone B.

The SEA Sensitivity Screening is an internal SDCC tool.

## **CONSULTATIONS**

### **Internal Consultees**

Environmental Services	Provides observations
Housing	No objection, subject to conditions.
Public Realm	No objection, subject to conditions. (Additional verbal advice also given by Public Realm)
Roads	No objection, subject to conditions. (Additional verbal advice also given by Roads)

### **External Consultees**

Department of Housing	No objection, subject to conditions.
Transport Infrastructure Ireland	Provided comments.
Inland Fisheries Ireland	Provided comments.
Irish Aviation Authority	Provided comments.

### **Department of Housing, Planning and Local Government**

- Recommends **conditions** relating to nature conservation, including use of ponds in open spaces for nature conservation purposes.

### **Inland Fisheries Ireland**

- Fish recorded on-site in Corbally Stream. Construction process must protect fish and water should not be discharged into stream during construction.
- Agree a Method Statement with IFI for planned water crossings and water outfalls.

### **Irish Aviation Authority**

- Applicant should engage with the Property Management Branch of the Department of Defence.

### **Transport Infrastructure Ireland**

- This is in a study area for a future national road scheme.
- Disclaimer for claims on noise/visual impact of roads on new developments.

### **Third Party Observations**

The following third party observations were received:

- 25 individual submissions
- 4 institutional / external consultees (see above)
- 2 residents' associations
- 1 management company
- 1 environmental group
- 1 Cllr submission with petition of residents.

### **Group Submissions**

#### **Saggart Village Residents' Association**

- 655 units proposed compared to 320 units anticipated in Saggart under Draft County Development Plan.
- Confusion as to where 4/5 storey buildings will be located. 4/5 storey buildings would materially change the landscape.
- Inadequate parking and road width.
- Inadequate proximity to public transport.

#### **Saggart East Residents' Association**

- Fortunestown LAP provided for a lower density residential area arranged around a town centre. LAP also complies with SPPR 4 of Building Height Guidelines. Densities proposed and being provided in Fortunestown are contrary to the LAP. Citywest/Fortunestown is a sprawling suburb of Dublin.
- Citywest is 18km from Dublin City Centre. Luas light rail service is a very slow connection. Apartment development is not justified.
- Citywest population with all developments will be 15,413. Citywest does not have a town centre or facilities to support this population.
- Lack of social infrastructure to support existing or proposed population.
- Park is not currently maintained or kept to a good standard. Passive surveillance of district park should be improved. Contributions should be ringfenced to improve park.

#### **Carrigmore Crescent Management Company**

- Development will adversely affect Carrigmore Estate and Carrigmore Crescent in particular.
- Additional car movements through this estate will hinder natural flow of resident pedestrian traffic in particular to primary school on Fortunestown Lane.
- Additional movements through the estate will have specific adverse impacts on the proposed access route and safety of vehicular travel.
- Tailbacks through Carrigmore Elms not adequately taken into account.
- New movements through Carrigmore at peak times appear to be 100-200, and rat runs from N81 to N7 an issue.

#### **Louth Environmental Group**

- S.28 Ministerial guidelines are unconstitutional.
- Material contravention of the County Development Plan / Local Area Plan in relation to density, housing mix, public open space, building height and visual impacts, car parking, childcare, an architectural conservation area.

- EIA Screening is inadequate and not comprehensive. An Bord Pleanála lacks ecological expertise of access to that expertise as required under the EIA Directive.
- Screening for Appropriate Assessment is inadequate.
- Risk of fluvial flooding from Corbally stream.

## **Individual Submissions**

### General Comments

- Citywest lacks facilities for population:
  - Sports facilities
  - Community facilities
  - Emergency services (gardaí, ambulances, hospitals)
  - Schools
  - Library
- 3,892 units have been permitted compared to LAP capacity figure of 3,300.
- School children being sent elsewhere for school.
- Lots of residential developments are being arranged with no plan in place for amenities, a town centre, etc.
- Development should be phased with specific amenities provided, e.g. community centre in the 1<sup>st</sup> phase.
- Provision of community centre, new roads, new GP practice, permanent secondary school building should be in 1<sup>st</sup> phase.

### Principle of Development

- Site should not be considered in isolation, but in context of all developments ongoing in Fortunestown/Citywest.
- Development exceeds density permitted under Fortunestown LAP.
- Dwellings should not be sold in bulk for rental.
- Development would bring units permitted in Fortunestown LAP up to 4,600 units.

### Traffic and Transport

- 100+ signature petition (c/o Cllr Pereppaddan) objecting to new vehicular access through Carrigmore and Corbally Heath.
- Site is 1.3 km from Luas.
- No plans to upgrade Luas red line with longer trams.
- Traffic is already gridlocked/heavy in the area. There are about 2000 dwellings under construction in the area. Additional congestion anticipated.
  - Threat to emergency services response times
  - Threat to human health from living near busy roadways.
- Loss of cul-de-sac status for Corbally Heath.
- Impact of connections to Carrigmore/Corbally Heath on children:
  - Threat to childrens' play
  - Threat to children's independence (walking dogs, cycling, social activities)
  - Threat of joy riders
- These impacts exacerbated for children with additional needs.
- Potential danger to children attending creche at 60 Corbally Heath.
- Parking is already an issue in the area, particularly with construction workers.
- Alternative access from Blessington Road / N81 should be utilised instead.



- No additional traffic should be directed towards Saggart village or junction of Boherboy Road / N81 as both are impassable at peak times.
- Threat of Noise pollution.
- Threat to air quality.
- Creates rat run.

#### Environmental Issues

- Biodiversity and lack of green space now an issue in Citywest.
- Local Area Plan describes Boherboy as the ‘green lungs’ of the Local Area Plan.
- Flood Risk in the area. Previous application decision noted flood risk. Would appear this is on a flood plain. Loss of green space exacerbates flood risk.
- Residents may need to seek legal action if flooding is not dealt with.
- Some insurers do not provide home insurance already due to flood risk; development beside the stream will only worsen this.
- Diverse wildlife on site cited in 2019 refusal: badgers, otter, foxes, bats, birds of prey, swans, herons.

#### Other Issues

- High level of noise in this area due to aircraft operating
- Pest control
- Devaluation of homes
- Queries letter of consent.
- No provision of housing for the elderly anywhere in Fortunestown.

#### Elected Representatives

The proposed development was presented to two ACM’s as the site encroaches on the boundaries of both ACM’s:

- Tallaght Area Committee meeting on 25<sup>th</sup> April 2022.
- Clondalkin Area Committee Meeting on 18<sup>th</sup> May 2022.

Regarding the Tallaght Area Committee meeting on 25<sup>th</sup> April 2022, this presentation did not include a summary of submissions as the presentation took place before the expiry of the 5 week submission deadline. Summary of councillors comments below:

#### **Cllr Duff:**

- Traffic management study required in relation to impact on N81 and Saggart
- Traffic concerns
- Number of vehicular access points to adjoining estates a concern

#### **Cllr Dunne:**

- Previously refused
- objection to scheme
- shocking and ridiculous development
- Contravention of LAP
- Not listening to residents
- No reference or inclusion of community centre or wider amenities
- SLO in New Development Plan

- Car parking levels – not enough
- Luas at capacity at peak
- Object to vehicular connection to estates

Cllr McMahon

- Car parking levels
- Community facility – need space

Cllr Sinclair

- Concerns over traffic. Major changes needed, cant continue to rely on cars
- Community infrastructure deficit
- Luas at capacity

Cllr Pepperdan

- Object to vehicular access to Corbally estate
- Traffic concerns – can access be changed

Regarding the Clondalkin Area Committee Meeting on 18<sup>th</sup> May 2022, this presentation included a summary of the observations received by the Board. Summary of councillors below:

Cllr Timmins:

- Not a fan of SHDs.
- More or less, the deal has been done usually.
- School and creche: Not always delivered.
- The district has been destroyed by apartments.
- Some look like very boxed/warehouse units. Not nice to look at.
- Share the residents' view that there should not be a connection through existing estates.
- Not very near transport. Dublin Bus having a difficulty recruiting drivers. So proper infrastructure is far away.
- Don't have a particular issue with 4 storey developments.
- I would have issues with infrastructure/transport parking, permeability, the look of the apartments.

Cllr Kavanagh:

- Echo above comments.
- Views from Saggart are important.
- Welcome solar panels, green roofs, to south of estate.
- Multiple points of permeability for cars is contrary to SDCC vision for safe areas for children to play. Safer streets are desired.
- Vehicular access should be only from N81. Pedestrian access from other neighbouring areas.
- Works outside the owned lands: Is on land zoned open space. Will this be replaced on the site over and above the open space requirements.
- 955 parking spaces. Not in keeping with our guidelines: 0.6-0.7 spaces per unit. That appears to be 1.3. Serious pressure on road network.
- Alternatives: Area is poorly served by public transport. Some parts of site are too far from luas stops. But no plans to increase capacity on the Luas red line.

- Material contravention of LAP not justified.
- Loss of green space not justified.

#### Cllr Ó Broin

- Echo comments above.
- Are there any guidelines on permeability?
- 3 storey houses? Are they a new proposition?
- What if they don't build the creche?
- Riverside park. We don't do flowerbeds in our park. Do we think these will appear in the new park?
- Friends of the Camac example: will SDCC continue to maintain or abandon that part of the river.
- What is plot ratio?
- Is it a flood plain?
- I'd like Cycle South Dublin to be mentioned in our submission.
- Please comment on 1.3km from luas.
- How much is going to be social?
- The apartments look awful.

#### Cllr Carey

- Density is a concern. Exceeds density of Fortunestown LAP. We're coming towards the end of the County Development Plan and asked to consider increased densities. We shouldn't accept anything outside the CDP.
- Re: School. Has any indication been given by the Dept. of Education that they will take it up? What will happen if a school is not provided?

#### Cllr O'Hara

- Infrastructure is the main issue and development needs to be sustainable.
- Transport in the Saggart/Citywest area is a huge issue.
- We need to look at community amenities in the area as well.

All submissions, observations and representations have been reviewed in full and taken into consideration in the assessment of the proposed development.

## **PLANNING HISTORY**

### ABP-304828-20

Planning permission **REFUSED** by An Bord Pleanála for 609 dwellings, comprised of 267 no. houses, 158 no. duplexes and 184 no apartments. The reasons for refusal were as follows:

1. The Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the development as proposed results in a poor design concept that is substandard in its form and layout and lacks variety and distinctiveness. Also, the proposed development would not be in accordance with the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport, and the Department of the Environment, Community and Local Government in 2013.

2. Having regard to the proximity of the Luas stops at Saggart and Fortunestown the Board considered that the proposed development with a net density of 30 number units per hectare to the south of the site would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage and, therefore, the density proposed would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, as they relate to cities and towns and in particular to sites serviced by existing and planned public transport. The proposed development would, therefore, be contrary to these Ministerial Guidelines and contrary to the proper planning and sustainable development of the area.
3. It is considered that the Environmental Impact Assessment Report, together with the documentation submitted with the application, does not identify or describe adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is not satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of European Union Directive 2014/52/EU amending Directive 2011/92/EU, particularly with regard to biodiversity, water, traffic and landscape and visual impact, and accordingly it is considered that the Board cannot be satisfied that the proposed development would not have significant adverse effects on the environment.

SD15A/0388 (ABP Ref: PL06S.247074)

Planning permission granted by South Dublin County Council but **REFUSED ON APPEAL** by An Bord Pleanála for 218 units and crèche facilities. The Board's reasons for refusal are as follows:

1. Having regard to the level of flooding identified on the application lands in the Fortunestown Local Area Plan (Appendix 6, Flood Risk Mapping). In the absence of hydrological modelling and a detailed site-specific flood risk assessment that would clearly demonstrate that the proposed development would not itself be at risk of flooding, or that it would not give rise to an increased risk of flooding downstream the Board is not satisfied that the site is suitable for development across much of its extent. It is considered that the proposed development would, therefore, be contrary to the provisions of the "Planning System and Flood Risk Management - Guidelines for Planning Authorities" (2009) and therefore would be contrary to the proper planning and sustainable development of the area.
2. Having regard to
  - the South Dublin County Development Plan 2016-2022
  - the removal of hedgerows and the resultant lack of an integrated biodiversity network as identified as an Objective in the Fortunestown LAP, and
  - the objectives set out in the Design Manual for Urban Roads and Streets (DMURS) and

- the detailed guidance for the site with regard to urban design as set out in the Local Area Plan,
- to the peripheral location of the main active public open space area, and
- to the unsatisfactory quantum of rear private amenity space resulting in substandard residential amenity for future occupants,

The Board considered that the proposed development is contrary to the provisions of the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), 2009*, DMURS and also the South Dublin County Development Plan 2016-2022 which promote the high quality design, and location of public and private open space in addition to detailed guidance on street design, road widths, the establishment of “home zones” and a clear hierarchy of spaces. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

### **Relevant Recent Enforcement History**

None.

## **RELEVANT POLICY AND GUIDELINES**

### **Relevant Government Policy**

#### **National Planning Framework**

National Strategic Outcome 1 of the NPF refers to and, stresses the importance, of ‘*Compact Growth*’. The NPF states,

*‘From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people’*

The NPF indicated that the delivery of compact growth will be through National Policy Objective 2a, which states,

*‘A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs’*

and National Policy Objective 3a, which states,

*‘Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements’.*

The National Planning Framework also includes a specific Chapter, No. 6, entitled ‘People, Homes and Communities’. It includes 12 objectives from among which:

Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

## **Regional Spatial & Economic Strategy 2019-2031**

Dublin City and suburbs is considered in the context of the MASP and is dealt with in greater detail in Chapter 5 Dublin Metropolitan Area Strategic Plan (MASP). A number of key Regional Policy Objectives are considered relevant:

RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing: Design Standards for New Apartments’ Guidelines and ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

## **National Policy Documents of Relevance**

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

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

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2018).

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

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

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

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

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

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

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

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

Transport Strategy for the Greater Dublin Area 2016 -2035 (NTA)

National Cycle Manual – National Transport Authority (June 2011)

### **Relevant Policy in South Dublin County Council Development Plan 2016 – 2022**

#### **Policy H6 Sustainable Communities**

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

#### **Policy H7 Urban Design in Residential Developments**

It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

#### **Policy H8 Residential Densities**

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

#### **H8 Objective 3**

To encourage the development of institutional lands subject to the retention of their open character and the provision of quality public open space in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

#### **Policy H10 Mix of Dwelling Types**

It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

#### **Section 2.3.0 Quality of Residential Development**

##### **Policy H11 Residential Design and Layout**

It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

##### **Policy H12 Public Open Space**

It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

##### **Policy H13 Private and Semi-Private Open Space**

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

#### Policy H14 Internal Residential Accommodation

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long term needs of a variety of household types and sizes.

#### Policy H15 Privacy and Security

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

#### Policy H16 Steep or Varying Topography Sites

It is the policy of the Council to ensure that development on lands with a steep and/or varying topography is designed and sited to minimise impacts on the natural slope of the site.

### Section 3.2.0 Community Facilities

#### Policy C1 Community Centres

It is the policy of the Council to ensure that all communities have access to multifunctional community centres that provide a focal point for community activities.

### Section 3.13.0 Open Space Management & Use

#### Policy C12 Open Space

It is the policy of the Council that a hierarchical network of high quality open space is available to those who live, work and visit the County, providing for both passive and active recreation, and that the resource offered by public open spaces, parks and playing fields is maximised through effective management.

### Section 6.3.0 Walking and Cycling

#### Policy TM3 Walking and Cycling

It is the policy of the Council to re-balance movement priorities towards more sustainable modes of transportation

### Section 6.4.3 Road and Street Design

#### Policy H12

It is the policy of Council to ensure that streets and roads within the County are designed to balance the needs of place and movement, to provide a safe traffic-calmed street environment, particularly in sensitive areas and where vulnerable users are present.

### Section 6.4.4 Car Parking

#### Policy TM7 Car Parking

### Section 7.1.0 Water Supply & Wastewater

#### Policy IE1 Water & Wastewater

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.



## Section 7.2.0 Surface Water & Groundwater

### Policy IE2 Surface Water & Groundwater

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

## Section 7.3.0 Flood Risk Management

### Policy IE3 Flood Risk

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

## Section 8.0 Green Infrastructure

### Policy G1 Overarching

### Policy G1 Green Infrastructure Network

### Policy G3 Watercourses Network

### Policy G4 Public Open Space and Landscape Setting

### Policy G5 Sustainable Urban Drainage Systems

### Policy G6 New Development in Urban Areas

## Section 9.3.1 Natura 2000 Sites

### Policy HCL12 Natura 2000 Sites

## Section 10.0 Energy

### Policy E4 Energy Performance in New Buildings

## Section 11.2.0 Place Making and Urban Design

### Section 11.2.1 Design Statements

### Section 11.2.2 Masterplans

### Table 11.17: Masterplan Considerations

### Section 11.2.7 Building Height

### Section 11.3.1 Residential

- (i) Mix of Dwelling Types
- (ii) Residential Density
- (iii) Public Open Space/Children's Play
- (iv) Dwelling Standards
- (v) Privacy
- (vi) Dual Aspect
- (vii) Access Cores and Communal Areas
- (viii) Clothes Drying Facilities

### Table 11.20: Minimum Space Standards for Houses

### Table 11.21: Minimum Space Standards for Apartments

### Section 11.4.1 Bicycle Parking Standards

### Table 11.22: Minimum Bicycle Parking Rates

### Section 11.4.2 Car Parking Standards

### Table 11.24: Maximum Parking Rates (Residential Development)

### Section 11.4.3 Car Parking for Electric Vehicles

Section 11.4.4 Car Parking Design and Layout  
Section 11.4.5 Traffic and Transport Assessments

Section 11.6.1 (i) Flood Risk Assessment  
Section 11.6.1 (ii) Surface Water  
Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)  
Section 11.6.1 (iv) Groundwater  
Section 11.6.1 (v) Rainwater Harvesting  
Section 11.6.1 (vi) Water Services

Section 11.7.2 Energy Performance in New Buildings  
Section 11.8.1 Environmental Impact Assessment  
Section 11.8.2 Appropriate Assessment

### **Fortunestown Local Area Plan 2012**

The Fortunestown Local Area Plan (LAP) was adopted in 2012 and has been extended. It will remain in place until 2022. The Plan was created prior the introduction of s.28 ministerial guidelines relating to apartment development and building height.

The Plan was adopted in May 2012 and extended from May 2018. **The plan will expire in July 2022** (taking account of the 56 additional days provided for under s.251A of the Act).

Table 5.3 – Recommended Densities and Uses  
- Recommends average density of 30 dph across Boherboy.

Section 5.5.4 – Maximum height limit of 3 storeys, with exceptions granted only in limited exceptional circumstances.

All development to comply with relevant Aerodrome height restrictions.

Table 6.1 (description of Boherboy Neighbourhood):  
“Low density residential area with primary school built around heritage features. Connection between Plan Lands and Dublin Mountains via District Park.”

Section 6.4:  
“The Boherboy Neighbourhood will function as the green lung of the Plan Lands and will act as an important link between the Fortunestown Centre and the amenities of the Dublin Mountains.

In order to incorporate the valuable heritage features that occupy Boherboy and respond to the rural character of the surrounding area, development of the Boherboy Neighbourhood will largely take the form of low density housing set amongst green corridors and parkland.”

Section 6.4.3 Density and Land Use  
“Having regard to the provision for more compact development close to the Fortunestown Centre and around the four Luas stops within the Plan Lands and having regard to the need to protect important heritage features in Boherboy while responding to the rural character of the surrounding area with an appropriate transition, it is proposed to provide for lower density housing across the Boherboy Neighbourhood...”

A more compact form of development may be permitted in the northern area of the neighbourhood subject to the provision of vehicular and pedestrian routes that achieve direct access onto Fortunestown Lane and its Luas stops. It is therefore an objective of the Local Area Plan that:

- Densities at the upper end of the scale shall only be located in the northern areas of the Boherboy Neighbourhood subject to the achievement of vehicular access through the Carrigmore Estate and pedestrian access through the District Park and District Centre. The lower densities shall be implemented in the southern areas of the neighbourhood. **(Objective BN4)**”

#### Section 6.4.4 Green Infrastructure

- A 10 metre (min) biodiversity strip (measured from the top of the bank) shall be reserved along both sides of the designated sections of the Corbally Stream for flood management, landscape and biodiversity reasons. This biodiversity strip shall cater for a pedestrian/cycle path from the Boherboy Road to the public open space to the north-east Photo 6.4 Utilisation of Topography in Creation of Pedestrian Street (District Park) as part of Phase 1 of development of the Boherboy lands. **(Objective BN5a)**

- Development across the Boherboy Neighbourhood shall protect and incorporate its existing rolling topography and its existing hedgerows and streams especially the watercourse and hedgerow that demarcates the old townland boundary between Boherboy and Gibbons. **(Objective BN6)**

- The slope of the neighbourhood’s topography shall be utilised as part of any development and the level of cut and fill shall be kept to an absolute minimum. This shall be demonstrated under all planning applications with extensive north-south and east-west sections. The excessive use of retaining walls shall be avoided. **(Objective BN7)**

- Development proposals on the south-west corner of the Boherboy lands shall either avoid the lands above the 150 metre contour through the provision of an appropriately landscaped buffer (see Section 7.2.15) or demonstrate design integration with the landscape through measures that may include a combination of low density housing (i.e. bungalows or similar) and properly landscaped public open space that would be of benefit to the development of the site and lands as a whole. **(Objective BN7a)**

#### 6.4.5 Built Form

Development across the Boherboy District will take the form of low density and low rise housing in a manner that incorporates elements of heritage value and views of elements of heritage value. Eco housing is especially encouraged. Housing should be no more than two storeys in height. It is an objective of the Local Area Plan that:

- The layout of streets in the southern section of the Boherboy Neighbourhood will be orientated to create vistas of the Church Tower in Saggart Village to the north-west and the Dublin Mountains to the south. Development of the Boherboy Neighbourhood shall also incorporate and retain Corbally Bridge. **(Objective BN8)**

Figure 6.17 Boherboy Accessibility and Movement Strategy

Figure 6.18 Boherboy Green Infrastructure Strategy

Figure 6.19 Boherboy Built Form Framework

Figure 6.20 Boherboy Land Use & Density Framework

Note: Figure 6.20 shows densities in Boherboy in a range between c.30-40 dwellings per hectare, with higher densities being concentrated in the northern part of the site.

## **ASSESSMENT OF PROPOSED DEVELOPMENT**

### **Principle of Development**

#### **Zoning and Council Policy**

The lands are zoned Objective 'RES-N' in the South Dublin County Development Plan, 'to provide for new residential communities in accordance with approved area plans'.

The subject lands are located within the development boundary of the Fortunestown Local Area Plan 2012. The subject lands constitute the 'Boherboy' neighbourhood area identified in the Plan. The proposed development generally accords with the use designations in the LAP, in that the site is mostly designated for residential, open space, and school use. More detailed assessment of the proposed uses is undertaken below.

It is the Opinion of the Planning Authority that the principle of development at this site is supported by the zoning objective and Local Area Plan land-use designations.

#### **Land-use and Transport**

As per section 7.1.2 of the Transport Strategy for the Greater Dublin Area 2016 – 2035, the primary goals of land use and transport integration may be summarised, in order, as follows:

1. Reducing the need to travel;
2. Reducing the distance travelled;
3. Reducing the time taken to travel;
4. Promoting walking and cycling; and
5. Promoting public transport use.

The development site forms a part of the Fortunestown Local Area Plan. The LAP lands straddle the Saggart line of the Luas red line. The site would have close proximity to the Luas, and to a number of bus stops, and would be provided with vehicular connectivity to Corbally Heath to the east, Carrigmore Green to the north, and Boherboy Road to the South.

The site is located in close proximity to the Citywest Shopping Centre, and is proposed to be provided with a pedestrian and cycle link through Carrigmore District Park (provision of this link is a requirement of the Local Area Plan). The cycle/pedestrian link down the eastern side of the site, along the route of the Corbally Stream, will connect the plan lands with the Dublin Mountains area. This latter cycle route forms part of the anticipated cycle/pedestrian network in the Local Area Plan, and a strong north-south desire line across the site is expected to appear following development of Fortunestown.

It is the Opinion of the Planning Authority that, due to the potential integration of efficient land-use and sustainable transport at this site, access to nearby amenities and use of likely desire lines, development should be supported at this site. It is considered that the delivery of the links proposed, both vehicular and cycle/pedestrian, are key issues for the planning application.

#### **Material Contravention: Density, Height and Proximity to Transport**

The applicant has supplied a Material Contravention Statement in which they conclude that the density proposal at the site is a material contravention of the LAP in relation to Density, Height, Average unit size, unit mix, community building, phasing / quantum of development and car parking. SDCC concurs that the proposed development would represent a material contravention.

### Material Contraventions

The LAP illustrates densities of 30-40 dwellings per ha. Within Boherboy, with densities on individual plots increasing gradually to the north of the site to a high of 40 (Figure 6.20). Separately, the LAP recommends an average density of 30 dph across the whole lands (Table 5.3). The proposed density is given as 46 dph, however it can be calculated as 37 dph from the net site area alone. The northern portion of the lands, slated for a density of 40 dph, are proposed with a density of 50+ dph.

On height, Section 5.5.4 of the LAP specifies a maximum height of 3 storeys across the LAP lands except in exceptional circumstances. Section 6.4.5 of the LAP identifies Boherboy as being appropriate for 'low density' housing and specifies that housing should be no taller than 2 storeys. The proposed development provides for a mix of houses, duplexes and apartments at heights of 2, 3, 4 and 5 storeys.

On proximity to transport, the LAP seeks to concentrate higher density development within 5 minutes' walk of a Luas station or landmark junction. (Objective LUD7). The proposed development concentrates some apartment development within a 1km radius of the Luas (as per fig. 1 of applicant's material contravention statement, see below). There are a number of apartment blocks and duplexes located outside of a 5-minute walking radius, including Block B (shown as being inside a 1km walking distance below). Blocks Y1-5 are located along the western boundary of the southern half of the site.



**Fig. 1, Material Contravention Statement**

### Planning History and Material Contraventions

The SDCC Opinion on a previous application, ABP-304828-19, stated that South Dublin County Council supports higher densities at the northern end of the site. Overall, however, the proposed density as part of that development was deemed not to comply with the Local Area Plan policy on density.

In contrast, when refusing permission under ABP-304828-19, the Board gave as Reason No. 2, that with a net density of 30 units per hectare to the south of the site would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage and would therefore breach the 2009 Ministerial guidelines.

The proposed net density of this application is stated as 46 dph. When broken down, the northern half of the site (within 1km of Luas lines) is stated to have a net density of 51 dph. The southern portion of the site is stated to have a net density between 30-35 dph.

### Conclusion

Noting the differing approaches of South Dublin County Council and An Bord Pleanála in assessing the previous application, the Planning Authority acknowledged in Stage 2, the difficulties for the applicant to address both.

It is noted that the applicant has sought a car parking ratio of 1.4/unit, higher than would be typically provided in higher density developments in close proximity to public transport. It is also noted that some apartments are located more than 1km from the Luas stop.

It is the opinion of the Planning Authority that if any increase in density above the LAP is to be approved, full provision of the integration and links in the LAP are required to achieve a sustainable travel pattern.

It is the opinion of the Planning Authority that the proposed density exceed Local Area Plan which is a material contravention to the adopted Local Area Plan. As this represents a materially contravention of the adopted Local Area Plan the Planning Authority must recommend **refusal** on this basis. Variances in height from the LAP are noted, though heights have been reduced from those sought at Stage 2.

### **Material Contravention: Other Issues**

The applicant has noted the following material contraventions in their Material Contravention Statement:

- Average unit size of 101.6 sq.m. is below the average of 110 sought in sections 5.4.6 and 6.4.3 of the Local Area Plan.
- Sections 5.4.6, objective LUD7 and Objective BN4a seek to restrict apartments/duplexes to particular locations and to ensure that 85% of units are own-door units. 413 (63%) of the proposed units are own-door units (all houses and some apartments and duplexes included).

As this represents a materially contravention of the adopted Local Area Plan the Planning Authority must recommend **refusal** on this basis.

The applicant has identified 3 additional material contraventions:

- No community centre/buildings are proposed, though LAP seeks a community facility as per the phasing proposal.
- No. of units granted already exceeds the total capacity of the lands identified in the LAP.
- Car parking provision for apartments and duplexes is below the maximum standard in the County Development Plan.

The applicant has received a letter from South Dublin County Council, dated May 2020, which confirms that no community facility is required on this site as per the Local Area Plan. It should be noted, however, that the provision of a community facility as per the Local Area Plan is based on the total residential capacity of the lands also identified in the Local Area Plan. As stated at Stage 2, **it is the opinion of the Planning Authority that the proposed mix of uses is acceptable.**

With regard to number of units already permitted in Fortunestown Local Area Plan; South Dublin County Council supports the full implementation of the Fortunestown Local Area Plan – this has not been possible due to the Board’s interpretation and implementation of national guidance in Fortunestown. As noted in previous reports in this area, there is a problem with regard to community facilities and amenities in Fortunestown, which are not provided at an

adequate level to cope with the number of residential units proposed. South Dublin County Council does not intend to recommend refusal on this basis on zoned lands and is actively pursuing options to provide community infrastructure.

**It is the opinion of the Planning Authority that the car parking proposal does not represent a material contravention of the Plan and is acceptable.** The standards in the plan are maximum standards.

#### Topography: Use of Cut-and-fill

The applicant has not identified the use of cut-and-fill solutions to the south-west of the site as being a material contravention of the County Development Plan. However, site sections would suggest that the development would materially contravene Policy H16 of the County Development Plan. See 'Topography' below for more details.

#### **Mix of Uses**

The applicant seeks to provide a creche and set aside a site for a school. As stated above and in Stage 2, the Planning Authority is satisfied with the mix of uses provided for the present time.

The development is lacking in local shops, and the nearest such facilities are up to or exceeding a kilometre away at Citywest Shopping Centre. Apartment Block B is located centrally within the scheme and is the landmark architectural feature around the central green. Ground floor units in this apartment block should be built with sufficient floor-to-ceiling height (approx. 4.2m) so as to allow those south-facing units to be converted to retail/café use in the future (subject to planning permission). This should be a **condition of permission**.

#### **Phasing**

The applicant has provided a Phasing Plan by which the site would be developed generally in 3 phases:

- Phase 1 includes:
  - o southern portion of residential development
  - o associated services
  - o Boherboy Road upgrades
  - o Central boulevard
  - o Connection to Carrigmore estate
  - o Riverside Park
- Phase 2 includes:
  - o Central portion of residential development
  - o Connection to Corbally Heath
- Phase 3 includes:
  - o Northern portion of residential development plus remainder/landscaping to open space east of the school site.

This is a generally acceptable phasing plan; however the connection to Corbally Heath should be provided in phase 1 (in order to avoid pedestrian use of Boherboy Road to access bus routes on the N82). This should be a **condition of any permission**.



## **Taking in Charge**

The applicant has provided a taking in charge plan. The Plan appears to contradict other documents as it identifies lands east of the central boulevard as being reserved for the school site. These lands are proposed to be landscaped as a public park and are also proposed to include underground attenuation.

The Taking in Charge Plan can be agreed, subject to SDCC also taking in charge the open space to the east of the central boulevard, opposite the school site. This can be a **condition of permission**.

## **Visual Impact, Design, Character and Layout**

At Stage 2, the Planning Authority stated the following (breakdown into bullet points applied at time of writing):

“It is the Opinion of the Planning Authority that the proposed layout of the site is broadly acceptable, subject to:

- the **safe layout of the central spine street**,
- the **acceptable provision of the biodiversity strip** along the eastern boundary, and
- the **provision of acceptable proposals for dealing with the topography of the site**.

The applicant should also show that they are **utilising the views of the Dublin Mountains and the church spire** in Saggart Village, as recommended in the Local Area Plan.”

## **Building Height**

The applicant has reduced the height of the proposed apartment buildings to a maximum height of 5 storeys. It is not considered that the height of buildings would have a detrimental visual impact on the surroundings.

The Irish Aviation Authority has recommended that the applicant liaise with the Department of Defence in relation to building height. In its Stage 2 Opinion, South Dublin County Council recommended that the applicant liaise directly with the Department of Defence.

It is the opinion of the Planning Authority that the applicant should liaise directly with the Department of Defence prior to any works taking place on the site. This can be a requirement of a **condition of permission** in the event of a grant.

## **Central Spine**

The central spine is the main vehicular route through the site. The Planning Authority are concerned (a) that the layout is not safe, and (b) that pedestrians and cyclists are not adequately provided for. The central spine route will be a primary route through the site for all modes of travel and, furthermore, will be the main access route for the school site in future. A 6m carriageway is provided along its full length, with a pedestrian route and parking on the western side of the road, and the area around the retained hedgerow on the eastern side of the road.

## **Safety**

The roads drawings provided (Pinnacle Engineering drawings 0031, 0032 and 0033) show no cycle lane (segregated or otherwise), and a mix of parallel and perpendicular parking on the western side of the carriageway. The footpath is routed around the rear of the perpendicular parking bays, which in the drawings is labelled as “direct access parking to act as a speed control measure”. This is not considered to be an appropriate speed deterrent when pedestrians

are occupying the space between the parking and the carriageway. The pedestrian footpath should be on the inside of the parking bays, away from the carriageway.

### Pedestrians

The detailed design of the proposed central spine route through the development is not acceptable to the Planning Authority. The pedestrian route alongside this road is not sufficient wide, direct or safe and the width of the path is not conducive to providing a strong primary route for pedestrians through the scheme; furthermore the paths typically wind around surface car parking.

It is the opinion of the Planning Authority that the pedestrian path running up the eastern side of the hedgerow be widened to a width of 4 metres, except where this would infringe upon the hedgerow (and thereby allowing for slightly narrower stretches, subject to detailed survey and design). Furthermore, this path should be direct and continuous, having primacy at junctions and being served by raised table crossing points along its route. This path should not be diverted around other features such as car or bike parking, or street furniture. The final layout of this path should be the subject of a **condition of permission**.

### Cyclists

There is no cycle route along the central spine. This is considered to be a major oversight, and an NTA-standard cycle route is, in the opinion of the Planning Authority, a major requirement along this route. It is considered that, given the strength of this primary route through the development, a segregated two-way cycle lane alongside the eastern edge of the carriageway would be an appropriate measure.

The provision of appropriate cycle facilities, and the layout of those facilities, should be the subject of a **condition of permission**.

### **Biodiversity Strip**

The Public Realm Department has reviewed the riparian buffer and riverside park to the east of the development. Subject to agreement of details by condition, it is an acceptable proposal.

### **Views of Dublin Mountains and Church Spire**

Views of the Dublin Mountains from the Carrigmore estate (to the north) will be impacted due to the provision of apartment blocks at that end of the site. Views of the Dublin Mountains from within the development have not been properly explored in either the applicant's Design Statement or the Photomontages document supplied. Views of Saggart church have also not been explored from within the site, and the proposed street layout does not appear to provide any streets that would frame views of the church. The exploitation of views of the church and Dublin Mountains is a requirement of section 6.4.4 of the LAP.

### **Topography**

The applicant has provided site section drawings and additional sections as part of their Design Statement to show how topography is being handled on the site. In general, the development utilises cut-and-fill solutions, split-level units, retaining garden walls and in one instance, a stepped street. It is unclear how the latter would cater for mobility impaired users and the final layout and arrangements for the same should be agreed **by condition**.

The cut-and-fill solutions to the south-west of the site, as illustrated in the site section drawings (EL01, EL02 and EL03), are severe. Drawing no. EL15 also shows a severe cut-and-fill proposal to create a stepped street.

The Planning Authority sought additional site sections at Stage 2 in order to establish the proposed impact of cut-and-fill on the lands. As per the Urban Design Manual and Policy H16 of the County Development Plan, new development on greenfield lands should adhere to the natural topography of the lands and avoid intrusive engineering solutions. Such changes impact the natural drainage and ecology of a site.

The intrusive solutions proposed in the south-west corner of the site can be included as a **reason for refusal** due to the contravention of Policy H16 of the County Development Plan, and the impact the development would have on the natural contours and therefore landscape character of the site. In the event of a grant of permission, a **condition of permission** should seek either (a) omission of the south-west block of the development and its replacement with enhanced landscaping, or (b) agreement with the Planning Authority to a revised layout at this location, with gentler solutions to address the topography of the site (this may necessitate the omission of some units).

### **Character Areas**

South Dublin County Council noted at Stage 2 that the character areas were acceptable in design but not arrangement. SDCC sought that the CAs not be broken up, and that changes in character should occur mid block, rather than on two sides of the same street. These changes have been implemented by the applicant and the revisions are **acceptable** to the Planning Authority.

### **Residential Amenity**

#### **Internal Residential Layout**

The HQA provided with the application appears to show that all units meet the minimum requirements under the 2007 Quality Housing guidelines and the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020), as appropriate.

The HQA provided with the application does not give a breakdown with regard to compliance with section 3.8 'Safeguarding Higher Standards' of the 2020 Apartment Guidelines. It appears on inspection that the majority of duplexes/apartments exceed the minimum floor area requirements by 10% and therefore section 3.8 is satisfied. It should be noted however that Blocks A and C, to the north of the site and forming a self-contained character area, **do not** of themselves meet the requirements of section 3.8 of the guidelines.

The Board may wish to consider a **condition of permission** to improve the overall mix in Blocks A and C.

### **Sunlight and Daylight**

SDCC noted at Stage 2 that the communal open space and 2-storey dwellings around Block B might not meet appropriate standards due to the orientation and height of Block B. The Sunlight and Daylight Assessment provided with the application shows that the communal open space to the north-east of Block B would not meet standard criteria (>50% receiving 2 hours of sunlight at equinox) for sunlight penetration to ground. See page 18 of the Sunlight/Daylight analysis with reference to space S11.

The applicant's consultant has argued that the space accounts for only 1.9% of the total amenity area in the scheme, and that 38% of the space receives adequate sunlight. Each of these is a weak argument: firstly, this is a communal amenity space for residents of Block B and represents all of their dedicated communal amenity space. Secondly, though 38% of the space around the north and east periphery obtains adequate sunlight as per the standard, the remainder of the space receives approximately no sunlight at all – so this is not a marginal failure.

It is the opinion of the Planning Authority that the third storey of the eastern wing of Block B should be omitted from the scheme by **condition**. This would require the reconfiguration of 5 no. units (23, 24, 25, 26 and 28 as per drawing AB-05).

### **Overlooking and Privacy**

It appears that due care has been taken in ensuring that no undue overlooking of private amenity spaces from second floor or perpendicular units occurs. Some landing and bathroom spaces have windows looking out across rear back gardens; this is acceptable where obscure glazing is to be used for bathrooms.

### **Private Amenity Space**

The schedule of accommodation appears to show that all units are provided with adequate private amenity space.

### **Communal and Public Amenity Spaces**

SDCC noted at Stage 2 the inappropriate configuration/siting of some communal amenity spaces in the development. In general, communal spaces should be enclosed or located along minor streets, with plenty of natural surveillance and low impact boundary treatments. The communal amenity spaces for Duplex Blocks B and C are located north and south of those blocks, alongside the central boulevard. As per the Landscape Plans submitted, they have been designed as public open spaces, open to the public and providing through-routes. This is a rational design as the spaces are located in the public realm rather than being enclosed within their respective duplex blocks. It is, however, inappropriate design and siting for communal amenity space.

The Planning Authority also has concerns that other communal amenity spaces are not large enough for the duplex/apartment blocks they serve. The applicant has failed to include this information on the Housing Quality Assessment.

The Board should consider that the arrangements for street 4, duplex blocks B and C, X1 and X2, and house unit nos. 31, 32, 33, 34, 52, 53, 54, 55, 66, 67, 68 and 69 are agreed with the Planning Authority prior to commencement, with better enclosed communal amenity space provided for duplex blocks B and C (and potentially duplex blocks X1 and X2). This should be the subject of a **condition of permission**. Potentially, 4 or 8 no. houses in cells 3 and 4 may need to be omitted from the scheme to make way for adequate communal amenity space, and the shifting westwards of street 04.

It is the opinion of the Planning Authority that the communal amenity spaces around the development should similarly be ensured to be adequate in size and configuration to serve the duplex/apartment units.

### **Unit Mix and Tenure**

The proposed development is not officially applied for as build-to-rent. The proposed unit mix is as follows:

Total 1-Beds	66	(10.1%)
Total 2-Beds	257	(39.2%)
Total 3-Beds	251	(38.3%)
Total 4-Beds	81	(12.4%)

The mix is considered to be acceptable.

### **Housing (Part V)**

The Housing Department has submitted a report (appended to this report) which specifies that the Planning Authority would seek to acquire units on site in the event of a grant of permission, in order to resolve the requirements of s.96 of the Planning and Development Act 2000 as amended.

### **Public Realm, Heritage and Ecology**

The Public Realm Department has submitted a report (appended to this report). The main concerns are as follows:

- Significant Tree and Hedgerow Loss; The proposed development will have a high impact on the existing tree and hedgerow cover on the site. 47.6% of the existing trees and 23.3% of the existing hedgerows on site will be removed in order accommodate the proposed development. This impact represents a loss of:
  - o ecosystem services in the form of habitat reduction
  - o local biodiversity
  - o Important Green Infrastructure Links
- Ecological Impact – impact of development on bat foraging routes due to removal of boundary trees.
- The issue of surface water attenuation is a significant concern for the Public Realm Section. It is proposed to locate 5 no attenuation tanks under areas identified as public open space
- Location of below ground foul pumping station with Public Open Space area is not acceptable to the Public Realm Section.
- Greater level of detail required regarding proposed play provision to be provided within the development.
- Greater level of detail required regarding the tree pits and SUDS features to be provided within the development.
- There are concerns over some of the open space areas proposed to be taken in charge due to steep gradients. Open space/Woodland area in the south corner of the site contains significant changes in level across the site and sever gradients which will prohibit regular maintenance.

The Public Realm Department proposes **conditions** relating to the following:

- Agreement of final landscape plan
- Landscape management and maintenance
- Taking in charge
- Play provision
- SUDs

- Environmental Impact Assessment Report
- Tree Protection
- Tree protection and method statement
- Tree bond and arboricultural assessment

The conditions are considered to be appropriate, subject to the below observations.

### **Adverse Ecological Impact on Boherboy Road**

The principle of proposed new footpath along the southern edge of the site up to the junction with N81 is welcomed. Works to the Boherboy Road have been sought in the first instance by SDCC Roads Department, as any residential development at this location may create pedestrian desire lines to access bus services and/or future amenities (such as the hotel granted under SD20A/0232). The proposed works include a pedestrian footpath along the northern edge of the road, with space remaining for a 6m carriageway capable of taking buses in both directions.

The applicant has lodged an Environmental Impact Assessment Report which includes a chapter on biodiversity. The applicant has also lodged an Arboricultural Impact Assessment. In each case, the applicant has provided baseline surveys which do not encompass the lands east and west of the site on Boherboy Road. The Site Layout Plan provided in the EIAR also does not include the Boherboy Road works.

This information is needed to fully assess the impact of the proposed new footpath along this road and should be provided. However, An Bord Pleanála is the competent authority with regard to environmental impact assessment, and must determine this.

Notwithstanding this, the most appropriate solution to this issue is that the works to the Boherboy Road be the subject of future ecological surveys (arboricultural, biodiversity, bats, etc.), and that the final layout of the Boherboy Road, and decision on whether to carry out such works, should be subject to final agreement with the planning authority. This can be managed by **condition of permission**.

### Note on other Sites

In relation to the above, two additional variables/opportunities should be noted: firstly, condition 12 of SD20A/0232 provides for the Planning Authority to agree an alternative solution regarding the provision of a footpath on the southern side of the Boherboy Road. Secondly, there is agreement in principle that Corbally Park (to the east) will be taken in charge by South Dublin County Council.

If the above condition is attached to a permission, South Dublin County Council will be able to control or influence the layout of works from the subject site, the park to the east, and the hotel site to the south-east. This would enable South Dublin County Council to provide the best layout for this road, with the minimal ecological impact, and in partnership with developers of the two sites.

### **Biodiversity**

The EIAR provided with the application includes a chapter on Biodiversity. The mitigation and enhancement measures on pages 146 – 151 of Volume II of the Environmental Impact Assessment Report should be implemented during construction and operational stage as appropriate, and this should be a **condition of permission**.

## **Nature Conservation**

The Corbally stream runs down the eastern boundary of the site. The development provides for a riparian buffer, which is welcome. The Department of Housing's Nature Conservation unit has proposed three **conditions** which relate to:

- Clearance of vegetation to take place at appropriate time of year;
- Finalised external lighting design, signed off by a bat specialist and agreed by the Planning Authority, shall be implemented in full.
- A pond or ponds shall be incorporated into the landscaping of the proposed development and constructed before the commencement of the main development works, to which any frogs, smooth newts, their spawn or tadpoles located on the development site shall be transferred to under licence from the National Parks and Wildlife Service, these water features to be maintained indefinitely.

## **Archaeology**

The Department of Housing has assessed the archaeological aspect of the development and does not recommend that there is a need for archaeological monitoring and reporting on the site. This is noted.

## **Access, Transport and Parking**

The SDCC Roads Department has provided detailed observations of the proposal relative to the points raised in An Bord Pleanála's Opinion Report from Stage 2. The summary observations are below (the full report is appended to this report):

1. Provision of dedicated cycle infrastructure along the central roadway north-south and to provide connections east to west through the central green space.
2. Details showing continuous footpath links along the Boherboy road to link with the existing footpaths on the N81. The proposed footpath ends at chainage 1120m this must be extended to meet the existing footpath.
3. SDCC traffic section recommends conformation that the access to Carrigmore Estate will be vehicular/cycle and pedestrian.
4. SDCC traffic section recommends conformation that the access to Corbally Estate will be vehicular/cycle and pedestrian.
5. Prior to commencement SDCC recommend that the details of the dimensions/widths/cycle lanes/reversing spaces of all road types (Homezones/side streets etc.) be submitted to ensure adequate space for vehicles/cyclists and pedestrians.

The above is noted, and the above points should be the subject of a **condition of permission**.

Furthermore, the Roads Report notes the following key points:

- It is not clear that the development complies with DMURS. Detailed cross sections are required prior to agreement.
- Details have not been forthcoming regarding the ratio of car parking spaces to different types of unit (apartment, duplex, houses).
- Some surface car parking appears to be superfluous when basement car parking is also provided.

### **Connections to Corbally and Carrigmore**

The majority of third party objections concern the proposed connections through adjoining residential estates. It is longstanding Planning Authority policy to provide for permeability for pedestrians and cyclists and, where appropriate, vehicular traffic.

In this instance, the SDCC Roads Department has identified, at an early stage, that vehicular permeability and choice would be required for a development of this size and the Roads Objectives are included in the County Development Plan. This has been confirmed in additional advice by a Senior Engineer in the Roads Department.

### **DMURS**

The Roads Department is not satisfied that the development complies with DMURS. Cross sections and carriageway dimensions have not been adequately provided, and it is apparent that cycling infrastructure in particular is lacking in the development. This is a potential **reason for refusal**. In the event of a grant of permission, a **condition of permission** should allow for the final Site Layout to be agreed with respect to compliance with DMURS. This may require the omission of certain elements – most likely surface level car parking – from the scheme.

### **Parking**

The SDCC Roads Report notes that car parking is as per the maximum standards in the SDCC County Development Plan. The plans and schedules note that bicycle parking is provided at a lower rate than required by the apartment guidelines, though higher than provided for in the SDCC County Development Plan 2016 – 2022.

As noted elsewhere in this report, it is noted that various issues with this development are impacted by the provision of surface level car parking for this density of development. These are:

- Pedestrian comfort and safety in particular along the central boulevard;
- Cycling provision along the central boulevard;
- Provision of an east-west cycling route.

### **Transport Infrastructure**

TII has stated the following:

- The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as Conditions on the Permission, if granted. The developer should be advised that any additional works required as a result of the Assessment should be funded by the developer.
- Recommends that the Planning Authority consult with the Roads Design Office (RDO) in respect of the development, due to it being in the study area for a national road scheme.
- The Authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.

This is noted.



## **Water**

The Environmental Services Department has provided the following observations:

### “1 Surface Water

No objections, subject to:

- 1.1 There appears to be scope to include further SuDS (Sustainable Drainage Systems) such as sunken rain gardens and further tree pits to break up car parking areas. Prior to commencement, the applicant shall submit a revised surface water drainage drawing showing the inclusion of further SuDS features within car parking areas as described above. Submit a design detail where additional SuDS features are proposed.
- 1.2 The applicant has proposed to locate surface water attenuation “Tank 6” underneath a road to the north of the site which has the potential to be taken in charge. Prior to commencement of development, the applicant shall obtain agreement from South Dublin County Council’s Roads Department regarding the location and construction details of this underground surface water attenuation system underneath a road with the potential to be taken in charge.
- 1.3 The proposed private filter drains to the rear of properties shall be omitted and replaced with traditional drainage pipes which comply with the Building regulations Technical Document- Part H Drainage and Wastewater disposal. Prior to commencement of development the applicant shall submit revised surface water drainage plans which demonstrate this.
- 1.4 The proposed filter drain pipes beneath swales shall be minimum 225mm in diameter. This also applies to pipes connecting proposed swales to the surface water drainage network. 150mm pipes are not acceptable where swales are to be taken in charge.
- 1.5 Overland flow inlets to proposed SuDS features such as swales, tree pits, rain gardens etc. should be maximised to allow for treatment of surface water.
- 1.6 The minimum cover over proposed surface water sewers shall be 1.2m. Where the 1.2m cannot be achieved, the pipe shall be fully surrounded in 150mm thick concrete with an absolute minimum depth of cover of 750mm. This applies to roadways/footpaths.

### 2 Flood Risk,

No objections subject to:

- 2.1 Prior to commencement of development the applicant shall submit a cross sectional detail of the proposed drainage ditches to the north of the site. Side slopes of these ditches shall be graded to be max 1:3 to allow for maintenance.”

The above observations are noted, and should be the subject of a **condition of permission**.

## **SUDs**

Both the Water Services report and the Public Realm report have raised the issue of SUDs. This is a greenfield site adjacent to a watercourse. Development of the site should make better use of natural SUDs features and ground level water storage features, avoiding the need for underground water storage and utilising, but moderating, natural drainage into the water course.

A revised SUDs Management Scheme is required and should be the subject of a **condition of permission**.

It is further noted that the Department of Housing has sought the provision of ponds to continue to provide for biodiversity / pond life on the site. Such features could serve a SUDs and a public amenity purpose and should be considered in improving the SUDs scheme for the development.

#### **Screening for Appropriate Assessment**

The Board is the competent authority and will screen the development for appropriate assessment. The applicant has provided a Screening report.

#### **Screening for Environmental Impact Assessment**

The Board is the competent authority and will screen the development for EIA. The applicant has provided an EIA Report.

As noted elsewhere in this report, the Planning Authority has some concerns regarding the scope of some ecological surveys in relation to the Boherboy Road. The Board should consider this issue when coming to make its final decision.

#### **Conclusion**

There are a number of issues that require clarification or further agreement prior to commencement of development. It is considered that the development overall provides for a good standard of residential development and would not be seriously injurious to adjoining sites. The implementation of the proposed phasing plan is considered a key requirement, should development be permitted.

In terms of residential density and some other issues, the development would constitute a material contravention of the Fortunestown Local Area Plan 2012 and the South Dublin County Development Plan 2016 – 2022. The Planning Authority therefore recommend a **refusal of permission**.

#### **Recommendation**

**Refuse permission**, for the reasons set out below. In the event of a grant of permission, **conditions of permission** are set out in Appendix 1.

The proposed development would materially contravene objectives of the Fortunestown Local Area Plan 2012 (extended to 2022) and the South Dublin County Development Plan 2016 - 2022, relating to the following matters:

- Residential Density
- Building Height
- Average unit size
- Siting of apartments and duplexes
- Under-provision of own-door units
- Use of intrusive engineering solutions on a site of steep and varying topography

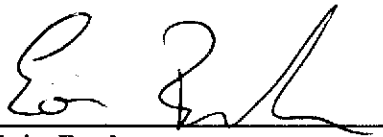
Insufficient information has been provided at this stage within the submitted EIAR and AIA to allow a full assessment of the proposed new footpath on Boherboy Road up to the junction of the N81

The cut and fill design solutions proposed in the south-west corner are intrusive and an enhanced design solution that accords with the natural topography of the site would better achieve policies and objectives in the County Development Plan. The plots in this area should be omitted or a conditioned seeking design changes.

The proposed development does not provide adequately designed cycle routes through the site in particular along the central spine and this should be amended.

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**Jim Johnston,**  
**Senior Executive Planner**



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**Eoin Burke,**  
**Senior Planner**

Date: 23/5/22



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**Mick Mulhern,**  
**Director of Land Use, Planning and**  
**Transportation**

Appendix 1: Conditions of Permission

No	Condition	Reason
1	<p><b>Effective control on development as approved</b></p> <p>Development in accordance with submitted plans and details.</p> <p>The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.</p>	<p>To ensure that the development shall be in accordance with the permission and that effective control be maintained.</p>
2	<p><b>Amendments</b></p> <p>Prior to commencement of development, the applicant developer or land owners shall obtain the written agreement of the Planning Authority to various amendments to the scheme and the final arrangements and layouts associated with those amendments, which shall include the following:</p> <p>(A) Block B</p> <p>(I) The ground floor units of Block B shall be arranged in such a manner as to allow their conversion to retail/café, retail services or similar units in the future. A floor-to-floor height of 4.2 metres shall be provided for this purpose between ground and first floor.</p> <p>(II) The third storey of Block B shall be removed from the scheme. Units 23, 24, 25, 26 and 28 (as per Block B floor plans) shall be reconfigured with agreement of the Planning Authority.</p> <p>(B) North-South Pedestrian Route</p> <p>(I) The pedestrian route to the east of the central boulevard and retained hedgerow shall be a minimum width of 4 metres, except that any location where this would infringe upon the retention of the hedgerow.</p> <p>(II) This pedestrian route shall maintain a straight alignment through all junctions and shall be served by raised table crossing points.</p> <p>(III) Where this pedestrian path runs past the creche building, it shall maintain a direct alignment and shall not be diverted around street furniture including bicycle stands.</p> <p>(C) Central Boulevard Pedestrian Infrastructure</p> <p>The pedestrian footpath on the west of the central boulevard shall be to the west of car parking spaces off the boulevard along its entire length.</p> <p>(D) North-South Cycle Infrastructure</p> <p>(I) The north-south boulevard shall feature a two-way off-road cycle lane along the eastern side of the carriageway, conforming to NTA National Cycle Manual standards, unless otherwise agreed with the Planning Authority.</p> <p>(II) Alterations to the layout of the side of the boulevard carriageway shall be considered and agreed with the Planning Authority.</p>	<p>In the interest of a high quality sustainable residential development, comfort and safety of pedestrians, traffic safety, and communal residential amenity.</p>

	<p>(E) East-West Cycle Infrastructure The east-west connection between the access to Corbally Heath, the central green, and Street 02, shall be provided with a dedicated cycle route.</p> <p>(F) Stepped Street Details of the unnumbered pedestrian street between streets 11 and 12 shall be agreed with the Planning Authority.</p> <p>(G) Cut-and-Fill Agree a revised layout for Housing Cell 01 (the south-west most cell) with the Planning Authority, which meets the Planning Authority’s requirements regarding cut-and-fill works.</p> <p>(H) Unit Mix in Blocks A and B Alter the mix and design of units in Blocks A and B to ensure that this portion of the site meets the requirements of section 3.8 of the Apartment Guidelines 2020, as if it were a standalone site.</p> <p>(J) General arrangements and layout for for street 04, duplex blocks B, C, X1 and X2, and house unit nos. 31, 32, 33, 34, 52, 53, 54, 55, 66, 67, 68 and 69, shall be altered in order to provide for a better enclosed communal amenity space to serve Duplex Blocks B and C.</p> <p>Note: all references to unit numbers and street numbers are as per Site Layout Plans, Landscape Masterplan or Road layout Plan unless otherwise stated.</p> <p>Note: Compliance with this condition may require a reduction in units.</p>	
3	<p><b>Boherboy Road</b></p> <p>(A) Prior to commencement of development, the applicant developer or landowners shall submit to the Planning Authority revised arboricultural and ecological surveys and impact assessments showing the impact of the proposed works on Boherboy Road, on the trees and biodiversity in the area.</p> <p>(B) Prior to commencement of development, the applicant, developer or landowners shall obtain the written agreement of the Planning Authority to carry out works to Boherboy Road, to an agreed layout or otherwise as may be agreed with the Planning Authority.</p> <p>(C) Works to Boherboy Road shall be undertaken at the applicant’s expense or otherwise as agreed with the Planning Authority.</p> <p>Note: The final layout on Boherboy Road may include works in Corbally Park or along the southern side of Boherboy Road as the Planning Authority may agree as per conditions of SD20A/0232</p>	To ensure adequate assessments have been undertaken prior to works to a public road, and to ensure the final layout is safe while minimising unnecessary environmental impacts.

4	<p><b>Phasing Plan</b></p> <p>The proposed Phasing Plan shall be implemented on-site with the following alteration:</p> <p>The connection to Corbally Heath shall be provided in Phase 1 with access for pedestrians and cyclists provided in phase 1. Access for vehicular traffic may be delivered in phase 1 or phase 2.</p>	<p>To ensure pedestrian access to safe routes of travel to access public transport.</p>
5	<p><b>Taking in Charge</b></p> <p>Prior to commencement of development, the applicant shall submit and obtain agreement of the Planning Authority (following consultation as necessary with the SDCC Public Realm Department and the SDCC Roads Department) to the taking-in-charge plan, subject to the following alteration:</p> <ul style="list-style-type: none"> <li>- The area to the east of the central boulevard and south of Apartment Block A should be taken in charge by the Planning Authority.</li> </ul> <p>All areas to be taken in charge shall be completed as per the council's standard details, which can be found at:  <a href="https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards/">https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards/</a></p>	<p>To comply with the Councils taking in charge standards.</p>
6	<p><b>Roads</b></p> <p>The following details shall be agreed with the Planning Authority in writing prior to commencement of development:</p> <p>(A) Provision of dedicated cycle infrastructure along the central roadway north-south and to provide connections east to west through the central green space.</p> <p>(B) Details showing continuous footpath links along the Boherboy road to link with the existing footpaths on the N81. The proposed footpath ends at chainage 1120m this must be extended to meet the existing footpath.</p> <p>(C) The access to Carrimore Estate will be vehicular/cycle and pedestrian.</p> <p>(D) The access to Corbally Estate will be vehicular/cycle and pedestrian.</p> <p>(E) Prior to commencement details of the dimensions/widths/cycle lanes/reversing spaces of all road types (Homezones/side streets etc.) shall be submitted to ensure adequate space for vehicles/cyclists and pedestrians, for agreement with the Planning Authority.</p>	<p>To ensure effective control of development, and to ensure safe and adequate provision of transport infrastructure in line with national guidelines and local needs.</p>
7	<p><b>Mobility Management Plan.</b></p> <p>A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be agreed in writing with the roads department and the agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.</p>	<p>In the interest of sustainable transport.</p>
8	<p><b>Energy Statement</b></p> <p>The applicant has provided an Energy Statement with the application. The Statement specifies measures in line with council policy and Part F and Part L of the Building Regulations. The Energy Statement shall be implemented in full.</p>	<p>To ensure energy efficiency in the development.</p>

9	<p><b>Aviation Safety</b></p> <p>The applicant shall liaise with the Department of Defence prior to commencement of development, and provide the Planning Authority with any written notice by the Department that alterations to the development are sought.</p>	<p>To ensure the Department of Defence is informed prior to commencement of works.</p>
10	<p><b>Council Housing Strategy.</b></p> <p>The applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:</p> <p>(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2016-2022, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and</p> <p>(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.</p>	<p>To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2016-2022.</p>
11	<p><b>Owner's Management Company</b></p> <p>Prior to the commencement of development details of an Owner's Management Company/Companies, or other such legally acceptable management entity, shall be submitted to the Planning Authority for written agreement.</p>	<p>In the interests of proper planning and sustainable development.</p>
12	<p>(A) <u>Landscape Design Proposals</u></p> <p>Prior to the commencement of development on site, the following landscaping, open space and ecology details shall be submitted to and agreed in writing with the planning authority:</p> <p>(A) The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, including the Landscape Design Rationale, which accompanied the application, unless otherwise agreed in writing with the planning authority.</p> <p>(B) Details of hard landscaping materials, including materials for the pedestrian and cycle routes and public open space.</p> <p>(C) Further details of the play spaces and associated features assigned for children of all ages.</p> <p>(D) details in relation to public furniture/benches;</p> <p>(E) proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of the size, species and location of all vegetation, including biodiversity enhancement measures.</p> <p>(B) Landscape Management and Maintenance</p>	<p><b>REASON: In the interest of amenity, ecology and sustainable development and To assimilate the development into its surroundings, in accordance with the policies and objectives contained within</b></p>

	<p>A Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This Landscape Management and Maintenance Plan shall cover a period of at least three years and shall include details of the arrangements for its implementation. Details of a to be implemented during operation of the development. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p>	<p><b>Section 8.3.0 Public Open Space Hierarchy and Landscape Setting and policies HCL7 Objective 1 and HCL7 Objective 2 of the CDP 2016-2022.</b></p>
13	<p><b>Ecology (Biodiversity)</b></p> <p>(A) The applicant shall provide a biodiversity management strategy for the development, details of which shall be submitted to, and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>(B) A pond or ponds shall be incorporated into the landscaping of the proposed development and constructed before the commencement of the main development works, to which any frogs, smooth newts, their spawn or tadpoles located on the development site shall be transferred to under licence from the National Parks and Wildlife Service, these water features to maintained indefinitely.</p> <p>(C) The recommended mitigation measures contained in pp. 146 to 151 of the Environmental Impact Assessment Report, Volume II, shall be implemented in full during construction and occupation of the development.</p>	<p>In the interest of protecting the Environment.</p>
14	<p><b>Children's Play</b></p> <p>Details of play proposals to be agreed with the Planning Authority. Play proposals should include accessible play features. Details of all play equipment, and safety surface, along with specifications and proof that all equipment conforms to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing shall be submitted prior to the commencement of development. Post installation certification by the Royal Society for the Prevention of Accidents will also be a requirement. An Indicative Play Map showing types of play and age groups catered for shall also be submitted.</p> <p>Clarification shall be provided as to the total number and location of play opportunities; the age range they are appropriate for and whether they are</p>	<p>To uphold the policies of the South Dublin County Development Plan 2016 - 2022 relating to children's play, and to provide for the proper planning and sustainable development of the area.</p>



	<p>universally accessible. An emphasis shall be on active, accessible play throughout the development. The applicant shall provide fully detailed play proposals as part of the landscape scheme for the proposed development. The applicant shall consider the provision of additional universally accessible equipment within the play proposals for the development. Additional details, specifications and images need to be provided in relation to the proposed playgrounds and play spaces for the development. All play equipment shall be of predominantly natural materials with unstructured play included in the proposed design. The applicant shall consider the use of engineered woodchip as playground surfacing material.</p>	
15	<p><b>Protection of Trees and Hedgerows being Retained</b></p> <p>(A) To ensure the protection of the existing trees to be retained within the development site, the applicant shall implement the tree protection measures contained within the Arboricultural Report and associated Tree Protection Plan. In addition, prior to the commencement of construction works on site, the appointed arborist/landscape architect is to arrange a site meeting with the Public Realm Section in order to ensure that all tree and hedgerow protection measures as per the Arboricultural Assessment Report have been implemented.</p> <p>No development shall take place on the site until:</p> <p>(B) All trees to be retained shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction;</p> <p>(C) Any works within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi mature trees of the same or similar species.</p> <p>(D) A site meeting has taken place with the Project Landscape Architect, Site Foremen, the appointed Arborist and a Parks Superintendent from the Public Realm Section in order to ensure that all required tree and protection measures are in place prior to commencement of site works.</p> <p>(E) No construction equipment, machinery or material shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by this fencing, and in particular, there shall be</p>	<p>To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.</p>

	<p>no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained.</p>	
<p>16</p>	<p><b>Tree Protection and Method Statement</b></p> <p>(A) Appointment of Project Arborist  Prior to the commencement of development, the developer shall engage the services of a qualified arborist as an arboricultural consultant for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant prior to commencement of development. The consultant shall visit the site at minimum on a fortnightly basis to ensure the implementation of all of the recommendations in the tree reports and plans. The arborist shall include secondary tree protection fencing around all root protection areas of trees to be retained. All works within these areas shall be supervised at all times by the project arborist and the fencing can only be temporarily removed to undertake works under the supervision of the arborist. The arborist shall agree the exact location and detail of the secondary fencing in writing with the planning authority prior to the commencement of any permitted development.</p> <p>(B) The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st September and the end of February inclusive) or as stipulated under the Wildlife Acts, 1976 and 2000. The arborist shall carry out a post construction tree survey on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the Tree Report. The certificate shall be submitted to South Dublin County Council’s Public Realm Section for written agreement upon completion of the works.</p> <p>(C) Method Statement  The applicant shall submit a detailed Arboricultural Method Statement (AMS). The AMS shall include the following:</p> <p>(I) Timing and phasing of Arboricultural works in relation to the approved development.</p> <p>(II) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.</p> <p>(III) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan</p> <p>(IV) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme</p>	<p><b>REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.</b></p>

	<p>(V) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees.</p> <p>(VI) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012</p> <p>(VII) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.</p>	
17	<p><b>Tree Bond and Arboricultural Agreement</b></p> <p>Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of <b>€208,424.80</b> with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.</p> <p>The bond lodgement shall be coupled with <i>an Arboricultural Agreement</i>, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.</p> <p><i>An Arboricultural Assessment Report and Certificate</i> is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.</p>	To ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site.
18	<p><b>Three Year Post Completion Tree Survey</b></p> <p>Prior to the commencement of development, the applicant shall submit written agreement that a tree survey will be conducted post 3 years completion of site works. A suitable tree survey shall be submitted and agreed with SDCC Public Realm Section before any bond is released by SDCC. This shall be agreed with the Public Realm Section post 3 years completion. This is to ensure the protection of trees/hedgerow on and immediately adjacent to the site to make good any damage caused during the construction/post-construction period. The bond lodgement shall be coupled</p>	To ensure tree measures have been properly implemented.

	<p>with an Arboricultural Agreement, with the applicant, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of the tree immediately adjoining the site, or the appropriate and reasonable replacement of the trees/hedgerows that dies, removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.</p> <p>The survey shall comprise a detailed Tree Survey, Tree Survey Schedule, and Tree Constraints Plan, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations. The report shall be carried out by a Professional Member of Arboricultural Association who is an independent, qualified Arborist and be submitted to SDCC</p>	
19	<p><b>Car Park Facilities for Charging Electric Vehicles.</b></p> <p>The proposed development shall make provision for the charging of electric vehicles.</p> <p>(a) In the case of on-curtilage/driveway or surface parking, 100% of spaces must be provided with electrical connections and/or ducting as appropriate, to allow for the provision of future charging points.</p> <p>(b) In the case of surface car parking spaces and basement car parking spaces, 100% of spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points.</p> <p>(c) 10% of basement car parking spaces must be provided with electric vehicle charging points as part of initial development, and these must be operational at initial occupation.</p> <p>(d) 10% of surface car parking spaces must be provided with electric vehicle charging points as part of initial development, and these must be operational at initial occupation.</p> <p>Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>	<p>In the interests of the proper planning and sustainable development of the area, to provide for improved urban air quality, reduced noise pollution and to support the transition to a low carbon future.</p>
20	<p><b>Construction Traffic Management Plan</b></p> <p>Prior to commencement of development a Construction Traffic Management Plan shall be agreed with the Planning Authority.</p>	<p>In the interests of traffic safety and residential amenity.</p>
21	<p><b>Biodiversity and Public Lighting</b></p> <p>(A) Prior to the commencement of development, the applicant shall agree in writing an integrated public lighting scheme and Landscape Plan with the Planning Authority, after consultation with the SDCC Public Realm Department, the SDCC Heritage Officer, and the SDCC Public Lighting Department. Once agreed, the scheme shall be constructed/installed to taking</p>	<p>In the interests of protection of bats, public safety and amenity, to prevent light pollution and in the interests of</p>

	<p>in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.</p> <p>(B) The Public Lighting Scheme shall be signed off by a qualified bat specialist.</p> <p>(C) The Public Lighting scheme and Landscaping Plan shall be integrated and agreed with the Planning Authority prior to commencement of development.</p> <p>(D) The mitigation measures proposed in the Environmental Impact Assessment Report shall be implemented in full as they pertain to bats and public lighting.</p>	<p>the proper planning and sustainable development of the area.</p>
22	<p><b>Services to be Underground.</b></p> <p>(A) All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site.</p> <p>(B) There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.</p> <p>(C) Existing overground cables traversing the site shall be diverted underground as per the Utility Report.</p>	<p>In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.</p>
23	<p><b>Irish Water</b></p> <p>The applicant is required to sign connection agreements for water supply and waste water with Irish Water prior to any works commencing and connecting to the network. All development is to be carried out in compliance with Irish Water Standards codes and practices.</p>	<p>To ensure that the development does not endanger public health.</p>
24	<p><b>Surface Water (SUDS)</b></p> <p>Prior to commencement of development, the applicant, developer or land owners shall obtain the written agreement of the Planning Authority – following consultation with the SDCC Public Realm Department and the SDCC Environmental Services Department – to the following:</p> <p>(A) A comprehensive SUDs Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network.</p> <p>(B) A maintenance plan shall also be included as a demonstration of how the system will function following implementation.</p> <p>(C) Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as, detention basins, filter drains, swales etc.</p> <p>(D) In addition, the applicant shall provide the following:</p>	<p><b>REASON:</b> To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.</p>

	<ul style="list-style-type: none"> <li>• Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.</li> <li>• Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage / attenuation calculations for same.</li> <li>• The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.</li> <li>• Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.</li> <li>• Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published ‘SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022’ for acceptable SUDS tree pit details.</li> </ul>	
25	<p><b>Flood Risk</b> The applicant shall submit a Final Flood Risk Assessment for the agreement of the Planning Authority, after consultation with the Environmental Services Department, prior to commencement of development.</p>	<p>In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.</p>
26	<p><b>Ecology, Bats and Watercourse Protection</b> <b><u>(a) Ecology</u></b></p>	<p><b>REASON: To protect and</b></p>

	<p>The recommendations and mitigation measures contained within the Environmental Impact Assessment Report shall be implemented in full by the applicant. In addition, the applicant should consider the installation of bird boxes throughout the development.</p> <p><b><u>(b) Water Course Protection Strategy</u></b></p> <p>The applicant should provide a detailed watercourse protection strategy for the development in particular the area adjacent to the Corbally Stream, details of which shall be submitted to, and agreed in writing with the Planning Authority prior to the commencement of development.</p>	<p><b>enhance areas of biodiversity, in accordance with policies IE7 Objective 5, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022, and in the interest of protecting the natural, historical and amenity value of the County's watercourses.</b></p>
27	<p><b>Nature Conservation</b></p> <p>The clearance of vegetation from the site shall only be carried out in the period September to February inclusive.</p>	<p>To avoid destruction of nests, eggs and nestlings of birds, and to conserve bat species, which are afforded a regime of special protection under the Habitats Directive (92/43/EEC)</p>
28	<p><b>Construction Environmental Management Plan</b></p> <p>Prior to commencement of development, the applicant shall submit and obtain written agreement of the Planning Authority for a site specific Construction Environmental Management Plan. The CEMP shall identify</p>	<p>To ensure compliance with relevant environmental</p>

	<p>potential impacts and mitigating measures, and a mechanism for ensuring compliance with environmental legislation, and ensure best construction practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt. Precautions must be taken to ensure there is no entry of solids, during the connection of pipe work, or at any stage to the Corbally stream.</p>	<p>legislation and standards during construction, and to prevent the entry of pollutants into watercourses.</p>
29	<p><b>Street Naming and Dwelling Numbering.</b>  Prior to the commencement of any works on site the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:</p> <p>(i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme.</p> <p>The agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Planning Authority's requirements.</p> <p>The development name should:</p> <ol style="list-style-type: none"> <li>1. Avoid any duplication within the county of existing names, and</li> <li>2. Reflect the local and historical context of the approved development, and</li> <li>3. Comply with; <ol style="list-style-type: none"> <li>(a) Development Plan policy, and</li> <li>(b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and</li> <li>(c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and</li> <li>(d) Preferably make exclusive use of the Irish language.</li> </ol> </li> </ol> <p>Proposals for an apartment name and numbering scheme and associated signage shall be lodged with the Planning Authority prior to the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site.</p> <p>The applicant, developer, or owner is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required scheme.</p>	<p>In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.</p>
30	<p><b>Construction and Demolition Waste Management Plan</b></p> <p>(a) Prior to commencement of development a developed Construction Demolition and Waste Management Plan shall be agreed with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.</p>	<p>In the interests of public safety, compliance with Development Plan Policy and sustainable waste</p>



	(b) The plan shall detail that construction waste shall not be left in close proximity to neighbouring residential gardens.	management.
31	<p><b>Construction Noise and Hours.</b></p> <p>To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.</p> <p>Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).</p> <p>The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:</p> <ul style="list-style-type: none"> <li>- Schedule of works to include approximate timeframes</li> <li>- Name and contact details of contractor responsible for managing noise complaints</li> <li>- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.</li> </ul>	In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.
32	<p><b>Minimise Air Blown Dust.</b></p> <p>During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.</p>	In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.
33	<p><b>Regulation of Institutional Investment in Housing - Mixed unit-type development.</b></p> <p>(a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the</p>	REASON: To restrict new housing development to use

	<p>land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p>	<p>by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
34	<p><b>Section 48 Financial Contribution</b></p> <p>The developer shall pay to the planning authority a financial contribution in a sum to be agreed with the Planning Authority, in respect of public infrastructure and facilities benefiting development within the area of the planning authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).</p> <p>The contribution shall be paid prior to commencement of development, or in such phased payments as the planning authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.</p>	<p>The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.</p>

Appendix 2: s.247 Minutes

<b>SOUTH DUBLIN COUNTY COUNCIL PLANNING DEPARTMENT PRE-APPLICATION CONSULTATION REPORT FORM</b>		
<b>Pre Planning Ref. No. SHD1SPP006/20</b>	<b>ADVICE WITHOUT PREJUDICE</b>	Meeting held under the provisions of the recently adopted Strategic Housing Legislation. Any subsequent planning application should be lodged with ABP under the aforementioned legislation.  Meeting held remotely over Microsoft Teams.
<b>CONSULTATION:</b>	<b>Meeting</b>	<b>X</b>
Date of Consultation: 26/03/2020		
<b>Full address of subject site</b>	Boherboy, Saggart, Co. Dublin	
Name/s of Applicant/s and/or Agents Contact Details	<b>Applicant:</b> Durkan Estates Ireland Ltd. and Kelland Homes Ltd.	
	<b>Agent:</b> Armstrong Fenton Associates	

<b>DESCRIPTION OF PROPOSAL</b>
Proposed residential development of 690 dwellings and all associated site development works on a site area of c. 17.5ha.

<b>Relevant Planning History</b>
Site recently refused permission under SHD3ABP-304828-20 and SD15A/0388 (PL06S.247074).

**ZONING:** 'RES-N' – 'To provide for new residential communities in accordance with approved area plans.'

**LAND USE MATRIX** – 'Residential' and 'Shop-Local' use classes are permitted in principle under the land use zoning matrix contained within the South Dublin Country Development Plan 2016-2022. 'Childcare Facilities', 'Shop-Neighbourhood' and other retail/commercial uses are 'open for consideration'.

### **FEEDBACK/OBSERVATIONS OF PROPOSAL**

<b>Comment where relevant:</b>	<p>Applicant advised that advice or opinions offered at consultations is given in good faith and cannot prejudice the determination of a subsequent planning application in accordance with Section 247 of the Planning and Development Act, 2000 and in accordance with the provisions of the Strategic Housing Legislation.</p> <p><b><u>Applicant Presentation</u></b></p> <ul style="list-style-type: none"> <li>- New approach to layout and connectivity, more emphasis on north-south connections.</li> <li>- School site reserved. Open space reserved.</li> <li>- Central open space and north-south link.</li> </ul>
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- Biodiversity / Riparian buffer.
  - Connections to lands to the east, and to neighbourhood park to the north-east.
  - Wayleaves being utilised for pedestrian/cyclist routes through site.
  - Greenway connections north to south, along linear green spaces.
  - Increase in residential density with use of duplexes and apartments, and courtyard housing.

### **General Guidance**

#### ***Overcome Reasons for Refusal***

- Layout: Need to show that this is one development or is a development made up of legible character areas.
- Density: Decision will lie with the Board.
- EIA: Again, decision will lie with the Board. Consult with Heritage Officer and Public Realm. Undertake all necessary surveys prior to lodgement of application.

#### ***Local Area Plan***

- Connections to north-east and east welcome.
- Liaise with Planning Delivery section re: community facilities.

#### ***Topography***

- Important to show how topography is being tackled, to minimise cut-and-fill and use of retaining walls.
  - o Applicant intends some use of split levels, and some reprofiling of site.

#### ***Public Realm***

- Recommend a tree survey;
- Master plan and master planting plan;
- SuDS/attenuation rationale including relevant surveys of site & infrastructure;
- Preference is for natural play and natural surfaces;
- Detailed specs of play materials required;
- Please delineate areas to be taken-in-charge. Any green areas proposed to be taken-in-charge will need to be shown in relevant detailed drawings (incl. sections)

#### ***Roads***

4. Show details for bin tender access to apartments
5. Street cross sections / layouts will be important along Boherboy Road and the north-south road through development.
6. Show rationale for car parking and bicycle parking ratios and layouts.
7. Bicycle parking to be provided in basement or in covered facilities at surface level.

#### ***Drainage***

- Submit cross section details
  - Submit Maintenance Plan for attenuation systems
  - We assume 10-20% overflow rates for grassed areas;
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- Please ensure basement layout shows attenuation/drainage details.

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**Colm Maguire**  
**Assistant Planner**

## Appendix 3: Roads Report

An application for Strategic Housing Development was received by An Bord Pleanála on the 29/03/2022.

Site: In the townland of Boherboy, Saggart Road, Co Dublin

Applicant: Kelland Homes Ltd and Durkan Estates Ireland Ltd

Development: Development to the immediate north of the site is the Carrigmore residential estate, to the west are agricultural lands and a single dwelling, to the east is the Corbally residential estate while to the south is the Boherboy Road; The proposed application represents the development of the entire Boherboy Neighbourhood as identified in the Fortunestown Local Area Plan (2012) consisting of 655 dwellings, comprised of 257 two, three & four bed, two & three storey detached, semi-detached & terraced houses, 152 one, two & three bed duplex units in 17 two to three, three to four & four storey blocks, and 246 one, two & three bed apartments in 9 buildings ranging in height from two, two to five, four to five & five storeys, and a two storey crèche (693sq.m); Access to the development will be via one vehicular access point from the Boherboy Road, along with proposed upgrade works to Boherboy Road to include the provision of a roadside footpath along the front of the site at the Boherboy Road, continuing eastwards to the junction with the N81 Blessington Road (for an overall distance of c.370m); The proposed development also provides for pedestrian and cyclist connectivity to the adjoining Carrigmore Park to the north-east, and vehicular, pedestrian and cyclist connections to adjoining developments at Corbally Heath to the east and Carrigmore Green to the north; The proposed development provides for (i) all associated site development works above and below ground, including surface water attenuation & an underground foul sewerage pumping station at the northern end of the site, (ii) public open spaces (c. 3Ha), including alongside the Corbally Stream, which will accommodate the provision of pedestrian / cyclist links to Carrigmore Park to the north-east, (iii) communal open spaces (c. 6,392sq.m), (iv) hard and soft landscaping and boundary treatments, (v) undercroft, basement & surface car parking (914 car parking spaces, including EV parking), (vi) bicycle parking (797 bicycle parking spaces), (vii) bin & bicycle storage, (viii) public lighting, and (ix), plant (M&E), utility services & 5 ESB sub-stations, all on an overall application site area of 18.3ha; In accordance with the Fortunestown Local Area Plan (2012) an area of c. 1.4Ha within the site is reserved as a future school site.

This is Stage 3 of the SHD process, Application to An Bord Pleanála.

The applicant set up a dedicated website <https://www.boherboy-shd.ie/> on which the application details have been uploaded.

Stage 3 reference number: SHD3ABP-313145-22

Stage 2 with ABP in APAS under reference: SHD2ABP-308352-20

Stage 1 with SDCC in APAS under reference: SHD1SPP006/20

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Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

### **Description**

The development will consist of 655 dwellings, comprised of 257 two, three & four bed, two & three storey detached, semi-detached & terraced houses, 152 one, two & three bed duplex units in 17 two to three, three to four & four storey blocks, and 246 one, two & three bed apartments in 9 buildings ranging in height from two, two to five, four to five & five storeys, and a two-storey crèche

### **Summary of Key Issues Arising from APB -308352-20**

#### **Item 3:**

*The inclusion of all works to be carried out, and the necessary consents to carry out works on lands, within the red line boundary.*

#### **Response from Applicant**

The red line of the application includes the necessary proposed works considered to serve the development, i.e. the proposed upgrade works to the Boherboy Road, the proposed vehicular connections into Carrigmore and Corbally as well as the proposed pedestrian/cyclist links into Carrigmore Park, along with the proposed drainage connection via Carrigmore Park to Verschoyle Green. The applicants submit the necessary letters of consent from the relevant third parties consenting to the inclusion of their lands within the red line of application for the purposes of submitting this SHD application for permission, please refer to same from South Dublin County Council dated 13th July 2021 and from Kerasoun Ltd dated 7th July 2021 that are included in Appendix A of this report.

#### **SDCC Roads Department Assessment:**

An overall site layout has been provided detailing the red line around the proposed works for vehicle and pedestrian connections to the wider area. Consent letters from Kerasoun Ltd has been submitted for works on the access from Corbally. A letter of consent from SDCC allowing works on Boherboy Road and the N81 junction.

#### **Item 4:**

*The submitted documentation should clarify the extent of works to the Boherboy Road that would be part of the proposed development and specify whether any other works would be required to provide enhanced connectivity from the site and who would be responsible for their completion.*

### **Response from Applicant**

Please refer to the enclosed drawings and details prepared by Pinnacle Engineering which details the works required for the proposed upgrade to Boherboy Road as well as the creation of new vehicular/pedestrian/cyclist connections from the subject site to the adjoining lands at Carrigmore, Carrigmore Park and Corbally. The applicants propose to deliver the upgrade works to Boherboy Road, as well as the aforementioned proposed connections to adjoining lands, the details of which are also set out in the proposed phasing for the development – refer to section 7.2 of the submitted Planning Statement. All works within the red line of application are proposed to be undertaken by the applicants upon a grant of permission for the proposed development, and upon further agreement with the Local Authority. At the time of the tri-partite pre-application consultation meeting, regarding the subject development, South Dublin County Council (SDCC) had not completed the taking in charge process of Carrigmore to the north. Since then, SDCC has completed the taking in charge of the roads in Carrigmore and their submitted letter of consent provides for the applicant to include in their red line of application the proposal to create a vehicular connection to Carrigmore. Carrigmore Park is also in the charge of SDCC, as are the roads in Corbally, as well as the Boherboy Road. Kerasoun Ltd owns land at Corbally that are required to be included in this application for permission to cater for the proposed upgrade to the Boherboy Road as well as the completion of the vehicular connection from the subject site into Corbally. They too consent to their lands being included in this application for permission – refer to Appendix A for the aforementioned letters of consent.

### **SDCC Roads Department Assessment:**

The applicant has submitted details of the road construction and upgrades for the proposed vehicle/pedestrian access and the upgrade of the Boherboy road and N81 junction. The connection for Carrigmore will be undertaken by licence from SDCC.

There is a gap in the footpath link between chainage 1120m and N81. The footpath needs to be continuous from the development access on the Boherboy Road all the way to the N81's existing footpath. The applicant should submit the detailed final design of the junction between Boherboy and N81. This needs to be agreed in writing with the LA and should include signage, lining, and layout dimensions.

The following is the agreed proposals for the Boherboy Road Upgrade:

1. 6m carriageway is to be provided from N81 to a point c. 400m west of site
2. Public lighting is to be installed on existing ESB poles from Chainage 445 to Chainage 0 and to continue further along the road to Saggart until linking with the existing public lighting. First light will be installed at a point to be determined (located within 35m of an existing light ideally). Detailed design will be provided before commencement of the development.
3. No footpath, public lighting or drainage will be installed between Chainage 0 and Chainage 445. Streetlamps will be installed on existing ESB poles as mentioned above.
4. Refer to P200107-PIN-XX-DR-D-SK011-S3 & P200107-PIN-XX-DR-D-SK012-S3 which shows the site permeability and walking routes.
5. Public lighting, drainage, and kerb to be installed from Chainage 445 to Chainage 750. Public footpath will be built inside the site along these chainages.



6. From Chainage 750 to Chainage 1120, drainage will be installed in the public highway and not under the footpath. The road will be reinstated as required.
7. Public lighting, drainage and a 1.8m footpath will be installed from Chainage 750 to Chainage 1120
8. The northern tree line from Chainage 445 to Chainage 1120 will have to be removed to facilitate these works
9. The southern tree line will remain insitu.

**Item 6:**

*A layout plan and report that address and provides a clear rationale for connectivity and permeability within and through the site.*

**Response from Applicant**

Please refer to the enclosed drawings by Pinnacle Consulting Engineers, which illustrate how pedestrian and cyclists will move through the site and connect to adjoining lands, as well as identifying the local catchment area:

- Drawing no. D-0020-S3 “Site Location Permeability Catchment”
- Drawing no. D-0031-S3 “General Arrangement - Sheet 1 of 3”
- Drawing no. D-0032-S3 “General Arrangement - Sheet 2 of 3”
- Drawing no. D-0033-S3 “General Arrangement - Sheet 2 of 3”
- Drawing no. D-0034-S3 “External Connections”

In addition, Pinnacle Consulting Engineers have prepared the submitted Statement of Compliance with DMURS which identifies that a

- 1) Link Streets,
- 2) Side Streets &
- 3) Homezones.

This is also detailed in the submitted Landscape Rationale.

The Statement of Compliance with DMURS states that the aim is to provide self-regulating streets offering low speed route choices within a high-quality residential environment. While there is a hierarchy of road types, all roads through this residential development are provided as slow-moving traffic roads. All internal estate roads have been designed with short straight elements, gentle horizontal curves from junction to junction, varying road widths (6.0m, 5.5m, 5.0m & 4.8m), smooth and gentle vertical alignments and numerous interconnections, route options & looped sections keeping speeds low to create a pleasant living environment.

Furthermore, the submitted Traffic and Transport Assessment (TTA), also prepared by Pinnacle Consulting Engineers, sets out details of the proposed pedestrian and cycle networks (namely section 3.6 of same). It asserts that it is a necessary part of the design framework for a residential development such as this, to ensure that there is good permeability for those residents and visitors to the development who choose not to travel by car. The development has been designed to ensure that there is good permeability for pedestrians and cyclists.

Connections between the internal layout and the external pedestrian and cycle networks form part of the overall access strategy for the site. Within the proposed development, pedestrian

movement is suitably catered for by footpath connections within and adjacent to the development up to the relevant boundaries i.e. through Carrigmore Estate, Carrigmore District Park and Corbally Estate. These provide good linkage to the surrounding urban areas.

The internal layout demands that all visitors to the site are catered for and so pedestrian routes between dwelling areas and key nodes within the layout are well designed and clearly delineated. Every effort has been made to ensure that vehicular access will be restricted in areas where there are likely to be the highest concentrations of pedestrian/cycle movements.

The internal site layout plan includes several crossing facilities that are located along key desire lines and which coordinate well with the proposed car parking layouts to enhance the safety, visibility and convenience of those people on foot. These facilities will include features such as tactile paving and surface treatments that will benefit all users and assist those with impaired mobility.

Pedestrian linkages will be provided to the boundary of the local estates such as Corbally and Carrigmore residential developments. Given the desire in current planning guidance to improve accessibility for non-car modes of travel, access by cycle is increasingly important. Since the weather and topography inevitably have an influence on cycle use, the key to cycle accessibility is the existence of convenient and safe links associated with secure and carefully sited cycle parking.

It should also be noted that in order to facilitate the connections to Corbally, Carrigmore Park and into Carrigmore, that crossings over the Corbally Stream are proposed. This has been considered as part of the submitted SSFRA which has determined that the top water level from the 100-year event at the lower northern end of the site as 118.84mOD. The 2009 Planning System and Flood Risk Management Guidelines for Planning Authorities recommends that a freeboard of 500mm and 250mm be applied for the Q100 event for floors and roads respectively. Pedestrian and vehicular access connections between the proposed development and both Carrigmore and the SDCC Park to the north and northeast of the site have levels of 119.5mOD and c.122.7mOD respectively. Again, these road/path levels are significantly above the Q100 top of water level of 118.84mOD as determined from the submitted Site Specific Flood Risk Assessment prepared by Kilgallen & Partners, Consulting Engineers.

### **SDCC Roads Department Assessment:**

There is a lack of separate cycle facilities across the development. Particularly going from east to west, the central green space has no defined dedicated cycle routes. There are good linkages to the wider areas through Carrigmore and Corbally but these are in the east and north, resulting in pedestrians and cyclists from the southwest needing to cross the development to access the wider areas. The main spine street (street 01) does not show any separate cycle facilities. The applicants have not confirmed at Stage 3 that a choice of cycle routes is provided along the expected north-south desire lines, as laid down in the Local Area Plan, and that these routes conform in specification to the recommendations of the National Cycle Manual, in relation to their character and expected use.

### **Item 8:**

*A statement of compliance with the applicable standards set out in DMURS, and a mobility management plan which justified the proposed provision of parking for cars and bicycles.*

**Response from Applicant**

Please refer to the enclosed Statement of Compliance with DMURS prepared by Pinnacle Consulting Engineers and to their separate Residential Travel Plan which addresses the proposed car parking (refer to section 5 of same).

**SDCC Roads Department Assessment:**

A statement of compliance with DMURS has been submitted and concludes that the development is compliant with the design principles outlined in the Design Manual for Urban Roads and Streets. The road widths have not been clearly presented, cross-sections through the different road types, detailing carriageway widths, cycle lanes, parking distances would assist in identifying if the roads layout confirms to DMURS.

**Item 11:**

*A phasing scheme for the development which would indicate how open space and access to serve the proposed houses would be provided in a timely and orderly manner.*

**Response from Applicant**

Please refer to the enclosed architect's (MCORM) drawing no. PL07 "Site Layout Plan – Phasing" for an illustration of how it is proposed to phase the development. Please also refer to section 7.2 of the submitted Planning Statement for details of the proposed phasing of the overall development.

**SDCC Roads Department Assessment:**

A phasing plan has been submitted. The Boherboy road upgrade has been proposed in phase 1 of the development. The vehicular connection to Carrigmore park will be in phase 1. It is proposed to construct 281 dwellings as part of this phase. The connection to Corbally will be undertaken in phase 2 and 173no. dwellings will be constructed in a north direction.

**Item 13:**

*A draft construction management plan.*

**Response from Applicant**

Please refer to the enclosed Outline Construction Management Plan prepared by the applicants.

### **SDCC Roads Department Assessment:**

An outline construction management plan has been submitted. The plan identifies the vehicle access point on the Boherboy Road as the primary construction access. Deliveries of materials to site will be between the hours of 07:00 and 19:00 Monday to Friday, and 09:00 to 13:00 on Saturdays. No deliveries will be scheduled for Sundays or Bank Holidays. The location of a site compound and construction staff parking should be identified on a location plan.

The plan states that it shall be a requirement of the works contract that the contractor will be required to carry out road sweeping operations to remove any project related dirt and material deposited on the road network by construction / delivery vehicles. The requirement for wheel wash facilities should be added to the CMP.

The applicant will undertake inspections and reviews of the roads forming the haul routes one month prior to the construction phase to record the condition of these roads at that time. Inspections should be carried out during construction.

### **Item 14:**

*A draft waste management plan.*

### **Response from Applicant**

Please refer to the enclosed Operational Waste Management Plan prepared by AWN Consulting. It should be noted that a Construction and Demolition Waste Management Plan is also submitted, prepared by AWN Consulting.

### **SDCC Roads Department Assessment:**

An operational waste management plan has been submitted as part of EIAR.

### **Car Parking.**

The apartment blocks to the north of the site are provided with basement car parking. This is a particular concern at Apartment Block B, which is provided with ample on-street car parking. The applicant has shown 25No. spaces in an underground car park along with 2No. mobility impaired spaces.

The applicant was requested to show, at Stage 3, the relative parking ratios for different types of units, and different sizes of unit (bedrooms). Not much detail has been provided at stage 3 for the parking ratios. A total of 914 parking spaces will be provided for the development. Parking will be provided within the curtilage of each house. On street surface car parking will be provided for the apartments, duplexes, creches and visitor car parking spaces. The development plan standard suggested a total of 398 spaces for the Apartment/Duplex element of the proposed development. The applicant has proposed to provide 398 spaces for the apartment blocks and duplex.

### **Bicycle Parking**

The applicant in stage 2 proposed to provide cycle parking provision for 604 bicycles – less than recommended under the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2018), but considerably more than required

under the South Dublin County Development Plan 2016 - 2022. Under stage 3 that provision has increased to 797 cycle spaces.

**The Planning Authority recommends that prior to commencement clarification on the following.**

1. Provision of dedicated cycle infrastructure along the central roadway north-south and to provide connections east to west through the central green space.
2. Details showing continuous footpath links along the Boherboy road to link with the existing footpaths on the N81. The proposed footpath ends at chainage 1120m this must be extended to meet the existing footpath.
3. SDCC traffic section recommends conformation that the access to Carrigmore Estate will be vehicular/cycle and pedestrian.
4. SDCC traffic section recommends conformation that the access to Corbally Estate will be vehicular/cycle and pedestrian.
5. Prior to commencement SDCC recommend that the details of the dimensions/widths/cycle lanes/reversing spaces of all road types (Homezones/side streets etc.) be submitted to ensure adequate space for vehicles/cyclists and pedestrians.

**SOUTH DUBLIN COUNTY COUNCIL**



**INTERNAL MEMORANDUM**

**PUBLIC REALM PLANNING REPORT**

**Development:** Development to the immediate north of the site is the Carrigmore residential estate, to the west are agricultural lands and a single dwelling, to the east is the Corbally residential estate while to the south is the Boherboy Road; The proposed application represents the development of the entire Boherboy Neighbourhood as identified in the Fortunestown Local Area Plan (2012) consisting of 655 dwellings, comprised of 257 two, three & four bed, two & three storey detached, semi-detached & terraced houses, 152 one, two & three bed duplex units in 17 two to three, three to four & four storey blocks, and 246 one, two & three bed apartments in 9 buildings ranging in height from two, two to five, four to five & five storeys, and a two storey crèche (693sq.m); Access to the development will be via one vehicular access point from the Boherboy Road, along with proposed upgrade works to Boherboy Road to include the provision of a roadside footpath along the front of the site at the Boherboy Road, continuing eastwards to the junction with the N81 Blessington Road (for an overall distance of c.370m); The proposed development also provides for pedestrian and cyclist connectivity to the adjoining Carrigmore Park to the north-east, and vehicular, pedestrian and cyclist connections to adjoining developments at Corbally Heath to the east and Carrigmore Green to the north; The proposed development provides for (i) all associated site development works above and below ground, including surface water attenuation & an underground foul sewerage pumping station

at the northern end of the site, (ii) public open spaces (c. 3Ha), including alongside the Corbally Stream, which will accommodate the provision of pedestrian / cyclist links to Carrimore Park to the north-east, (iii) communal open spaces (c. 6,392sq.m), (iv) hard and soft landscaping and boundary treatments, (v) undercroft, basement & surface car parking (914 car parking spaces, including EV parking), (vi) bicycle parking (797 bicycle parking spaces), (vii) bin & bicycle storage, (viii) public lighting, and (ix), plant (M&E), utility services & 5 ESB sub-stations, all on an overall application site area of 18.3ha; In accordance with the Fortunestown Local Area Plan (2012) an area of c. 1.4Ha within the site is reserved as a future school site.

**Location:** In the townland of Boherboy, Saggart Road, Co Dublin.

**Applicant:** Kelland Homes Ltd and Durkan Estates Ireland Ltd

**Reg. Ref:** **SHD3ABP-313145-22**

**Report Date:** **16/05/2022**

**Planning Officer:** **Colm Maguire**

**Main Concerns:**

- Significant Tree and Hedgerow Loss; The proposed development will have a high impact on the existing tree and hedgerow cover on the site. 47.6% of the existing trees and 23.3% of the existing hedgerows on site will be removed in order accommodate the proposed development. This impact represents a loss of:
  - o ecosystem services in the form of habitat reduction
  - o local biodiversity
  - o Important Green Infrastructure Links
- Ecological Impact – impact of development on bat foraging routes due to removal of boundary trees.
- The issue of surface water attenuation is a significant concern for the Public Realm Section. It is proposed to locate 5 no attenuation tanks under areas identified as public open space
- Location of below ground foul pumping station with Public Open Space area is not acceptable to the Public Realm Section.
- Greater level of detail required regarding proposed play provision to be provided within the development.
- Greater level of detail required regarding the tree pits and SUDS features to be provided within the development.

- There are concerns over some of the open space areas proposed to be taken in charge due to steep gradients. Open space/Woodland area in the south corner of the site contains significant changes in level across the site and severe gradients which will prohibit regular maintenance

### **Development Site Area**

c.17.6Ha

### **Open Space Provision**

PUBLIC OPEN SPACES = 24,619m<sup>2</sup> or 14% of the area of the site

COMMUNAL OPEN SPACES = c. 6,392m<sup>2</sup>

### **Zoning**

The Lands are zoned objective RES-N: "To provide for new residential communities in accordance with approved area plans" in the 2016-2022 South Dublin County Development Plan. This site also forms part of the 2012 Fortunestown Local Area Plan (LAP) and within the context of this LAP, the subject site lies within the Boherboy Neighbourhood.

### **Comments:**

In relation to the above proposed development, this section has reviewed the application and has the following comments.

### **Landscape Proposals**

The Public and communal open spaces for the proposed development should be designed to all relevant qualitative standards, in addition public and communal open spaces should be designed to be usable and functional within the overall proposed development.

It is an objective of the Fortunestown Local Area Plan that:

- A linked open space hierarchy shall be implemented fully across the Plan Lands and all proposed developments shall contribute to the achievement of this integrated Green Infrastructure Network where relevant and at a minimum rate of 14% of A1 zoned lands. All biodiversity strips may be calculated as contributing to the required minimum 14% public open spaces provision. **(Objective GI8)**
- All proposed public open spaces shall have a clear role and function that falls within the Plan's open space hierarchy detailed under Table 5.1 and shall comply with the qualitative standards detailed under 'Sustainable Residential Development in Urban Areas' (2009). **(Objective GI9)**



- Play facilities shall be provided at a rate of 3 sq.m per dwelling and in accordance with 'Planning Guidance on Provision of Children's Play Facilities in New Developments' (2007).

**(Objective GI10)**

**Public Open Space provided within a residential development should contribute towards the County's green network, provide a local park, provide play space or playgrounds, create new civic space/plaza, or improve the amenity of a streetscape. Green spaces can also help with surface water management through integration with sustainable urban drainage systems. Public open space provided within new residential developments should be genuinely accessible to the general public. Public open space is open space which contributes to the public domain and is accessible to the public for the purposes of active and passive recreation, including relaxation and children's play. Public open space also provides for visual breaks between and within residential areas and facilitates biodiversity and the maintenance of wildlife habitats. All public open spaces shall be of a high quality in terms of design and layout, be located in such a manner as to ensure informal supervision by residents and be visually and functionally accessible to the maximum number of residential units.** The proposed development should create positive additions to the open spaces of the area in the form of planting, permeability, and usable open space.

The applicant shall provide clarification and additional information in relation to the following issues:

- i. The landscape proposal has made little provision for informal kick about areas within the proposed development. A revised open layout shall be provided which includes proposals for informal kickabout areas.
- ii. The applicant has not provided details as to the levels and gradients with the proposed public opens pace areas. The developer shall submit level details for the open space areas, this shall include cross section drawings where applicable.
- iii. The applicant has failed to provide of plan which clearly delineates public, communal and private spaces provided, as well as a detailed breakdown of the total area of same. Response should include a plan which clearly delineates public, communal and private spaces to be provided, as well as a detailed breakdown of the total area of same.
- iv. Any proposed pedestrian connections to adjoining lands should be clearly indicated on plans. The applicant should show how public open spaces in the wider area will link in and integrate with the proposed development. The public realm should be integrated into the adjacent development areas, creating continuous green infrastructure connections that form both physical and biodiversity links.

**DMURS and Street Trees**

DMURS seeks to put well-designed streets at the heart of sustainable communities and supports boarder government policies on the environment, planning and transportation. DMURS provides the practical measures to achieve:

- Highly connected street which allow people to walk and cycle to key destinations in a direct and easy-to find manner.
- A safe and comfortable street environment for pedestrians and cyclists of all ages.
- Streets that contribute to the creation of attractive and lively communities.
- Streets that calm traffic via a range of design measures that make drivers more aware of their environment.

**Section 4.2.2 Street Trees** from the **Design Manual for Urban Roads and Streets 2019 (DMURS)** states that “Street trees are an integral part of street design as they contribute to the sense of enclosure, act as a buffer to traffic noise/ pollution and enhance place. A traffic calming effect can also be achieved, where trees are planted in continuous rows and their canopies overhang, at least in part, the vehicular carriageway. Street trees can also be used to enhance legibility by highlighting the importance of connecting routes and distinguishing one area from another through variations in size and species selection. The planting of trees should be considered as an integral part of street design. In general, the size of the species selected should be proportionate to the width of the street reserve”

Street trees shall be provided fully in Public Areas and not between private or management company driveways. Street Tree Planting where possible should be located within the Public Realm and include SUDS features. There seems to be insufficient numbers of street trees planted with the Public Realm. This is not acceptable to the Public Realm Section. Additional Street tree planting within the Public Realm to be provided by the applicant.

### **Arboricultural Impact**

There are concerns regarding the numbers of trees and extent of hedgerows to be lost in order to facilitate the proposed development, 70 (47.6%) of the 147No. individually tagged trees included within the assessment area along with 1No. full hedge (c.300m) plus c.281 linear meters of 13No. other hedge sections of varying sizes will need to be removed to facilitate the proposed development works. In total, c.581m (23.3%) of hedging from a total of 2,467 linear meters of hedging will need to be removed to facilitate the proposed development on these lands. The 70 No. Trees for removal are made up of the following category grades:

- 23No. category ‘U’ trees =100%
- 0No. category ‘A’ trees =0%
- 7No. category ‘B’ trees =20%

➤ 40No. category 'C' trees =44.9%

This impact represents a loss of:

- i. ecosystem services in the form of habitat reduction
- ii. local biodiversity
- iii. Important Green Infrastructure Links

### **Proposed Pumping Station**

The Public Realm Section would have concerns regarding the current location of the proposed below ground foul pumping Station. The Pumping station is currently sited on public open space in close proximity to a stream and Carrigmore Park in the northern portion of the site.

### **Bat Survey**

The proposed migration measures contained within the submitted EIAR shall be implemented in full by the applicant, these mitigation measures to be implemented include:

### **Measures to Protect Bats during the Removal of Roosts**

- Prior to demolition, for structures which have not been confirmed as bat roosts but regarded to have potential for bats, a bat detector assessment of the property to be demolished will be carried out. If demolitions are proposed during the period May – August (note this time period will not be permitted in the case of the confirmed bat roosts to be demolished). This will be an all-night examination to determine if bats enter the building during the night or early morning. This will provide adequate information to proceed with demolition unless weather conditions were unsuitable for feeding bats. If bats are present, then they will require exclusion from the property over several nights or if possible physical removal by hand by a licenced bat specialist to be placed in a bat box or similar for release in the evening after capture.
- Once structures containing roosts are deemed to be clear of bats, the bat specialist will be on site to supervise the demolition procedure until the structure is no longer deemed able to support a bat roost. Bats may re-enter a partially demolished structure overnight so the bat specialist may be required to be present during demolition works until they are completed.
- Where possible, buildings or trees confirmed as bat roosts will not be demolished during the breeding period or hibernation period (April to mid-August and November-March) as the risk of accidental death or injury is higher at this time. Bats may use roosts in smaller numbers in winter but may nevertheless be present. Outside of these periods, the approach to demolition of bat roosts will be determined on a case-by-case basis and subject to relevant licence conditions.

- Buildings confirmed as bat roosts proposed for demolition will be marked on the ground with agreed paint marking to permit identification by Contractors.

#### **Measures to Protect Bats during Vegetation Clearance**

- Felling of confirmed and potential tree roosts will be undertaken during the periods April – May or September – October as during this period bats are capable of flight and may avoid the risks from tree felling if proper measures are undertaken, but also are neither breeding nor in hibernation
- Use of detectors alone may not be sufficient to record bat emergence and re-entry in darkness. Therefore, prior to felling of confirmed and potential tree roosts, an emergence survey using infra-red illumination and video camera(s) and bat detectors will be carried out on the night immediately preceding the felling operation to determine if bats are present
- Where it is safe and appropriate to do so for both bats and humans, such trees may be felled using heavy plant to push over the tree. In order to ensure the optimum warning for any roosting bats that may still be present, the tree will be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and should remain in place until it is inspected by a bat specialist
- Trees should only be felled “in section” where the sections can be rigged to avoid sudden movements or jarring of the sections
- Where remedial works (e.g. pruning of limbs) is to be undertaken to trees deemed to be suitable for bats, the affected sections of the tree will be checked by a bat specialist (using endoscope under a separate derogation licence held by that individual) for potential roost features before removal. For limbs containing potential roost features high in the tree canopy, this will necessitate the rigging and lowering of the limb to the ground (with the potential roost feature intact) for inspection by the bat specialist before it is cut up or mulched. If bats are found to be present, they will be removed by a bat specialist licenced to handle bats and released in the area in the evening following capture
- If any bat tree roosts are confirmed, and will be removed by the proposed felling works, then a derogation licence will be required from the NPWS and appropriate alternative roosting sites will be provided in the form of bat boxes.

#### **Measures to Control and Reduce Light Spill During Construction**

During construction, any external lighting to be installed, including facilitating night-time working or security lighting, on the site shall be sensitive to the presence of bats in the area, downlighting, and time limited where possible. Lighting of sensitive wildlife areas and primary ecological corridors (e.g. Monitoring of light levels along the treelines and hedgerows will be undertaken pre-construction, during construction and post-construction to identify any areas where light spill is affecting background levels during construction. Where monitoring detects light spill is affecting these habitat areas, remedial measures, such as censored lighting or low column height lights, and will be implemented to ensure that background light levels are maintained.

### **SuDS and Green Infrastructure**

The Landscape proposals shall include site-specific enhancements to achieve biodiversity net gains. Green corridors can be used to extend and enhance existing ecosystems. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. The development proposals shall include a network of multifunctional green space, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

A SuDS strategy should be developed for the proposed development which takes account of quantity, quality, and amenity issues. The SuDS features proposed should provide intrinsically attractive features and focal points within the landscape and have added ecological value; by incorporating these features into open public spaces members of the public can enjoy a variety of diverse ecological features. The design of SuDS features is required to be of high quality to achieve a multifunctional space for amenity, biodiversity and surface water management. The proposed SuDS features should aid the maintenance of the existing greenfield runoff rates or potentially reduce the amount of surface water entering the piped surface water system. The applicant should have cognizance of the broader green/blue infrastructure network within the local area and how the landscape proposals for this development will interconnect with the wider existing green/blue infrastructure network.

The current proposed drainage system needs to be developed further in order to sustainably manage surface water through a natural hydrological regime or SUDS scheme within the development. The philosophy of SUDS is an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and habitat/biodiversity enhancement. Additional SuDS that should be considered for the SHD development include:

- Bio retention systems
- Infiltration systems
- Tree pits

- Channel rills
- Green area detention basins
- Additional swales

Were possible in addition to the SUDS features proposed the applicant should provide the following:

- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.

Revised proposals to be provided by the applicant in this regard. Response should include revised layout and drawings.

### **Attenuation and Public Open Space**

The issue of surface water attenuation is a significant concern for the Public Realm Section. The applicant has proposed to locate 5 no. number attenuation tanks under areas identified as public open space; a large portion of the public open space areas will be underlain by these tanks. This approach is not considered acceptable to the Public Realm Section. The proposal places severe limitations on the potential use and landscaping of the open space into the future. When the area of the attenuation tanks is taken from the public open space area provision then there is potentially a significant shortfall in terms of the open space provided and the standards contained in the South Dublin County Development Plan 2016-2022. The location of Tank 1 (attenuation Vol of 1,402m<sup>3</sup>) Central Park are is not acceptable to Public Realm Section. The proposed attenuation tank takes up approximately 33% of the open space area. The location of these tanks on the open space reduces both the amenity and usability of the open space provided. The applicant should consider the landscape proposals can provide for above ground attenuation incorporating natural solutions. Please note the Planning Authority only accepts underground attenuation tanks as a last resort. An alternative location should be sought and found for the provision of nature-based solutions and above ground attenuation or perhaps an alternative location should be found for the proposed development. Revised proposals with regard to the proposed location of the attenuation tanks within the open space areas to be provided by the applicant.

### **Play Provision**

There is a lack of detail in terms of the play provision being proposed within the development. There is a lack of detail in terms of items being provided and there also seems to be insufficient play areas proposed considering the size of the overall proposed development. Ideally play items should be located within the Public Open Space areas within the development. Additional details, specifications

and images need to be provided in relation to the proposed playgrounds and play spaces for the development. All play equipment should be of predominantly natural materials with unstructured play included in the proposed design. The playground designer/landscape architect can contact SDCC public realm section to discuss the proposed playground, including the inclusion of additional universally accessible equipment. Detailed information on the number and types of play items being delivered to be provided by the applicant in this regard. Response should include revised layout and drawings.

### **Biodiversity Management Plan**

Given the numerous policies and objectives regarding Green Infrastructure in the County Development Plan 2106-2022, and given the size and nature of the proposed development. It is requested that an overarching Biodiversity Management Plan be drawn up by the applicant/developer to oversee the various biodiversity issues on the site including bats, birds, amphibians, invertebrates, mammals etc. and the provision of a range of appropriate habitat types to mitigate against potential biodiversity impacts.

The plan should indicate how biodiversity and green infrastructure is to be protected, enhanced and developed on this site during construction and into the future, taking into account matters that included the following:

- a) The protection of hedgerows
- b) The protection and enhancement of riparian habitats along the stream to the eastern boundary
- c) Protections and enhancement measures for bats
- d) Protection and enhancement of breeding birds and their habitats
- e) The use of SUDS and Climate Adaption Measures

### **Taking in Charge**

There are concerns regarding the future maintenance of public open space areas proposed to be taken in charge. The woodland area in the Southwest corner of the subject site is of particular concern to the Public Realm Section considering the significant changes in level and gradients with the open space area .All areas proposed for taking in charge shall be to a taking in charge standard that ensures ease of maintenance. A taking in charge drawing shall be submitted to SDCC, clearly identifying what sections if any are proposed to be taken in charge by SDCC. If a management company is taking in charge public open space the management company's details shall be submitted with the written confirmation and a detailed drawing.

**The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following:**

**(A) Landscape Design Proposals**

Prior to the commencement of development on site, the following landscaping, open space and ecology details shall be submitted to and agreed in writing with the planning authority:

- (A) The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, including the Landscape Design Rationale, which accompanied the application, unless otherwise agreed in writing with the planning authority.
- (B) Details of hard landscaping materials, including materials for the pedestrian and cycle routes and public open space.
- (C) Further details of the play spaces and associated features assigned for children of all ages.
- (D) details in relation to public furniture/benches;
- (E) proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of the size, species and location of all vegetation, including biodiversity enhancement measures;

**REASON: In the interest of amenity, ecology and sustainable development and To assimilate the development into its surroundings, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting and policies HCL7 Objective 1 and HCL7 Objective 2 of the CDP 2016-2022.**

**2. Landscape Management and Maintenance**

A Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This Landscape Management and Maintenance Plan shall cover a period of at least three years and shall include details of the arrangements for its implementation. Details of a to be implemented during operation of the development. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, shall be replaced



within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**REASON: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.**

### **3. Taking in Charge**

(a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) A map delineating those areas to be taken in charge by the Local Authority and details of the legally constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility shall be submitted to, and agreed in writing with, the planning authority before any of the residential or commercial units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

**REASON: To provide for the satisfactory future maintenance of this development in the interest of residential amenity**

### **4. Play Provision**

Clarification shall be provided as to the total number and location of play opportunities; the age range they are appropriate for and whether they are universally accessible. An emphasis shall be on active, accessible play throughout the development. The applicant shall provide fully detailed play proposals as part of the landscape scheme for the proposed development. The applicant shall consider the provision of additional universally accessible equipment within the play proposals for the development. Additional details, specifications and images need to be provided in relation to the proposed playgrounds and play spaces for the development. All play equipment shall be of predominantly natural materials with unstructured play included in the proposed design. The applicant shall consider the use of engineered woodchip as playground surfacing material. **CONDITION**

**REASON: To uphold the policies of the South Dublin County Council Development Plan 2016-2022 relating to Children's play, and to provide for the proper planning and sustainable development of the area.**

### **5. SUDS**

A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A

maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.
- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage / attenuation calculations for same.
- The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.
- Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.
- Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.

**REASON:** To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.

## **6. Environmental Impact Assessment Report**

The recommendations and mitigation measures contained within the Environmental Impact Assessment Report shall be implemented in full by the applicant.

**REASON: To protect and enhance areas of biodiversity, in accordance with policies IE7 Objective 5, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.**

## **7. Tree Protection**

All tree protection measures outlined in the submitted Arboricultural Assessment Report and associated Tree Protection Plan shall be implemented in full by the applicant. In addition, no development shall commence on site, including works of demolition or site clearance until:

- a) All trees to be retained shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction;
- b) Any works within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi mature trees of the same or similar species.
- c) a site meeting has taken place with the Project Landscape Architect, Site Foremen, the appointed Arborist and a Parks Superintendent from the Public Realm Section in order to ensure that all required tree and protection measures are in place prior to commencement of site works.

**Reason: To ensure the safety and well-being of the trees on the site that are to remain after building works are completed, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.**

#### **8. Tree Protection and method statement pre-commencement**

No operations shall commence on site in connection with the development until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS. The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
- c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees.

f) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012

g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement

**REASON:** To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

### **9. Tree Bond and Arboricultural Agreement**

Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of **€208,424.80** with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.

The bond lodgement shall be coupled with *an Arboricultural Agreement*, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

*An Arboricultural Assessment Report and Certificate* is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

**REASON:** to ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site.

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**Prepared By: Oisín Egan**  
**Executive Parks Superintendent**

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**Endorsed By: Laurence Colleran**  
**Senior Executive Parks Superintendent**

## Appendix 5: Water services Report

**Register Reference No.:** *SHD3ABP-313145-22*

**Development:** Development to the immediate north of the site is the Carrigmore residential estate, to the west are agricultural lands and a single dwelling, to the east is the Corbally residential estate while to the south is the Boherboy Road; The proposed application represents the development of the entire Boherboy Neighbourhood as identified in the Fortunestown Local Area Plan (2012) consisting of 655 dwellings, comprised of 257 two, three & four bed, two & three storey detached, semi-detached & terraced houses, 152 one, two & three bed duplex units in 17 two to three, three to four & four storey blocks, and 246 one, two & three bed apartments in 9 buildings ranging in height from two, two to five, four to five & five storeys, and a two storey crèche (693sq.m); Access to the development will be via one vehicular access point from the Boherboy Road, along with proposed upgrade works to Boherboy Road to include the provision of a roadside footpath along the front of the site at the Boherboy Road, continuing eastwards to the junction with the N81 Blessington Road (for an overall distance of c.370m); The proposed development also provides for pedestrian and cyclist connectivity to the adjoining Carrigmore Park to the north-east, and vehicular, pedestrian and cyclist connections to adjoining developments at Corbally Heath to the east and Carrigmore Green to the north; The proposed development provides for (i) all associated site development works above and below ground, including surface water attenuation & an underground foul sewerage pumping station at the northern end of the site, (ii) public open spaces (c. 3Ha), including alongside the Corbally Stream, which will accommodate the provision of pedestrian / cyclist links to Carrigmore Park to the north-east, (iii) communal open spaces (c. 6,392sq.m), (iv) hard and soft landscaping and boundary treatments, (v) undercroft, basement & surface car parking (914 car parking spaces, including EV parking), (vi) bicycle parking (797 bicycle parking spaces), (vii) bin & bicycle storage, (viii) public lighting, and (ix), plant (M&E), utility services & 5 ESB sub-stations, all on an overall application site area of 18.3ha; In accordance with the Fortunestown Local Area Plan (2012) an area of c. 1.4Ha within the site is reserved as a future school site.

**Location:** Lands in the townland of Boherboy, Saggart Road, Co Dublin

**Report Date :** 6<sup>th</sup> May 2022

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## **Surface Water Report:**

## **No objection subject to:**

- 2.2 There appears to be scope to include further SuDS (Sustainable Drainage Systems) such as sunken rain gardens and further tree pits to break up car parking areas. Prior to commencement, the applicant shall submit a revised surface water drainage drawing showing the inclusion of further SuDS features within car parking areas as described above. Submit a design detail where additional SuDS features are proposed.
- 2.3 The applicant has proposed to locate surface water attenuation “Tank 6” underneath a road to the north of the site which has the potential to be taken in charge. Prior to commencement of development, the applicant shall obtain agreement from South Dublin County Council’s Roads Department regarding the location and construction details of this underground surface water attenuation system underneath a road with the potential to be taken in charge.
- 2.4 The proposed private filter drains to the rear of properties shall be omitted and replaced with traditional drainage pipes which comply with the Building regulations Technical Document- Part H Drainage and Wastewater disposal. Prior to commencement of development the applicant shall submit revised surface water drainage plans which demonstrate this.
- 2.5 The proposed filter drain pipes beneath swales shall be minimum 225mm in diameter. This also applies to pipes connecting proposed swales to the surface water drainage network. 150mm pipes are not acceptable where swales are to be taken in charge.
- 2.6 Overland flow inlets to proposed SuDS features such as swales, tree pits, rain gardens etc. should be maximised to allow for treatment of surface water.
- 1.6 The minimum cover over proposed surface water sewers shall be 1.2m. Where the 1.2m cannot be achieved, the pipe shall be fully surrounded in 150mm thick concrete with an absolute minimum depth of cover of 750mm. This applies to roadways/footpaths.

**Flood Risk Report:**

**No objections subject to:**

2.1 Prior to commencement of development the applicant shall submit a cross sectional detail of the proposed drainage ditches to the north of the site. Side slopes of these ditches shall be graded to be max 1:3 to allow for maintenance.

**Note:**

- The Developer shall ensure that there is complete separation of the foul and surface water drainage systems within the site, both in respect of installation and use.
  - All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
  - All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
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Signed: \_\_\_\_\_  
Ronan Toft AE

Date: \_\_\_\_\_

Endorsed: \_\_\_\_\_  
Brian Harkin SEE

Date: \_\_\_\_\_





INTERNAL MEMORANDUM

**HOUSING DEPARTMENT**

16<sup>th</sup> May 2022

*Michael Mulhern*

*Director of Land Use, Planning and Transportation*

*Dept. of Development, Economic & Transport Planning*

**FAO: Colm Maguire**

**Re: Reg Ref: SHD3ABP-313145-22**

**Location:** In the townland of Boherboy, Saggart Road, Co Dublin

**Applicant:** Kelland Homes Ltd and Durkan Estates Ireland Ltd

**Proposal:** *Development to the immediate north of the site is the Carrigmore residential estate, to the west are agricultural lands and a single dwelling, to the east is the Corbally residential estate while to the south is the Boherboy Road; The proposed application represents the development of the entire Boherboy Neighbourhood as identified in the Fortunestown Local Area Plan (2012) consisting of 655 dwellings, comprised of 257 two, three & four bed, two & three storey detached, semi-detached & terraced houses, 152 one, two & three bed duplex units in 17 two to three, three to four & four storey blocks, and 246 one, two & three bed apartments in 9 buildings ranging in height from two, two to five, four to five & five storeys, and a two storey crèche (693sq.m); Access to the development will be via one vehicular access point from the Boherboy Road, along with proposed upgrade works to Boherboy Road to include the provision of a roadside footpath along the front of the site at the Boherboy Road, continuing eastwards to the junction with the N81 Blessington Road (for an overall distance of c.370m); The proposed development also provides for pedestrian and cyclist connectivity to the adjoining Carrigmore Park to the north-east, and vehicular, pedestrian and cyclist connections to adjoining developments at Corbally Heath to the east and Carrigmore Green to the north; The proposed development provides for (i) all associated site development works above and below ground, including surface water attenuation & an underground foul sewerage pumping station at the northern end of the site, (ii) public open spaces (c. 3Ha), including alongside the Corbally Stream, which will accommodate the provision of pedestrian / cyclist links to Carrigmore Park to the north-east, (iii) communal open spaces (c. 6,392sq.m), (iv) hard and soft landscaping and boundary treatments, (v) undercroft, basement & surface car parking (914 car parking spaces, including EV parking), (vi) bicycle parking (797 bicycle parking spaces), (vii) bin & bicycle storage, (viii) public lighting, and (ix), plant (M&E), utility services & 5 ESB sub-stations, all on an overall application site area of 18.3ha; In accordance with the Fortunestown Local Area Plan (2012) an area of c. 1.4Ha within the site is reserved as a future school site*

I refer to the above application for planning permission, SHD3ABP-313145-22 for the development of 655 units and I wish to advise that a Part V condition should be attached to any grant of permission for this application.

The Part V submission lodged with this planning application is noted, the developer intends on fulfilling its Part V obligation by providing, 66 Social Housing Units comprising of 6 x 1 bed, 37 x 2 Bed and 23 x 3 Bed Duplex and Apartment units and 67 Affordable Units comprising of 2 x 1 Bed, 25 x 2 Bed and 24 x 3 Bed Duplex and Apartment units and 16 x 3 Bed Houses. It is South Dublin County Councils preference to **acquire a mixture of units on site in line with the ratio of units proposed in the development** and as such it would be the

preference of the Housing Department that a revised proposal is submitted to include a better mix of unit types available in the overall development in line with the schedule of accommodation including house type units. The Applicant is required to contact the Housing Department directly with any revised proposals. A separate Part V Agreement will be required for each developer on the site.

The Part V percentage liability is dependent on the date the applicant purchased the subject site and the applicant is requested to provide proof of same to the Housing Department.

South Dublin County Council can only agree Part V in respect of the permitted development subject to costing approval from the Department of Housing, Local Government & Heritage. Please note that the Council would require a fully completed Part V submission prior to commenting on costs.

Yours Sincerely,

**Edel Dempsey**  
**Senior Staff Officer**  
**Housing Procurement Section**