

James McInerney Planning Consultant
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27 July 2022

Planning Dept
South Dublin County Council
County Hall
Tallaght
Dublin 24

RE: Third Party Observation.

Permission sought for development consisting of demolition of 2 sheds and the construction of 30 dwellings; 1 vehicular and pedestrian link with Main Street, Newcastle; vehicle and pedestrian link with Glebe Square, Newcastle and all associated and ancillary site development works at Main Street, Newcastle, Dublin for Deane and Deane Ltd.

Register Reference No. SD22A/0286.

Dear Sir/Madam.

I am a Planning Consultant and have been instructed by:

Padraic Cawley, 16, Glebe Square, Newcastle Glebe, Peamount Road, Newcastle, Co. Dublin,
Jannette Dempsey, 23, Glebe Square, Newcastle Glebe, Peamount Road, Newcastle, Co. Dublin and
Edward Orr, 6, Glebe Square, Newcastle Glebe, Peamount Road, Newcastle, Co. Dublin, who are acting on behalf of the residents of Newcastle Glebe, who in support of this Observation have appended their names and addresses on attached separate sheets of paper.

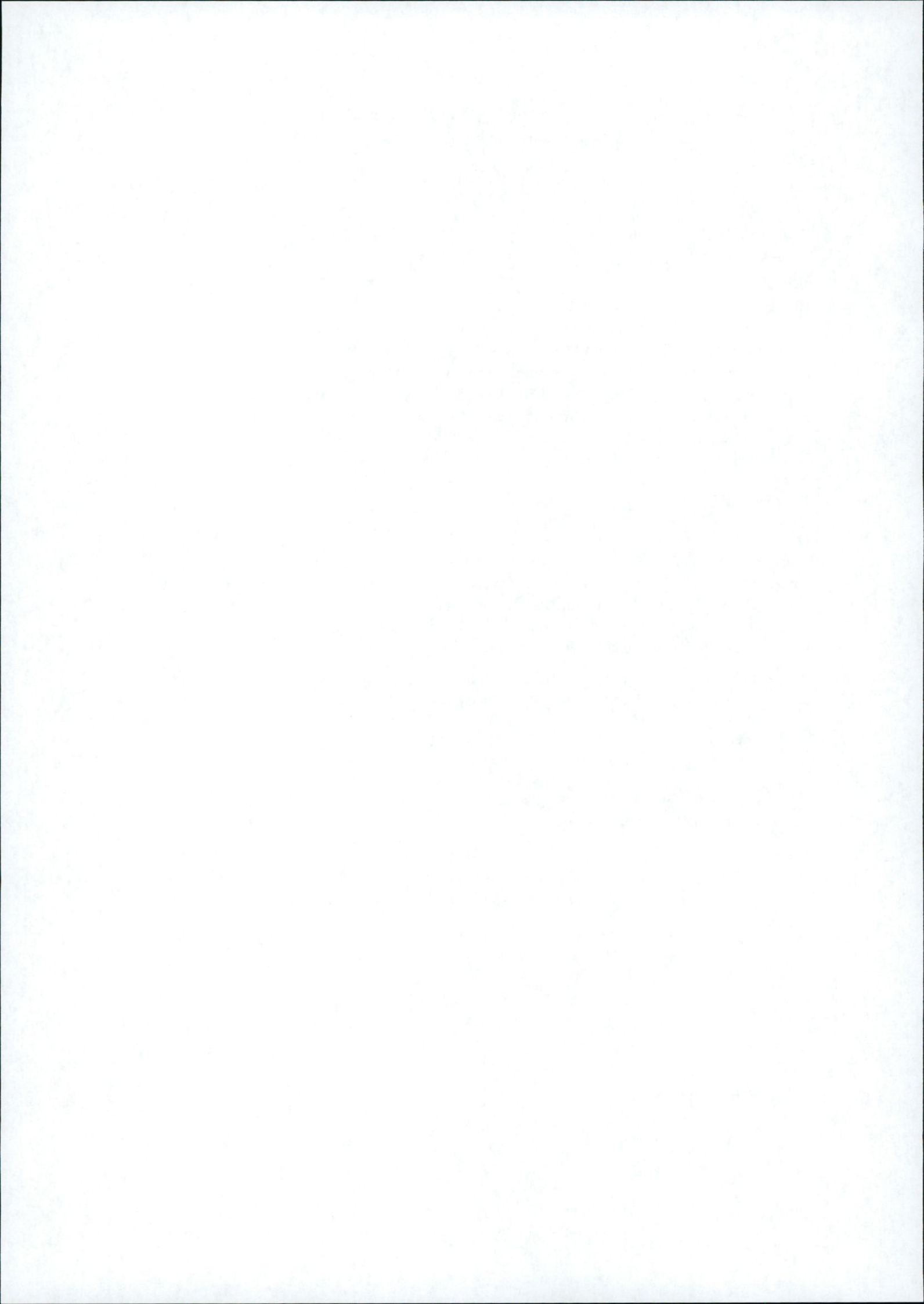
Both Padraic Cawley and Jannette Dempsey are also Directors of Newcastle Glebe Management Company, said company is responsible for the day-to-day management of the estate.

Yours faithfully


James McInerney, Planning Consultant.

Attached:

- (i) Observation Fee €20.00 Receipt No. T4//0/711956
- (ii) Petition names and addresses of resident of Newcastle Glebe who support this Observation and
- (iii) Grounds of Observation.



To: South Dublin County Council.

Re: Proposed development consisting of demolition of 2 sheds and the construction of 30 dwellings; 1 vehicular and pedestrian link with Main Street, Newcastle; vehicle and pedestrian link with Glebe Square, Newcastle and all associated and ancillary site development works at Main Street, Newcastle, Dublin for Deane and Deane Ltd.
Register Reference No. SD22A/00286.

I support the Observation been submitted on behalf of the Residents of Newcastle Glebe Estate, Newcastle Co. Dublin.

Name	Address
TIMOTHY ION	1 GLAZE GREEN
ADAM HERBERT	3 GLEBE GREEN.
KEVIN WALSH	4 GLEBE GREEN
Michael Kavanagh	5 Glebe Green
M. O'Dwyer	8 Glebe Green
B. Walsh	2 Glebe Close,
Aidan Burke	6 Glebe Close
Mark Brady	7 Glebe Close
Anne Hughes	8 Glebe Close

Eric Marshall 12 Glebe Close Newcastle

Paul Reid 13 Glebe Close Newcastle

Deborah Kenny 2 Glebe Way, Newcastle.

Michael Coyne 3 Glebe Way, Newcastle, Co.

Milena Ickiewicz 4 Glebe Way, Newcastle.

Lisa McCavin, 6 Glebe Way, Newcastle

Niamh Keogh, 5 Glebe Way, Newcastle
Co. Dubl. n.

Fiona Carter, 7 Glebe Way, Newcastle
Co. Dublin

DAMIAN ZROCKS, 8 GLEBE WAY, NEWCASTLE CO. DUBLIN

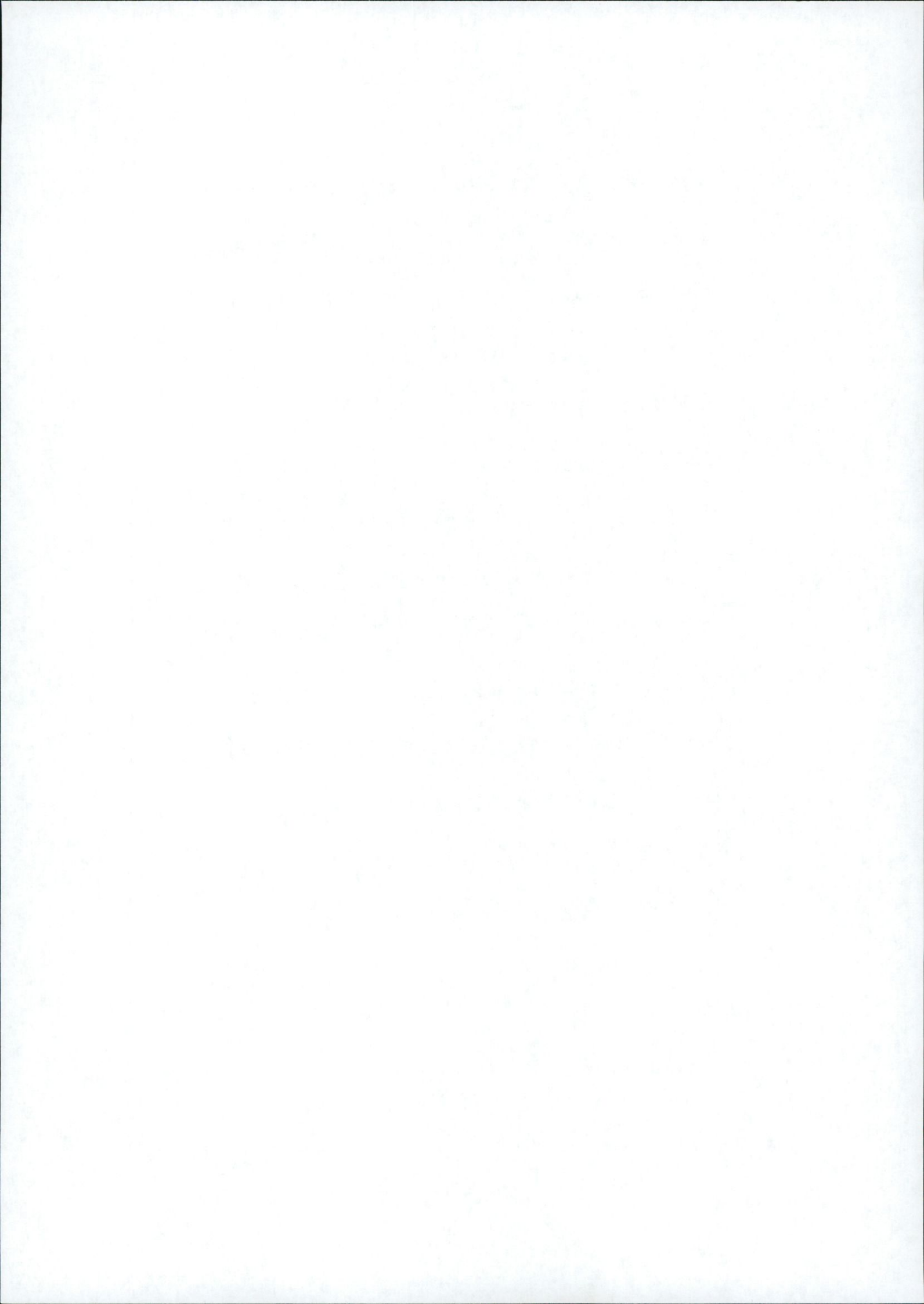
Dyndsey Conroy 19 Glebe Square, Newcastle.

Mick Kavanagh 28 Glebe Square, Newcastle.

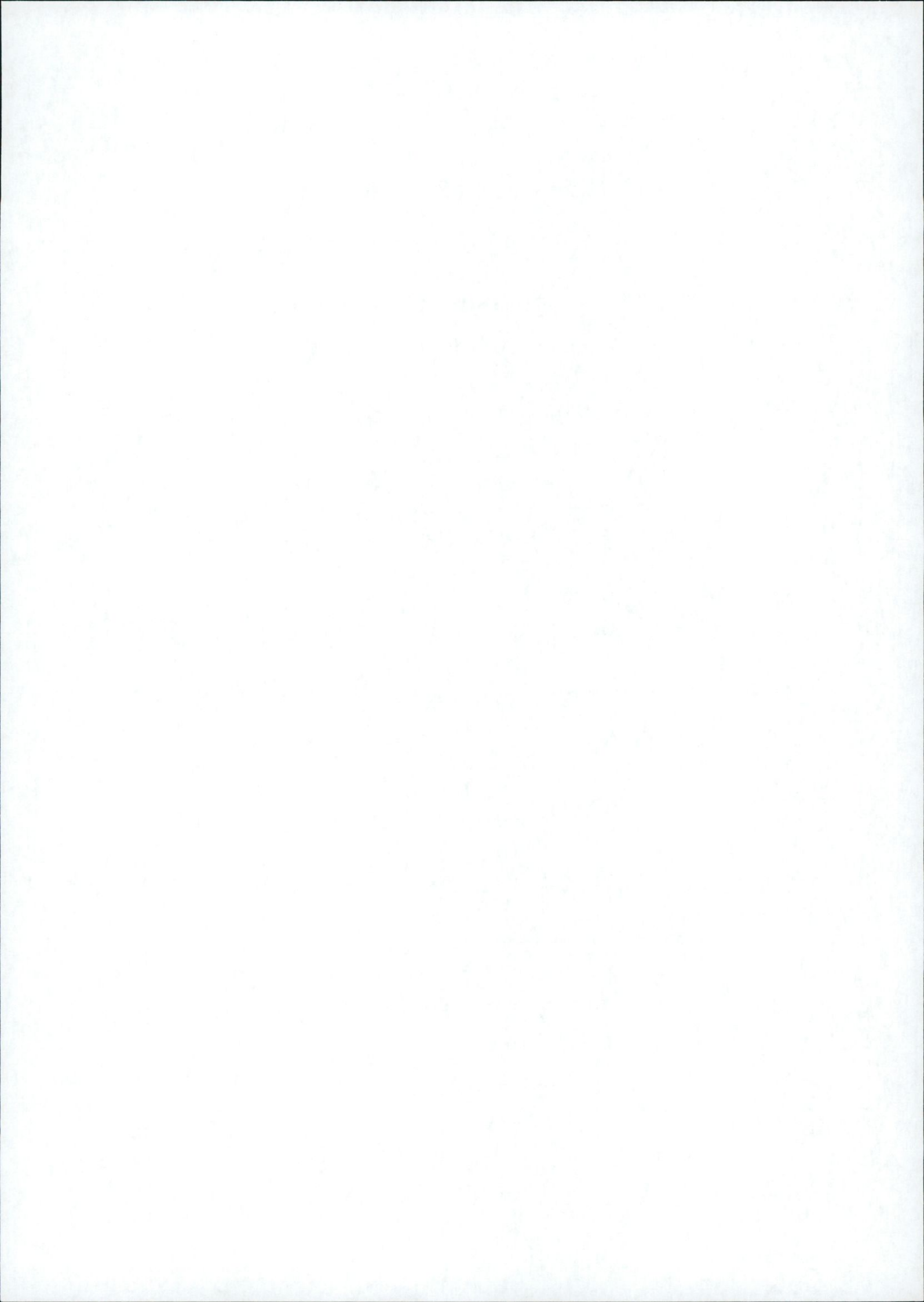
Edward O'Keefe 06 Glebe Square

Karl Connolly 12 Glebe Square

Nick & Anne Byrne, 6 Glebe Square



Col Hume	27 Glebe Square.
Derek Connolly	2 Glebe Square
Jannette Dempsey	23 Glebe Square.
Kevin O'Brien	24 Glebe Sq
Subject Conn.	20 GLEBE SQ
J. Hogan	12 Glebe Heights
Oblique	12 Glebe Heights
K. Scully.	5 Glebe Heights.
P. Logan	2. Glebe Heights
S. Bereck	1 Glebe Heights
S. Voverica	1 Glebe Heights
R. Ryan	18 Glebe Square.
L. Daley	14 Glebe Sq -
Ro Galon	13 Glebe Square



~~PADRAIC~~ 16 Glebe Square

James Quinlan 13 Glebe Square

Anthony Johnston 11 Glebe Square

MARJAN Johnston 11 Glebe Square

Lester Fitzgerald 10 THE GLEBE

Sandra Fitzgerald 11 " " "

Maureen 7 Glebe Heights

Siobhán 9 Glebe Heights

GERARDINE Maguire 10 Glebe Heights

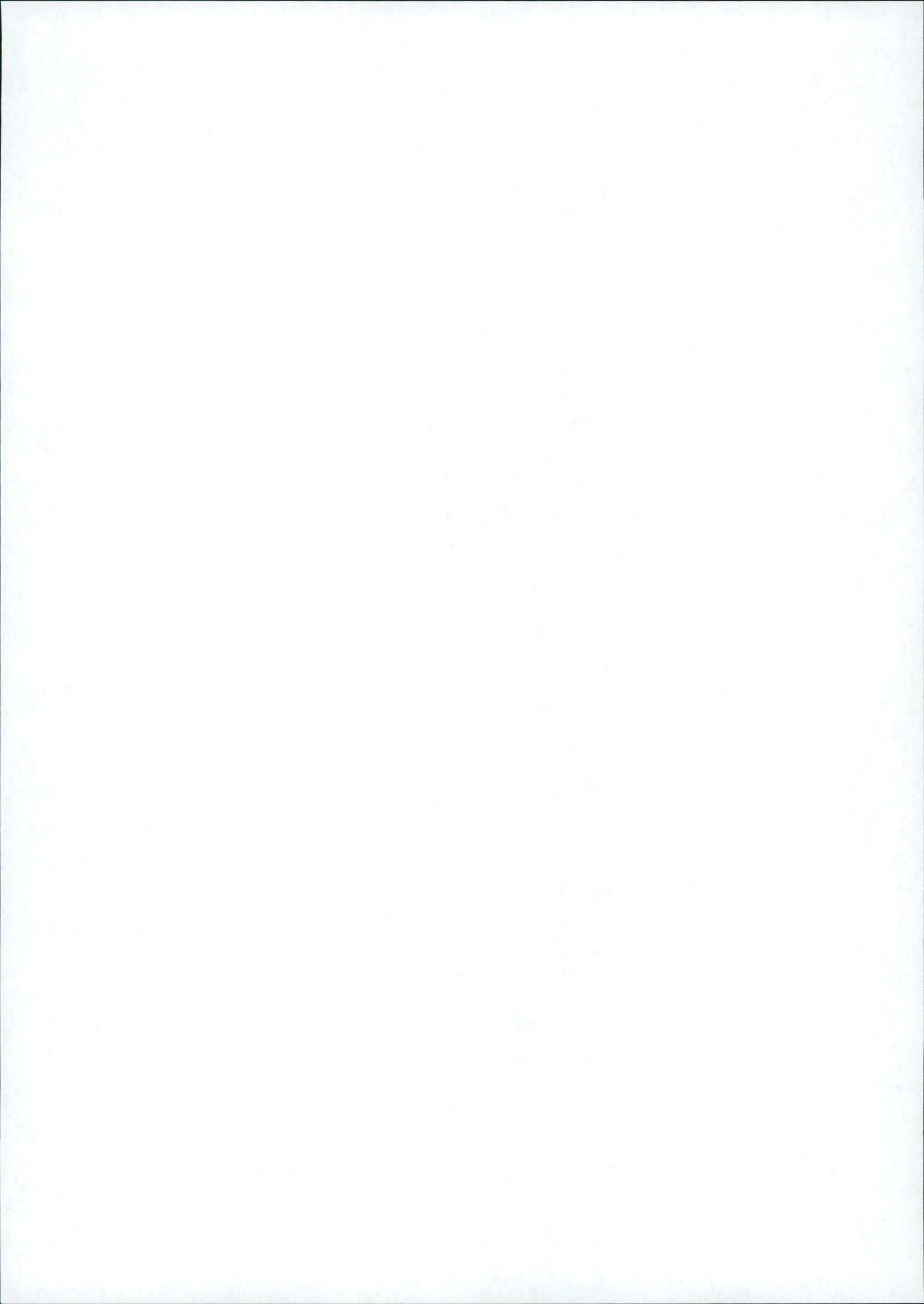
Noel & Derek Brien 8 Glebe Square

Mt. Why 4 GLEBE HEIGHTS

Patricia Duff 3, Glebe Close

Niall Duff 25 Glebe Sq.

Cathy Mae Duff 21 Glebe Sq.



KEIGH DUFFY, 10 GLEBE CLOSE

MARK DUFFY, 10 GLEBE CLOSE

ARNOLD WILSON 11 GLEBE CLOSE.

KIMMETH SMITH 10 GLEBE WAY

LEONARD PERRY SMITH 10 GLEBE WAY

FRANK PLATTMANN 10 GLEBE WAY

PHYLLIS GAGAN 11 GLEBE WAY.

MARTIN GAGAN 11 GLEBE WAY.

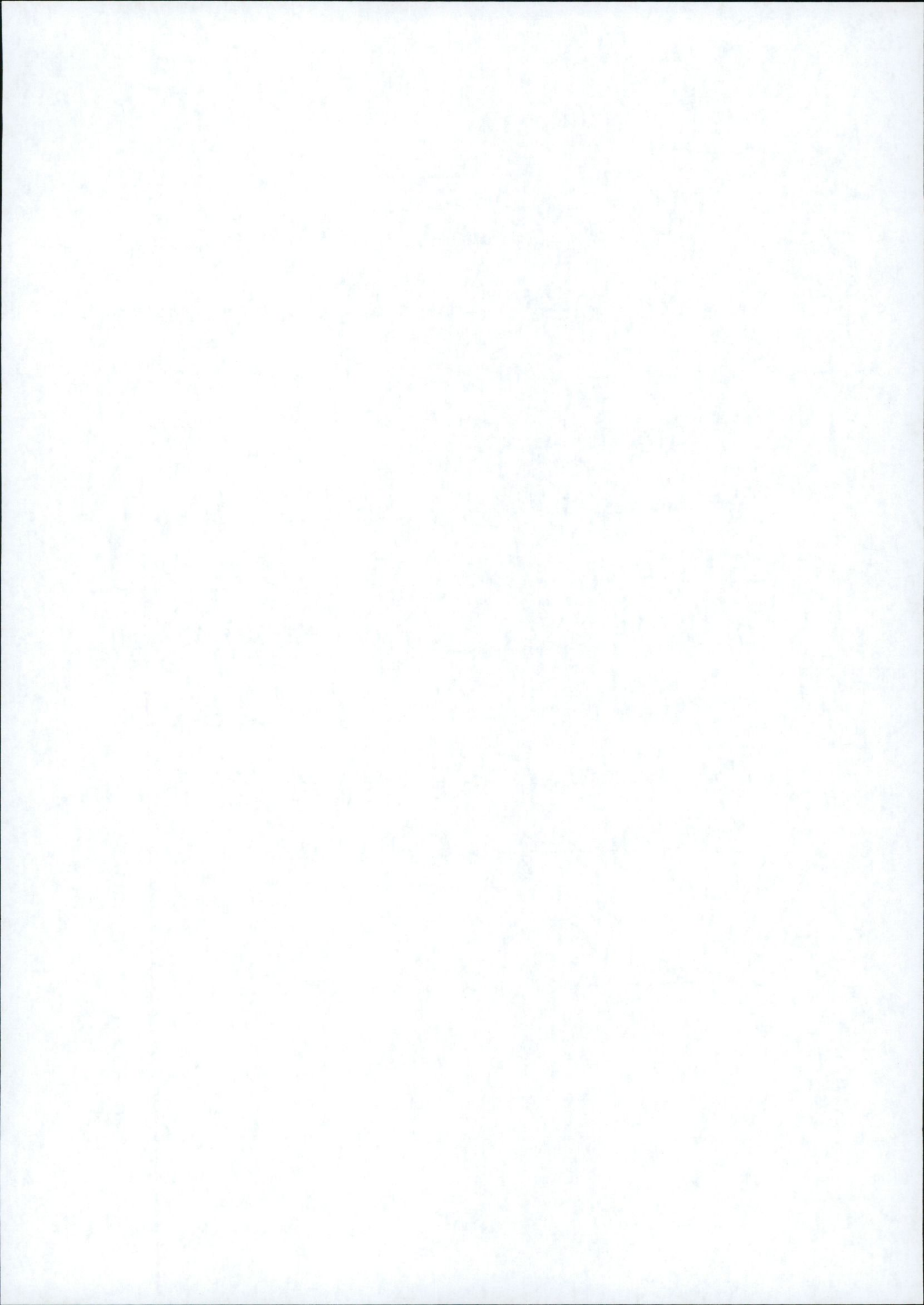
JIMMY PATRICK HARK 7 GLEBE GREEN

DAVID KECK 26 GLEBE SQUARE.

ANGELA GAGAN 3 GLEBE SQUARE

BASCO CONE 1 GLEBE SQUARE.

Mark O'Garra	23 Glebe Square
Stephanie Bracklow	37 Glebe Square
Thomas Wall	9 Glebe Close.
Nancy Belts	5 " "
Rebecca Killeen	6 Glebe Green.
Elizabeth O'Connor	5 Glebe Square.
An O'Reilly.	29 Glebe Square.
Henry Cian	30 Glebe Sq
Anne Keane	41 Glebe Sq.
Zoe Broughal	38 Glebe Square.



Third Party Observation.

Reg. Ref. No. SD22A/0286.

1. Observation.

This is Third Party Observation on behalf of the Residents of Newcastle Glebe, Peamount Road, Newcastle, Co. Dublin, which is located north of the new Planning Application Site. The Residents object to the provision of a vehicular and pedestrian access through their estate to serve the proposed development. Newcastle Glebe was developed circa 2006 and consists of owner occupier dwellings with families. Newcastle Glebe is a well maintained and settled estate, with a unique courtyard open space. The Residents have no objection to the provision of new homes on lands to the south of Newcastle Glebe.

2. New Planning Application for Permission.

Reg. Ref. No. SD22A/0286

Permission sought on 24-June- 2022 for development consisting of demolition of 2 sheds and the construction of 30 dwellings; 1 vehicular and pedestrian link with Main Street, Newcastle; vehicle and pedestrian link with Glebe Square, Newcastle and all associated and ancillary site development works at Main Street, Newcastle, Dublin for Deane and Deane Ltd.

The red line boundary of the proposed site includes 2No. narrow width and longitudinal length strips of land to facilitate surface water and foul disposal from the proposed development. The strips of land are to the north of the of the site at the eastern and western sides of the site. According to Architects's Drawing No. 19.134.PD2008, Taken-In-Charge, the strips of lands are not in the ownership of the Applicants.



Extract from Site Location Map

The particulars submitted with the application do not provide any commentary in relation to these strips of land. It is understood that the north-eastern strip which forms part of Newcastle Glebe is owned by Tenbury Developments Ltd or their successors in title and is presently under the administration of a Newcastle Glebe Management Company. It is understood that the north-western strip is in the ownership of Mr. Liam Butler.

The particulars submitted with the application includes a Certificate Ref: TIC/9187/2022 from Roads Maintenance, Land Use, Planning & Transportation, SDCC certifying that the Roads and Services within Newcastle Glebe are in charge of South Dublin County Council. The Watermains Network and Foul Sewer System were taken in charge by South Dublin County Council, are maintained by South Dublin County Council and that ownership of these services resides with Irish Water.

Article 22 (2) (g) of the Planning and Development Regulations 2001-2022 states:

Where the applicant is not the legal owner of the land or structure concerned –

(i) the written consent of the owner to make the application, or

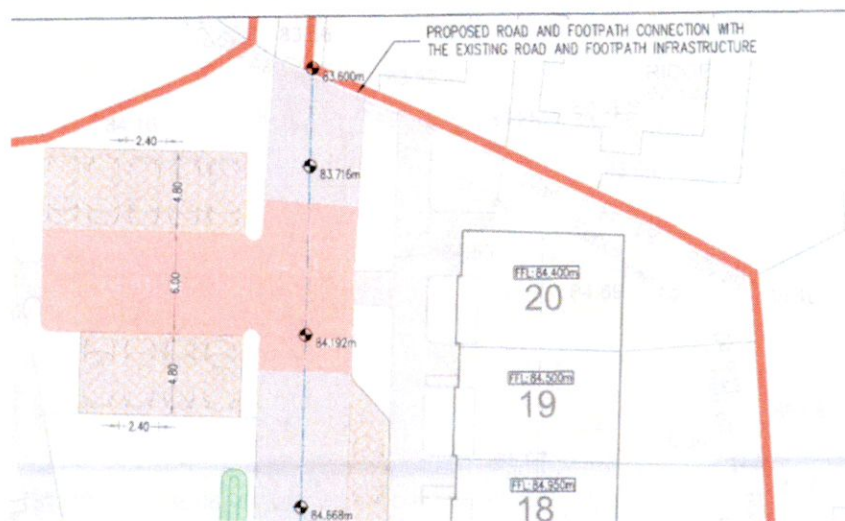
(ii) in the case of a proposed development, or part of a proposed development, that is in, on, over or under a public road, written confirmation that the proposed development concerned is to be undertaken by a statutory undertaker having a right or interest to provide services in connection with the proposed development

The List of Documents submitted with the application do not include the following:

- Letter of Consent from the owner of the above north-western strip of land to the making of the application.
- Letter of Consent from either the landowner of lands within Newcastle Glebe or the Management Company to the making of the application. South Dublin County Council are not the registered owner of the lands, merely they have the roads and services in charge.
- As it is proposed to connect to a foul sewer under a public road, written confirmation that the proposed development concerned is to be undertaken by a statutory undertaker having a right or interest to provide services in connection with the proposed development. The letter produced from SDCC merely advises that the roads sewers and watermains are in charge.

It would appear that Article 22(2) (g) of the Planning Regulations has not been complied with in full.

Proposed Vehicular and Pedestrian Access to Newcastle Glebe.



Extract from CS Consulting Group - Proposed Road Layout Drg. No. NCA-CCS-ZZ-DR-C-0004.

There is no notation on the above plan to indicate that it will be necessary to remove an existing boundary wall and possibly to lower part of said boundary for the provision of vertical sightlines in respect to perpendicular off-street car parking at Glebe Square.

The CS Consulting Traffic Impact Statement makes no mention that an existing boundary wall presently impedes access for vehicular traffic and the provision of adequate sightlines. The Statement ignores the unique courtyard open space in Glebe Square which contributes to the residents using the streets as a shared surface for pedestrian and vehicular traffic and children playing.

3. South Dublin County Council Development Plan 2022-2028.

The Application falls for consideration under the South Dublin County Council Development Plan 2022-2028.

Zoning. The Site is located within an area with Zoning Objective 'RES-New' – *To provide for new residential communities in accordance with approved area plans.* Under this Zoning Objective the proposed development is 'permitted in principle', subject to compliance with the policies and objectives of the Development Plan.

The site is surrounded by different zoning objectives:

Newcastle Glebe Estate – 'RES Existing' – *"To protect and improve residential amenities"*.

North and part east of Estate- 'RU' – "to protect and improve rural amenity and to provide for the development of agriculture".

South of Estate- 'VC' "To protect, improve and provide for the future development of Village Centers".

Reference No. SD-C195-134 refers to an unsuccessful Stage 2 SDCC Draft Development Plan submission requesting rezoning of Zoning Objective 'RU' rural lands at Peamount Road, Newcastle to Zoning Objective 'RES-N' lands. This proposal will most certainly be resubmitted when the current development plan comes up, for review. It is possible that should permission be granted for the proposed development it will be utilized to facilitate access to the currently 'RU' zoned lands, resulting in Newcastle Glebe forming part of a large housing development sometime in the future should rezoning be successful. Hence, the wishes of the Residents of Newcastle Glebe, requiring their settled estate to remain intact.

4. Planning History for Newcastle Glebe, Peamount Road, Newcastle, Co. Dublin.

The following Grants of Permission have been availed of and which are relevant to the current application.

Reg. Ref. No. S00A/0919 & ABP PL06S. 131390

Grant of Permission by Order of An Bord Pleanála dated 10-December-2004 to Tenbury Developments Ltd for development consisting of:

106no. residential units comprising 34no. two and three bed two story terraced units, 20no. two bed apartments in 3no. two story blocks, 42no. 3 bed apartments in 5no. 3 storey blocks and 10no. dormer bungalows including all associated development works and public open spaces on the site of 6.1 acres locations as Hynestown, Newcastle, County Dublin with access of the Lucan Road for Tenbury Developments, subject to 21No. Conditions. The Appeal was by the First Party against Conditions of the Decision and by Third Parties against the Decision to Grant Permission by SDCC.

Condition No. 1 states:

The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by further information received by the planning authority on the 15th day of May, 2003, the 15th day of November, 2003 and the 2nd day of February, 2004, except as may otherwise be required in order to comply with the following conditions.

There was no **specific** condition in the Grant of Permission by An Bord Pleanála requiring future access through the approved development to lands south of the development. Neither did the Board inserted Condition Nos. 2 and 5 or similar as did SDCC in their Decision to Grant Permission as set out hereunder.

Condition No. 2 of Decision stated:

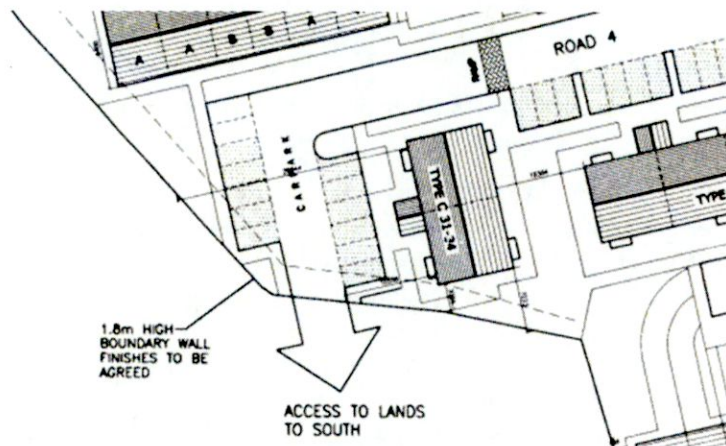
Prior to commencement of development, the applicant is requested to submit for the written agreement of the Planning Authority, the following alterations to the proposed development.

d) The pedestrian access between housing units number 16 and 17 shall be omitted from development and the applicant shall revise units to make better use of this space the potential to extend road 4 into the lands to the South of the site will allow future access there.

Condition No.5 of Decision stated:

- a) *The provision of future access from road number 4 to the land to the South of the side will require the applicant to revise road 4 so that a 6 metre radius curb is provided at the 90 degree turn which will result in the loss of two number car parking spaces.*
- b) A Revised Site Layout Plan was submitted under Clarification of

A Revised Site Layout Plan was submitted under Clarification of Additional Information (copy attached to this Observation), with extract hereunder showing a cul-de-sac at Road 4.



Extract from Approved Site Layout Plan showing cul-de-sac at Road 4.

The Site Layout Plan bears the following relevant notations:

'Access to lands to south' and '1.8m high boundary wall finishes to be agreed'.

Note: The life of the above permission has expired, together with the appropriate period for taking of enforcement action in respect to any aspect of the development not carried out in accordance with the grant of permission, i.e., 09 December 2009 and 08-December 2016 respectively.

Reg. Ref. No. SD05A/0265.

Grant of permission by Order dated 01-Dec-2005 to Tenbury Developments Limited for development consisting of:

This application is sought as requested by Condition No. 3 of An Bord Pleanála decision Ref: PL 06S.131390 (Planning Reference S00A/0919) for 20 no. two storey semi-detached and terrace houses with associated site development works and landscaping on a site located at Newcastle North, Newcastle, Co. Dublin with access off the Newcastle / Peamount Road.

Reg. Ref. No. SD06A/0914.

Grant of permission by Order dated 05-Feb-2006 to Maplewood Homes Ltd for development consisting of:

Alterations to a previously approved two storey creche building, (Planning Ref. No. SD05A/1048), to include a change of orientation of the building, minor alterations to elevational treatments, internal layout alterations and associated alterations to external areas and drainage.

Comment.

There is no **specific** condition attached to the Grant of Permission by An Bord Pleanála (PL 06S. 131390) requiring that future access be made available to the lands south of the site. In addition to the plans and particulars submitted to SDCC, the Board would also have had knowledge of the internal reports on file with SDCC and of the wording of Condition Nos 2 and 5 attached to the Decision.

Conditions of the SDCC Decision required specific works to be carried out to facilitate the potential of an access to lands to south of the site. It should be noted that the erection of a boundary wall was not specified in said works. A boundary wall was erected at the cul-de-sac to (Road 4) Glebe Square. When the residents purchased their homes and had view of the boundary wall erected on the site, they would have justifiable considered that the estate was a cul-de-sac ed enclosed estate with no through traffic. They would have considered that the estate would be a safe environment for children because its internal roads would not be continued beyond the boundaries of the estate.



Boundary Wall at end of Road 4 Glebe Square.

The residents were of the view that the estate boundary wall would remain as such in perpetuity. Their view was reinforced when a planning application for permission was lodged for a residential and commercial development on the lands to the south, without any vehicular/pedestrian access through Glebe Square (see details below). It's highly unlikely that the residents would have in fact carried out a thorough examination of the planning file in relation to their new homes.

Condition No1 requires the development to be carried out in accordance with clarification of additional information, i.e., the plans and particular submitted referred to the provision of an access to lands south of the site.

Condition No.2d) required works to be carried out so that there would be better use of space for the **potential** to extend Road 4 into the lands south of the site.

Condition No. 5a) requires also required works to be carried out so that there would be better use of space for the **provision** for future access from Road 4 into the lands south of the site.

As such, Condition Nos 2d) and 5a) only required works to be carried out solely to facilitate **potential/provision** of access to the lands south of the site. Such works as specified in the wording of the permission did not refer to boundary treatments around the perimeter of the site such as the erection of a boundary wall which would prohibit access to lands south of the site.

The Planning Authority having considered all the plans and particulars submitted with the application originally, with further information, with unsolicited additional information and with clarification of additional information did not consider it necessary to insert a **specific** condition in the grant of permission requiring a vehicular access be provided from the site to the lands south of the site if required in the future.

A boundary wall was erected prior to the completion of the development and has existed for approximately 15 years, this boundary wall now hinders vehicular and pedestrian access to the lands south of Glebe Square. The Manger's Order under Point 2d) stated:

The applicant has shown that all roads continue up to the boundary of the site it is clear for people who move into these houses, that these roads will continue on to other sites in the future. This is acceptable.

When the residents of Newcastle Glebe moved into their new homes, they found that a boundary wall had been erected within the site itself, bounding agricultural lands to the south and west. Whatever, about the Manager's Order taking a view that the approved site layout would indicate to perspective homeowners that the cul-de-sac would eventually be used for access to lands to the south, that view has proved to be incorrect

Off-street car parking on Glebe Square adjacent to the boundary wall is perpendicular to the road and therefore, the boundary wall will also have to be reduced in height for the provision of vertical sightlines for vehicular traffic exiting the proposed development.

5. Relevant Planning History on the Site, Main Street, Newcastle.

Reg. Ref. No. SD09A/0489 & ABP Reference No. PL06S.237646

Grant of Permission by Order of An Bord Pleanála dated 28-March-2011 for development consisting of:

- (1) a nursing home comprising 64 bedrooms in a two-storey block forming an enclosed courtyard together with ancillary accommodation including reception area and toilets, four staff bedrooms, two offices, a kitchen and two dining rooms, four number sitting rooms, four number assisted bathrooms, four treatment rooms, two nurses stations, prayer room, two number activity rooms, bin store, laundry, plant rooms, cleaner stores, staff room/dining room, staff changing room and stores;
- (2)

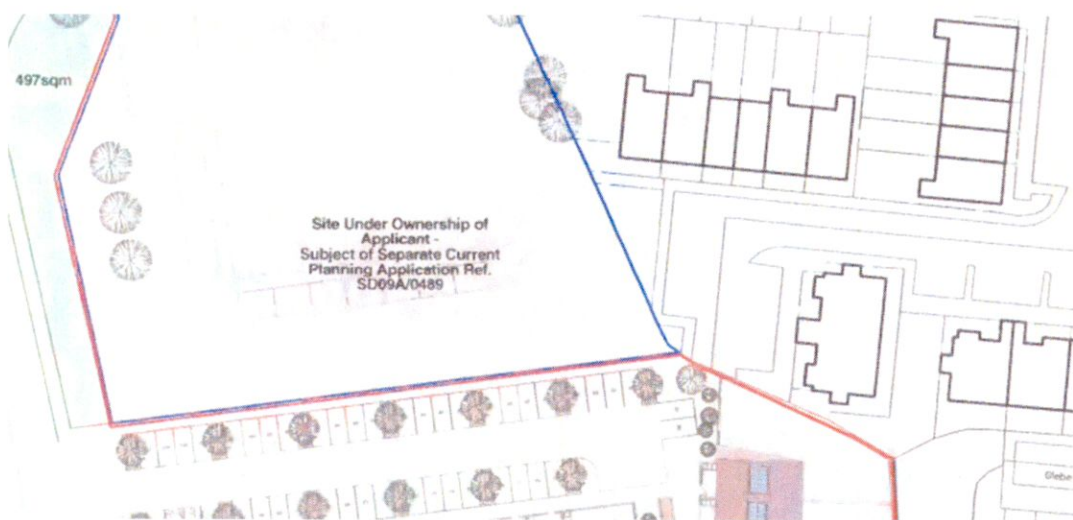
surface car parking for 24 cars; (3) demolition of Oakville House; a two-storey house of 295 square metres and adjoining garage of 50 square metres; (4) a new access road, 240 metres in length approximately, together with footpaths, drains, landscaped areas; (5) a new vehicular and pedestrian entrance from Main Street, Newcastle; and (6) surface water attenuation area together with all ancillary site works on a site of 1.1918 hectares at Oakville House, Main Street, Newcastle, County Dublin for Liam Butler.

Reg. Ref. No. SD10A/0017 & ABP Reference No. PL06S.237827

Grant of Permission by Order of An Bord Pleanála dated 30 June 2010 for development consisting of:

(1) 1 no. two-storey block on Main Street comprising a 469sq.m. medical suite at ground floor level comprising 2 no. medical units, 1 no. pharmacy retail unit, bin store and 4 no. apartments at first floor level (3 no. 2- bed and 1 no. 1-bed) with balconies to the north, south and west elevations; 3 no. two-storey terraced blocks to the south of the site containing 11 no. split-level houses (3 no. 2 bed units with first floor terraces and 8 no. 3-bed units.) 1 no. two- storey terraced block to the east of the site containing 11 no. houses(9 no. 2 bed and 2 no. 3 bed); 1 no. block containing 14 no. split-level houses with first floor terraces (7 no. two-storey, 2 bed and 7 no. three-storey 3-bed houses), 4 no. two-storey 2-bed duplex units with first floor terraces and 12 no. apartments (6 no. 2-bed and 6 no. 1- bed) over three storeys with access deck to the east and balconies to the west elevations; (2) demolition of Oakville House, a 2-storey house of 295sq.m. with adjoining garage of 50sq.m. and shed; (3) a new vehicular and pedestrian entrance from Main Street, Newcastle; (4) surface water attenuation area and pumping station together with all ancillary site works; (5) a new access road, approximately 320 metres in length, together with footpaths, drains, landscaped areas and a hard surface track approximately 80 metres in length to service the attenuation area; (6) surface car parking for 110 cars at Oakville House, Main Street, Newcastle for Mr. Liam Butler.

An Extension of Duration of Permission was refused by Order dated 14 March 2016 under reg. Ref. No. SD10A/0017/EP. The life of the above permissions has now expired without any development having been carried out.



Reg. Ref. No. SD10A/0017 Extract from Site Layout Plan submitted as Further Information, also indicates the site of the application for a Nursing Home under Reg. Ref. No. SD09A/0489 and their relationship with Road 4 Glebe Square.

Comment.

The submitted Site layout Plans for the proposed developments indicated only one vehicular access for both developments onto Main Street, Newcastle. No linkage vehicular or pedestrian was indicated with (Road 4), Glebe Square. South Dublin County Council and An Bord Pleanála did not condition the provision of any such linkage. Accordingly, two large scale developments were approved with one vehicular access only and both South Dublin County Council and An Bord Pleanála would have considered same to be in accordance with the proper planning and sustainable development of the area and that the proposed development would not

endanger public safety by reason of a traffic hazard. Therefore, it can be concluded that for a smaller scale development such as proposed, but with one vehicular access would also be considered as being in accordance with the proper planning and sustainable development of the area and also would not constitute a traffic hazard.

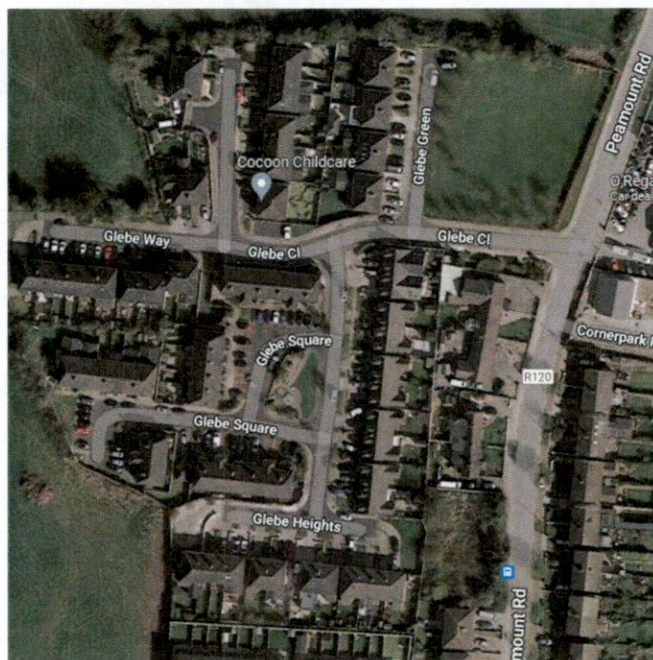
Accordingly, the residents of Newcastle Glebe are of the view that there are no justifiable planning reasons to bring additional vehicular traffic movements through their settled estate to serve the proposed development when an alternative access is also proposed from Main Street. Presently, the Crèche located within the estate serves now mostly children from outside Newcastle Glebe, which generates additional traffic movement from adjoining areas in the mornings and evenings much to the occasional inconvenience to the residents of Newcastle Glebe.

It can be considered that the making of this application is premature on the grounds that it will generate additional traffic movements in Newcastle, until such time as the traffic study for Rathcoole, Saggart and Newcastle has been carried out in accordance with amended SM6 SLO 1 of the SDCC Development Plan 2022-2028:

To carry out a traffic and transport study for Rathcoole, Saggart and Newcastle and the surrounding areas following the publication of the GDA Strategy review to 2042 which will clarify the context within which the road network in the area will function and to include a review of HGV movement.

6. Newcastle Glebe.

Newcastle Glebe is a small residential cul de-sac estate comprising of 84No. residential units and a Cocoon Childcare Facility. The estate was developed circa 2006 and most of the families living there are the original occupiers. Such residents have an emotional attachment to the place as it has people friendly streets and spaces.



Newcastle Glebe, Peamount Road, Newcastle, Co. Dublin.

The estate has a unique character with a well-designed courtyard type public open space in Glebe Square, overlooked by houses on all its four sides providing passive supervision of young children playing at all times. Glebe Square has created an intimate enclosure that adds to the character and distinctiveness of the estate. The front doors of all the houses face the streets thus creating active frontages.

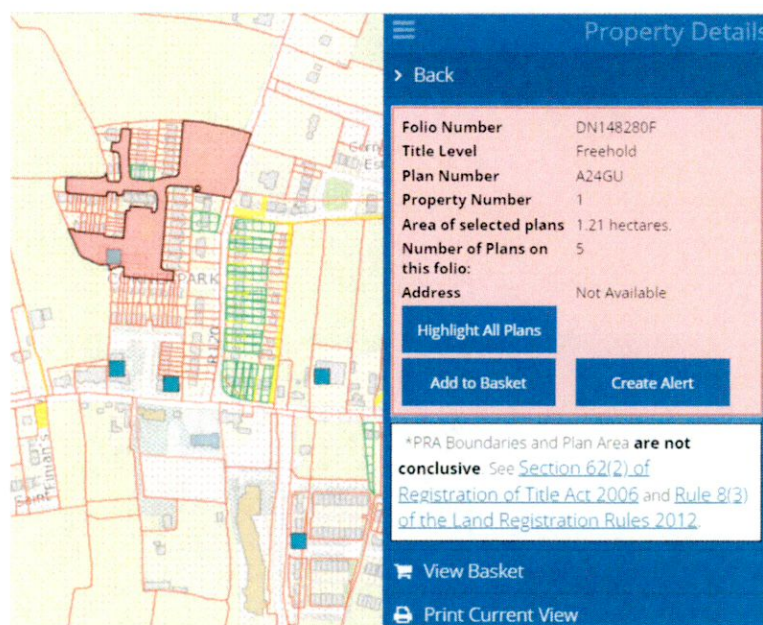
Most of the streets terminate in cul-de-sacs which have not given rise to crime or anti-social behaviour. The streets are of short lengths and are not heavily trafficked thus allowing the roads to be shared by cars, cyclists and pedestrians. Traffic speeds throughout the estate are controlled by the layout rather than speed humps.

Residents feel safe in the estate and have established a routine for walking or cycling to the public facilities in the village. The new road in the proposed development will create a long length of road, this will encourage drivers to increase speed along said road and will maintain such speed through Newcastle Glebe.

The proposal to allow vehicular traffic from the proposed development enter and exist via Glebe Square will have an adverse impact on how this routes currently operates. Additional traffic movements through Glebe Square will discourage children playing on the courtyard open space. Creating a new through road linking Main Street with Peamount Road will create a rat run for vehicular traffic held up along Main Street during school opening and closing times. Main Street is a through route for vehicular traffic from adjoining towns in Co. Kildare for access to the N7 and at morning peak times the traffic is grid locked. The generation of additional traffic movements will be injurious to the residents' amenities contrary to the zoning objective for the estate.

7. Legal Status of Estate Boundary Wall.

It would appear that the legal status of the existing boundary wall between the Site and Glebe Square, which the Applicant proposes to demolish to create a vehicular access is as follows:



Extract from Property Registration Authority Website for Newcastle Glebe

Land Registry
County Dublin **Folio 148280F**
Part 2 - Ownership
Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965
1	03-APR-2001 Tenbury Developments Limited (Limited Liability Company) of D2001DN009661X 46, Temple Road, Dartry, Dublin 6 is full owner.

Extract from Page 5 Folio 148280F

Tenbury Developments Ltd are currently the registered owners of the shaded orange area on the above Property Registration Authority Folio Map for Newcastle Glebe. Tenbury Developments Ltd was dissolved as a company on 2nd July 2015, having gone into liquidation. Newcastle Glebe Management Company exercise control of the shaded orange area on a day-to-day basis since circa 2016. The boundary wall between the Application Site and Glebe Square was erected by Tenbury Development Ltd on their lands. Newcastle Glebe

Management Company have had control of this wall for a period of time in excess of 12 years. This gives NGMC valid title to the wall by way of 'adverse possession', enshrined in Irish Statute. The Applicant neither sought nor were granted permission by NGMC to carry out any works to said boundary wall. Therefore, the Applicant cannot gain access through Newcastle Glebe either for vehicular traffic or for the laying of the foul sewer. It is envisaged that if the Applicant seeks access, that this will be denied.

SDCC/Irish Water would have authority themselves to lay the sewer. Taken-in-Charge of the Estate by SDCC does not confer any rights to SDCC in relation to the wall.

8. Conclusion.

The Applicants has not demonstrated that they have legal entitlement to carrying out developments on lands not in their ownership such as:

- Removal/lowering of existing boundary wall at Glebe Square to facilitate pedestrian and vehicular access and the necessary sightlines.
- Laying of a new foul sewer for a distance of approx. 16m to connect to an existing foul sewer in Glebe Square.
- Laying of new surface water sewer and SDCC surface water sewer through third-party lands northwest of the site.

Should planning permission be granted for the proposed development, third parties can invoke Section 34(13) of the Planning and Development Act 2000 (as amended) which states:

A person shall not be entitled solely by reason of a permission under this section to carry out any development.

There is no **specific** condition attached to any grant of permission requiring vehicular access be provided to lands south of Newcastle Glebe when required. Residents when purchasing their homes would have been presented with the Grant of Permission from An Bord Pleanála, and there is nothing in the Board's Order that would have alerted them to a possible future vehicular connection to lands to the south. It's a reality that prospective purchasers never as a whole visit the offices of the planning authority and view the whole of the relevant planning file.

Both the planning authority and An Bord Pleanála determined that one vehicular access for a larger scale development on the lands was sufficient. A second vehicular access of itself would not bring the development within the meaning of the proper planning and development of the area. The provision of a second vehicular could in the further be used to facilitate development on lands following rezoning.

The provision of a vehicular link road between Main Street and Peamount Road will create a rat run. Whereas, planning authorities normally encourage permeability, in this case the additional traffic movements through Glebe Square will have an adverse effect on it unique character and distinctiveness.

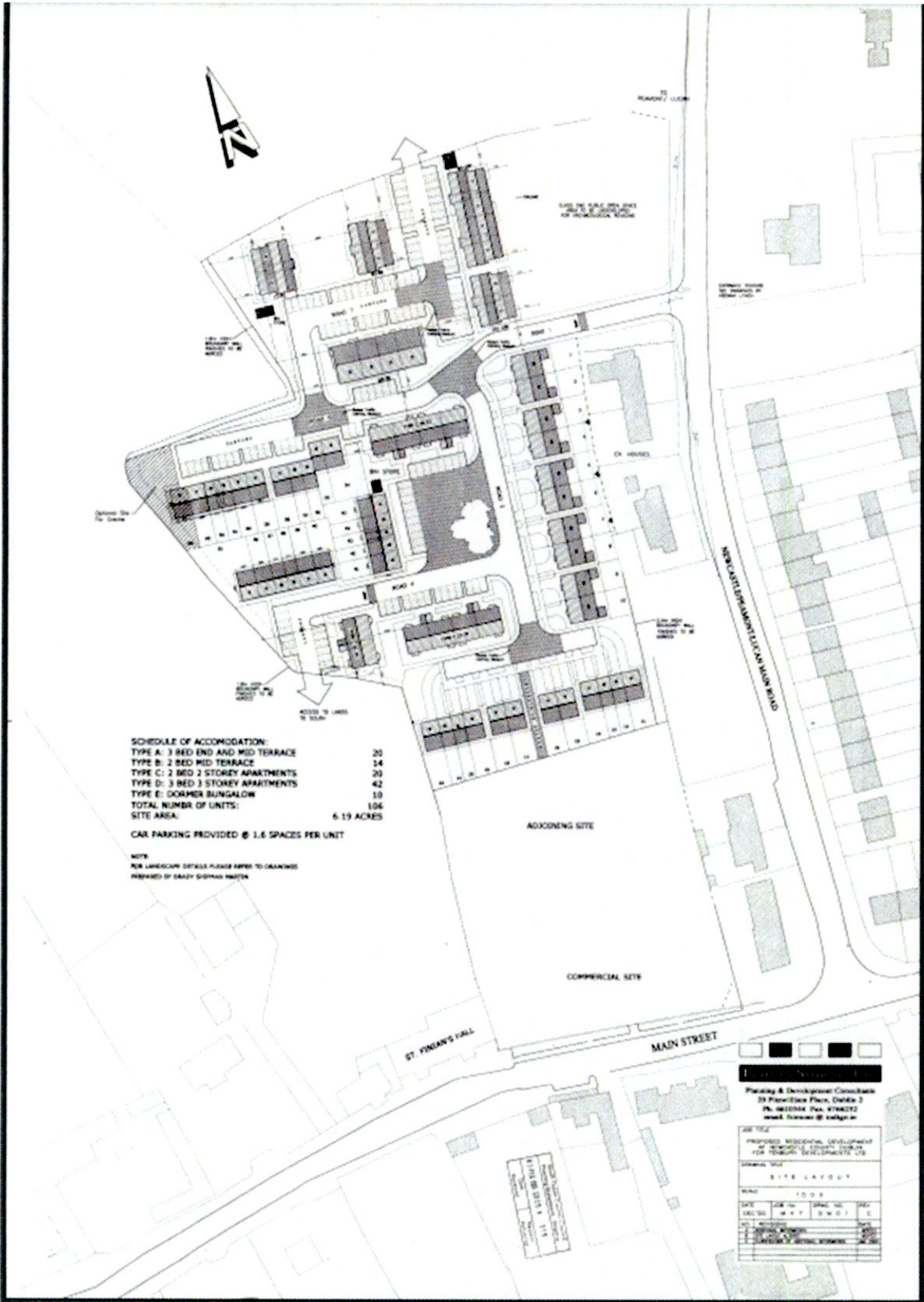
The residents of Newcastle Glebe have lived in the estate for circa 16 years, the estate is settled and provides a sense of place. The proposed development with its vehicular connection will not improve upon and enhance the area. Newcastle Glebe is located within an area with Zoning Objective 'RES-Existing' – "to protect and/or improve residential amenity" and the provision of the proposed vehicular connection will be contrary to said zoning objective as it will be injurious to residential amenity.

The proposed development with one vehicular access is sufficient and can be deemed to be in accordance with the proper planning and sustainable development of the area. Therefore, a forced secondary vehicular access on a settled community is unwarranted and unnecessary.

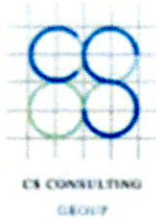
James McInerney
Planning Consultant
July 2022.

Attachments.

- (i) Reg. Ref. No. S00A/0919 Site Layout Plan submitted as Clarification of Additional Information.
- (ii) Reg. Ref. No. SD10A/0017 Site Layout Plan submitted as Further Information.
- (iii) CS Consulting Traffic Impact Statement



Reg. Ref. No. S00A/0919- Site Layout Plan submitted as Clarification of Additional Information.



5.0 ACCESS, LAYOUT, SERVICING, PEDESTRIANS & CYCLISTS, PUBLIC TRANSPORT

5.1 Development Access

The proposed development shall have 2no. vehicular / pedestrian access and 1no. pedestrian only access to the east via Market Square.

1no. primary vehicular / pedestrian access to the development shall be via Newcastle Main Street to the south of the subject development. The sightlines of 45m with 2m set back is achieved at this junction. 1no. secondary vehicular / pedestrian access to the development shall be via existing road on Glebe Square to the north-east of the development.

5.2 Internal Site Layout and Road Hierarchy

The proposed access shall be via a priority-controlled junction on the Newcastle Main Street. The sightlines of 45m with 2m set back is achieved at this junction. The access consists of a 5.5m wide road with pedestrian priority along the internal streets in accordance with the *Design Manual for Urban Roads and Streets*. The internal street layout also consists of on-street parking along both sides of the streets.

The presence of parallel on-street parking bays along significant portions of the internal road network shall have a natural traffic calming effect, as through traffic shall have to be alert to (and accommodate) parking manoeuvres into and out of these spaces

Refer to CS Consulting Drawing no **NCA-CSC-ZZ-SI-DR-C-0004** for internal site layout details.

Extract from CS Consulting Traffic Impact Statement.

James McInerney,
Planning Consultant
on behalf of Newcastle Glebe Management Company
8, Rochford Park
Kill
Naas
Co. Kildare
W91 F8P5

Date: 02-Aug-2022

Dear Sir/Madam,

Register Ref: SD22A/0286
Development: Demolition of 2 sheds and the construction of 30 dwellings; 1 vehicular and pedestrian link with Main Street, Newcastle; vehicle and pedestrian link with Glebe Square, Newcastle and all associated and ancillary site development works.
Location: Main Street, Newcastle, Dublin
Applicant: Deane and Deane Ltd.
Application Type: Permission
Date Rec'd: 24-Jun-2022

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdublincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the **Planning Applications** part of the Council website, www.sdublincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named **"Notify me of changes"** and click on **"Subscribe"**. You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Crowley
for **Senior Planner**

