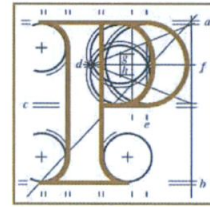


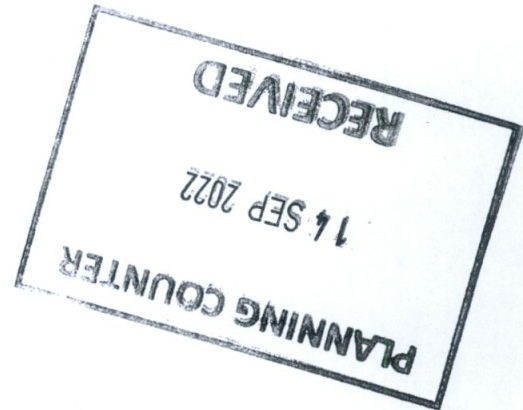
**Our Case Number:** ABP-314272-22

**Planning Authority Reference Number:** SD21A/0359



An  
Bord  
Pleanála

South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24



**Date:** 13 September 2022

**Re:** Residential development of 74 apartments  
Hayden's Lane, Adamstown, Lucan, Co. Dublin

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above mentioned appeal.

The Board is of the opinion that, in the particular circumstances of this appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the enclosed submission dated the 23rd August, 2022 received from McGill Planning on behalf of Jackie Greene Construction Limited.

In accordance with section 131 of the Planning and Development Act, 2000, (as amended), you are requested to make any submissions or observations that you may have in relation to this enclosure **on or before 3rd October 2022**. The Board cannot consider comments that are outside the scope of the matter in question. Your submission in response to this notice must be received by the Board not later than **5:30pm on the date specified above**.

If no submission or observation is received before the end of the specified period, the Board will proceed to determine the appeal without further notice to you, in accordance with section 133 of the 2000 Act.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,

Mary Tucker  
Executive Officer  
Direct Line: 01-8737132

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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

23<sup>rd</sup> August 2022

**RE: Construction of a residential development comprising 3 no. blocks (up to 5 storeys) of 65 apartments/duplexes (20 one bed, 38 two bed and 7 three bed) all with associated private balconies/terraces to the north/south/east/west elevations; vehicular and pedestrian access from Hayden's Lane to the north west of the site and closure of the second existing vehicular entrance at south west of site; pedestrian access from Griffeen Park to the south east of the site; provision of car and cycle parking, public and communal spaces, bin stores and all associated site development and clearance works, landscaping, boundary treatments and other servicing works.**

<b>South Dublin County Council Ref.:</b>	<b>SD21A/0359</b>
<b>Decision Date:</b>	<b>11<sup>th</sup> July 2022</b>
<b>An Bord Pleanála Ref.:</b>	<b>ABP-314272-22</b>
<b>Notification of 3<sup>rd</sup> Party Appeal</b>	<b>10<sup>th</sup> August 2022</b>
<b>Final Date to Respond to Appeal:</b>	<b>7<sup>th</sup> September 2022</b>

## INTRODUCTION

Dear Sir/Madam,

McGill Planning Limited, 22 Wicklow Street, Dublin 2, is instructed by our client, Jackie Greene Construction Limited, Verdant House, Fortfield Square, College Drive, Terenure, Dublin 6, to respond to 3 no. 3<sup>rd</sup> Party Appeals made against the decision by South Dublin County Council to grant permission for development as detailed above at Hayden's Lane, Lucan, Co. Dublin.

In accordance with Section 129 of the Planning and Development Act, 2000 (as amended), this appeal is made in writing. The response to the subject matters and grounds which were made within the 3<sup>rd</sup> Party appeal are discussed in detail below.

This response is made to the Board within 4 weeks from the date of appeal – before the 7<sup>th</sup> of September 2022.



## SITE CONTEXT

The site is located in an established residential area located between the communities of Lucan and Adamstown, at the southern end of Hayden's Lane, to the north of the Dublin-Cork Railway Line and Adamstown Link Road.



*Figure 1: Aerial View of Site (showing previous factory building on site)*

The site is bounded by Hayden's Lane to the west, with residential development to the north-east, west and north and Griffen Valley Park immediate to the south and east.

The subject site is accessible to high quality and frequent public transport with Adamstown train station c.1.5km to the west and a number of bus routes in the area, in particular the Bus Connects C1/C2 route within 550m of the site and which runs between Adamstown and Sandymount via the city centre with frequency every 10-15 mins at peak.

The proximity of the site to public transport and local services is illustrated on the map below.



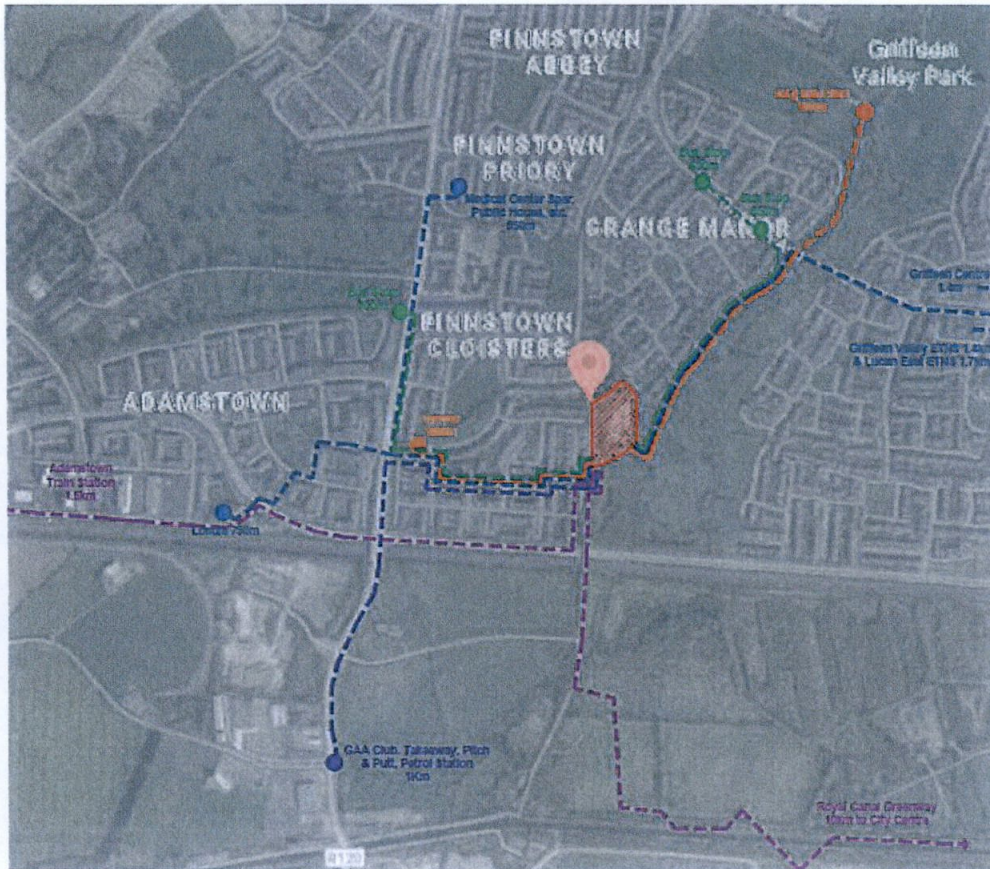


Figure 2: Distances from Site to Public Transport and Local Services

The subject site is brownfield and comprises concrete hardstanding, tarmacadam, and overgrown vegetation, along with a trees and hedgerows along the site boundaries.

A sports goods manufacturing and warehouse premises (Virtus Ltd.) previously existed on the site. This premises extended to c.2,750 sq.m and had c.60 car staff/visitor parking spaces.

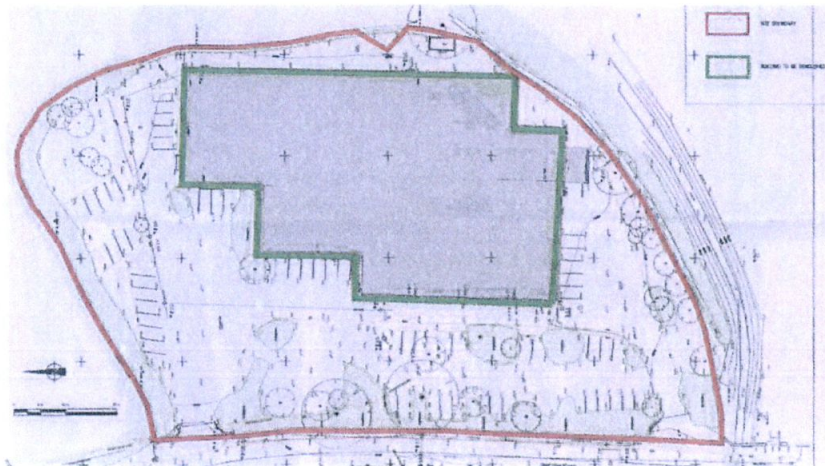


Figure 3: Layout of Previous Factory Showing Extensive Staff Car Parking



On 21st December 2015 under Ref SD15A/0301, permission was granted for the demolition of the employment buildings and for the construction of a 3-storey, 147 bed nursing home (6,483 sq.m) with surface car parking for 39 cars.



Figures 4&5: Layout & Visual of Previous Permitted 147 Bed Nursing Home





Figure 6: Layout & Current SDCC Permitted Apartment Proposal



It is noteworthy that the significant nursing home proposal was not objected to by local residents at the time despite the building being positioned closer to many of these properties than the current proposal, and also having a similar number of car parking spaces and with a comparable traffic impact.



Figures 7&8: Elevation and Image of Block 3 Overlooking Griffeen Valley Park



## RESPONSE TO THE 3<sup>RD</sup> PARTY APPEAL

Permission was granted by South Dublin County Council on the 11<sup>th</sup> July 2022 subject to conditions. On the 4<sup>th</sup> of August 2022 3 no. appeals were lodged to An Bord Pleanála by Patricia Houston and Others, Jean Desmond & Others and Lynda McElherron & Others.

The issues raised in the appeal are discussed under the headings below:

### 1. Density

The appellants claim that the density of the proposed density is too high and is not justified having regard to poor accessibility to public transport and local services. In making these claims a number of inaccuracies are stated.

In the first instance they claim that the density of the development is 68 units per ha (gross) / 85 units per ha (net). However, the development, as permitted for 65 apartments, has a gross density of under 60 units per ha gross (75 units per ha net).

Furthermore, claims that the development will not be accessible to public transport and local services are equally unfounded and ignore the detailed analysis contained in the application, and the assessment by the planning authority, demonstrating that the development will be proximate to such provisions particularly once the additional accessibility improvements proposed as part of the development are carried out.

The measures are summarised as follows:

1. Direct connection to the existing public footpath network within Griffeen Valley Park to the immediate south of the site (and that forms part of the NTA Greater Dublin Cycle Network Plan). This will provide direct connection (within 550m / 5-6 mins walk) to the C2 (Sandymount via City Centre) and L53 (Liffey Valley) BusConnects routes that operate with regular services along Griffeen Avenue. The Griffeen Local Centre is also located along Griffeen Avenue to the north-east approx. 15 mins walk from the site.

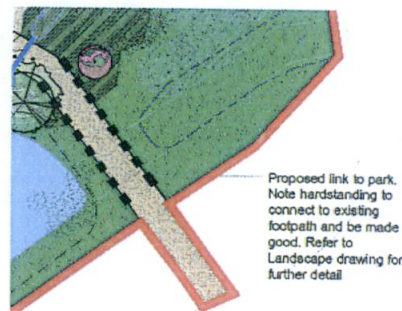


Figure 9: Extract of Site Plan Showing Connection to Griffeen Valley Park



2. A new pedestrian crossing of Hayden's Lane and access to Hansted Park to the west which will provide direct access for future residents to a variety of social infrastructure including childcare, schools, retail and local services at Adamstown and Finnstown Centres both within 850m / 10 mins walk. Bus Services C1/C2 and L53 will also be accessible along the Newcastle Road within 650m of the development, whilst Adamstown train station will be within 20 min walk time (1.5km).

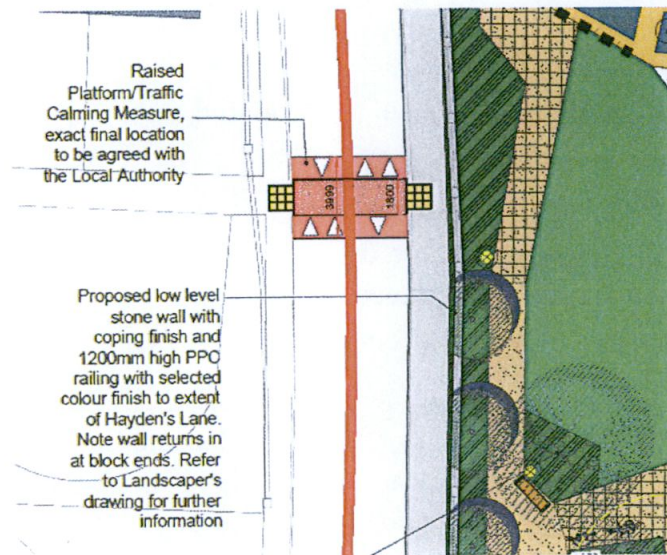


Figure 10: Extract of Site Plan Showing Connection Hansted Park

As a result of the above the site can be therefore identified as an "Intermediate Urban Location" as defined in the Section 28 Guidelines - "Sustainable Urban Housing: Design Standards for New Apartments" (2020), which states:

*"Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net), including:*

- Sites within or close to i.e., within reasonable walking distance (i.e., up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;
- Sites within walking distance (i.e., between 10-15 minutes or 1,000-1,500m) of high-capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e., between 5-10 minutes or up to 1,000m) of high frequency (i.e., min 10-minute peak hour frequency) urban bus services or where such services can be provided;



- *Sites within easy walking distance (i.e., up to 5 minutes or 400-500m) of reasonably frequent (min 15-minute peak hour frequency) urban bus services."*

In accordance with national policy and the principles of more compact urban development, the newly adopted SDCC County Development Plan promotes an "average" density of 40-50 units per hectare for areas within *"Dublin City & Suburbs"* which includes the Lucan/Adamstown areas where the application site is located – Table 11 (Core Strategy Table) refers.

Having regard to the Small Areas Statistics of the most recent Census (2016) it is noted that the residential estates located to the north of the application site, comprising the Old Forge Estate and adjoining Grange Manor estates as far as Griffeen Avenue (and which are located within Small Areas 267100026 and 267100010) contain approximately 234 semi-detached and detached houses.

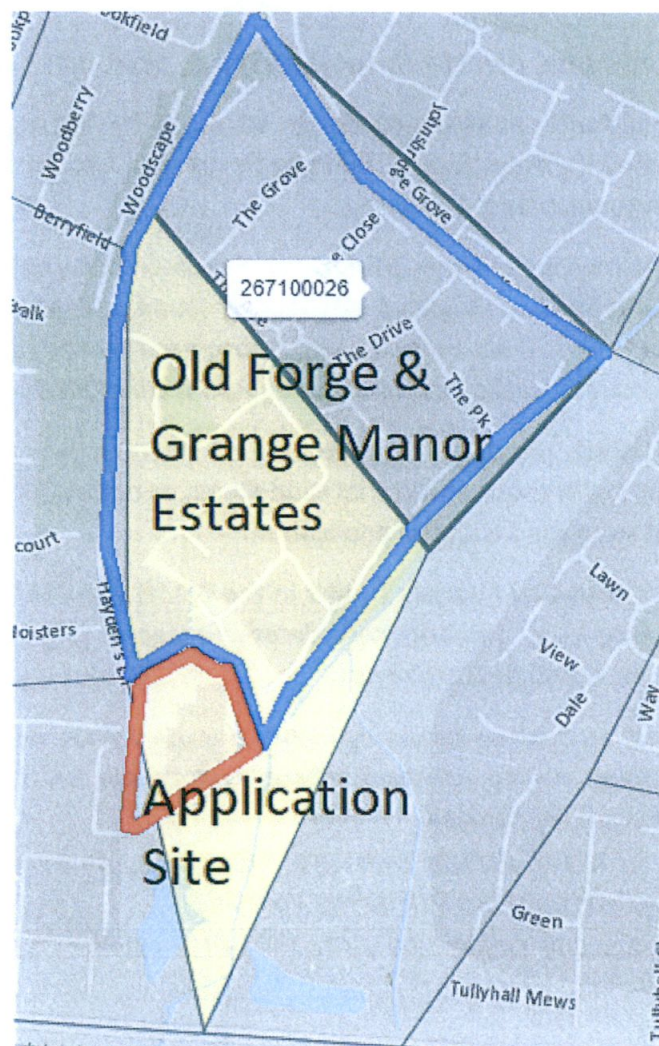


Figure 11: Extract of CSO Small Areas Mapping



Based on a gross area of c.9.76 ha (measured between Hayden's Lane to the west, Griffeen Avenue to the north and Griffeen Valley Park to the east), the density of these estates equates to c.24 units per ha gross.

When the permitted 65-unit scheme at Hayden's Lane is added to this then the average density for the area increases to c.30 units per ha. This goes some way to increasing the overall density of the area and also providing a wider mix of residential units to meet future needs.

To achieve the target of higher average densities within suburban areas of the city will therefore require higher than average density residential development at appropriate infill locations to bring up the overall average.

To this end Section 5.2.7 of the new Development Plan states:

*"Securing compact and sustainable urban growth in South Dublin County will mean focusing on reusing previously developed 'brownfield' land in the County as well as undeveloped infill sites, particularly those served by good public transport."*

To aid the planning authority in assessing design solutions for appropriate higher density locations the Development Plan includes a Building Height and Density Guide (BHDG), which contains a set of performance-based criteria.

These criteria are informed by relevant Ministerial Guidance documents most notably the *Urban Development and Building Heights Guidelines for Planning Authorities* (2018), and the *Urban Design Manual - A Best Practice Guide*, which forms part of the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* (2009).

The current scheme, which pre-dated the adoption of the new Development Plan, is also designed in accordance with these Ministerial Guidelines, as outlined in the planning report and design statement submitted with the application.

Having regard to the Contextual Analysis Toolkit in the BHDG and the "Medium – Suburban Infill" Indicative Development Scenario considered, we note the following comparable characteristics of the proposed development:

- *Development of standalone blocks at higher densities (than existing densities) with increased building height achieved where appropriate separation distances are achieved to prevent overlooking.*
- *Development of higher density with local height amplifications to provide a local marker to signal the entrance to Griffeen Valley Park.*
- *The provision of a new pocket and green links between the blocks to connect to the main park.*

Given the above it is considered that the application site is demonstrably a suitable location for increased density and building height having regard to its brownfield nature, its proximity



to high quality public transport and local services and its contextual qualities with a southern aspect overlooking a significant public park.

Furthermore, the permitted development results in a high-quality apartment design that exploits these aspects and that will increase the overall average density of the area and contribute to more compact urban development.

We therefore request that the Board set aside this ground of appeal and grant permission in line with the decision of SDCC.

## 2. Height & Distance

The appellants raise concerns in relation to the permitted height of the scheme which we note ranges from 1-3 storeys in the north and east up to 4-5 storey in the south overlooking the Griffeen Valley Park.

The appellants claim that the height is *"disproportionate and out of character"* with the area. We respectfully disagree and would argue that this site both in terms of its location, previous use and planning history is unique within the area and capable of establishing its own character, once sufficient respect to existing residential areas is afforded in the design.

It is a brownfield, former manufacturing site which contained extensive buildings. It was also previously granted permission for a significant 3 storey nursing home of over 6,500 sq.m. It is separate to and screened from the adjoining own door housing estates which in the main are oriented away from the site.

The site is also strategically located at the western entrance to Griffeen Valley Park - a large, suburban park that at present is poorly overlooked at this location.

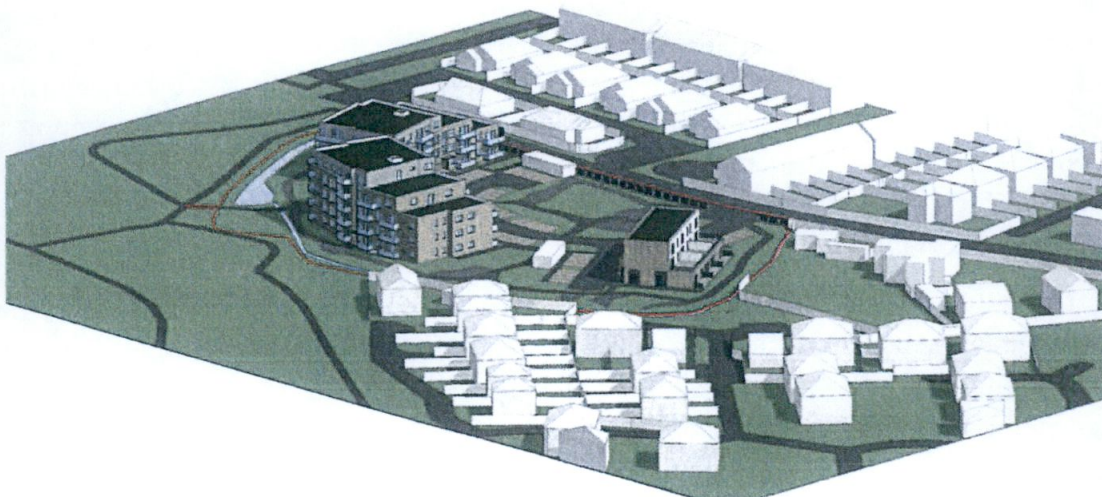


Figure 12: 3D Image Showing Apartment Scheme Within Existing Context



The orientation of the brownfield site southwards over the park encourages an appropriate urban design response as outlined in the Urban Design Statement submitted by Oppermann Architects and supporting documents.

The 4- 5 storeys proposed to the south of the site overlooking the park is justified with the development providing a much-needed urban presence which will make for a more inviting public space to frequent whilst also providing future residents with attractive views over the park and exceptional sunlight and daylight provision.



*Figure 13: Photomontage of Development as viewed from Griffeen Valley Park to the South*

Elsewhere the scheme proposal steps down to 3 - 1 storeys. This transition down in height seeks to respect and integrate with the lower residential estates, whilst also maintaining the significant boundary hedgerow and trees to the north and east. As a result, the development responds to and seeks to respect the visual and residential amenities, and privacy of existing residents. The appellants' claims that the "prevailing height in the surrounding area" has been ignored is therefore simply not correct.

The acceptability of the height range across the development is demonstrated in the architectural drawings and visualisations prepared by Oppermann Architects and supported by a Sunlight, Daylight & Shadow Assessment prepared by Chris Shackleton Consulting and in the photomontages prepared by James Horan.





*Figure 14: Photomontage of Development as viewed from Griffeen Valley Park to the East*



*Figure 15: Photomontage of Development as viewed from Old Forge to the North-East*

The results of these studies were deemed acceptable to the planning authority in granting permission with the SDCC Planner's Report noting, for instance, that the views from the Old Forge Estate to the east showed that *"the proposed development is sufficiently setback so as not to appear significantly overbearing to these adjacent residential properties."*



Furthermore, where elements of the development may be visible at distance from adjoining estates, additional measures have been introduced to ensure that windows and balconies are oriented away from neighbouring houses and in most cases oriented towards Griffeen Valley Park or the new pocket park within the development as would be desirable for future residents.

Appellants refer to Section 11.2.7 of the 2016-2022 County Development Plan which refers to building height, with one criteria seeking to achieve 35 metre set back distances in new developments from existing 1 and 2 storey houses.

We note that this issue was considered by the planning authority in the review of the scheme with the area planner satisfied that following a number of amendments to the height range of the development at Further Information stage that the setback distances were acceptable.

We would also remind the Board that under the newly adopted County Development Plan, 2022-28 the 35m setback requirement has been removed and that appropriate setback distances are to be assessed on a case-by-case basis.

Given the above it is considered that the height range proposed for the development, in tandem with the carefully positioned and oriented blocks, windows and balconies will provide a new residential development that strikes an appropriate balance between respecting the amenities and privacy of existing residents whilst providing a suitable design and scale of development for this underutilised brownfield site overlooking a major suburban park.

We therefore request that the Board set aside the grounds of appeal in relation to height and distance and grant permission as per decision of SDCC.

### 3. Traffic Congestion

The appellants claim that the traffic associated with the 65 no. apartments will create traffic congestion along Hayden's Lane and claim that the road was never designed to facilitate this level of additional traffic.

In response we refer to the detailed traffic analysis submitted with the application (prepared by TPS Consulting Engineers) and also to the assessment of same by SDCC Roads and Transportation Department, which concluded that the traffic generation could be accommodated within the existing public road network.

A detailed response to the appellants traffic concerns has also been prepared by TPS and is submitted with this response. The report re-confirms, as agreed by SDCC, that Hayden's Lane and its junction with The Avenue/Old Forge will have no capacity issues as a result of the proposed development.



Finally, in relation to the appellant's dismissal of the traffic generation of the previous factory development on this site we would contend that the factory did operate for a number of years when existing residential areas were also established.

We refer to an aerial view of the site from 1999, which shows the operational factory with on-site staff car parking fully occupied and with Grange Abbey and Old Forge estates in place.

We also note that the appellants did not acknowledge the previous permission on this site for a significant 147 bed nursing home with 39 parking spaces which was not objected to by local residents.



Figure 16: 1999 Aerial View of Operational Factory Adjoining Existing Residential Estates

(Source: Geohive)



In summary it has been demonstrated that the development will not result in traffic congestion and that permission can be granted as per the recommendations of SDCC.

#### 4. Traffic Hazard

The appellants also claim that the existing junction of Hayden's Lane and Griffeen Avenue is deficient and "dangerous" for traffic exiting from and entering onto the Lane. With increased traffic along Hayden's Lane as a result of the proposed development, they claim that this would introduce "an unacceptable level of additional traffic, resulting in increased traffic hazard that would endanger pedestrian and traffic safety". They also refer to unsubstantiated claims of "near misses" at the junction.

In response we again refer to the detailed assessment carried out as part of the planning application, and which had particular concentration on that junction.

The TPS appeal response report submitted with this appeal response provides a further summary for the benefit of the Board and which notes the following:

- The Hayden's Lane/Old Forge (The Avenue) junction is located within an urban area with a 50kph posted speed limit in place with street lighting in place at intervals upstream and downstream of this junction with pedestrian footpaths located adjacent to the western, north-western, and eastern sides of this junction.
- The junction operates as a single carriageway within each arm with traffic calming taking the form of raised speed tables located on the approach, within and past each arm of this junction. On street parking occurs at intervals along the south bound carriageway section of the Old Forge (The Avenue).
- The Hayden's Lane arm of this junction is the assigned a flared minor arm and as such traffic within this minor arm is obliged to stop prior to this traffic turning into the Old Forge (The Avenue).
- This mandatory obligation is further reinforced by a STOP road sign (RUS017), STOP road markings (RPM017 and RPM 001) located on the Hayden's Lane approach arm within this junction.
- Reference is also made to Planning Condition 16 assigned to the planning permission which requires the applicant to pay a Section 48 Development Contribution of €518,259.95, some of which could be assigned by the Local Authority to reinstate these road markings, raised table road surfacing, and remove vegetation to better afford drivers a view of this STOP sign within this junction.

Overall, it is considered that this junction contains traffic calming which slows vehicles on approach and through this junction. The traffic calming within the Old Forge (The Avenue) carriageway and its location on approaches to the existing road bend forces the various traffic turning movement within this corridor to do so at slow vehicular speeds. Furthermore, as Hayden's Lane and the Old Forge (The Avenue) operates as cul de sacs the majority of road users in this area are local to the area and well aware of the character of this junction.



We therefore ask the Board to dismiss this ground of appeal and grant permission in line with the conclusions of the planning authority.

#### 5. Parking

The appellants claim that the permitted 46 no. car parking spaces to serve the 65 apartments is inadequate with claims that between 62 and 78 parking spaces is required for this location, to avoid parking overspill onto Hayden's Lane.

In response we refer to the detailed assessment on parking carried out as part of the planning application.

As noted in the TPS appeal response report attached the applicable Zone 2 parking standards (table 11.24) of the previous County Development Plan (2016-22) were maximum standards. These maximum standards are again retained in the new County Development Plan (Table 12.26).

Furthermore, the maximum provision should not be viewed as a target and a lower rate of parking can be acceptable subject to:

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

Considering the proposed application site's proximity to existing public transport links and existing social infrastructure, this extent of parking is more than adequate to serve this development.

Furthermore, the reduced extent of parking provision is in accordance with national policy as set out within Specific Planning Policy Requirement 8 of the Design Standards for New Apartments published by the Department of Housing, Planning and Local Government (2020).

Paragraph 4.21 of the Guidelines state that planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

The 0.75 car parking ratio proposed is considered acceptable having regard to the site context and proximity to services and public transport by foot/cycle, and with regard to local and national policy which is aligned in seeking to reduce car parking at appropriate locations at promote greater use of sustainable modes.



In this regard it is also noted that the proposed development includes for 160 bicycle parking spaces which equates to 2.5 per unit.

Separately the appellants also claim that refuse and emergency vehicles will not be able to access the site. We dispute this claim and note that the access arrangements into and internally within the site have been specifically designed to facilitate access by such services and which will avoid any impact on Hayden's Lane.

Given the above we request that the Board set aside the parking issues raised and to grant permission in line with the recommendations of SDCC.

#### 6. Flooding

An appellant raises the issue of Floodrisk and claims that despite upgrade works to Griffeen River the "river regularly burst its banks" and the proposed development is at risk of flooding.

In response we note that the matter of flood risk is considered in detail as part of the planning application with a Site Specific Floodrisk Assessment carried out by Roger Mullarkey Consulting Engineer, and which was deemed acceptable by SDCC Water Services Dept.

A further response to the appeal ground has been prepared and is appended to this appeal response, and which reconfirms that the reduction of the existing surface water outfall rate and the implementation of the extensive SuDS features included in the permitted drainage design will in fact be a significant improvement on the current situation on site and that as a result of the through Site Specific Flood Risk Assessment it is demonstrated that the site is at low risk of flooding and suitable for development.

We therefore request that the Board dismiss the flooding ground of the appeal.

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#### 7. Dwelling Mix

The appellants raise concerns over the high proportion of one-bedroom units proposed and states that there is insufficient justification for the proportion (31%) and that there should be no more than 10% of the total.

In response we note that the Planning Authority from the outset have supported the proportion of 1-bed units proposed which is considered complies with Policy H10 of the Development Plan which states as follows:

*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.*



The planning authority also accepted our contention that the surrounding area is predominantly low-density, low-rise housing in the form of detached, semi-detached single and two storey, larger family housing and that the provision of 1 and 2 bed units will counteract that over-dominance.

We refer to the Census 2016 results which indicate that within the Lucan-Esker Electoral Division where the site is located that from a total population of 32,648, only 2,848 (8.7%) lived in apartments. This is lower than the 11% average for South Dublin County and much lower than the 21% for Dublin City & Suburbs.

Within the Electoral Division 29,255 houses were recorded compared to only 2,848 apartments.

This policy requirement for a greater proportion of apartments and smaller housing units reflects the findings of the Housing Strategy which forms Schedule 3 of the County Development Plan.

The Strategy (Section 4.3) notes that whilst the average household size has been falling throughout the Dublin Region, South Dublin experienced the largest reduction in recent years and that *"the reductions are likely to reflect smaller family sizes and the increase in older family types and will affect the type of accommodation required by these families."*

The need to provide more apartments, and indeed more 1 and 2 bed apartments within urban areas to respond to changing demographics, smaller family sizes and varied housing needs is also reflected in national policy with Specific Planning Policy Requirement (SPPR) 1 of the Section 29 Ministerial Guidelines for Planning Authorities on *"Sustainable Urban Housing: Design Standards for New Apartments"* (2020) stating that up to 50% of new housing developments may include 1-bed or studio type units.

In this instance 20 no. 1-bed units are proposed which represents 31% of the overall scheme and is well below the maximum 50% allowable.

Given the site location, proximity to public transport and services, and to the current over-dominance of large 3 -5-bedroom housing in the area, the proposed mix of units is considered sustainable and appropriate for this location.

We therefore request that the Board set aside this appeal ground and endorse the grant of permission from SDCC.



## 8. Pedestrian Safety

The appellants raise concerns over the narrow pedestrian footpath along one side of Hayden's Lane leading to the north of the development and with no cycle path along the lane. The appellants incorrectly claim that future residents will need to use this footpath to connect with public transport and that the increased use will create a safety concern.

In response we refer the Board to the access proposal as part of this planning application which include for pedestrian and cyclist access via Griffeen Valley Park to the south and on to bus routes along Griffeen Avenue 5-6 minutes' walk from the proposed development.

Further pedestrian connectivity is also proposed via Hansted Estate to bus routes/train station and local services/social infrastructure in the Adamstown area (including creches, schools, local retail etc.), all within 5-15 mins walk of the site.

With the provision of these access points to the south and west of the site then future residents will have a multiplicity of connections to local services and public transport.

As a result, the existing footpath to the north along Hayden's Lane is considered sufficient to accommodate anticipated usage by future residents, particularly given that public transport and local services in the majority are located to the east and west via the new connections proposed, not to the north.

This has also been accepted by SDCC in granting permission. We also refer to the response prepared by TPS Consulting Engineers in relation to this matter. In particular we note that the reference to overgrown hedgerows impacting use of the public footpath is a matter that can be readily addressed by the local authority maintenance services.

## 9. Site Incursion

The appellant, Mr Brabazon, has raised a query in relation to the boundary between the application site and his property to the north with the appellant claiming that a boundary ditch is "*entirely encompassed*" on his land and as a result the site boundary in the application, which runs to the centreline of the ditch is therefore incorrect.

It is our client's contention that the application site line indicated at that location is correct.

At present there is no clearly defined boundary between the two properties as a result of the extensive planting, ditches and overgrowth.

Consequently, the proposed layout has, from the outset, intentionally stepped back from and maintained a suitable distance from this undefined boundary area in order to ensure that no buildings or structures are located within or directly upon it.

Given the above and with reference to Section 34(13) of the Planning & Development Act, 2000 (as amended) we submit that the appellant's concerns are a legal matter not a planning



one. Furthermore, the precise legal boundary can and will be confirmed under conveyance post-planning.

## CONCLUSION

We ask the Board to consider this appeal response and South Dublin CoCo's detailed assessment and grant of permission for the 65-unit apartment scheme. The grounds of appeal have been fully addressed and individually refuted in the above response with supporting evidence from TPS Consulting Engineers and Roger Mullarkey Consulting Engineers.

It is evident from the planning file that the planning authority took a very measured approach to considering the merits of the development and its achievement of more compact urban development and increased residential density, height and mix, whilst also registering the concerns of residents from adjoining estates.

The concerns raised in the appeals largely reflect those raised during the initial 5-week public submission period. The Further Information Requests from SDCC south to address many of these concerns and the design was modified accordingly to strikes the right balance between optimising the capacity of this brownfield site for residential development whilst ensuring a high-quality environment for future residents and respect for existing amenities.

For the reasons outlined above, we therefore ask the Board to set aside the various grounds of appeal raised by the third parties and to grant permission for the 65-unit development, in line with the decision of SDCC, and subject to similar conditions, as appropriate.

Yours faithfully,

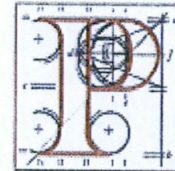


Trevor Sadler

**McGill Planning Limited**



**Our Case Number:** ABP-314272-22  
**Planning Authority Reference Number:** SD21A/0359  
**Your Reference:** Jackie Greene Construction Limited



**An  
Bord  
Pleanála**

McGill Planning  
45 Herbert Lane  
Dublin 2

**Date:** 10 August 2022

**Re:** Residential development of 74 apartments  
Hayden's Lane, Adamstown, Lucan, Co. Dublin

Dear Sir / Madam,

Enclosed are copies of appeals under the Planning and Development Act, 2000, (as amended).

As a party to the appeal under section 129 of the Planning and Development Act, 2000, (as amended), you may make submissions or observations in writing to the Board within a period of 4 weeks beginning on the date of this letter.

Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the appeal without further notice to you.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,

Liam Halpin  
Administrative Assistant  
Direct Line: 01-8737280

BP05



**APPENDIX A**

**APPEAL RESPONSE PREPARED BY TPS CONSULTING ENGINEERS**



**Proposed Residential Development  
at  
Hayden's Lane  
Lucan  
County Dublin**

**First Party Appeal Response  
to  
Third Party Appeal**

**South Dublin County Council  
Planning Ref: SD21A/0359  
An Bord Pleanála Ref: 314272-22**

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**Prepared for  
Jackie Green Construction Ltd**

**August 2022**





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Introduction.	Section 1.0
Response to Third Party Appeal Submission.	Section 2.0
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## **1.0 Introduction.**

- 1.1 TPS M Moran & Associates as specialist traffic and transportation consultants were retained by Jackie Greene Construction Ltd to undertake a traffic assessment relating to a residential apartment development of Hayden's Lane, Lucan, County Dublin.
- 1.2 The residential development sought planning permission for 65 apartments made up of 21 one-bedroom units, 38 two-bedroom units and 7 three-bedroom apartment units with 46 parking spaces and 160 resident and visitor bicycle parking spaces under South Dublin Planning Ref: SD21/0359.
- 1.3 South Dublin County Council approved this development on the 11th of July 2022 with this decision subsequently appealed to An Bord Pleanala by 3 third parties being, Ms Jean Desmond, Mr Michael Mulloy and Mr Martin Brabazon on behalf of the residents of Hayden's Lane.
- 1.4 These third party objections raise a number of traffic and transportation matters which within their appeal are headed as follows:
  - Traffic Congestion.
  - Hazardous Junction.
  - Parking.
  - Pedestrian Safety.

## **2.0 Response to Third Party Appeal Submission.**

Traffic Congestion.

- 2.1 The third parties suggest the proposed 65 residential units ...*"will bring substantial additional traffic to this small country lane / cul de sac"....."This roadway was never designed to facilitate the volumes of traffic that would be associated with a development of this size"....*
  - 2.2 Within the various traffic reports which supported this planning application we indicated to the Local Authority the extent of daily, AM peak hour and PM peak hour that could be generated by this development based on the TRICS Land use database.
  - 2.3 The TRICS database is used by traffic engineering consultants and Local Authorities throughout Ireland to project land use trip generation or trip attraction based on empirical traffic surveys at similar existing land uses.
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- 2.4 This TRICS database has also been presented to An Bord Pleanala and quoted within Inspectors Reports and Board Decisions.
  - 2.5 From the TRICS database (which is based solely on similar residential apartment site in Ireland) we identified that the proposed 65 residential apartment land use development could give rise to some 76 arrivals and 82 departures over a typical 12-hour day with some 25% of these trips occurring within the AM peak hour of 0800hrs to 0900hrs and 1700hrs to 1800hrs.
  - 2.6 The extent of these daily, AM peak hour and PM peak hour trips is again reproduced within Table 1.0 and Table 2.0 below



TOTAL VEHICLES				Estimate TRIP rates								
Survey Start/End: 07:00-19:00				State TRP Figure & Extrapolate Results <input type="checkbox"/> ON								
Trip rate parameter range available: 20 - 332 (units: )				Estimated TRIP rate value per 65 DWELLS Estimated TRIP rates shown in shaded column (for 65 DWELLS)								
TRIP RATE VALUE PER 1 DWELLS	ARRIVALS			Total	DEPARTURES			Total	TOTALS			Total
	No. Days	Ave. DWELLS	Trip Rate	Estimated Trip rate	No. Days	Ave. DWELLS	Trip Rate	Estimated Trip rate	No. Days	Ave. DWELLS	Trip Rate	Estimated Trip rate
	Total Rate: 1.170			76.079	Total rate: 1.256			81.617	Total rate: 2.426			157.696
	Peak: 17:00-18:00				Peak: 08:00-09:00				Peak: 17:00-18:00			
00:00-01:00												
01:00-02:00												
02:00-03:00												
03:00-04:00												
04:00-05:00												
05:00-06:00												
06:00-07:00												
07:00-08:00	8	78	0.037	2.404	8	78	0.151	9.823	8	78	0.188	12.227
08:00-09:00	8	78	0.080	5.225	8	78	0.204	13.272	8	78	0.284	18.497
09:00-10:00	8	78	0.101	6.584	8	78	0.066	4.285	8	78	0.167	10.869
10:00-11:00	8	78	0.069	4.494	8	78	0.074	4.807	8	78	0.143	9.301
11:00-12:00	8	78	0.056	3.658	8	78	0.085	5.539	8	78	0.141	9.197
12:00-13:00	8	78	0.068	4.389	8	78	0.087	5.643	8	78	0.155	10.032
13:00-14:00	8	78	0.100	6.479	8	78	0.095	6.166	8	78	0.195	12.645
14:00-15:00	8	78	0.121	7.838	8	78	0.101	6.584	8	78	0.222	14.422
15:00-16:00	8	78	0.113	7.315	8	78	0.093	6.061	8	78	0.206	13.376
16:00-17:00	8	78	0.125	8.151	8	78	0.084	5.434	8	78	0.209	13.585
17:00-18:00	8	78	0.183	11.913	8	78	0.103	6.688	8	78	0.286	18.601
18:00-19:00	8	78	0.117	7.629	8	78	0.113	7.315	8	78	0.230	14.944

Projected 65 Residential Apartment Daily Trip Generation.

Table 1.0

Time Period	Inbound	Outbound	Total
AM Peak Hour	6	14	20
PM Peak Hour	12	7	19

65 Residential Unit AM and PM Peak Hour Trip generation.

Table 2.0.

- 2.7 From Table 1.0 and Table 2.0 above, the proposed residential development does not generate significant daily or peak hour trips.
- 2.8 As such, the proposed residential development generating some 20 trips during peak periods cannot be regarded as having any road link or capacity impact on the operation of Hayden's Lane.
- 2.9 During our assessment of the operation of the Hayden's Lane / Old Forge (The Avenue) priority junction we assumed a 'worst case' of 100 inbound and 100 outbound trips being generated by the development and accessing the development site via this junction.
- 2.10 This extent of these 100 inbound and 100 outbound trips were assigned to the AM peak hour, recorded as being the busiest time period based on morning and evening classified traffic turning movements within this junction.
- 2.11 In order to assess this 'worst case traffic impact associated with the proposed residential development may have on the Hayden's Lane/Old Forge (The Avenue) junction we have modelled this junction using the computer-modelling program PICADY10.
- 2.12 We would advise that PICADY10 is a standard traffic engineering modelling program which assess the operational capacity of priority T junctions, left/right staggered priority T junctions and priority right/left T junctions.
- 2.13 PICADY10 output results consist of tables of demand flows for each time segment of the time-period analysis. These tables contain start and finish times for each arm, traffic demand data, capacity, ratio of flow to capacity findings, start queue length, end queue length, and queuing delay.



2.14 This traffic-modelling period covered the recorded busiest AM peak hour period with the PICADY10 data and results summarised within Table 3.0 below:

08:15 - 08:30

Stream	Total Demand (PCU/hr)	Capacity (PCU/hr)	RFC	Throughput (PCU/hr)	End queue (PCU)	Delay (s)	Unsignalised level of service
B-AC	118	514	0.229	118	0.3	10.007	B
C-AB	61	576	0.105	61	0.1	7.690	A
C-A	88			88			
A-B	55			55			
A-C	156			156			

AM Peak with Residential Development.

Table 3.0

Arm A	The Old Forge (The Avenue South)
Arm B	Hayden's Lane
Arm C	The Old Forge (The Avenue North)

- 2.15 From the above summary Table 3.0 above, it is indicated that the Hayden's Lane and the Hayden's Lane/Old Forge (The Avenue) junction can accommodate the development under these worst-case traffic projections applied within this junction.
- 2.16 Table 3.0 also indicates that during this traffic period the proposed junction experiences free flow traffic conditions with no material queuing projected within this junction, operating with reserve capacity of over 90% during the critical peak traffic period.
- 2.17 The relative Level of Service within the Hayden's Lane/Old Forge (The Avenue) junction is identified as A within the above PICADY10 assessment representing "free flow urban traffic conditions", as set out within the Highway Capacity Manual.
- 2.18 Urban Level of Service gauges, in a qualitative manner, the extent of congestion within a road link. Variables such as travel time and traffic speed form part of this qualitative description.
- 2.19 Level of Service A represents free flow traffic conditions falling to a Level of Service F indicating the road link is over capacity.
- 2.20 It should also be noted that this site formerly operated as an industrial/warehouse building having a floor area of some 2750sq metres and 60 car parking spaces. The site was also granted planning permission (SD15A/0301) for a nursing home of 6483sq metres and 39 car parking spaces.
- 2.21 When and if in operation, both land uses would give rise to daily and peak hour trips on the adjacent road network and on Hayden's Lane.
- Hazardous Junction.
- 2.22 The third parties suggest the proposed development would impact on the safe operation Hayden's Lane/Old Forge (The Avenue) junction. The appellants further suggest that the poor layout of this junction gives rise to some driver confusion in relation to priority and the proposed development will exacerbate this situation.
- 2.23 The Hayden's Lane/Old Forge (The Avenue) junction is located within an urban area with a 50kph posted speed limit in place with street lighting in place at intervals upstream and downstream of this junction with pedestrian footpaths located adjacent to the western, northwestern, and eastern sides of this junction.



- 2.24 The junction operates as a single carriageway within each arm with traffic calming taking the form of raised speed tables located on the approach, within and past each arm of this junction. On street parking occurs at intervals along the south bound carriageway section of the Old Forge (The Avenue).
- 2.25 The Hayden's Lane arm of this junction is the assigned a flared minor arm and as such traffic within this minor arm is obliged to stop prior to this traffic turning into the Old Forge (The Avenue).
- 2.26 This mandatory obligation is further reinforced by a STOP road sign (RUS017), STOP road markings (RPM017 and RPM 001) located on the Hayden's Lane approach arm within this junction.
- 2.27 The general layout of Hayden's Lane at its junction with the Old Forge (The Avenue) is shown within Photograph 1.0 below:



Photograph 1.0: Northbound view from Hayden's Lane into the Old Forge (The Avenue).

- 2.28 We would advise that Planning Condition 16 assigned to this planning permission requires the applicant to pay a Section 48 Development Contribution of €518,259.95, some of which could be assigned by the Local Authority to reinstate these road markings, raised table road surfacing, and remove vegetation to better afford drivers a view of this STOP sign within this junction.
- 2.29 As previously mentioned, this junction contains traffic calming which slows vehicles on approach and through this junction. The traffic calming within the Old Forge (The Avenue) carriageway and its location on approaches to the existing road bend forces the various traffic turning movement within this corridor to do so at slow vehicular speeds.
- 2.30 The general layout of the with the Old Forge (The Avenue) in this location is shown within Photograph 2.0 and Photograph 3.0 below



Photograph 2.0: Southbound view into the Old Forge (The Avenue). Hayden's Lane in the background.



Photograph 3.0: North westbound view into the Old Forge (The Avenue).



2.31 We would suggest that as Hayden's Lane and the Old Forge (The Avenue) operates as cul de sacs the majority of road users in this area are local to the area and well aware of the character of this junction.

2.32 We are unable to comment on the suggestion that near misses occur within this junction as these reports are not included within the third-party appeal submission.

#### Parking.

2.33 The third-party submission suggests there is a shortfall in parking within the site based on the application of the Development Plan standards which if applied would require 62 parking spaces to serve the proposed 65-unit residential apartment development.

2.34 The extent of maximum car parking based on the proposed 65-unit development being within Zone 2 of the Development Plan is set out within Table 11.24 of the current South Dublin Development Plan 2016 to 2022 which suggests 0.75 spaces for 1-bedroom apartments, 1 space per 2-bedroom apartments and 1.25 spaces per 3-bedroom apartments.

2.35 It is proposed to provide 46 parking spaces to serve the residential development proposal which consists of 65 residential units made up of the following:

- Twenty 1 Bedroom units
- Thirty-Eight 2-bedroom units
- Seven 3-bedroom units

2.36 It should be noted that Table 11.24 indicates that the number of spaces provided for any particular residential development should not exceed the maximum provision.

2.37 Furthermore, the maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to:

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

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2.38 Considering the proposed application sites proximity to existing public transport links and existing social infrastructure, this extent of parking is more than adequate to serve this development.

2.39 The development site is less than a 10-minute walk from Griffeen Avenue which operates with good public transport connections to Adamstown Train Station and Dublin City Centre.

2.40 It is also proposed to provide a new pedestrian link from the southeastern area of the development site into Griffeen Valley Park which has been agreed with the Parks Department of South Dublin County Council.

2.41 This new pedestrian link will further reduce the walk distance between the proposed development site and the public transport links on Griffeen Avenue.

2.42 Therefore, we consider that the provision of 46 parking spaces and 160 cycle spaces to be more than sufficient to serve this development proposal.



- 2.43 In addition, we consider this reduced extent of parking provision to be in accordance with national policy as set out within Specific Planning Policy Requirement 8 of the Design Standards for New Apartments published by the Department of Housing, Planning and Local Government in March 2018.
- 2.44 This publication states where a residential apartment proposal is located in central locations and /or proximity to public transport there shall be significantly reduced or default of minimum parking provision.
- 2.45 Considering the sites proximity to a public transport corridor and cycle facilities, we consider this level of car parking within the site to be sufficient to serve this small residential apartment proposal.
- 2.46 These guidelines encourage a balance between excessive parking provision within an apartment complex and the sites proximity to high levels of public transport provision which can reduce car dependency. Section 1.10 of this publication suggests ..... *"Remove requirements for car parking where in certain circumstances where there are better mobility solutions".....*
- 2.47 As the proposed residential development site which is close to existing public transport routes and within a 10-minute walk of the Griffeen Avenue which in our view fully complies with these new national guidelines and can be classified as a one of the ...'Central and /or Accessible Urban Locations' set out within the guidelines.
- 2.48 This view is further supported when Section 4.19 of the Design Standards for New Apartments is reviewed which in part states ....

*"the default policy is for car parking provision to be minimized, substantially reduced, or wholly eliminated in certain circumstances. These policies above would be particularly applicable in accessible areas such as in or adjoining city cores or at a confluence of public transport systems such as rail and bus stations located in close proximity".....*

#### Pedestrian Safety.

- 2.49 The third-party submission suggests the existing footpath located adjacent to the northbound carriageway of Hayden's Lane is ...*"often inaccessible due to brambles / briars/ hedgerow growing out across the path forcing people to use the road".....*
- 2.50 The intrusion of growth into the footpath is an existing issue that is the responsibility of the adjacent landowner or the Local Authority to cut back pre or post the nesting season.
- 2.51 This existing situation and its location is outside the control of the applicant and, as such, the applicant or the proposed development cannot be assigned responsibility for the maintenance of areas within the control of the Local Authority.

### **3.0 Conclusion.**

- 3.1 We respectfully request that when An Bord Pleanála review this report they will reject these third party non-technical traffic and transportation comments.



**APPENDIX B**

**APPEAL RESPONSE PREPARED BY ROGER MULLARKEY CONSULTING ENGINEERS**

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# Roger Mullarkey & Associates

Consulting Engineers – Structural and Civil



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The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

Date: 16/08/22

Ref: 2031

## Re - Haydens Lane, Lucan - Reg.Ref.SD21A/0359

Dear Sirs,

The following paragraphs form part of the overall response relating to the appeal/s made to An Bord Pleanála by 3<sup>rd</sup> Party objections to the recent Decision to Grant issued by South Dublin County Council for a permitted residential development of 65 apartments located at Haydens lane, Lucan, Co. Dublin (Reg.Ref.SD21A/00359). The following should be read in conjunction with the overall response submission made on behalf of the Applicant by McGill Planning.

Specifically, the responses below deal with the appeals relating to “*flooding*” only.

As part of the planning application and in accordance with the requirements set out in the DoEHLG and OPW published guidelines *The Planning System and Flood Risk Management 2009* (the *Guidelines*), a Site-Specific Flood Risk Assessment (SSFRA) was carried out for the application and was submitted to and approved by South Dublin Council. The SSFRA can be read in Chapter 8 of the main Engineering Planning Drainage/Water Services Report included as part of the planning application.

In drafting the SSFRA a thorough assessment of the known historical flooding, the completed OPW remediations to the Griffeen River valley local to the application site, the national Flood Risk Management Plans (known as CFRAMS), site walkover visits, topographical surveys as well as attendance at meetings with both the Environment Water & Climate Change and the Public Realm Departments of SDCC were carried out in preparation of the SSFRA.

Having assessed the application site in accordance with the Guidelines under headings including Tidal, Fluvial, Pluvial, Groundwater, Human/Mechanical Error as well as creating a Source Pathway Receptor Model, it was concluded that the site is located within a flood Zone C and is appropriate for development on the subject lands. It is noted that the OPW published PFRA Final Map No. E09BAL\_EXFCD\_F0\_11 (dated 21/07/16) also displays the site as being above the 10%, 1% and 0.1% Fluvial





AEP events and is therefore deemed as a flood Zone C in accordance with the Guidelines.

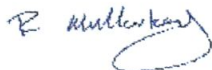
As is required by South Dublin County Council, the surface water drainage (S/W) design for the proposed development incorporates a significant amount of Sustainable Urban Drainage Systems (SuDS) elements such as; use of the natural existing dry-ditches as bio-diverse conveyance swale, attenuated storage provided in detention swale, filter drains, roadside swales, tree pits & bio-retention areas, permeable paving, green roofs, silt-trap/catchpit manhole, Hydrobrake limiting flow to  $Q_{bar}$  greenfield rates and inclusion of a petrol interceptor. All the above SuDS elements were discussed and agreed with SDCC in preparation of the planning application.

It is noted that c.94% the drained areas of the application go directly to interception and SuDS drainage features and 100% of the drained site area is attenuated to the existing greenfield runoff rate of 2.1 l/s. The drainage design model prepared for the site also allowed for a 20% increase in rainfall due to a climate change. The drainage design and SuDS compliance of the application was assessed and approved by the Environment Water & Climate Change Department of SDCC. The drainage design was also carried out in accordance with the Greater Dublin Strategic Drainage Study (GSDSDS) and was deemed compliant by SDCC in their decision to grant a planning application.

It is also relevant to note that the total allowable surface water outfall rate of 2.1l/s from the proposed development is vastly less than the existing brownfield runoff rate of c.40l/s. The current site has more than 75% (c.0.65Ha) of its area covered in drained hardstanding (tarmac & concrete) Therefore, this applications imposed attenuated  $Q_{bar}$  rate of 2.1l/s is a **c.95% reduction of the current outfall rate** and a considerable improvement on the current situation.

In conclusion, the reduction of the existing S/W outfall rate and the implementation of the above noted SuDS features included in the permitted drainage design will in fact be a significant improvement on the current situation and this has been demonstrated in detail in the main engineering report submitted with the application. Furthermore, the application has undergone a thorough Site Specific Flood Risk Assessment which concluded that the site is suitable for development.

Yours Sincerely,



**Roger Mullarkey** BSc.Eng.Dip.Eng,C.Eng,MIEI,Eur.Eng, FConsEI

for Roger Mullarkey & Associates

