

Comhairle Chontae Atha Cliath Theas

PR/1555/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0402 **Application Date:** 26-Oct-2022
Submission Type: New Application **Registration Date:** 26-Oct-2022
Correspondence Name and Address: Karen Brownlee Architects Park Lane, Grangebeg, Co. Kildare
Proposed Development: Proposed 3 bedroom dwelling (233.6sqm), single storey. Installation of a packaged wastewater sewage treatment system and polishing filter, stormwater harvesting tank and soakaways, weel, new vehicular access, landscaping and ancillary site works, all in association with equine business.
Location: Crockaunadreenagh Road, Redgap, Rathcoole, Dublin
Applicant Name: Pearse McKiernan
Application Type: Permission
(CS)

Description of Site and Surroundings:

Site Area: 0.6753 Ha.

Site Description:

The subject site is located in the townland of Crockaunadreenagh, a rural area in the foothills of the Dublin Mountains c.3.5km to the southwest of Rathcoole. The site fronts onto a local road (L-6019) to the south-east which has a number of entrances to one-off dwellings and farmyards. The topography of the site drops away from the roadside to the north-west, with a difference of 7 metres (266 to 259m OD) described in the application particulars.

The site is part of extensive landholdings of the applicant's mother, who resides at Hillcrest House. Various activities are identified as taking place on these lands – the red line area is within those lands dedicated to the breeding and training of horses for sport. The site is surrounded by established hedgerows to the south-east and south-west boundaries and is subdivided with wooden fences.

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Proposal:

The proposed development comprises of the following:

- Proposed 3 bedroom single storey **dwelling** (233.6sqm),
- all in association with equine business (no equine structures proposed within subject site).
- new vehicular access (requires removal of section of existing hedge),
- Installation of a packaged wastewater sewage treatment system and polishing filter, stormwater harvesting tank, well and soakaways,
- Proposed development measures 233.6sq.m. (as stated).

Zoning:

The application site is zoned Objective 'RU' - 'To protect and improve rural amenity and to provide for the development of agriculture.'

Consultations:

Irish Water – no report received

Surface Water Drainage – no report received

Roads Department – **Refusal** recommended.

Environmental Health – Acceptable subject to **conditions**.

Parks Department – **Additional Information** recommended.

SEA Sensitivity Screening

Indicates overlap with Rural landscape layer.

Submissions/Observations /Representations

None.

Relevant Planning History

SD21A/0073: Erection of a four bedroom, detached dwelling house (284.1sq.m), part one and part storey and a half; installation of a packaged wastewater sewage treatment system and polishing filter; stormwater harvesting tank and soakaways well; vehicular access landscaping and ancillary site works all in association with adjoining equine business.

Decision: **REFUSE PERMISSION.**

Reasons for Refusal:

1. The proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses.

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Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development. The proposed development would be contrary to the proper planning and sustainable development of the area.

2. The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard.
3. Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states;

'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU,' Dublin Mountains 'HA-DM;' Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.'

The applicant has not demonstrated the exceptional circumstances that would warrant the setting aside of Policy H20 to allow additional rural housing in this area, though they have shown local ties to the area. The strongest local tie relates to the equine business, but the applicant has not demonstrated how this business cannot be attended to from the house already associated with the lands, particularly as there is urban housing options available a few minutes' drive from the site in Rathcoole.

As such, the proposed development would materially contravene the objectives of the Development Plan and would lead to demands for the uneconomic provision of further public services and facilities in this rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

4. *The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES.*
 - The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise.
 - The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

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- Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the County Development Plans.

Having regard to the above, the proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and would prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.

XA.1200: 5-bed detached house.

Decision: **GRANT PERMISSION.**

Applicant gives date of 18th June 1982 for this grant of permission. No house built on the site.

Adjacent sites

SD19A/0238: for construction of 1 new two storey, three bedroom detached dormer bungalow with single storey garage with pitched roof to side of bungalow dwelling to green field site; new site works proposed including new splayed vehicular entrance and gates from access road; new entrance driveway to dwelling set back on site in line with neighbouring dwellings; new boundary hedging proposed to front and side of property; new landscaping and associated site works including new septic tank, percolation area and a separate soak-away for surface water to be included in the proposed works.

Decision: **Refused Outline Permission.**

Reasons for refusal were as follows:

1. Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states:

'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.'

No justification has been provided which would warrant the setting aside of the objectives of Policy H20 in this instance. As such, the proposed development would materially contravene the objectives of the Development Plan and would lead to demands for the uneconomic provision of further public services and facilities in this rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The site is located on lands zoned Objective HA - DM in the South Dublin County Council Development Plan 2016 – 2022. It is the policy of the Council that within areas designated with Zoning Objective HA - DM (to protect and enhance the outstanding natural character of the Dublin Mountain Area) new or replacement dwellings will only be considered in exceptional circumstances and in accordance with

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both Policy H23 -Rural Housing in HA – Dublin Mountains Zone- and Policy HCL9 - Dublin Mountains.

It is Council policy only to allow housing in the Dublin Mountain Area where:

- the applicant is a native of the area; and*
- the applicant can demonstrate a genuine need for housing in that particular area; and*
- the development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming; and*
- the development would not prejudice the environmental capacity of the area, and that it be in keeping with the character of the Mountain Area.*

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area and no details of exceptional circumstances have been provided. The proposed development would therefore materially contravene the zoning objective of the area.

3. The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 - 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area, and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity' and would be contrary to the proper planning and sustainable development of the area.

4. The proposed development would have a detrimental effect on the character and visual settings of this sensitive landscape area having regard to the following:

- the design of the proposed dormer dwelling,*
- the location of the proposed dwelling on an elevated point of this site,*

5. The proposed development would endanger public safety by reason of traffic hazard for the following reasons:

- (a) It would be located on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment, lacks pedestrian, public lighting and drainage facilities,*

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(b) It has not been demonstrated that adequate sightlines can be provided at the proposed entrance, and

(c) The proposed development would represent the further proliferation of houses along this road constituting an undesirable pattern of ribbon development.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

6. Insufficient details have been submitted in terms of the proposed water, surface water and foul drainage systems, therefore it has not been demonstrated by the applicant that the proposed development is consistent with the Greater Dublin Regional Code of Practise for Drainage Works or with the Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards. The proposed development therefore would be prejudicial to public health.

7. The proposed development does not achieve a minimum road frontage of 60m as required under Section 11.3.4(iii) of the South Dublin County Development Plan 2016-2022, and would, having regard to its location adjacent to three existing dwellings and a farmyard, create a ribbon form of development which would detract from the rural amenity and character of the area and would be contrary to the provisions of the South Dublin County Council Development Plan. The proposal would also set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the rural amenity of the area and would materially contravenes the 'HA-DM' zoning objective of the application site, which sets out 'to protect and enhance the outstanding natural character of the Dublin Mountains Area'.

8. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the rural amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None

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Relevant Policy

National Planning Framework

National Policy Objective (NPO) 2a

A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

NPO 15

Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

NPO 19

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e., within the commuter catchment of cities and large town and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

NPO 20

Project the need for single housing in the countryside through the local authority's overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes.

Regional Spatial and Economic Strategy 2019

Section 4.3: Defining a Settlement Typology

For 'Towns, Villages and Rural Areas', the following policy response is stated:

Consolidation coupled with targeted rural housing and investment policies where required to improve local employment, services and sustainable transport options and to become more self-sustaining.

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Align Population, Employment and Housing Growth – Divergence between the places people live and work leads to long-distance commuting and congestion, which is having a negative impact on quality of life. To address this, promote sustainable growth in the right locations and ‘catch up’ investment and consolidation in local services, amenities and employment in areas that have experienced large scale commuter driven housing development.

Compact Sustainable Growth – Promote compact, sequential and sustainable development of urban areas from large to small to realise targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built-up area of Dublin city and suburbs, and a target of at least 30% for other urban areas. Support co-ordination across local authorities and agencies to promote active land management and better use of under-utilised, brownfield and public lands.

Climate Action – to accelerate a transition to a greener, low carbon and climate resilient region with focus on energy transition, carbon sequestration and reduced travel demand through the promotion of sustainable settlement patterns. Support the Climate Action Regional Offices and local authorities in their implementation of climate strategies.

Section 4.8 – Rural Places: Towns, Villages and the Countryside

The National Planning Framework and RSES make a distinction between areas under urban influence, i.e., within the commuter catchment of cities and large towns and centres of employment, and rural areas outside these catchments.

Core strategies for county development plans shall identify areas under strong urban influence in the hinterlands of settlements and set the appropriate rural housing policy response to avoid ribbon and over spill development from urban areas, support revitalised towns and villages, achieve sustainable compact growth targets, sustainably address rural decline and protect the rural resource for rural communities.

Regional Policy Objective (RPO) 4.78

Development plans should support the development of a ‘New Homes in Small Towns and Villages’ initiative which would augment the delivery of actions by local authorities, Irish Water, communities and other stakeholders in the provision of services and serviced sites to create ‘build your own home’ opportunities within the existing footprint of rural settlements to provide new homes to meet housing demand.

RPO 4.79

Local authorities shall identify and provide policies that recognise the contribution that small towns, villages and rural areas contribute to social and economic wellbeing. As part of this policy provision that seeks to support and protect existing rural economies such as valuable

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agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agri-business, renewable energy, tourism and forestry enterprise is supported.

RPO 4.80

Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

RPO 4.81

In rural areas outside the Rural Areas Under Strong Urban Influence local authorities shall encourage sustainable growth in areas that have experienced decline or stagnation, facilitate the provision of single houses in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

RPO 4.83

Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the Core Strategies of the County Development Plans.

RPO 4.84

Support the rural economy and initiatives in relation to diversification, agri-business, rural tourism and renewable energy so as to sustain the employment opportunities in rural areas. In keeping with the NPF, the Eastern and Midland Regional Assembly will support the longer term strategic planning for industrial peatland areas. This may include support, where appropriate, for a Transition Team in place and preparation of a comprehensive after-use framework plan for the peatlands and related infrastructure, which addresses environmental, economic and social issues, including employment and replacement enterprise reflecting the current transition from employment based around peat extraction.

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Dublin Metropolitan Area Strategic Plan (Section 5 of the RSES)

RPO 5.5

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

RPO 5.7 – MASP Green Infrastructure

Co-ordinate across local authority boundaries to identify, manage, develop and protect regional Green Infrastructure, to enhance strategic connections and develop a Green Infrastructure policy in the Dublin Metropolitan Area.

Relevant Policy in South Dublin County Council Development Plan 2022 – 2028

Section 6.9 Rural Housing Strategy

Policy H16: - Management of Single Dwellings in Rural Areas Restrict the spread of urban generated dwellings in the Rural “RU”, Dublin Mountain ‘HA-DM’, Liffey Valley ‘HA-LV’ and Dodder Valley ‘HA-DV’ zones and to focus such housing into existing settlements in line with the Settlement Hierarchy

H21 Objective 1: - To favourably consider applications for replacement dwellings within areas designated with Zoning Objective ‘RU’ (to protect and improve Rural Amenity and to provide for the development of Agriculture), Zoning Objective ‘HA – Dublin Mountains’ (to protect and enhance the outstanding natural character of the Dublin Mountains Area), Zoning Objective ‘HA – Liffey Valley’ (to protect and enhance the outstanding character and amenity of the Liffey Valley) and Zoning Objective ‘HA – Dodder Valley’ (to protect and enhance the outstanding character and amenity of the Dodder Valley) where the Planning Authority is satisfied that all of the following are met:

- There is a genuine need for replacement or refurbishment of the structure;
- The roof, internal walls and external walls of the structure on site are substantially intact;
- The structure on site is a habitable dwelling and its use as a habitable dwelling has not been abandoned (for a period that exceeds 5 years);
- The structure on site is of limited value in terms of built heritage, character and visual amenity;
- The replacement dwelling would largely occupy the same footprint, scale and location of the dwelling to be replaced, save in exceptional circumstances where the Planning Authority agrees a more favourable position in the context of the development

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management criteria outlined under Chapter 12: Implementation and Monitoring.

Policy H23: Rural Housing and Extension Design - Ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

H23 Objective 1: Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features;
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings;
- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries;
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls;
- Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPA's Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies;
- Would not create or exacerbate ribbon or haphazard forms of development

6.9.6 Rural Dwelling Occupancy

4.3.1 Components of the GI Network - Figure 4.4: Green Infrastructure Strategy Map

4.3.2 Strategic Corridor Objectives - Strategic Corridor 3: Grand Canal Corridor, Overarching Objectives

Policy GI1: Overarching GI1 Objective 4: - To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Policy GI2: Biodiversity GI2 Objective 4: - To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance

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with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Policy GI4: Sustainable Drainage Systems GI4 Objective 1: - To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Policy QDP7: High Quality Design – Development General - Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

Policy QDP11: Materials, Colours and Textures - Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

Policy H14: Residential Extensions - Support the extension of existing dwellings subject to the protection of residential and visual amenity.

H14 Objective 1:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Policy E3: Energy Performance in Existing and New Buildings

Support high levels of energy conservation, energy efficiency and the use of renewable energy sources in new and existing buildings including the retro fitting of energy efficiency measures in the existing building stock in accordance with relevant building regulations, national policy and guidance and the targets of the National and South Dublin Climate Change Action Plans.

Green Infrastructure:

GII Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks

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GI2 Objective 2: To protect and enhance the biodiversity and ecological value of the existing GI network by protecting where feasible (and mitigating where removal is unavoidable) existing ecological features including tree stands, woodlands, hedgerows and watercourses in all new developments as an essential part of the design and construction process, such proactive approach to include provision to inspect development sites post construction to ensure hedgerow coverage has been protected as per the plan

4.2.5 Landscape, Natural, Cultural and Built Heritage

- **Policy GI7:** *Landscape, Natural, Cultural and Built Heritage Protect, conserve and enhance landscape, natural, cultural and built heritage features, and support the objectives and actions of the County Heritage Plan.*
- **GI7 Objective 2:** *To protect and enhance the landscape character of the County by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the landscape, in accordance with the provisions of South Dublin's Landscape Character Assessment and the provisions of Chapter 3: Natural, Cultural and Built Heritage of this Development Plan*

6.9 Rural Housing Strategy

- **Policy H16:** *Management of Single Dwellings in Rural Areas. Restrict the spread of urban generated dwellings in the Rural "RU," Dublin Mountain 'HA-DM,' Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements in line with the Settlement Hierarchy.*

6.9.1 Rural Housing Policies and Local Need Criteria

Policy H17: Rural Housing Policy and Local Need Criteria

- **H17 Objective 2:** *To consider persons for a rural house in the RU zone on the basis of their being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives, (12 years), living in the area or have moved away and who now wish to return to reside near to, or to care for, immediate family members and are seeking to build on the family landholding. Immediate family members are defined as mother, father, son, daughter, brother or sister.*

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6.9.2 Rural Housing in RU zone

- **Policy H18:** Rural Housing in RU Zone New or replacement dwellings within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in exceptional circumstances.
- **H18 Objective 1:** New or replacement dwellings within areas designated with Zoning Objective "RU" (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in the following exceptional circumstances: à
- The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) or à
- The applicant has close family ties with the rural community. The above shall also be considered in line with criteria set out under Chapter 12: Implementation and Monitoring.

6.9.3 Rural Housing in HA – Dublin Mountains Zone

6.9.6 Rural Dwelling Occupancy

6.9.7 Rural Housing and Extension Design

Policy H23: Rural Housing and Extension Design

- Ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

H23 Objective 1: Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and
- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and
- Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries; and

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- *Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
- *Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPA's Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and*
- *Would not create or exacerbate ribbon or haphazard forms of development.*

12.6.9 Rural Housing

- *Documentary evidence to show how the applicant complies with rural housing policy;*
- *A map showing all existing family-owned property and lands;*
- *A rationale as to why a particular site has been chosen for development;*
- *A strong justification in relation to the need for an additional dwelling in the rural area;*
- *How their existing or proposed business contributes to and enhances the rural area supported by evidence of investment;*
- *A rationale clearly detailing why a family flat is not a suitable alternative; à*
- *A site suitability report in relation to waste treatment (See further detail below).*

Rural Housing Design

Wastewater Treatment

Chapter 6 Housing

Chapter 7 Sustainable Movement

Section 7.10 Car Parking

Policy SM7 Car Parking and EV Charging

SM7 Objective 1 Maximum car parking standards

Chapter 10 Energy

Section 10.2 Energy Measures

Policy E3 Energy Performance in Existing and New Buildings

Chapter 12 Implementation & Monitoring

Section 12.3 Natural, Cultural and Built Heritage

Section 12.3.1 Appropriate Assessment

Section 12.3.3 Environmental Impact Assessment

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Section 12.6.7 Residential Standards

(i) Housing

Table 12.20 Minimum Standards for Housing

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH3 Natura 2000 Sites

NCBH3 Objective 3 (Appropriate Assessment)

Chapter 4 Green Infrastructure

Policy GI1 Overarching

GI1 Objective 4

Policy GI2 Biodiversity

GI2 Objective 4

Policy GI4 Sustainable Drainage Systems

GI4 Objective 1

12.3.1 Appropriate Assessment

12.3.1 Ecological Protection

12.3.2 Environmental Impact Assessment

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.1 Green Infrastructure and Development Management

12.5 Quality Design and Healthy Placemaking

12.5.2 Design Considerations and Statements

12.5.3 Density and Building Heights

12.6 Housing - Residential Development

12.7 12.6.7 Residential Standards

12.8 12.6.8 Residential Consolidation

Relevant Government Policy & Guidelines

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

Regional Spatial and Economic Strategy for Eastern and Midland Regional Assembly, 2019, Eastern and Midland Regional Assembly.

Action Plan for Rural Development, Government of Ireland, 2017.

Sustainable Rural Housing Guidelines for Planning Authorities DoEHLG (2005)

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Quality Housing for Sustainable Communities - Guidelines for Planning Authorities,
Department of the Environment, Heritage and Local Government (2007).

Wastewater Treatment and Disposal Systems Serving Single Houses Environmental
Protection Agency (November 2009)

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

**Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning
Authorities** DoEHLG (2009)

**Circular SP 5/08 – Conformity with Articles 43 and 56 of European Community Treaty
(Freedom of Establishment and Free Movement of Capital)** DEHLG September 2008

Assessment

The main issues for assessment are:

- Zoning and Council policy,
- Legal Interest,
- National and Regional Policy,
- Rural Housing Policy,
- Design, Location and Siting,
- Services & Drainage,
- Environmental Health,
- Access & Parking,
- Landscaping,
- Landscape Character,
- Ecology,
- Overcoming Previous Reasons for Refusal,
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR),

Zoning & Council Policy

The site is subject to land-use zoning objective 'RU' – 'To protect and improve Rural Amenity and to provide for the development of Agriculture' in the South Dublin County Development Plan 2022-2028. The proposed development would constitute a one-off rural house in the countryside.

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The use class 'Residential' is listed as 'open for consideration' under this zoning objective subject to accordance with Council policy for development in rural areas. Therefore, such proposals may be permitted only if they do not conflict with the policies and objectives of the Development Plan (including housing needs criteria) and if they are consistent with the principles of proper planning and sustainable development and relevant Ministerial guidelines. The proposal therefore is assessed below within this context.

Transitional Area

The road to the south-east (front) of the site marks the boundary between the 'RU' zoned lands and lands zoned 'HA-DM' – "To protect and enhance the outstanding natural character of the Dublin Mountains Area."

Development in transitional areas is guided by section 12.2.1 (iv) of the South Dublin County Development Plan 2022-2028, which states:

Abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones. Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone. For example, regard should be had to the use, scale and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate.

It is considered that the proposed development would not provide for an abrupt transition.

Legal Interest

The applicant has ticked Other on the application form with regard to point 10. *Legal Interest of Applicant in the Land or Structure*. A letter of consent has been included from the owner Carmel McKiernan to her son Pearse McKiernan (see Appendix KK).

National and Regional Policy

National and Regional Settlement Policy

Under Section 4.8 of the Regional Spatial and Economic Strategy 2019, Planning Authorities are required to identify areas under strong urban influence in the hinterlands of settlements and set the appropriate rural housing policy response to avoid ribbon and overspill development from urban areas.

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The crux of regional policy is as follows:

- That the growth and revitalisation towns and villages should be prioritised as a viable alternative to one-off housing.
- That urban-generated demand rural housing should be avoided.
- The rural economy, based on agriculture, forestry, tourism and rural enterprise, should be facilitated while avoiding overspill development from urban areas and urban-generated housing.

The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES.

The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise. The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the County Development Plans.

With reference to the relevant national policy objectives, section 2.7.3 Rural Areas of the South Dublin County Development Plan 2022-2028 states that the Rural and High Amenity zones of South Dublin County Council are considered to be under strong urban influence for housing. The County's Rural Settlement Strategy has reflected this. Policy CS11: Rural Areas Objective 1 further commits the Council to: "To implement the Rural Settlement Strategy contained in Chapter 6 Housing."

The subject site is situated in an area under strong urban influence and, pursuant to the National Policies contained within 'Project Ireland 2040 National Planning Framework' and the Core Strategy and Rural Settlement Strategy outlined in the South Dublin County Council Development Plan 2022-2028.

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Having regard to the above it is considered that the proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and would prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region and should therefore be **refused**.

Sustainable Rural Housing Guidelines for Planning Authorities

The proposed development is located within a rural area, in proximity to the built-up area of the Dublin Metropolitan Area and is located within an area defined as under strong urban influence as set out in the '*Sustainable Rural Housing Guidelines for Planning Authorities*' issued by the Department of the Environment, Heritage and Local Government in April 2005. Within this context it is noted that the application site is located south west of Rathcoole and in close proximity to the N7 corridor and within the commuting catchment of Dublin City and surrounding areas.

Rural Housing Policy

Section 6.9 Rural Housing Strategy of the South Dublin County Development Plan 2022-2028 states:

Policy H16: Management of Single Dwellings in Rural Areas

Restrict the spread of urban generated dwellings in the Rural "RU," Dublin Mountain 'HA-DM,' Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements in line with the Settlement Hierarchy.

Policy H17 Objective 2: Rural Housing Policy and Local Need Criteria

To consider persons for a rural house in the RU zone on the basis of their being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives, (12 years), living in the area or have moved away and who now wish to return to reside near to, or to care for, immediate family members and are seeking to build on the family landholding. Immediate family members are defined as mother, father, son, daughter, brother or sister.

H18 Objective 1: New or replacement dwellings within areas designated with Zoning Objective "RU" (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in the following exceptional circumstances:

- *The applicant can establish a **genuine need** to reside in proximity to their employment (such employment being related to the rural community)*

OR

- *The applicant has **close family ties** with the rural community.*

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The above shall also be considered in line with criteria set out under Chapter 12: Implementation and Monitoring.

It is the policy of the Council to focus housing into existing settlements and restrict housing in rural zoned areas (under Council **Policy H16**), and the onus is on the applicant to provide comprehensive evidence of their compliance with **Policy H17 Objective 2 and Policy H18 Objective 1**.

The applicant (Pearse McKiernan) has provided evidence that he grew up in the area on the extensive McKiernan family farm holding which contains the family home and stable yard with training facilities for horses. Pearse currently works on the adjacent family farm, and he proposes to construct a new dwelling to operate his own independent equine facility from. Documentation has been attached to confirm that Pearse has been an active member of St. Marys GFC since 1989 to present and his family remain highly active within the club. Documentation has also been attached confirming Pearse is an active member of Commercial Hurling Club in Rathcoole since 1992.

One of the policy reasons for refusal of the previous application SD21A/0073 was as follows:

4. Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states;
5. *'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU,' Dublin Mountains 'HA-DM;' Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.'*

The applicant has not demonstrated the exceptional circumstances that would warrant the setting aside of Policy H20 to allow additional rural housing in this area, though they have shown local ties to the area. The strongest local tie relates to the equine business, but the applicant has not demonstrated how this business cannot be attended to from the house already associated with the lands, particularly as there is urban housing options available a few minutes' drive from the site in Rathcoole.

As such, the proposed development would materially contravene the objectives of the Development Plan and would lead to demands for the uneconomic provision of further public services and facilities in this rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Having regard to this previous reason for refusal and notwithstanding the submissions of the applicant relating to these issues, **it is considered that the applicant does not comply** with Policy H16 and H17 Objective 2 and Policy H18 Objective 1 **with regard to SDCC Rural Housing Policy**.

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Policy CS11: Rural Areas (section 2.7.3)

*Recognise that the rural area of South Dublin County is an area **under strong urban influence** for housing and **restrict the spread of dwellings in the Rural 'RU,'** Dublin Mountain 'HA-DM,' Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones based on the criteria set out in the Rural Settlement Strategy contained within Chapter 6: Housing.*

This policy can be summarised as discouraging rural housing where it is considered to be urban generated and defining the criteria by which the council should assess whether a house is addressing a rural or urban demand. It is the policy of the Council to focus housing into existing settlements and restrict housing in rural zoned areas. The applicant has provided details to show that they are a native of the area, and the owner and manager of an equine business dealing in the ownership, breeding and training of horses to use in racing. It is accepted that the applicant has close family ties with family and the rural community in the vicinity of the site.

Equestrian Facilities

The applicant claims that there is a need for immediate access to the equestrian facilities from the proposed dwelling. Equestrian use is considered an agricultural use under Section 2(1) of the Planning and Development Act, 2000 as amended. In this instance, however, it is considered that the equestrian facilities could be managed from the existing family home on the lands, or that housing within the built-up areas of Rathcoole, Saggart or Fortunestown would suffice for this purpose.

Design, Location and Siting

The area suffers from ribbon development. It is noted however that this is a large plot.

Section 6.9.7 Rural Housing and Extension Design

The design of all new dwellings and extensions (including family flat extensions) in rural areas should respond appropriately and sensitively to its surrounding rural, mountain and / or river valley context. Dwellings should be designed to be inconspicuous and compact in design particularly in areas of high visual amenity and with a steep topography. In designing individual proposals within a rural area, regard should also be had in relation to the combined and accumulated visual impact of a proposed development when taken together with existing nearby structures. Further to the policy and objectives set out below, standards in relation to the design and siting of residential development are detailed under Chapter 12: Implementation and Monitoring.

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Policy H23 Objective 1:

*Ensure that all new rural housing and extensions within areas designated within **Zoning Objectives Rural (RU)**, Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);*

*- Is designed and sited to **minimise impact on the landscape** including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*

*- **Will not have a negative impact on the environment** including flora, fauna, soil, water (including ground water) and human beings; and*

*- Is **designed and sited to minimise impact on the site's natural contours** and natural drainage features; and*

- Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries; and

- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and

- Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPAs Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and

*- **Would not create or exacerbate ribbon or haphazard forms of development***

-The applicant has provided a Landscape & Visual Impact Assessment, and this shows consideration of the impact the dwelling might have on the landscape.

- In relation to ecological protection, the applicant has provided an Ecological Impact Assessment report, which includes results of field surveys (including bats and badgers surveys), with a number of mitigation measures proposed.

-The proposed development would not require intrusive engineered solutions. The proposed house would be built over 3 lateral sections, stepping down with the landscape. The house would be slightly below the level of the road, and centrally placed within the site. The single storey dwelling will be made up of two pitched roofs that interface with a flat roof in the centre. The north-western section of the house previously (SD21A/0073 - refused)) had a curved roof and presented a long face west down the slope of the site. For this application (SD22A/0402) this curved roof has been omitted and replaced with a pitched roof and will be one storey as opposed to the previously (SD21A/0073) proposed two storeys. Notwithstanding this in order to be able to make a comprehensive assessment the applicant should provide CGI images of the

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proposed development and material treatment, or otherwise material samples by way of **additional information.**

-Although no report was received to date from Irish Water or Surface Water Drainage, the Planners report for previously refused (SD21A/0073) noted a potential issue regarding wastewater treatment and whether or not the proposed response to the site is appropriate given groundwater sensitivity in the area.

There is an issue of ribbon development along this road and the proposal would contribute to this.

As per *Section 12.6.9 Rural Housing (Rural Housing Design)*.

- *A minimum road frontage of 60 metres should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of road in a manner that creates ribbon development should be avoided.*

60 metres of frontage is exceeded on this site. It is noted however that there is ribbon-type development along this road to the north and south.

- *Dwellings and extensions should not be located on a ridgeline or in an elevated position in the landscape. The natural slope and landcover of sites should be retained, with an appropriate tree and hedgerow planting scheme that utilises and augments indigenous planting. Traditional field and roadside boundaries, including old stone boundary walls and hedgerows, should be retained or reinstated as much as possible. Sustainable Urban Drainage measures should also be incorporated.*

The house would not be located on a ridgeline and would use the natural slope of the site.

- *Driveway and parking areas should be minimised and should follow the natural slope and contours of the site with appropriate permeable materials. Modern gateways, piers and boundary walls should be avoided with the exception of the retention and reinstatement of traditional stone boundary walls.*

The proposal is broadly acceptable under this criterion.

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Services & Drainage,

No reports have been received to date regarding Irish Water and Surface Water Drainage. Notwithstanding this it is considered appropriate to attach standard drainage **conditions** in the event of a grant.

Environmental Health,

A report was received from the Environmental Health Officer (EHO) recommending the proposal is acceptable subject to **conditions**. An extract taken from the EHO report states the following:

Development Summary: The development proposes the construction of a new build domestic premises on a spacious greenfield site. A new well is proposed and a wastewater treatment system. An existing septic tank will be removed from the site. Separation distances are properly indicated on map and site presented as described in site characterisation report.

Decision:

*The above development is acceptable to this office subject to the following **conditions**:*

Noise

1. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that :

The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours

- *Before 07.00 hours on weekdays, Monday to Friday*
- *Before 09.00 hours on Saturdays.*
- *After 19.00 hours on weekdays, Monday to Friday.*
- *After 13.00 hours on Saturdays.*
- *Not permitted at any time on Sundays, Bank Holidays or Public Holidays.*

Reason: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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Air Quality

2. *During the construction phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.*

Reason: To contain dust arising from construction in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

Wastewater Treatment

3 *The proposed wastewater treatment systems shall be located, installed and operated in accordance with the details submitted to the Planning Authority on 26/10/2022 and in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.*

Reason: In the interest of public health.

4 *A maintenance contract for the lifetime of the treatment system shall be entered into with the suppliers of the wastewater treatment system or with an appropriate maintenance firm. Documentary evidence of an on-going maintenance agreement shall be submitted to the Planning Authority within 4 weeks of the installation of the wastewater treatment system.*

Reason: In the interest of public health in order to ensure adequate drainage provision.

5 *Within three months of the first occupation of the house, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner, and that the polishing filter and/or percolation area is constructed in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.*

Reason: In the interest of public health in order to ensure adequate drainage provision.

6. *The existing septic tank on the site must be fully decommissioned and removed from the application site.*

Reason: In the interest of public health in order to ensure adequate drainage provision.

It is considered appropriate to attach the above **conditions** in the event of a grant.

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Access & Parking,

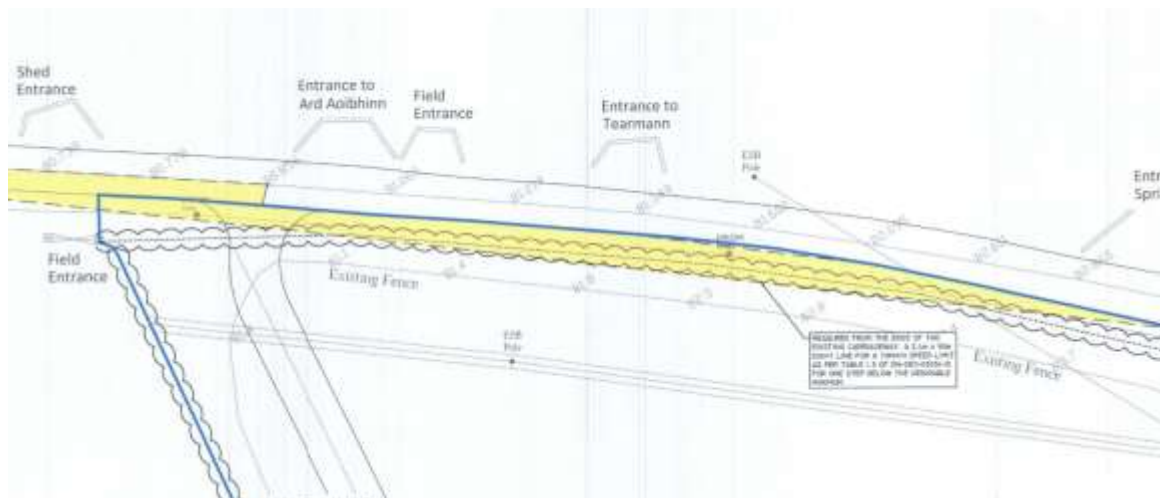
A report was received from the Roads Department recommending **refusal**. An extract taken from the Roads report states the following:

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

Erection of a three-bedroom detached dwelling house. The access to the development is from a very minor road.

Sightline drawing

This drawing is unclear. More detail is required regarding the existing hedgerows. The visibility splay must be set back min 2.4m from edge of carriageway and this must be clearly illustrated, as must the splay triangle in either direction with clear distances shown in both directions.



Roads objections.

*1. The proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one off houses. Having regard to this, **the proposed development would endanger public safety by reason of traffic hazard.** The road network in the area is incapable of catering for the continuation of **ribbon development.***

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The proposed development would be contrary to the proper planning and sustainable development of the area.

*2. The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users **would endanger public safety by reason of a traffic hazard.***

*Roads recommend **refusal***

As stated above, the development would constitute ribbon development and based on the recommendations of the Roads report and given that the proposed development would endanger public safety by reason of a traffic hazard the proposed development should be **refused**.

Landscaping,

A report was received from the Parks Department recommending **Additional Information** be requested. An extract taken from the Parks Department states the following:

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

1.Implementation of Landscape Plan

The landscape Plan shall be implemented in full, within the first planting season following completion of the development, in addition:

a)All hard and soft landscape works shall be completed in full accordance with the submitted Landscape Masterplan (Dwg. No. PP381-01-01)

b)All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

c)All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 "Trees in Relation to Design, Demolition and Construction – Recommendations".

d)Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted

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REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives of the CDP 2022-2028.

2.Retention of Landscape Architect

i)Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.

ii)A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.

iii)Installation of attenuation tree pits shall be supervised by the project landscape architect.

REASON: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.

3.Green Infrastructure and Green Space Factor (GSF)

The applicant shall submit the following information relation to Green Infrastructure and the Green Space Factor in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:

(a) To demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.

(b) To demonstrate how the appropriate Greening Factor will be achieved for the relevant land use zoning objective. See link to the Green Space Factor Worksheet: Related Documents - SDCC

REASON: In the interests of the amenity and environmental quality of the locality and to assimilate the development into its surroundings, in accordance with policy GI5 Objective 4 and other relevant policies relating to GI within the CDP 2022-2028.

4.Green Space Factor (Minimum Score Not Achieved)

In cases where proposed development does not meet the minimum required score and the Council agree that the minimum score is not achievable on the site; the Council will engage with the applicant to help determine an alternative GI solution, to ensure that the proposed development does not detract from the local environment and makes a positive contribution to local GI provision. Where site-specific constraints do not allow for adequate landscaping features in line with minimum requirements a developer will be permitted to provide alternative GI interventions or contributions to make up for this shortcoming, see below. Those GI measures ultimately chosen will be dictated by the site-specific context and will be subject to

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agreement with Council. The applicant shall therefore contact the Public Realm Section to agree alternative GI interventions or contributions to make up for this shortcoming.

REASON: Ensuring that new development meets minimum standards for the provision of GI, in accordance with policy GI5 Objective 4 and other relevant policies of the CDP 2022-2028.

5. Tree and Hedgerow Protection

(i) To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed on the submitted Tree Protection Plan. The arborist shall carry out a post construction tree survey on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the Public Realm Section for written agreement upon completion of the works. The developer shall also be made aware of their obligations to constantly assess and survey the trees after construction because of the potential impact and the age/condition of these trees as outlined in the tree survey. Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

(ii) No drainage or service runs (including cables, pipes or similar services) shall be laid beneath the canopy of any tree identified for retention or within any fenced protection zone unless otherwise agreed in writing by the local planning authority.

(iii) The applicant shall submit a detailed Tree Survey for the subject site

REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality and in accordance with relevant policies and objectives in the CDP 2022-2028.

This additional detail could be provided by additional information, if there were no other issues with the development but given the recommendation to refuse above, the application should be **refused**.

Landscape Character

The Landscape Character Assessment of South Dublin County (2021) highlights the high landscape value and sensitivity of the rural hinterland areas of the County, given the proximity to Dublin. The protection of rural landscapes and of high amenity and environmentally sensitive areas is a priority of the Development Plan.

The proposed development is located in Newcastle Lowlands landscape area, which has been designated as an area with a **medium high overall landscape sensitivity** and a **negligible to low landscape capacity**.

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6.2.1 LANDSCAPE CHARACTER AREAS- SENSITIVITY AND PRINCIPLES FOR DEVELOPMENT

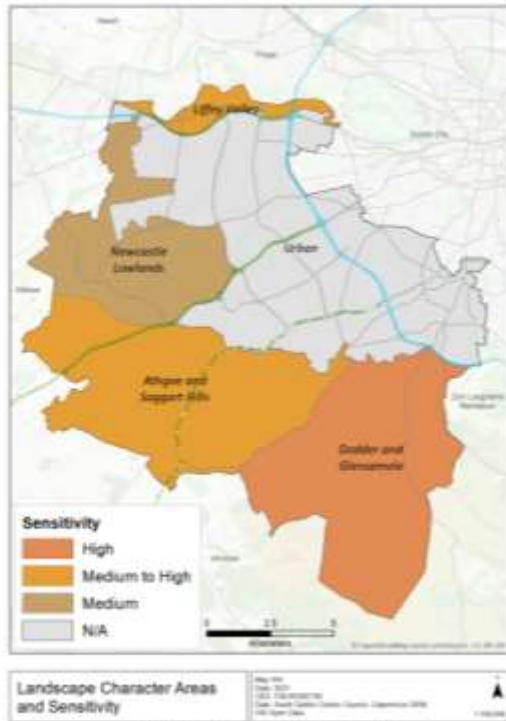


FIGURE 37 LCA SENSITIVITY MAP

It is noted that key characteristics of the landscape are vulnerable to change. There may be limited opportunity to accommodate development without changing landscape character. Great care would be needed in locating development. The key characteristics are:

Low: Key characteristics of the landscape are vulnerable to change. There may be limited opportunity to accommodate development without changing landscape character. Great care would be needed in locating development.

The key characteristics are:

- Low-lying and gently undulating agricultural lands over limestone
- Established communication corridors include the Grand Canal and railway corridor traverse east to west and two aerodromes at Weston and Baldonnel
- Agricultural land-use primarily pasture and tillage • Increasing influence of urban activities closer to the motorways, national roads and regional roads

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- Long history of historic settlement and human activity with medieval landscape complex associated with Newcastle village and surrounds.
- Number of demesnes associated with former country houses and institutions including reuse of older country houses at sites such as Peamount and Baldonnel.

Extent: western boundary of South Dublin County extending eastwards and southwards incorporating the Grand Canal and Newcastle Village.

The applicant has provided a Landscape and Visual Assessment report (LVIA) with the application, which includes an assessment of the development from a number of viewpoints. The LVIA does not include CGI images of the proposed development itself. This additional detail could be provided by additional information, if there were no other issues with the development but given the recommendation to refuse above, the application should be **refused**.

Ecology

The applicant has provided an Ecological Impact Assessment report, which includes bats and badger survey results.

The report notes that the site hasn't changed from that previously submitted last year which was **refused** under SD21A/0073. The report notes that although no trees have been identified as potential bat roosts within the site, the site should be examined again from the perspective of roosting bats and nesting birds before the work takes place.

As per the previous application (SD21A/0073) in the event that permission is granted, the lighting scheme for the development shall have to be agreed with the SDCC Heritage Officer, utilising lower impact lighting fixtures such as bollard lighting.

The report lists the following proposed mitigations measures:

- Sediment control
- Contractor briefing during construction
- Protection measures for trees, vegetation and hedgerows
- Protection measures for birds and bats
- Soil handling measures and procedures
- Native planting
- Wildlife-friendly lighting

In the event of a grant of permission, these measures should be implemented and agreed where necessary by way of **condition**.

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The report concludes that several mitigation measures are presented to avoid any negative impacts in the vicinity of the proposed development and surrounding lands. The conclusion states that with mitigation in place, negligible effects are predicted to occur to biodiversity. The applicant states that they are very happy to engage and implement all recommendations stated in the Chief Executive Order under reg. ref. SD21A/0073 (previously refused).

Overcoming Previous Reasons for Refusal

As the applicant has not overcome all previous reasons for refusal as per SD21A/0073 the proposed development should be **refused**. Please see previous reasons for refusal below:

6. 1.The proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development. The proposed development would be contrary to the proper planning and sustainable development of the area.
7. Not overcome.
8. 2.The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard.
9. Not overcome.
10. 3.Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states;
'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU,' Dublin Mountains 'HA-DM;' Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.'
The applicant has not demonstrated the exceptional circumstances that would warrant the setting aside of Policy H20 to allow additional rural housing in this area, though they have shown local ties to the area. The strongest local tie relates to the equine business, but the applicant has not demonstrated how this business cannot be attended to from the house already associated with the lands, particularly as there is urban housing options available a few minutes' drive from the site in Rathcoole.
As such, the proposed development would materially contravene the objectives of the Development Plan and would lead to demands for the uneconomic provision of further public services and facilities in this rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Not overcome

4. *The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES.*

- The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise.
- The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the County Development Plans.

Having regard to the above, the proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and would prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.

Not overcome.

Screening for Appropriate Assessment (AA)

A stage 1 Appropriate Assessment screening report has been provided as part of this application. The screening report determines that there is no likelihood of significant effects on any of the Natura 2000 sites or on any other sites of conservation importance from the development of the subject site. It is stated that the proposed development of the site, cumulatively or in combination with the other identified plans and projects will not adversely affect the integrity of any Natura 2000 sites. It is concluded that the proposal will not have a significant effect on the Natura 2000 network and a Stage 2 Appropriate Assessment is not required.

Screening for Environmental Impact Assessment (EIAR)

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact

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assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion

It is considered that **the applicant has not demonstrated compliance with** Policy H16 and H17 and H18: Rural Housing in the 'RU' zone, Policy CS11: Rural Areas and with Section 6.9 **Rural Housing Strategy**.

Furthermore, the provision of an additional dwelling in this location would endanger public safety due to generation of additional traffic movements on a substandard rural road network and would contribute to the danger to the public arising from the traffic hazard and would be contrary to the proper planning and sustainable development of the area.

The submission of additional information could be considered, but, in the context of the objections of the Roads Department and the prospect of traffic hazard at the site, it is not considered that the prospect of a grant of permission at this site would be improved by provision of additional information.

Recommendation: Refusal.

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

- (a). The proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development. The proposed development would be contrary to the proper planning and sustainable development of the area.
 - (b). The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard.
2. Relevant policies in the South Dublin County Development Plan 2022 - 2028 are as follows:
Rural Housing Policy H16 'Management of Single Dwellings in Rural Areas',
'Restrict the spread of urban generated dwellings in the Rural. RU, Dublin Mountain

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'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements in line with the Settlement Hierarchy'.

Rural Housing Policy H17 Objective 2:

To consider persons for a rural house in the RU zone on the basis of their being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives, (12 years), living in the area or have moved away and who now wish to return to reside near to, or to care for, immediate family members and are seeking to build on the family landholding. Immediate family members are defined as mother, father, son, daughter, brother or sister.

Rural Housing Policy H18 Objective 1:

- New or replacement dwellings within areas designated with Zoning Objective "RU" (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in the following exceptional circumstances:
- The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) or
- The applicant has close family ties with the rural community. The above shall also be considered in line with criteria set out under Chapter 12: Implementation and Monitoring.

Having regard to the above, the applicant has not satisfactorily demonstrated the exceptional circumstances that would warrant the setting aside of Policies H16, H17 Objective 2 and Policy H18 Objective 1 to allow additional rural housing in this area, though they have shown some local ties to the area. The strongest local tie relates to the equine business, but, the applicant has not satisfactorily demonstrated how this business cannot be attended to from the house already associated with the lands, particularly as there is urban housing options available a few minutes drive from the site in Rathcoole. As such, the proposed development would materially contravene the objectives of the Development Plan and would lead to demands for the uneconomic provision of further public services and facilities in this rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES.
 - The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise.

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•The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

•Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the County Development Plans.

Having regard to the above, the proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and would prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.


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REG. REF. SD22A/0402

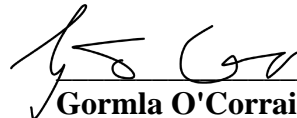
LOCATION: Crockaunadreenagh Road, Redgap, Rathcoole, Dublin



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date: 08/12/22



Gormla O'Corrain, Senior Planner