

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0347

Application Date: 01-Sep-2022

Submission Type: Additional
Information

Registration Date: 28-Jun-2023

Correspondence Name and Address:

Virtus Project Management Virtus, 5th Floor, The Glasshouse, 11, Coke Lane, Smithfield, Dublin 7

Proposed Development:

Demolition of 1 residential property and 1 ancillary outbuilding. Construction of a residential development of 42 three-bedroom dwellings in a mix of terraced and semi-detached units. The proposed will comprise of 2 typologies: typology F (21 dwellings) and typology L (21 dwellings) both 2 storey with typology F having a 2nd floor loft accommodation with front dormer windows. Total residential gross floorspace is 5622sqm. Development includes 84 in curtilage surface car parking spaces (3281sqm). Public open spaces in an eastern park and a western park (including proposed play equipment), an additional large parkland to the south of the site (11797sqm) comprising the first phase of linear park. Private domestic gardens. A new vehicular, pedestrian and cycle entrance from Stoney Hill road. An internal road network, including footpaths/cycleways. 3 refuse/bin stores, public lighting, landscaping, boundary treatments, drainage and engineering works and all other associated and ancillary development works.

Location:

2.9 hectare site, East of Stoney Hill Road, Rathcoole, Dublin

Applicant Name:

Romeville Developments Limited

Application Type:

Permission

Site Description and Surroundings

The site is located to the east of Stoney Hill Road, Rathcoole and is mainly a greenfield site, with 4 inhabited residential dwellings and 1 derelict dwelling and associated sheds onsite (subject for demolition). The site is bounded by Stoney Hill Road to the west, Rathcoole Park, a mature small residential development to the north, undeveloped residential zoned lands to the east and rural landscape of the Dublin Mountains to the south.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

The subject site itself is bounded by mature hedging and boasts some hedgerows within the site. The subject site has an elevated topography which rises in a southern direction. The existing eastern boundary is set back several metres from the existing footpath and the site is approximately 2-3m higher than the footpath.

Site Area: 2.098 Ha.

Description of Development

Demolition of 1 residential property and 1 ancillary outbuilding. **Construction of a residential development of 42 three-bedroom dwellings** in a mix of terraced and semi-detached units. The proposed will comprise of 2 typologies: typology F (21 dwellings) and typology L (21 dwellings) both 2 storey with typology F having a 2nd floor loft accommodation with front dormer windows. Total residential gross floorspace is 5622sqm. Development includes 84 in curtilage surface car parking spaces (3281sqm). Public open spaces in an eastern park and a western park (including proposed play equipment), an additional large parkland to the south of the site (11797sqm) comprising the first phase of linear park. Private domestic gardens. A new vehicular, pedestrian and cycle entrance from Stoney Hill road. An internal road network, including footpaths/cycleways. 3 refuse/bin stores, public lighting, landscaping, boundary treatments, drainage and engineering works and all other associated and ancillary development works.

Development Statistics

	SD22A/0347
Total Units	42 Houses
Unit Mix	
3-Bed	42 (100%)
Total Units	42
Development	
Gross Site Area (Red Line)	2.098 Ha.
Net Site Area (Stated)	1.089 Ha.
Net Site Area (As per 2009 guidelines*)	1.770 Ha.
Density (Stated)	24 D/Ha.
Density (As per 2009 guidelines*)	20 D/Ha.
Building Height	2 – 2.5 Storeys
Gross Floor Area	5,622 sq.m

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Plot Ratio	0.32		
Site Coverage	30%		
Amenity Space			
Public Open Space	15087	Sqm	Stated
As % of Site	85.3%		
Prospective Population (as per County Development Plan)	147		
Ha. per 1,000 of Population	10.3		
Parking			
Car Parking	84	Spaces	
Car Parking Ratio	2.00		

*The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) define a net site area as typically including: access roads within the site; private garden space; car parking areas; incidental open space and landscaping; and children's play areas, and excluding: major and local distributor roads, primary schools, churches, local shopping, etc.; open spaces serving a wider area; and significant landscape buffer strips.

Zoning

The site is subject to two zoning objectives:

- 'RES-N' – "To provide for new residential communities in accordance with approved area plans."
- 'RU' – "To protect and improve rural amenity and to provide for the development of agriculture."

SEA Screening

The site overlaps with the following relevant environmental layers:

- Aviation boundaries: Noise, Bird Hazards and Inner Horizontal Surface. The approach surface to Casement Aerodrome skirts the western edge of the site.
- Above the 120m contour.
- The site is located uphill, and south-west, of the Rathcoole Woodlands covered by Policy GI7 SLO2, which reads:

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

“To ensure the adequate protection and augmentation of the identified Alluvial Rathcoole Woodlands within the zoning RU, and in recognising their value as green infrastructure and the potential linkages to Lugg Woods and Slade Valley and other amenity areas, provide for sensitive passive amenity uses which have regard to their Annex 1 status”

Consultations

Roads	Requests Additional Information.
Housing	No objection, subject to conditions.
Public Realm	Requests Additional Information.
Department of Defence	No objection, subject to conditions.
Water Services	No report received.
Waste Management	No objection, subject to conditions.
<u>External</u>	
Department of Defence	No objection, subject to conditions.
HSE Environmental Health Officer	No objection, subject to conditions.
Inland Fisheries Ireland	No objection, subject to conditions.
Irish Water	No objection, subject to conditions.

Department of Defence

- Recommends conditions in relation to bird controls and crane operations during construction.

HSE Environmental Health Officer

- Recommends conditions in relation to noise, working hours and air quality during construction stage.

Inland Fisheries Ireland

- Recommends condition that SUDs features not being taken in charge be subject to a maintenance agreement.
- Proposes that all protection and mitigation measures should be adopted in their entirety.
- Welcomes proposal to appoint an Environmental Monitoring Officer in the Construction Environmental Management Plan.
- Recommends nature-based attenuation solutions.

Irish Water

- Recommends that works should be set back from 33 inch Irish Water watermain.
- Recommends condition re: connection agreements.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Submissions/Observations/Representations

Numerous third party submissions and councillor representations have been made in relation to this application. Four groups have lodged submissions: Rathcoole Community Council; Peyton Residents' Association; Four Districts Woodland Habitat Group; and Supporters of Rathcoole Woodlands. In addition, Cllr Trevor Gilligan has made a representation. Numerous third party observations objecting to the proposal have been received.

The issues raised are summarised below.

Councillor Submissions

- Cllr Trevor Gilligan objects to the development.

General Comments

- Reports should have addressed the development of the entire landholding to ensure good planning and environmental outcomes.

Principle of Development

- Supports Rathcoole designation as a self-sustaining growth town in the South Dublin County Development Plan 2022 – 2028 where residential development will take place on a phased incremental basis in line with needs of community. Supports 'gradual housing' on RES-N lands in principle.
- Welcomes reduction in density and revision of house type to suit transitional area at edge of town / rural interface.
- Concern that development is 'phase 1' but remaining development is not indicated in plans.
- Applicant's statement regarding urgent need to bring new houses to market is not backed up.
- Upgrades to Tay Lane pumping station will not take place before Q1 2026. Permission is premature.
- Additional residential development of this scale would put a strain on Rathcoole's social and educational services, and the limited public transport services.
- This is phase 1 of a 4 phase development. If 4 phases are developed, there is a likelihood the combined phases will adversely affect Rathcoole Woodlands. Phase 1 is the gateway development for the other 3 phases.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Judicial Review

- Supports the Judicial Review undertaken by residents, shares applicant's disappointment that Judicial Review has not been resolved but believes Judicial Review will result in significant changes being required to development at the site and that permission would be premature pending outcome of that process.
- Believes the application to be a gateway to multiple applications, with the intention being to deliver the SHD under another guise. Judicial review should be completed before any further consideration of the planning permission is given.
- Judicial review should be decided before any subsequent application is considered. Court decision is due in 2023.
- Inappropriate to grant permission while judicial review is ongoing.

Open Space and Green Infrastructure

- Development should include fully natural SUDS. Does not support proposed underground system and does not believe applicant has established soil depth.
- Continued ownership of portions of Stoney Hill Road is a breach of previous permissions and should be considered as part of this planning application.
- Quantity and quality of green space at site should be revisited and revised; linear park to south will be over a wayleave for Irish Water services, and eastern park will be over geo cellular storage.

Rathcoole Woodlands

- Rathcoole Woodlands
- Rathcoole Woodlands is an Annex I priority habitat (91EO) alluvial woodland containing springs with an affinity to another protected habitat, Tufa Springs. The integrity of both habitats depends on the existing hydrology that supports them remaining intact.
- Appropriate planning conditions are required to protect the integrity of the woodlands.
- Concern that "phase 1" and wider development will divert water away from Rathcoole Woodlands, a 'hydrological disruption'.
- Notes potential impact of development on adjoining woodland habitat.
- The Rathcoole Woodlands are not part of a designated site, but EIAR should not be screened out.
- No environmental safeguards have been proposed to protect the woodlands.
- Sites such as this, with a connection to the woodlands, are an important element of green and blue woodlands.
- Inappropriate to grant permission without scientifically sound evidence with regard to Rathcoole Woodlands, and the appropriate supporting planning conditions to protect its integrity.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

- This is phase 1 of a 4 phase development. If 4 phases are developed, there is a likelihood the combined phases will adversely affect Rathcoole Woodlands. Phase 1 is the gateway development for the other 3 phases.
No consideration or determination of likely impacts this phase and future phases could have on Rathcoole Woodlands.

Sustainable Movement

- Main Street is still the only access in and out of the village. Street serves many busy sites.
- Describes grid lock and traffic movements.
- Local roads are at capacity.
- Access to industrial estates through Rathcoole compounds this problem.

Infrastructure & Environmental Services

- Tay Lane Sewerage pumping station is at full capacity and must be upgraded before any further residential development can be considered. Several new estates in the area are working off temporary sewerage tanks which only feed into the pumping station when capacity allows.

Planning History

Subject Site and adjoining lands to the north, east and south.

Note: The site boundaries of these applications do not match each other or the subject application boundary.

SHD3ABP-307698-20: Permission **granted** by An Bord Pleanála for a Strategic Housing Development comprising demolition of 5 existing residential properties and associated outbuildings and **the construction of a residential development of 204 units, comprising 151 Houses (including Duplexes) and 53 Apartments.** The basement for the apartment block includes 49 car parking spaces, 87 bicycle parking spaces, circulation, plant areas, refuse storage areas and other associated facilities. There are an additional 12 visitor bicycle parking spaces for the apartment block provided at surface level. Access to the apartment block is directly from Stoney Hill Road via a new access from an existing dropped kerb. The development also includes 306 surface car parking spaces, 169 bicycle parking spaces (comprising of 99 spaces at basement and surface for the apartment block, 60 secure spaces for the apartments in the duplex units and 10 visitor parking spaces at surface level), communal open space for the apartments, public open space including a children's playground and a linear park to the south of the site.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

New vehicular entrances from Stoney Hill Road (one to the apartment building to the north of Stoney Hill Road and a second to the remainder of the development further south on Stoney Hill Road). The proposed development also includes a 2 storey creche building plus and outdoor play area located on an existing undeveloped portion of the Peyton site located to the west of Stoney Hill Road.

The SHD was permitted by An Bord Pleanála with conditions on 12th November 2020. Leave for judicial review was approved in 2021, and a decision on that **Judicial Review** is due in 2023.

SD18A/0413: Application withdrawn following SDCC request for further information, for development comprising: Construction of a residential development comprising 93 units in total consisting of 36 four bed units and 57 three bed units, all in a mix of terrace and semi-detached units and of a height of two storeys (including second floor accommodation in roof space with dormer windows and roof lights); new priority access from Stoney Hill Road to the development; new linear park to the south of the site (as an extension to that proposed in Phase 1) together with other public open spaces, landscaping including boundary treatment, underground services and utilities and road and footpaths on the site; 186 surface car parking spaces will be provided for the development; total gross floor area of the proposed residential development will be circa 13,418.71 sq.m; 2 storey crèche building of 620sq.m located on an existing undeveloped portion of the Peyton site located to the west of Stoney Hill Road; crèche include 10 car parking spaces and 20 bicycle parking spaces; development includes all associated and ancillary works on a circa 4.33 hectare site comprising 4.14 hectares located to the east of Stoney Hill Road and 0.19 hectares comprising an existing undeveloped portion of the Peyton Residential Estate located to the west of the existing roundabout north of Stoney Hill Road. The site to the east is bounded to the west by Stoney Hill Road and Greenfields lands which are subject to a current Phase 1 application under Reg. SD18A/0364 to the north by the existing Rathcoole Park residential estate and to the east and south by undeveloped lands; the site also includes part of Stoney Hill Road and the roadway at the eastern side of Rathcoole Park; this application comprises Phase 2 of an overall residential development of the lands.

SD18A/0364: Application withdrawn following SDCC request for further information, for development comprising: demolition of 3 dwellings and the construction of a residential development comprising of 99 residential units in total, consisting of 60 dwellings and 39 apartments; the 60 dwellings comprise of 38 four bed units and 22 three bed units, all in a mix of terrace and semi-detached units and of a height of two storeys (including second floor accommodation in roof space with dormer windows and roof lights); the apartments are located in a single four storey block over part basement level and including a setback at third floor

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

level, located to the north-west of the site to the east and with access from Stoney Hill Road; the apartments comprise of 11 one bedroom units, 19 two bed units and 9 three bed units; new priority access to the new development, in addition to a separate access to the apartment building, linear park to the south together with other public open spaces, landscaping including boundary treatment, underground services and utilities and road and footpaths on the site; 128 surface car parking spaces will be provided and 41 basement car parking spaces and 32 bicycle parking spaces beneath the apartment building; the total gross floor area will be circa 12,538sq.m; 2 storey crèche building of 620sq.m located on an existing undeveloped portion of Peyton site located to the west of Stoney Hill Road; the crèche includes 10 car parking spaces and 20 bicycle parking spaces; including all associated and ancillary works all on a circa 4.36 hectare site comprising 4.17 hectares located to the east of Stoney Hill Road and 0.19 hectares comprising an undeveloped portion of the Peyton Residential Estate located to the west of the roundabout north of Stoney Hill Road; the site to the east is bounded to the west by Stoney Hill Road, to the north by the Rathcoole Park residential estate and to the east and south by undeveloped lands; the application site includes 3 existing houses and includes part of Stoney Hill Road and the roadway at the eastern side of Rathcoole Park.

At Stoney Lane (Within the site):

SD14A/0040: Permission **refused** for two dormer bungalows, revised height and size on family land.

SD13A/0171: Permission **refused** for two detached dormer bungalows on family land.

In summary, there is no extant planning permission on the site other than the SHD3 permission granted by the Bord which is subject to Judicial Review.

Planning Enforcement History

None.

Pre-Planning Consultation

None on this application.

Note that as per the SHD process, the existing permission was preceded by the following rounds of pre-planning:

SHD1SPP008/18: Section 247 pre-planning meeting facilitated by SDCC on 7th June 2018 in relation. The proposal comprised circa 4.60 hectares 169 residential units mix of dwellings & apartments new vehicular and pedestrian access, park.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

SHD1SPP014/19: Section 247 pre-planning meeting facilitated by SDCC on 18th January 2019. The proposal comprised residential development of circa 172 no. residential units, in a mix of apartments and dwellings, a creche and all associated and ancillary development.

SHD2ABP-305677-19: The Planning Authority forwarded the Authority's '*Opinion*' on the documentation lodged with ABP under Ref. SHD2ABP-305677-19. The proposed development provided for demolition of 3 existing houses on the site. Construction of 197 residential units, comprising 148 houses and 49 apartments. The houses comprise of 6 no. 2-bed units in duplex typologies, 130 no. 3-bed units (including 14 in duplex typologies) and 12 no. 4-bed units. Included in this mix are 20 duplex units, The apartments comprise of 11 no. 1-bed, 25 2-bed and 13 3- bed. The apartments are accommodated in a single four storey building to the north-west of the site adjacent to Stoney Hill Road. A new vehicular entrance from Stoney Hill Road, and a pedestrian and cyclist entrance to the north of the site to link to an unnamed road off Stoney Hill Road. Provision is made for future vehicular/pedestrian/cyclist linkages to the east to undeveloped lands and pedestrian/cyclist links to the north to Rathcoole Park. Public open space which in total provides circa 15% of the total site area. in addition, a significant linear park is provided for passive amenity to the south of the site.

A creche facility located adjacent to the primary site, on undeveloped lands within the Peyton Residential Estate. The development also provides 314 car parking spaces and 105 bicycle parking spaces. The development includes all associated and ancillary works, including site services, landscaping and boundary treatment, and new internal road and circulation network.

Relevant Policy

National Policy

The relevant policy documents are detailed below. The Planning Authority are of the opinion that of most significant relevance is the National Planning Framework (NPF). In this regard, National Strategic Outcome 1 of the NPF refers to and, stresses the importance, of 'Compact Growth'. The NPF states,

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

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

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

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

and National Policy Objective 3a, which states,

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

The National Planning Framework also includes a specific Chapter, No. 6, entitled ‘People, Homes and Communities’. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Other Ministerial Guidelines and Policy

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Rebuilding Ireland: Action Plan for Housing and Homelessness, Government of Ireland (2016).

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of Housing, Planning and Local Government (2020).

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment and Local Government (2009).

Urban Design Manual, Department of the Environment, Heritage and Local Government, (2008).

Urban Development and Building Heights Guidelines for Planning Authorities, (2018)

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

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

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

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

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

Architectural Heritage Protection – Guidelines for Planning Authorities, Department of Arts, Heritage and the Gaeltacht (2011).

The Framework and Principles for the Protection of Archaeological Heritage, Department of Arts, Heritage, Gaeltacht and the Islands (1999)

National Disability Inclusion Strategy, Government of Ireland, 2017, Dublin Local Authorities, 2018.

Housing Options for our Ageing Population, Department of Housing, Planning & Local Government and Department of Health (2019).

Dublin Agglomeration Environmental Noise Action Plan, 2018 – 2035,

Departmental Circulars, Department of Housing, Planning and Local Government (2020) – as listed:

- PL02/2020: Covid-19 Measures
- PL03/2020: Planning Time Periods
- PL04/2020: Event Licensing
- PL05/2020: Planning Time Periods
- PL06/2020: Working Hours Planning Conditions
- PL07/2020: Public Access to Scanned Documents
- PL08/2020: Vacant Site Levy
- Circular NRUP 02/2021 - Residential Densities in Towns and Villages

Circular Letter NRUP 03/2021 – s.28 Guidelines on the Regulation of Institutional Investment in Housing

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Non-Governmental Policy Documents of Relevance

Building for Everyone: A Universal Design Approach, National Disability Authority.

Age Friendly Principles and Guidelines for Planning Authorities, Age Friendly Ireland, 2021.

Housing for Older People – Thinking Ahead, Housing Agency, 2016.

ProPG Planning and Noise: Professional Practice Guidance on Planning and Noise.' UK Chartered Institute of Environmental Health

South Dublin County Development Plan 2022 – 2028

Chapter 2 Core Strategy and Settlement Strategy

Policy CS1 Strategic Development Areas

Section 2.6 Total Land Capacity within Strategic Development Areas

Table 2.8 Total Land Capacity within Strategic Development Areas

Table 2.9 Capacity of undeveloped lands within South Dublin

Policy CS5 Lands for Employment

Section 2.7 Settlement Strategy

Policy CS6 Settlement Strategies – Strategic Planning Principles

Section 2.7.1 Dublin City and Suburbs

Section 2.7.1: Tallaght

Policy CS7 Promote the consolidation and sustainable intensification of development within the Dublin City and Suburban settlement boundary.

Section 2.7.2 Self-Sustaining Growth Towns / Self-Sustaining Town

“Rathcoole has limited public transport provision and social services to date. Some improvements will be made as BusConnects brings improved services and overall accessibility to Celbridge, Dublin City Centre, Grangecastle, Hazelhatch train station and Saggart Luas Stop. It is important that Rathcoole develops at an incremental pace, based on the delivery of social, physical and transport infrastructure and services. The capacity of zoned lands is considered to be sufficient to meet long term demand for the settlement.”

Policy CS10 Rathcoole

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH1 Overarching

Policy NCBH2 Biodiversity

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Policy NCBH5 Protection of habitats and species outside of designated areas.

Section 3.4.2 Archaeology

Policy NCBH11 Tree Preservation Orders and other Tree / Hedgerow Protections

Objective 5: To ensure that intact hedgerows / trees will be maintained above the 120m contour line within the County ensuring that the strong rural character will not be diluted and that important heritage features and potential wildlife corridors are protected.

Policy NCBH13 Archaeological Heritage

Section 3.5.2 Protected Structures

Policy NCBH19 Protected Structures

NCBH19 Special Local Objective 3: "To protect Glebe House RPS Ref. 313 (Former Mary Mercer Trust Charter School for Girls), Rathcoole"

Section 3.5.3 Architectural Conservation Areas

1. Rathcoole Village

Policy NCBH20 Architectural Conservation Areas

Policy NCBH21 Vernacular / Traditional and Older Buildings, Estates and Streetscapes

Policy NCBH22 Features of Interest

Section 3.6 Architectural Conservation, Adaptability and Placemaking

Policy NCBH23 Architectural Conservation and Design

NCBH23 Objective 3

NCBH Objective 4

NCBH23 Objective 7

Policy NCBH24 Adapting and Reusing Historic Buildings

Policy NCBH25: Placemaking and the Historic Built Environment

NCBH25 Objective 3: To support certain appropriate backland development in villages

Policy NCBH26: Climate Change, Adaptation and Energy Efficiency in Tradition and Historic Buildings

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Chapter 4 Green Infrastructure

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

Strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across the County as part of South Dublin County Council's commitment to the National Biodiversity Action Plan 2021-2025 and the South Dublin County Council Biodiversity Action Plan, 2020-2026, the National Planning Framework (NPF) and the Eastern and Midlands Region Spatial and Economic Strategy (RSES).

Policy GI3 Objective 4

To uncover existing culverts where appropriate and in accordance with relevant river catchment proposals to restore the watercourse to acceptable ecological standards for biodiversity wherever possible improving habitat connection and strengthening the County's GI network.

Policy GI4 Sustainable Drainage Systems

Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

GI4 Objective 3:

To require multifunctional open space provision within new developments to include provision for ecology and sustainable water management.

GI4 Objective 4:

To require that all SuDS measures are completed to a taking in charge standard.

Section 4.3.1 Components of the GI Network

Figure 4.4. Green Infrastructure Strategy Map

Chapter 5 Quality Design and Healthy Placemaking

Policy QDP1 Successful and Sustainable Neighbourhoods

Policy QDP2 Overarching – Successful and Sustainable Neighbourhoods

Policy QDP3 Neighbourhood Context

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

QDP3 Objective 2: special character of villages
QDP3 Objective 3: design standards and context in villages
QDP3 Objective 5: appropriate height in villages
Policy QDP4 Healthy Placemaking
Policy QDP5 Connected Neighbourhoods
Policy QDP6 Public Realm
QDP6 Objective 2: public realm improvements in villages (SDCC initiatives)

QDP6 Objective 3: public realm improvements in villages
Policy QDP7 High Quality Design
Policy QDP8 High Quality Design – Building Height and Density
Policy QDP8 Objective 2
Policy QDP9 High Quality Design - Building Height and Density
Policy QDP10 Mix of Dwelling Types

Chapter 6 Housing

Policy H1 Housing Strategy and Interim Housing Need and Demand Assessment

Section 6.3.1 Housing for Older People

Section 6.3.2 Housing for Persons with Disabilities and/or Mental Health Issues

Policy H3 Housing for All

Support the provision of accommodation for older people and people with disabilities and / or mental health issues within established residential and mixed use areas offering a choice and mix of accommodation types within their communities and at locations that are proximate to services and amenities.

Policy H7 Residential Design and Layout

Policy H8 Public Open Space

Policy H9 Private and Semi-Private Open Space

Policy H10 Internal Residential Accommodation

Chapter 7 Transport and Movement

Policy SM1 Overarching – Transport and Movement

Table 1 7.1 Cycle South Dublin Routes and Projects

Policy SM2 Walking and Cycling

SM2 Objective 12: Signage in villages

SM2 Objective 17: Cycling facilities in villages

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Policy SM3 Public Transport – General
Policy SM3 Public Transport – Bus
Policy SM3 Public Transport – Rail, Transport Interchange and Park and Ride

Table 7.5 Six Year Road Plan

Policy SM5 Street and Road Design
Section 7.9 Transport Studies and Traffic Management
Policy SM6 Traffic and Transport Management

SM6 SLO 1: To carry out a traffic and transport study for Rathcoole, Saggart and Newcastle and the surrounding areas following the publication of the GDA Strategy review to 2042 which will clarify the context within which the road network in the area will function and to include a review of HGV movement.

Policy SM7 Car Parking and EV Charging
SM7 Objective 7: Nature of parking and parking restrictions in village centres

Chapter 8 Community Infrastructure & Open Space

Policy COS1 Social Inclusion and Community Development
Section 8.4.1 Social / Community Infrastructure Audit
Section 8.4.3 Universally Accessible Social / Community Facilities

Policy COS2 Social / Community Infrastructure
Policy COS5 Parks and Public Open Space – Overarching
Section 8.7.3 Quantity of Public Open Space

Policy COS7 Childcare Facilities

Policy COS8 Primary and Post Primary Schools

COS8 SLO1: To identify a site for the appropriate location of a new post primary school within the Neighbourhood Area of Citywest / Saggart / Rathcoole / Newcastle to provide for the needs identified for the catchment area by the Department of Education.

Policy COS10 Libraries

COS10 Objective 2: Support a new library in the Rathcoole environs

Chapter 10 Energy

Policy E3 Energy Performance in Existing and New Buildings

Policy E4 Electric Vehicles

Policy E5 Low Carbon District Heating Networks

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Chapter 11 Infrastructure and Environmental Services

Section 11.8 Airports and Aerodromes

Policy IE8 Environmental Quality

Policy IE9 Casement Aerodrome

Policy IE13 Noise

Chapter 12 Implementation and Monitoring

Section 12.3.5 Landscape Character Assessment

Rathcoole – Historic Urban landscape type

Assessment

The main issues for consideration are:

- Principle of Development
 - o Zoning and council policy
 - o Scope of Assessment, Recent Planning History and Judicial Review
 - o Area Plan for 'RES-N' lands
 - o Water infrastructure in Rathcoole
 - o Settlement Policy
 - o Residential Density, Land Use and Transport
- Residential Amenity and Housing for Older People
 - o Unit Size
 - o Unit Layout
 - o Unit Mix
 - o Social Housing / Part V
- Quality Design and Healthy Placemaking
 - o Urban Design Layout and Topography
 - o Building Height and Scale
- Open Space, Green Infrastructure, and Natural Heritage
 - o Hedgerows above 120m
 - o Rathcoole Woodland
 - o Ecological impact
 - o Provision of public Opens Space
- Sustainable Movement
 - o Car Parking

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

- Infrastructure and Environmental Services
 - o Irish Water
 - o Water Services
 - o Aviation Safety and Impact
 - o Waste Management
 - o Environmental Health
- Screening for Environmental Impact Assessment
- Screening for Appropriate Assessment

Principle of Development

Zoning and Land-Use Policy

The site is subject to two zoning objectives:

- 'RES-N' – "To provide for new residential communities in accordance with approved area plans."
- 'RU' – "To protect and improve rural amenity and to provide for the development of agriculture."

The proposed uses are 'residential', located on the 'RES-N' zoned lands. Some open spaces which might be described as ancillary open space, or as serving a wider area, are located on the 'RU' and 'RES-N' lands. Each of these uses is permissible in principle, in the location they are proposed, under the South Dublin County Development Plan 2022 – 2028.

Scope of Assessment, Recent Planning History and Ongoing Judicial Review

The proposed development adheres to a portion of 'phase 1' of the permitted development under SHD3ABP-307698-20 ('The SHD'), a permission for demolition of 5 existing residential properties and associated outbuildings and the construction of a residential development of 204 units, comprising 151 Houses (including Duplexes) and 53 Apartments, on a wider site which encompasses lands to the east and north of the application site.

The SHD was permitted by An Bord Pleanála with conditions on 12th November 2020. Leave for judicial review was approved in 2021, and a decision on that Judicial Review is due in 2023.

The application particulars state that the proposed development 'mirrors' a portion of phase 1 of the SHD, and that it is intended to 'bring houses to market' as soon as possible by way of this permission. It is also stated, in the Architect's Design Statement, that the current application is the first in a number of applications to roll out the SHD permission in stages under similar applications and permissions.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

S.37(5) of the Planning and Development Act 2000, as amended, (“The Act”) provides that a planning authority may not consider an application for development which is the same as a development currently subject of an appeal to An Bord Pleanála. The proposed development is not subject of an appeal to An Bord Pleanála. The Act does not specify anything similar in relation to permissions which are the subject of Judicial Review proceedings.

It is noted that as per s.50 and other sections of the Act, Judicial Review relates to questions of process and not to the planning considerations involved in a decision. It is therefore possible for the Planning Authority to grant permission at this site without prejudicing or interfering with the determination of Judicial Review proceedings relating to another application; however, to do that, the Planning Authority must be clear in its assessment and decision that the preceding SHD decision by the Bord to grant permission is not being used as precedent for this development. If such precedents were relied on, and the existing SHD permission were quashed under Judicial Review, the assessment of this application would also be open to question.

Notwithstanding the above, it is naturally the case that many of the planning considerations would be treated the same between two similar or identical proposals for development, if all else is equal.

There are a number of differences to the context and content of this application, and the SHD permission. Firstly, since the SHD was permitted, SDCC has adopted the South Dublin County Development Plan 2022 – 2028, and this includes new or revised policies and objectives, including local objectives, which impact on the subject site and nearby sites.

Secondly, during the preparation of that Plan, the Planning Authority investigated the ecological features of the Rathcoole woodlands area and made decisions to alter the land-use zoning objective there, in order to protect an area which contains 3 no. Annex I habitats under the habitats directive, from development. There are therefore changes to the policy context in the area, and local environmental sensitivities.

Thirdly, the proposed development is constrained to these 42 no. units and the areas within the red line. While there is potential for expansion into the other ‘RES-N’ zoned lands to the east (and this is indicated by the applicant), there is no masterplan submitted with the application. Ordinarily, the Planning Authority would seek a masterplan where a single landowner is proposing to build out developable ‘RES-N’ lands, and this is captured in the wording of the ‘RES-N’ objective.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

With all of the above considered, it is appropriate that this assessment treats the proposed development as a new proposal, but it is also noted that ordinarily SDCC would seek a masterplan in such situations.

Area Plan for 'RES-N' Zoned Lands

The applicant's Planning Statement states that, as the RES-N lands are entirely within the ownership of the applicant, an area plan is not required. The statement goes on to state that they note that SDCC has not advanced an approved area plan on these lands.

The lands to the north and east of the site are not obviously accessible via existing infrastructure, except from Stoney Hill Road. By the applicant's own reckoning, the access from Stoney Hill Road proposed in this application is the most appropriate, due to changes in levels that would require awkward provisions at other locations further north. It is therefore considered that access would be required through the application site for future development. In such circumstances, it would be appropriate to plan for wider development.

In this instance, a wider plan is known but is subject to judicial review (see above), and the wider proposals may well be subject to change due to the changes in policy context at the site, or decision of the court. It would be best practice that a wider masterplan for the lands is presented with the application, in as much detail as is appropriate to allow SDCC to assess whether or not this development would prejudice future development on the adjoining lands. This can be done by way of **additional information**.

Water Infrastructure in Rathcoole

The SHD decision contained a condition – condition 4 – requiring that no units could be occupied on the site prior to the upgrade of the Tay Lane pumping station, something which Irish Water has stated will not happen before Q1 2026. This is an ongoing issue for all development sites in Rathcoole. It is also an issue which renders the rationale for making the application somewhat moot, as houses cannot be occupied on this site until 2026 at the earliest. Any grant of permission at this site would need to include a similar **condition**.

Settlement Policy

The South Dublin County Development Plan 2022 – 2028 commits South Dublin County Council to undertaking a Traffic Study in Rathcoole during the lifetime of the plan. The County Development Plan also advises that residential development in the area should be provided in tandem with appropriate amenities. The Plan also supports infill development in the village core.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

The proposed development is for residential development on a site which is mostly greenfield, but which also features an existing residential plot. The units are located in the 'RES-N' zoned area. Lands to the north and east are also zoned 'RES-N' and are in the ownership of the applicant.

The delivery of 42 no. units at this location is acceptable subject to a favourable assessment of its impact on traffic and other services in the village. This is dealt with in other sections of the report.

Residential Density, Land Use and Transport

The proposed residential density can be calculated as 39 or 24 dwellings / ha., depending on whether or not the green spaces included in the proposal are considered to serve this development only or a wider area (this is as per the Planning Authorities on Sustainable Residential Development in Urban Areas (2009)).

Rathcoole is designated as a 'self-sustaining moderate growth town' under the County Development Plan; however, the land-use zoning of the settlement provides for a village centre and surrounding residential development, and this reflects the present reality in Rathcoole, where there are limited sustainable transport options and local services available.

Due to lack of sustainable options, but also constrained by access options to/through the site, the Roads Department recommends a car parking ratio of 1.6 at the site.

Under circular 02/2021, Planning Authorities are encouraged to consider appropriate densities within large towns (>5,000 population) and smaller towns, subject to development on the whole achieving minimum standards within the area. In the context of the adjoining RES-N lands, where potential development may increase the overall density at this location or in Rathcoole generally, the proposed density of the site (whether it be considered as 24 or 39 d/ha.) is acceptable.

Residential Amenity and Housing for Older People

The proposed development comprises 42 no. terraced houses arranged in 4 no. terraces.

Unit Size

The proposed units each comply with requirements under the 'Quality Housing for Sustainable Communities – Best Practice Guidelines' (2007) for unit size, room sizes and associated standards.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Unit Layout

The proposed layouts are acceptable.

Unit Mix

The proposed development is 100% 3-bed. This is acceptable subject to future development on adjoining lands introducing a mix of units. This is another aspect of the development in which a masterplan including current proposals for the wider site would be useful.

Social Housing / Part V

The Housing Department has stated that its preference is to acquire units on-site and that an agreement condition should be applied in the event of a grant of permission. The Housing Department's preference is to acquire 4 no. Type 'L' houses.

Quality Design and Healthy Placemaking

Urban Design, Layout and Topography

The proposed layout is that of two parallel streets on an east-west orientation, connected by a north-south street at their mid-point. These streets run along the contours of the hill, and as such the change in levels is borne in the rear gardens of the back-to-back terraces, and along the connecting street.

The applicant has stated that this orientation has been selected over an alternative approach, whereby most houses would front onto streets on a north-south orientation, with the steps down the hill being encountered side-to-side rather than back-to-back. The applicant states that this has been done for visual reasons but also to avoid extensive cut-and-fill that would be required to ensure all streets met an appropriate gradient.

There is a weakness in the layout in that the connecting street has rear garden walls siding onto it for much of its length, this highlights 3 issues: blank facades, privacy and how topography is managed.

The applicant should consider alterations to the east and west ends of each block to provide wrap-around units and west/east-facing mid-block units, minimising instances where gardens side/back onto the street, and maximising active frontage onto streets and open spaces.

The submitted site section show that the garden walls would not be tall enough to ensure privacy at some points along this street.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Additional site sections or landscape details should specify the proposed boundary treatment between the rear gardens, specifically whether larger retaining walls are being utilised to step down the hill.

Generally, the proposed layout is considered acceptable. The 3 issues above should be considered by the applicant as part of **additional information**. The applicant should also address the retention of hedgerows at the site, as noted under 'Open Space, Green Infrastructure and Natural Heritage'.

Building Height and Scale

The proposed height of 2.5 storeys is appropriate given the topography of the site and its height relative to the village of Rathcoole and the surrounding areas.

Open Space, Green Infrastructure and Natural Heritage

The Public Realm Department has provided a report in which they identify the following main concerns:

- lack of SuDS (Sustainable Drainage System) shown for the proposed development
- Requirement for a Green Infrastructure Strategy and Green Infrastructure Plan.
- Requirement to achieve the appropriate Green Space Factor as determined by the relevant land using zoning objective

The report goes on to additionally express concerns regarding removal of trees and removal of hedgerows above the 120m contour line; levels and gradients in open spaces, attenuation under public open space; lack of street trees; pedestrian connections to adjoining sites; need for a full landscape strategy; a full set of plans and details of hard landscape design; and details of soft landscape design; and open space provision; a green infrastructure plan; green space factor calculations; public open space provision calculations; ecological surveys, and play.

The report proposes additional information in relation to landscape design proposals; tree and hedgerow proposals; open space provision; SUDs; green infrastructure; ecology; green space factor, and street trees.

Taking into account what the applicant has submitted, it is appropriate to request **additional information** in relation to SUDs, green infrastructure, the green space factor, and street trees.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Hedgerows above 120m

Policy NCBH11 Objective 5 of the South Dublin County Development Plan 2022 – 2028 reads: “To ensure that intact hedgerows / trees will be maintained above the 120m contour line within the County ensuring that the strong rural character will not be diluted, and that important heritage features and potential wildlife corridors are protected.”

The proposed development sees the retention of many hedgerows, however some sections of hedgerows on a north-south orientation would be removed.

Very little of the ‘RES-N’ zoned lands in South Dublin County are located above the 120m contour line, but this is the case with the subject site. The applicant should set out how they are complying with policy NCBH11 Objective 5 of the County Development Plan by way of **additional information**. It may be necessary for the proposed blocks to be broken up to allow for maintenance of the existing hedgerows.

Rathcoole Woodlands

The Rathcoole Woodlands are located to the north-east of the ‘RES-N’ zoned lands and contain 3 no. annex I habitats. The site is somewhat removed from the Rathcoole Woodlands, being located further west than other parts of the RES-N lands.

A number of third parties have raised the issue of the potential impact on the Rathcoole Woodlands due to interruption of water flows down the hill to the woodland site. It is not clear that water does flow through this site and onto the woodlands, with such flows likely taking place to the east, but it is possible that there is a connection.

This is an issue that should be resolved by best practice design and delivery of natural SUDs features on the site. Such features should be designed to mimic the natural flow of water on the site at present, and to ensure that surface water is disposed to ground on-site rather than being diverted to the public network. This approach is embedded in the South Dublin County Development Plan 2022 – 2028 under policies GI4, GI5, H12, SM7, COS5 and sections 12.7.6 and 12.11.1.

Ecological Impact

The applicant has provided an Ecological Impact Assessment report. Impacts are reported at construction and operational stage in relation to habitats, mammals, bats, birds, and aquatic fauna. The report finds that ecological corridors would be disrupted by way of the removal of some hedgerows to the east of the site.

The report proposes a number of mitigation measures; one of these is bat-friendly lighting and this appears to be contradicted by the applicant's Public Lighting proposals.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

The applicant should be requested to provide, by way of **additional information**, an explanatory statement indicated how the development will comply with the proposed mitigation measures and showing consistency in the application particulars.

In addition to the EcIA, the applicant has provided screening reports for Environmental Impact Assessment and Appropriate Assessment. In all three reports, the red line boundary of the site is considered. As noted already in this report, the presence of 'RES-N' zoned lands and the interplay between this application and the SHD permission under review, would suggest that other lands to the north and east are to be developed. Such lands would be in close proximity to notable annex I habitats in the Rathcoole Woodlands.

It is not necessary at this stage to screen *potential future applications* for environmental assessment; however, the prudent planning approach would be to show that this development would not (a) by itself, have a serious impact on the woodlands, or (b) constrain development on neighbouring sites such that they might be assessed as impacting on the woodlands.

It is therefore considered prudent that the applicant provides a supplementary note to the Ecological Impact Assessment with a comment on potential impacts on the Rathcoole Woodlands, and to show if possible that the proposed development would not impact on the woodlands or precipitate impacts on the woodlands, with reference to a masterplan for the lands. This should form part of the request for **additional information**.

Provision of Public Open Space

Under Policy COS5, the applicant is required to provide:

- 10% of the site area as public open space, or a development contribution in-lieu;
- 2.4 Ha. per 1,000 of population, or otherwise provide for the acquisition or improvement of nearby public open space as agreed with the Public Realm Department.

As per the Plan, each 3-bed unit should be counted as accommodating 3.5 persons. As per this standard, the applicant should provide 3,528 sq.m. of public open space to serve the proposed development. The applicant is providing 15,078 sq.m. of public open space and is meeting this standard.

This is another area in which an updated masterplan would be useful in order to establish the public open space provision proposed for the 'RES-N' lands generally within the applicant's ownership.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Sustainable Movement

The Roads Department has sought additional information in relation to:

1. The applicant shall submit a revised layout of not less than 1:200 scale, showing the amendments to the public road lining to facilitate turning into and out of the development. The works are to be undertaken by the applicant/developer and at their own expense.
2. The applicant is requested to submit a revised layout not less than 1:100 scale showing the car parking and pedestrian routes within the development. The number of parking spaces shall be limited to a ratio of 1.6 per 3-bedroom dwelling.
 - a. The minimum width of footpaths shall be 1.8m wide to aid mobility impaired users.
 - b. Footpath layout shall provide adequate connectivity around the development and to footpaths on the main road.
3. The applicant shall submit a revised layout of not less than 1:200 scale, showing a main access road of 6.0m in width as it will become the main distributor road to the lands to the east of the development.

Car Parking

The Roads Department report states:

The applicant has proposed to provide the maximum amount of car parking for this development at 84no. spaces. The roads department would consider this to be excessive for the area considering the only vehicle access to the development is from Rathcoole Main Street. A provision of 1.6 per dwelling would be more appropriate.

This is considered to be appropriate.

Infrastructure and Environmental Services

Irish Water

An Irish Water report has been submitted seeking a set-back from the Irish Water 33 inch watermain to the south of the site, as per Irish Water standards. Notwithstanding the lack of specification in the report, it would appear from drawings that an adequate setback is being achieved.

Irish Water has also provided the applicant with a Confirmation of Feasibility which specifies that the site cannot be occupied until upgrade works to the Tay Lane sewerage pumping station are undertaken, and that these will not be undertaken until Q1 2026. This should be implemented as a **condition of permission**.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Water Services

Water services has not provided a report. The drainage layout for the site is reliant on an underground attenuation tank in public open space to the east of the site. This is an inappropriate set-up given the greenfield nature of the site and the potential for handling surface water by way of natural SUDs at ground level. The applicant should reconsider this issue by way of **additional information**.

Aviation Safety and Impact

The applicant has provided an Aeronautical Safety Assessment, which concludes that the development would comply with aviation and aeronautical requirements affecting the location. The Department of Defence has proposed standard conditions relating to cranes and bird control measures and states no objection to the proposed development.

Waste Management

The Waste Management Section has noted that the complexity and scale of the proposed development exceed the thresholds laid out in the updated Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021), and that this is a 'Tier 2 project'. The report recommends that the applicant submit a Construction and Demolition Resource Waste Management Plan (RWMP) as per those guidelines, to be agreed prior to commencement of development. The applicant has submitted a draft CDWMP. This can be a **condition of permission**, and the condition should specify that the Plan must be appropriate for a tier 2 project.

Environmental Health

The HSE Environmental Health Officer has submitted a report with a recommendation of standard **conditions** relating to noise, hours of work and air quality during construction. This is noted.

Screening for Environmental Impact Assessment

The applicant has submitted an EIAR Screening Report. In summary, the report concludes that the development does not meet the threshold for mandatory EIAR, and that in relation to:

- Proposed development;
- Environmental sensitivity of geographical areas likely to be affected by the proposed development; and
- The likely significant effects on the environment of the proposed development;

the development would not meet the criteria under which a sub-threshold EIA would be warranted.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

There are issues with the report submitted of emphasis and scope with the EIA Screening Report submitted. In relation to emphasis, it is considered improper that the zoning of the land would contribute to a determination that further examination under EIA would be 'not warranted,' as appears to be the case in section 5.2.2 of the report. Overall, however, this issue does not warrant re-examination of the report's conclusions.

The EIA Screening Report does not appear to consider the impact to the Rathcoole woodlands of development on the site, due to potential break or interruption in the hydrological connections (which can include groundwater) locally. Given the location of the site in relation to the Rathcoole Woodlands, it is considered an unlikely issue; however, a supplementary note to the applicant's EIAR Screening Report should include an evaluation of hydrological connections in the area to ensure that the criteria for sub-threshold EIA have been fully considered.

The applicant should be requested to provide, as **additional information**, a supplementary note to the Environmental Impact Assessment Screening Report, which should show due consideration of the potential for a hydrological connection through or from the application site to the Rathcoole Woodlands. Additionally, the applicant should show, insofar as is possible, that the proposed development and strategy for serving that development, would not impact on the wider development of the 'RES-N' lands in such a way as to compromise environmentally sensitive receptors in the area.

Screening for Appropriate Assessment

The applicant has provided a Screening Report for Appropriate Assessment and lists no likely impacts on any designated sites. The presence of Annex I habitats in the area is noted, but, as these are not on a designated site, they are not relevant for appropriate assessment under the habitats directive (notwithstanding that they are identified in annex I of that directive).

See screening tables below.

Table 1: Description of the project and site characteristics

Planning File Reference	SD22A/0347
Brief description of the project	See description of development.
Brief description of site characteristics	See site description.
Application accompanied by a NIS Y/N	No.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Table 2: Identification of European Sites which may be impacted by the project

European Site	List of Qualifying Interest/ Special Conservation Interest	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Glenasmole Valley SAC	3 Qualifying Interests [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) [6410] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [7220] Petrifying springs with tufa formation (Cratoneurion)	6.4	No connection.	No.
Wicklow Mountains SAC	13 Qualifying Interests ConservationObjectives.rdl (npws.ie)	7.3	No connection.	No
Wicklow Mountains SPA	2 Qualifying Interests - Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103] CO004040.pdf (npws.ie)	10.7	No connection.	No
Rye Water Valley / Carton SAC	<ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] • Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] 	9.5	No connection.	No
Red Bog Kildare SAC	<ul style="list-style-type: none"> • Transition mires and quaking bogs [7140] 	9.6	No connection.	No

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Poulaphouca Reservoir SPA	<ul style="list-style-type: none"> • Greylag Goose (Anser anser) [A043] • Lesser Black-backed Gull (Larus fuscus) [A183] 	10.5	No connection.	No
South Dublin Bay SAC	4 Qualifying Interests ConservationObjectives.rdl (npws.ie)	>15km	Hydrological pathway via surface water drainage discharges to river Camac, and via and Ringsend WWTP. Potential groundwater flow path to River Camac.	Yes
South Dublin Bay and River Tolka Estuary SPA	14 Qualifying Interests ConservationObjectives.rdl (npws.ie)	>15km		Yes
North Bull Island SPA	18 Qualifying Interests ConservationObjectives.rdl (npws.ie)	>15km		
North Dublin Bay SAC	10 Qualifying Interests ConservationObjectives.rdl (npws.ie)	>15km		Yes

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Table 3: Assessment of Likely Significant Effects

Identify all potential direct and indirect impacts (alone or in combination) that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project:	
Likely Impacts	Possible Significance of Impacts (duration, magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	None.
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g., collision risks) • Potential for accidents or incidents 	None.
In-combination/Other	None.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive’s Order

Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?
No

Table 4: Screening Determination Statement

Assessment of significance of effects:		
Describe how the proposed development (alone or in-combination) is/is <u>not likely</u> to have <u>significant</u> effects on European site(s) in view of its conservation objectives.		
Conclusion:		
	Indicate (X)	Recommendation
It is clear that there is no likelihood of significant effects on a European site	X	The proposal can be screened out. Appropriate assessment not required.
It is uncertain whether the proposal will have a significant effect on a European site		Request further information to complete screening Request NIS Refuse permission
Significant effects are likely		Request NIS Refuse permission
Completed by	CM	
Date	25 th October 2022	

Conclusion

The application has been submitted in an unusual procedural context, and the correct approach to assessing this application has been carefully considered. The proposed development of 42 no. units on the site is acceptable in principle as per the land-use zoning objective. As per the relevant policies and objectives of the South Dublin County Development Plan 2022 – 2028, in particular those relating to green infrastructure, natural heritage and natural SUDs, the applicant should consider some alterations to the scheme. Additionally, notwithstanding the recent planning history and the ongoing judicial review, it is considered necessary that a basic masterplan for the adjoining lands be submitted, so that the proposal can be shown not to prejudice development on those lands, and also that the proposed development can be shown not to have, or precipitate, detrimental impacts to important habitats in the vicinity.

Recommendation: Request further information

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Further Information

Further Information was requested on 26/10/22

Further Information was received on 28/06/23

A time extension was permitted on 23/03/2023 allowing a response to the request for further information until 04/07/2023. The further information was received within this extended time period.

Consultations

Roads

Not satisfied, **conditions** recommended in event of a grant

Public Realm

Refusal recommended

Water Services

No objection, **conditions** recommended

Submissions/Observations

No further submissions/observations received.

Further Information

The Further Information requested was as follows:

1. *RES-N Lands.*

The preparation of a wider masterplan for the landholding and future phases is requested, to allow SDCC to assess whether or not this development would prejudice future development on the adjoining lands. The applicant is requested to submit such a masterplan.

Note: The preceding decision currently under judicial review is not assumed or used as precedent for this development, so as not to compromise the standing of this assessment pending the conclusion of that review.

2. *Layout.*

The applicant is requested to reconsider the following aspects of the scheme layout:

a) *(The applicant should consider alterations to the east and west ends of each block to provide wrap-around units and west/east-facing mid-block units, minimising instances where gardens side/back onto the street, and maximising active frontage onto streets and open spaces.*

b) *The submitted site section shows that the garden walls would not be tall enough to ensure privacy at some points along the central street.*

c) *Additional site sections or landscape details should specify the proposed boundary treatment between the rear gardens, specifically whether larger retaining walls are being utilised to step down the hill.*

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

3. Public Realm.

There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant shall provide the following additional information:

- i. The applicant shall submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.*
- ii. The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.*
- iii. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.*
- iv. Significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site*
- v. Demonstrate how natural SUDs features can be incorporated into the design of the proposed Development*
- vi. Submit green infrastructure proposals and a green infrastructure plan that will mitigate and compensate for the impact of the proposed development on this existing site and show connections to the wider GI Network. These proposals should include additional landscaping, SUDs measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population.*
- vii. The applicant shall provide play and recreation opportunities for children and teenagers as appropriate to the scale and character of proposed development. Proposals shall be submitted in the form of a Proposed Play Rationale and Layout Plan (separate to, but related to the Landscape Masterplan), using Nature-based Solutions. The Layout Plan shall comprise the following:-*
 - showing types of play and play area(s),*
 - target age groups,*
 - landform (included levels and contours) and boundaries,*
 - gates and planting,*
 - design and construction details of play opportunities and facilities in respect of landform, planting, boundaries, equipment and safety surface.*

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

- *All play equipment and ancillaries shall conform to European Standards EN 1176 and EN 1177 Playground equipment and surfacing, and to BS/EN standards 2017/18 for Playground Installations for HIC (Head Injury Criterion) and CFH (Critical Fall Height).*

4. SUDS

The use of an underground tank under public open space is not supported by County Development Plan policy. The development should utilise natural SUDs to the extent that underground storage is not needed, if possible. The SUDs layout should reflect the pre-existing water flows on site, and greenfield run-off rates should be achieved, and the direction of run-off maintained where this is appropriate.

The applicant is requested to submit the following:

- A drawing to show how surface water shall be attenuated to greenfield run off rates.*
- Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drain, bio-retention tree pits, rains gardens, swales or other such SuDS.*
- SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.*
- Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as bio-retention/constructed tree pits, permeable paving, green roofs, filtration planting, filter strip etc. In addition, the applicant should provide the following:*
 - Demonstrate how the proposed SUDs scheme has been designed to incorporate and adhere to the natural route of groundwater through and out of the site.*
 - Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.*
 - Tree pits incorporating SUDS features should include a deep cellular water storage/attenuation area below the surface which acts as a soak away allowing surface water to infiltrate into the ground.*
 - It is unclear how much attenuation in total is provided by the proposed bioretention tree pits for the development. The applicant shall submit a report and drawing showing how much surface water attenuation in m³ is provided for the development.*

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

- e. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.*
- f. The applicant is requested to submit a Landscape and SUDS Management and Maintenance Plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and proposed SUDS features for the approval of the Public Realm Section.*
- g. Underground attenuation tanks are only permitted in exceptional circumstances and where all other natural SUDS measures have been utilised. If all other methods have been utilised and it is demonstrated that underground attenuation is required, it cannot be proposed under public open space areas and such areas will not be taken in charge by Public Realm. SUDS measures are only accepted as an element of public opens space where they are natural in form and integrate well into the open space landscape supporting a wider amenity and biodiversity function.*

5. Green Infrastructure.

The applicant is requested to submit a Green Infrastructure Plan which shall be submitted as part of the suite of Landscape Plans that are required for a development. The Green infrastructure Plans should include the following information:

- Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County.*
- Site survey and analysis, identifying existing GI Infrastructure and key assets within the site.*
- Indicate how the development proposals link to and enhance the wider GI Network of the County.*
- Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site.*
- Proposals for identification and control of invasive species where appropriate, for the site*

6. Green Space Factor.

Green Space Factor (GSF)

A Green Space Factor (GSF) Worksheet shall be submitted by the applicant for the proposed development detailing how they have achieved the appropriate the minimum Green Space Factor (GSF) scoring established by their land use zoning.

Minimum required scores for different land use zonings are as follows:

<i>RES-N</i>	<i>0.5</i>
<i>RU</i>	<i>0.7</i>

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Developers can improve their green factor score by retaining existing landscape features and incorporating new landscape features and GI interventions. Completed Green Space Factor (GSF) worksheets should be submitted to SDCC with the Green Infrastructure Plan and Landscape Plan for a proposed development. Please obtain a worksheet from SDCC Public Realm.

7. *Street Trees.*

Street trees shall be provided fully in Public Realm areas and not within private or management company driveways and include SUDS features. All streets should be tree lined and include SUDs tree pits. DMURs requires street trees every 14-20 m along streets, and this has not been achieved. A specific street tree planting plan should be submitted for agreement with the Public Realm.

8. *Maintenance of Hedgerows at higher altitudes.*

Policy NCBH11 Objective 5 of the South Dublin County Development Plan 2022 – 2028 reads: To ensure that intact hedgerows / trees will be maintained above the 120m contour line within the County ensuring that the strong rural character will not be diluted and that important heritage features and potential wildlife corridors are protected. It may be necessary for the proposed blocks to be broken up to allow for maintenance of the existing hedgerows, or significant mitigation measures employed. Noting that the proposed development includes removal of some hedgerows, the applicant is requested to set out how they are complying with policy NCBH11 Objective 5 of the County Development Plan.

9. *Roads.*

a) *The applicant shall submit a revised layout of not less than 1:200 scale, showing the amendments to the public road lining to facilitate turning into and out of the development. The works are to be undertaken by the applicant/developer and at their own expense.*

b) *The applicant is requested to submit a revised layout not less than 1:100 scale showing the car parking and pedestrian routes within the development. The number of parking spaces shall be limited to a ratio of 1.6 per 3-bedroom dwelling.*

c) *The minimum width of footpaths shall be 1.8m wide to aid mobility impaired users.*

d) *Footpath layout shall provide adequate connectivity around the development and to footpaths on the main road.*

e) *The applicant shall submit a revised layout of not less than 1:200 scale, showing a main access road of 6.0m in width - if it is to become the main distributor road to residential zoned lands to the east of the development. Alternatively, the applicant may wish to display alternative access options via a masterplan of the adjoining lands.*

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

10. Ecological Impact.

- a) *The applicant is requested to provide an explanatory statement indicated how the development will comply with the proposed mitigation measures contained in the Ecological Impact Assessment and showing consistency in the application particulars. In particular the applicant should show how the proposed public lighting would accord with the proposed measures for bat-friendly lighting in the EcIA.*
- b) *The applicant is requested to supplement the Ecological Impact Assessment with examination and analysis of potential impacts of (i) the proposed development and of (ii) the requested masterplan on the Rathcoole Woodlands.*

11. EIA Screening.

The applicant is requested to provide a supplementary note to the Environmental Impact Assessment Screening Report, which should show due consideration of the potential for a hydrological connection through or from the application site to the Rathcoole Woodlands. Additionally, the applicant should show, insofar as is possible, that the proposed development and strategy for serving that development, would not impact on the wider development of the 'RES-N' lands in such a way as to compromise environmentally sensitive receptors in the area.

Assessment of Further information

Item 1 – Res-N Lands

The applicant was requested to submit a masterplan for the wider landholding to demonstrate that future development would not be prejudiced by the current proposal. Requesting this masterplan is consistent with the RES-N zoning objective '*to provide for new residential communities in accordance with approved area plans.*' It is not considered that the wording of this zoning objective requires that the 'approved area plan' must be at a local authority scale, i.e., a local area plan, as this is not specified. In the absence of such stringent wording, it is considered that a Masterplan for the lands, agreed with the Planning Authority would be considered to meet this requirement. Policy QDP16 seeks to '*Prepare Framework Plans and Masterplans as required for identified areas on Council owned or other lands to facilitate a co-ordinated approach to development.*' Under this policy, it is considered that a masterplan could be required for the lands in order to ensure the co-ordinated delivery of development on the wider RES-N zoned lands, in accordance with the sites zoning objective.

The applicant has submitted a 'masterplan' which provides a simple overview of areas for development and some minor connections but does not indicate layouts or unit numbers anticipated to be delivered. This is not considered enough detail to address the additional information request.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

The masterplan indicates one access onto Stoney Hill to serve the entire development. This primary road through the masterplan would connect to the main spine road proposed as part of the current proposed development, with access /egress provided at the southwest of the site. The Roads Department have stated they are not satisfied with the width of this central spine road and its ability to cater for additional load as a result of significant future development to the northeast.

It is also noted that, given the unit mix as currently proposed (100% 3-bedroom units), the intention of the masterplan was to gain an understanding of the future unit mix of later phases of development. The applicant has not provided a response to aid in this assessment and there is no indication of the potential number or unit mix of subsequent phases of the development.

A masterplan is also required to understand, on a sitewide basis, whether the SuDS proposals are appropriate, if sufficient public open space has been provided and how the full scheme would comply with other relevant policies and objectives of the development.

The indicative 'masterplan' appears to reflect the layout of the previous SHD. Despite the assertion of the Planning Authority, the applicant has stated that they consider the previous SHD decision (now quashed), to set a precedent for what will be considered an acceptable layout on the overall lands. Given the Planning Authority raised significant concerns in relation to the SHD development, in part due to its site layout, and the decision having been quashed, it is not considered that the previous scheme provides an appropriate generally acceptable layout, and further consideration is required in this regard.

The applicant has not sufficiently dealt with this requirement of the additional information request and therefore the Planning Authority does not have the necessary information to make an informed decision on the current phase of the development. Particularly, as there is no approved area plan, the development is considered piecemeal, contrary to Policy QDP7 which seeks to *'Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.'*

On this basis, the application should be **refused**, and the applicant is strongly encouraged to actively engage with the Planning Authority to agree a masterplan for the surrounding lands including this site and submit an application for this site based on such a masterplan.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Item 2 – Layout

The applicant has provided dual aspect units on the corners of the central part of the main access road, Units 10, 11, 31 and 32. It is noted that these plans were submitted initially and there is no change to the design of these units. Drawings for east facing L2 units are required and should be requested by **condition** in the event of a grant, along with handed versions of other relevant units as specified. Dual aspect corner units are considered appropriate for the locations indicated but are not sufficient to address the concerns of the Planning Authority with regard to live edges.

The applicant has not addressed concerns regarding the extent of boundary walls along the central access road and eastern public open space. 1.8m high side boundary walls are proposed for an extent of approximately 23m. This is considered detrimental to the achievement of creating high quality, safe, public realm, per the requirements of QDP7 Objective 2. It is considered that a better layout could be provided at this section if some units were relocated to provide perimeter terrace blocks, with approximately 4 no. units fronting the central street looking east and west, as well as north and south. This would significantly improve passive surveillance and street level activity. Other appropriate design solutions could be considered but the current design is not considered acceptable and would be detrimental to the creation of an attractive new community. It is noted that a similar intervention would be beneficial at the east of the site to improve passive surveillance of the proposed public open space.

As the applicant has not fully engaged with the concerns raised in relation to passive surveillance at this point, and due to time limits, there is not the opportunity to seek clarification of additional information, this item is considered a reason for **refusal** as the layout changes combined with other changes required to be acceptable are considered too significant for a condition and would require a new planning application.

Item 3 – Public Realm

The applicant was requested to submit a detailed landscape design rationale, planting plan, details of hard and soft landscaping, provide green infrastructure proposals and demonstrate how natural SuDS have been incorporated into the design of the scheme as well as information regarding play opportunities.

The Public Realm Section have reviewed the applicant's response and have reiterated concerns regarding public open space provision, SuDS and a lack of play throughout the site. Other concerns of the Public Realm Section are dealt with under relevant subsequent headings.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

In terms of the landscape design proposals, the Public Realm Section consider a potential re-design of the site is still required to ensure the following:

- Removal of underground attenuation from public open space areas
- Lack of street tree planning
- Further detail regarding pedestrian connections to adjoining lands
- Details of integrated, continuous, green infrastructure links.
- Overall play strategy for the development and location of proposed play items, e.g., behind mature trees impacting security and visibility of children utilising this item.

It is not considered that the applicant has adequately addressed the concerns of the Public Realm Section in relation to landscape plans. As stated previously, and detailed later in this report, this suggests wider issues in terms of the layout of the site and is considered to be a reason for **refusal** of the proposed development.

In terms of open space, Public Realm are not satisfied with the level of information provided to date, noting that the applicant appears to not be providing the required standards as per Section 8.7.3. While it was previously noted that the applicant has provided over the minimum required public open space area, this was considered an error as public open space serving the development must be provided on RES-N zoned lands and not have underground attenuation. Public open space provided on RU zoned lands, while of amenity value, is not counted towards the provision of open space to serve the proposed dwellings. While not specifically addressed in the additional information request, this issue relates also to SuDS provision at the site and, for the reasons discussed in the following section, creates a reason for **refusal**.

Item 4 – SUDS

Water Services have reviewed the additional information and have stated no objection, recommending a **condition** to increase the amount of SuDS and thereby reduce the size of underground attenuation provided.

Public Realm have reviewed the additional information and have stated they are not satisfied with the proposals, in particular the inclusion of underground attenuation beneath an area of public open space. Based on the information provided, the SuDS proposed appear only to be addressing runoff from the hills, for this particular area of lands within the overall land holding. It is not clear how this would relate to a cohesive approach to SuDS and its integration into a wider development at this location. It is noted that most SuDS features appear to be at gradients above the level of proposed development. Without a flow route analysis, it is difficult to fully assess the proposals. Commonly, SuDS should be at the low point of the site.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

A masterplan would have been useful to indicate where future surface level SuDS measures would be located, however the applicant has not supplied the Planning Authority with one to aid in assessment of the scheme.

The Public Realm report recommends **refusal** on the basis that the proposed development is not in compliance with relevant SDCC and national guidance in relation to SuDS.

Given the predominantly greenfield nature of the site, it is considered that there is ample opportunity to work with the site contours and natural landscape features to provide appropriate surface level SuDS that would address increased runoff as a result of the development. The applicant does not appear to have properly considered how the layout of the development could be improved to facilitate natural SuDS, instead providing underground attenuation underneath public open space, which is not acceptable to the Planning Authority. The scheme, as currently designed, appears to contravene numerous policies and objectives of the Development Plan, including:

- 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.*
- COS5 Objective 12: *To ensure that proposed SuDS measures are only accepted as an element of public open space where they are natural in form and integrate well into the open space landscape supporting a wider amenity and biodiversity value.*

Furthermore, Section 12.11.1(iii) states that underground attenuation will only be considered as a last resort and should be limited.

On the basis of the foregoing assessment, it is considered that the poor SuDS proposals represent a reason for a **refusal**. The issue of SuDS could be overcome by the development of a masterplan for the lands that considered at an early stage an appropriate layout that utilises the sites natural gradient to provide site wide SuDS at appropriate locations. Given the greenfield nature of the site it is unacceptable that better provision of SuDS has not been made and instead underground attenuation is relied on. It is considered that this issue relates fundamentally to the layout of the site and could not be overcome appropriately by **condition**.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Item 5 – Green Infrastructure

The applicant has provided a very basic green infrastructure plan for the site. This plan would be improved if it could be assessed with reference to wider proposals for the landholding, connecting to Rathcoole Woodlands. Public Realm, in their report, repeat the requirement for a green infrastructure plan to show how the development connects with the county's wider GI network.

Item 6 – Green Space Factor

The applicant has provided a GSF worksheet for both the Res-N and RU zoned lands. On the Res-N lands the applicant has achieved a score of 0.28 and on the RU a score of 0.7. The applicant has met the GSF score on the RU zoned lands but has not achieved the 0.5 score required on RES-N zoned lands.

The Public Realm Section have reviewed the submission and have stated they are not satisfied that the applicant has not achieved the minimum GSF for the RES-N lands. This indicates broader issues with SuDS, green infrastructure, landscaping and hedgerow loss. While some loss of existing green infrastructure is inherent with many developments, the GSF provides a minimum score that can be increased through suitable mitigation. The low score at the site indicates that significant assets are being lost and not appropriately mitigated. The Planning Authority is willing to engage with applicants to improve the GSF score and discuss suitable interventions. At this stage, there is insufficient time to request clarification of further information on this issue and furthermore it could not appropriately be dealt with by condition and therefore the Public Realm Section recommend **refusal**.

Based on the foregoing assessment, it is considered that the low GSF score is symptomatic of other issues with the development which, combined, are reasons for **refusal** on the basis of piecemeal development not in accordance with an approved area plan for the site. This item could be overcome through engagement with the Planning Authority and development of an appropriate masterplan for the entire lands, taking due account of the integration of green infrastructure into the layout and design, to the extent reasonably possible, and measures to achieve the minimum GSF score.

Item 7 – Street Trees

The applicant was requested to provide street trees within the public realm and to incorporate SuDS. On review of the additional information, the Public Realm Section have noted that there remains a lack of street trees along side streets within the scheme, stating all streets should be lined with trees including tree pits. They note that even the DMURS requirement for street trees every 14-20m has not been achieved.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

The inclusion of street trees within a development is considered a simple requirement to overcome, to enhance the public realm, improve safety along roads and provide SuDS. These are all areas that the current scheme has not adequately addressed.

The inclusion of street trees would address other areas where the applicant is currently not meeting the requirements of the Development Plan, including GSF and green infrastructure links. In lieu of meeting these requirements, and not meeting the basic request to provide street trees incorporating SuDS, in agreement with the Public Realm Section, the development should be **refused**.

Item 8 – Maintenance of Hedgerows at Higher Altitudes

The site is located above the 120m contour. In relation to hedgerows at this location Policy NCBH11 Objective 5 states *'to ensure that intact hedgerows / trees will be maintained above the 120m contour line within the County ensuring that the strong rural character will not be diluted and that important heritage features and potential wildlife corridors are protected.'*

It is accepted that, in certain clearly considered circumstances where options to achieve access or a good layout or design are limited, some hedgerow may need to be removed to facilitate appropriate development on zoned lands. In these instances, meaningful mitigation measures are required, as well as adherence to all other relevant policies and objectives of the Development Plan in relation to green infrastructure, including achieving the required GSF and appropriate provision of public open space, street trees and other relevant considerations.

The applicant is proposing to remove approximately 43% of existing mature hedgerows at the site. Assessments provided by the applicant state that hedgerow to be removed is of low value. However, 43% is a significant loss of hedgerow, and it is not considered that the applicant has given sufficient consideration to layout alternatives that would minimise the loss of hedgerow. This is a recurring issue that has been raised with the applicant, both during the SHD process and the current application. It is noted that the applicant has submitted a layout with very little alteration to that submitted under the previous SHD, which was lodged under a previous Development Plan period. While mitigation is proposed, for reasons stated elsewhere in this report, they are not sufficient to justify the loss of such an extent of hedgerow. The applicant should note that retention of hedgerow could assist in improving the GSF achieved on RES-N zoned lands.

The Planning Authority has been consistent in assessing applications for development on these lands under two Development Plans and concerns with the amount of hedgerow to be removed on the basis of the proposed site layout.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

The applicant has not adequately addressed these concerns, submitting essentially the same layout for this portion of the site as per the previous SHD application, and providing minimal details regarding the future masterplan of the lands. This is unacceptable.

In light of the recent judicial review decision in relation to the previous application, quashing the decision, the strengthened standards of the 2022 – 2028 Development Plan and the Planning Authority's assessment of the additional information provided by the applicant, it is considered that the loss of hedgerow at the site has not been appropriately considered. In not achieving the required GSF score, including SuDS that are contrary to the requirements of the Development Plan and not appearing to provide the required public open space on RES-N lands, it is considered that there is an overall layout issue with the development that has not been adequately addressed.

Opportunities to minimise loss of hedgerow and provide improved mitigation throughout the site could be achieved through a redesign of the scheme and a better understanding of the intentions for the remainder of the landholding. In lieu of an approved plan for the wider landholding, and on the basis of the current design, the extent of the loss of hedgerow is considered unacceptable, contrary to the provisions of the Development Plan and not in the interest of the proper planning and sustainable development of the area. On this basis, the application should be **refused**.

Item 9 – Roads

The applicant was requested to submit additional information in relation to 3 main areas of concern for the Roads Department. The response, and Roads Department assessment are summarised below.

- a) The Roads Department are satisfied with the submitted site layout showing road markings at the main entrance to the site.
- b) The applicant was requested to reduce the ratio of car parking spaces from 2 per unit to 1.6 per unit. In addition, additional pedestrian connectivity was requested from the site onto the main road (Stoney Hill) to improve permeability and access to Rathcoole village, and minimum footpath widths of 1.8m were to be provided.

In response to this item, the applicant has stated that only 1 pedestrian access will be provided to the development due to level differences. The Roads Department consider this unreasonable, and the Planning Authority would consider it important to prioritise pedestrian movements to encourage uptake of sustainable modes. Limiting pedestrian connectivity and providing inconvenient routes will lead to an increased reliance on private cars, or unofficial routes being created that will lead to ineffective management and potential risks for users. The applicant's response is not considered acceptable in this regard.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

A **condition** should be included requiring the applicant to properly consider and provide at least one additional, appropriate, pedestrian/cycle link from the site, preferably towards the north, to facilitate ease of access to Rathcoole village and surrounding services and amenities.

The applicant also has not reduced the car parking provision for the site. The Roads Department have noted that the junction at Rathcoole main street is heavily congested and that, while small, the increase in traffic indicated in the applicant's traffic and transport analysis will aggravate the issue. To minimise impacts to this junction, the Roads Department are clear that a car parking ratio of 1.6 vehicles per dwelling is necessary.

Overall, the Roads Department are not satisfied with the response to item 9(b) though it is noted that the applicant has confirmed all footpaths will be 1.8m wide.

- c) The Roads Department requested revised plans showing an internal road width of 6m to ensure that any permitted road layout is capable of handling increased load once the remaining lands to the north and east are developed. The applicant has submitted an indicative masterplan confirming that the central access road currently proposed would form the sole vehicular route to the remaining lands, and it is not known how many units are to be proposed as part of later stages of the land's development. The applicant has stated that a 5.5m road is proposed to minimise speeds within the development. The Roads Department are not satisfied with this response, noting that the narrow road and width at the entrance leaves no provision for breakdown or improper parking, further exacerbated during hours where refuse vehicles may be in the site. The Roads Department believe this may result in congestion and reduced vehicle access, aggravated when future development is delivered.

In their submission, the applicant refers to the main access road as an arterial/link street suitable for low/moderate speed. It is noted from DMURS that appropriate lane widths for arterial/link streets are state as being between 2.75m to 3.5m, with a preference for in the range of 3m – 3.25m, depending on the purpose of the road. The applicant is proposing lane widths at the lowest end of the specified range, and has also included a chicane pinch point, which at the very least should be removed. Given the anticipated additional vehicular movements that would be expected once the wider lands have been developed, widening of this road to cater for future accessibility is not considered unnecessary.

- d) The Roads Department have stated they are not satisfied with the applicants response and recommended a number of **conditions** relating to a reduction in the car parking ratio, provision of improved pedestrian links and widening of the internal road to overcome their outstanding concerns.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Item 10 – Ecological Impact

A Memorandum has been provided, prepared by Enviroguide Consulting, to address Item 10 of the additional information request. This Memorandum indicates that mitigation measures are outlined in Section 7 of the previously submitted EcIA, which also outlines proposed habitat creation measures incorporated into the landscape plan. Sections 4.8 – 4.11 of the previously submitted Construction and Environmental Management Plan also includes measures for the protection of local surface waters, aquatic species and biodiversity. An ecological consultant would be appointed for the duration of the project, and a suitable time after completion, to ensure compliance with the measures stated. It is considered that this could all be guaranteed by **condition** in the event of a grant. Furthermore, the requirements of bat friendly/sensitive lighting could also be **conditioned** in the event of a grant.

In relation to impacts to Rathcoole Woodland, the Memorandum concludes that there would be no impacts during the construction phase of the currently proposed development due to separation distances and a lack of direct connection between the woodlands and the site. During the operational phase, additional visitors to the woodland could be anticipated resulting in increased disturbance to flora and fauna in the woodlands. The applicant assumes this could be offset by the open spaces provided on the site. This is considered unlikely as open spaces at the site would serve a different function than the woodlands, in terms of use and amenity however, it is not considered a reason for refusal that there may be an increase in visitors to the woodland.

The Memorandum accepts that future development of the masterplan lands would likely have greater impact on the woodlands, due to proximity, anticipating significant negative impacts on biodiversity as a result of progressive encroachment. As no detailed masterplan is currently available to consider the cumulative impact of development at the site, the Planning Authority would have concerns. Further consideration of the cumulative impact of development in the area is considered necessary and could be addressed if the applicant were to submit an agreed plan for the entire landholding, allowing for complete assessment. This cannot be addressed as part of the current application.

Item 11 – EIA Screening

The applicant has provided a Technical Note prepared by Malone O'Regan Environmental in relation to potential hydrological connections to/from the site, and development of the remaining RES-N zoned lands.

In relation to hydrological connections, the Technical Note confirms that the site is not in close proximity to a watercourse and does not drain to one. The nearest stream watercourse is the Crockshane Stream (c.280m east) and is not considered to be hydrologically connected with the site due to a catchment divide between the site and the stream.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

The Technical Note further confirms that drainage channels within Rathcoole Woodland are in a different sub-basin and catchment to the site. The Planning Authority is satisfied that the applicant has demonstrated a lack of hydrological connection between the site and Rathcoole Woodland.

In relation to the future development of the RES-N lands and the Technical Note the applicant's response is not considered acceptable. The applicant was requested to '*show, insofar as is possible, that the proposed development and strategy for serving that development, would not impact on the wider development of the 'RES-N' lands in such a way as to compromise environmentally sensitive receptors in the area.*' The applicant has simply responded that the development will not negatively impact surrounding zoned lands however, it is not considered that they have appropriately qualified this statement, save for the assertion that the development will be carried out in line with relevant best practice and legislation and the use of natural resources at the site will be modest. The applicant would need to clarify and add substance to these statements to appropriately address the concerns of the Planning Authority in this regard. There is no opportunity for this to be done as clarification of additional information but this could be **conditioned**.

Assessment of Additional Information Conclusion

The applicant has failed to address the concerns of the Planning Authority and as such it is considered that the development, as currently proposed, represents a poorly designed scheme that does not adhere to the policies and objectives of the Development Plan. Consideration of ad hoc, piecemeal, development at this site is not considered appropriate, given its size and environmental sensitivities that require a broader masterplan approach. The Planning Authority have particular concerns regarding: the loss of hedgerow, poor passive surveillance and active frontage onto public open space and roads, under provision of public open space and inappropriate SuDS proposals. The applicant is advised to look at the layout of the entire blue line landholding to address these concerns and seek preplanning with the Planning Authority to work towards creation of a Masterplan and an appropriate design for the entire lands, and submission of an application for the current site based on an overall understanding of such a Masterplan including a cohesive approach to green infrastructure, SUDS, urban design and layout, transport including active travel links and open space.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is considered that, the proposed development would seriously injure the amenities of the area and of property in the vicinity and would, therefore, not be in accordance with the proper planning and sustainable development of the area.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

Recommendation

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)

1. The Planning Authority is not satisfied that the applicant has adequately addressed the concerns raised in the additional information request relating to the RES-N zoning of the site, the site layout, provision of public open space as a result of unacceptable SuDS proposals (specifically underground attenuation), Green Space Factor (GSF), green infrastructure and loss of hedgerow.

The piecemeal, ad hoc development of the site is considered inappropriate, particularly as the site is of a scale that a cohesive development could be delivered in accordance with an agreed masterplan to ensure adherence to the policies and objectives of the South Dublin County Development Plan 2022 – 2028.

Section 1.4 of the Development Plan states the structure of the plan has been designed to provide a 'layered approach' to development, with chapters relating to natural, cultural and built heritage and green infrastructure effectively forming the baseline upon which developments should be considered so that the relevant policies and objectives can contribute towards climate action, improved biodiversity and placemaking. On the basis of this order of priority, it is considered that the site layout needs to be re-examined to better prioritise hedgerow retention, provision of appropriate public open spaces of amenity value and, SuDS that are appropriately located with reference to the sites contours to address runoff from the development within the context of the wider RES-N zoned lands at this location. development.

Policy QDP16 seeks to 'Prepare Framework Plans and Masterplans as required for identified areas on Council owned or other lands to facilitate a co-ordinated approach to development.' In this instance, to avoid piecemeal development, a detailed masterplan of the entire landholding is considered necessary to ensure the development of a co-ordinated development. Without an agreed vision for the wider lands and an understanding of the broader environmental impacts of the development in this regard, the development, as currently proposed, is considered piecemeal. The delivery of piecemeal development at this location and within the applicant's ownership, would be contrary to the proper planning and sustainable development of the area.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

2. NCBH11 Objective 5 of the 2022 – 2028 Development Plan states it is an objective ‘to ensure that intact hedgerows / trees will be maintained above the 120m contour line within the County ensuring that the strong rural character will not be diluted and that important heritage features and potential wildlife corridors are protected.’ The applicant is proposing to remove approximately 43% of the existing, mature, hedgerow on site. Retention of as much hedgerow on sites such as the application site should always be sought however, it is understood that balance is required in looking to deliver housing on appropriately zoned lands. While the removal of some hedgerow may be considered necessary to facilitate development, appropriate and significant mitigation is required where removal is proposed. 43% of hedgerow is a significant loss and, for the following reasons, it is not considered that the applicant has provided sufficient mitigation on site to justify the loss, based on the current layout.

The application is contrary to GI5 Objective 4, the applicant has not achieved the appropriate Green Space Factor (GSF) for the ‘RES-N’ zoned portion of the site. In addition, the inclusion of underground attenuation beneath public open space, contrary to GI4 Objective 1, results in the required public open space per COS5 Objective 4 not being provided.

Not complying with the requirements of the aforementioned represents issues in relation to site layout and design, and further demonstrate why piecemeal development of the site is not appropriate. The development, as currently proposed, would therefore not be in accordance with the proper planning and sustainable development of the area, in particular due to inadequacies in green infrastructure maintenance and mitigation, and SuDS.

3. The Planning Authority has consistently raised concerns regarding the layout of the site and the associated loss of hedgerow. Furthermore, concerns have been raised regarding the suitability of the proposed road serving the development, and future masterplan lands, and the lack of passive surveillance and active frontage onto public open space and the central road. Policy QDP7 seeks to ‘Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.’ As currently designed, the development is not considered to represent a high-quality example of urban design. Lack of live edges, contrary to QDP7 Objective 2, could give rise to issues along the central road and public open space, where passive surveillance and active edges have not been utilised. Given the extent of boundary walls at certain locations facing east/west, parts of the development could benefit from alternative design solutions. The lack of street trees also creates a stark public realm, impacting the overall aesthetic of the development and is contrary to the requirements of DMURS. In addition, the width of the road is not considered appropriate to serve the remainder of the landholding, once developed. To ensure traffic safety, both in terms of vehicular movements and avoiding impacts to pedestrian and cyclists, revisions to the road layout are required.

Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

As currently designed, the scheme is considered contrary to policy QDP4, which seeks to 'promote the delivery of neighbourhoods that are attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in, ' policy QDP5 which seeks to promote short distance neighbourhoods, and, as previously stated, policy QDP7. The current design does not meet the requirements of the Development Plan and represents ad hoc development of a greenfield site. The development, as currently proposed, would be contrary to the proper planning and sustainable development of the area and would set a precedent for similar, poorly designed layouts elsewhere in the county.


Comhairle Chontae Atha Cliath Theas

PR/0854/23

Record of Executive Business and Chief Executive's Order

REG. REF. SD22A/0347

LOCATION: 2.9 hectare site, East of Stoney Hill Road, 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: 25/07/2023



Hazel Craigie, Senior Planner