



An  
Bord  
Pleanála

## Inspector's Report

### ABP-322106-25

#### Development

Large-scale residential development: 19 houses and 265 apartments within 4 blocks ranging in height from 3-6 storeys, a creche and all associated works. Natura Impact Statement submitted with this application. The large-scale residential development application may be inspected online at the following website set up by the applicant: [www.fortfieldroadlrd2.ie](http://www.fortfieldroadlrd2.ie)

#### Location

Fortfield Road, Terenure, Dublin 6W

#### Planning Authority

Dublin City Council South

#### Planning Authority Reg. Ref.

WEBLRD6058/24-S3

#### Applicant(s)

1 Celbridge West Land Limited.

#### Type of Application

Permission.

#### Planning Authority Decision

Refuse Permission.

#### Type of Appeal

First Party

#### Appellant(s)

1 Celbridge West Land Limited.

#### Observer(s)

1. Keith and Charlotte Cairns

2. John Campbell
3. Simon Roche
4. Colin Keaney
5. Greg Ward
6. Terenure West Residents Association
7. Éamonn Gavin
8. Niall Barry
9. Elizabeth Smyth
10. David Byrne
11. James Flynn
12. Aoidhbhen Ó Curraoin
13. Sheena and Robert Mc Crohan
14. Residents of Lakelands Park
15. Tom O'Dwyer
16. Sinead Mc Carthy
17. Patricia Doyle
18. Gregory Craig
19. Kerry Baxter
20. Mairead O'Rourke
21. Seamus and Bernadette Carty
22. Mark Folens and Aisling Cullen
23. Michele Van Valey and Derek Hennessy
24. Brendan Heneghan
25. Lorraine O'Grady

26. Michael and Noreen O' Sullivan

27. Nick Hill

28. C Mac Carthaigh

29. Terence O' Neill

30. Dara and Olwen Rothwell

31. Denis and Carmel Cogan

**Date of Site Inspection**

17<sup>th</sup> of June 2025.

**Inspector**

Stephanie Farrington

# **Contents**

- 1.0 Site Location and Description
- 2.0 Proposed Development
- 3.0 Planning Authority Pre-Application Opinion
- 4.0 Planning Authority Decision
- 5.0 Planning History
- 6.0 Policy Context
- 7.0 The Appeal
- 8.0 Assessment
- 9.0 EIA Screening
- 10.0 Appropriate Assessment Screening
- 11.0 Conclusion and Recommendation
- 13.0 Recommended Draft Board Order

## **Appendices**

- Appendix 1 – AA Screening
- Appendix 2- Appropriate Assessment
- Appendix 3 – EIA Pre-Screening – Form 1
- Appendix 4 - EIA Screening Determination – Form 3
- Appendix 5: Water Framework Directive Screening Determination

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 4.64 ha, is located in the northwest corner of the grounds of Terenure College Senior School, in an established suburban area approximately 6km to the south of Dublin City Centre. The site comprises two distinct areas including (a) the c.2.65 ha greenfield area previously used as playing pitches associated with the Terenure College junior school and (b) the eastern part of the site is occupied by a lake and adjoining woodland area. Terenure College Senior School is located to the southwest of the site and Terenure College Rugby Football Grounds is located to the east.
- 1.2. The site is located within an established residential area characterised by low-medium density housing developments primarily 2 storeys in height. To the north the site is adjoined by existing two storey houses on Greenlea Road. Lakelands Park is located to the east of the site. Fortfield Road forms the western boundary of the site. The site is enclosed by a rendered wall along Fortfield Road.
- 1.3. Access to the site is currently provided via an existing access gated entrance from Fortfield Road and via Terenure College school grounds. Under SD24A/0268W South Dublin County Council issued a notification of decision to grant permission in February 2025 for road and water services upgrade works on Fortfield Road and College Drive to accommodate the proposed development of the site. The Council's decision is currently subject to a 3<sup>rd</sup> party appeal to An Bord Pleanála (ABP Ref: 321966-25).

## **2.0 Proposed Development**

- 2.1. The proposed development is for a residential development on the portion of the site previously in use as the playing fields. The development includes 19 no. houses and 265 no. apartment units. The development also includes a creche, community and cultural arts space and residential amenity space.
- 2.2. Access to the site is proposed from Fortfield Road with alterations to the existing boundary wall along Fortfield Road. The development will also include the upgrading of the existing Fortfield Road and College Drive junction to a 4-arm signalised junction (in conjunction with a separate, concurrent planning application to South

Dublin County Council Reg. Ref. SD24A/0268W) and the relocation and upgrading of bus stop 2397 on Fortfield Road with the provision of a covered bus shelter.

2.3. The proposal also includes provision of 165 car parking spaces, 633 cycle parking spaces and 14 motorcycle parking at surface and basement level (located under blocks A, B and C), public and communal open spaces, roof gardens, landscaping, boundary treatments, plant areas, waste management areas and service provision (including ESB substations) and associated works required to enable this development, including connection to the Uisce Eireann network.

2.4. Table 2.1 below provides details of key site statistics.

Table 2.1 Key Development Statistics	
Site Area	4.64 ha
Residential Units	265 apartments, 19 houses
Unit Mix	<p>284 no. residential units</p> <p>265 Apartments comprising:</p> <p>10 no studios; 117 no 1 beds; 129 no. 2 beds; 9 no. 3 beds.</p> <p>19 Houses</p> <p>• 19 no. 4 beds.</p>
Density	<p>Gross Site Density: 61.2 units per hectare</p> <p>Net Site Density 107 units per hectare (284/2.65)</p>
Height	<p><i>Houses</i></p> <ul style="list-style-type: none"> <li>• 2 – 3 storeys</li> </ul> <p><i>Apartment Blocks</i></p> <ul style="list-style-type: none"> <li>• Block A – 3 to 4 storeys</li> <li>• Block B 4 to 5 storeys</li> <li>• Block C 4 to 5 storeys</li> <li>• Block D 5 to 6 storeys</li> </ul>

Creche	100 sq.m. gfa and external space of 153 sq.m. Catering for 17 no. children.
Community, Culture and arts space	1,214.6 sq.m., external space of 199 sq.m.
Residential Amenity Space	301 sq.m.
Public Open Space	6,989.35 sq.m.
Communal Open Space	4,492.22 sq.m.
Car Parking	165 no. spaces
Cycle Parking	633

2.5. The application was accompanied by the following documentation:

- Architectural, Engineering, Arborist, Lighting and Landscaping Drawings
- Completed Application Form and Notices
- Planning Report
- Z15 Institutional Zoning Compliance Statement
- EIA Screening Report
- Letter of Consent from Dublin City Council
- Letter of consent from the Carmelites
- Lioncor Letter
- Part V Pack
- Architectural Design Statement Part 1, Part 2, Part 3, Part 4.
- Universal Design Statement
- Housing Quality Assessment
- Verified Views & Visualization
- Community Safety Strategy

- Car and Cycle Parking Management Plan
- DMURS Compliance Statement
- Engineering Planning Report (Main Statement)
- Engineering Planning Report Appendices A to E Engineering Planning Report Appendices F to H Existing Pedestrian Bridge Inspection & Assessment Report
- Basement Impact Assessment
- Outline Resource and Waste Management Plan
- Outline Construction Management Plan
- Site Specific Flood Risk Assessment Main Statement Site Specific Flood Risk Assessment Appendices
- Residential Travel Plan
- Traffic and Transport Assessment
- Uisce Éireann Confirmation of Feasibility Letter
- Uisce Éireann Statement of Design Acceptance
- Bruton Consulting Engineers Quality Audit
- LRD Opinion Summary Response
- Public Transport Capacity Study
- Landscape Design Statement
- Social Infrastructure Audit
- Childcare Assessment
- Culture Infrastructure (Impact) Assessment
- Building Lifecycle Report
- Operational Management Plan
- Arboricultural Report
- Ecological Impact Assessment



- Appropriate Assessment Screening Report
- Natura Impact Assessment
- Outline Construction Environmental Management Plan
- Daylight & Sunlight & Overshadowing Assessment
- Wind Microclimate Study
- Climate Action and Energy Statement
- Public Lighting Report
- Site Lighting Layout Dwg. No 0001
- Cultural Heritage Impact Assessment
- Geophysical Survey Report
- Historic Landscape Assessment (Containing LRD Opinion Response)
- Noise Impact Assessment
- Operational Waste Management Plan

### **3.0 Planning Authority Pre-Application Opinion**

- 3.1.1. A section 32 Consultation Meeting took place on the 5<sup>th</sup> of June 2024 with representatives of the applicant and planning authority in attendance.
- 3.1.2. A Large-Scale Residential Development (LRD) Opinion issued and set out that the documentation submitted constituted a reasonable basis for an application for permission for the proposed LRD under Section 34 of the Act.
- 3.1.3. The application includes a response to the LRD Opinion issued by Dublin City Council and a response to the points of specific information requested. This is included in the documentation on file from the planning authority.
- 3.1.4. The items raised in the LRD Opinion included:
- Background and Site History
  - Zoning and Development Plan Requirements
  - Housing

- Design and Layout, Scale and Height
- Conservation issues – Architectural Heritage, Landscape, Height and Visual Impact
- Traffic and Transportation Issues
- Surface Water Management and Flood Risk Management
- Open Space and Biodiversity
- Archaeological Mitigation of the Site
- Other issues – Compliance with Policy CUO25 of the Dublin City Development Plan
- Part V – the applicant was advised to liaise separately with the Housing Department

## 4.0 Planning Authority Decision

### 4.1. Decision

Dublin City Council issued a notification of decision to refuse permission for the development in accordance with the following reasons and considerations:

*“The applicant has failed to demonstrate that the range of travel needs of the future resident population can be met by the proposed development. Having regard to the site’s accessibility in accordance with Table 3.8 of the Compact Settlement Guidelines, the suburban and residential location of the site, the layout and nature of roads adjacent to the site, and to the frequency of bus services and quality of bus infrastructure (both existing and planned) serving the site, the proposed car parking provision is considered inadequate to serve the needs of future residents of the development. It is therefore considered that the proposed development would give rise to unacceptable levels of overspill and haphazard parking on adjacent roads and bus corridors, would seriously injure the amenities of the area and would endanger public safety by reason of traffic hazard and obstruction of pedestrians, bus services and other road users. The proposed development would therefore be contrary to Policy SMT27 and Appendix 5, Section 4.0 of the Dublin City Development Plan*

*2022-2028, Section 5.3.4 of the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) and Section 4.23 the Sustainable Urban Housing: Design Standards for New Apartments (2023). The proposed development would be contrary to the proper planning and sustainable development of the area”.*

## **4.2. Planning Authority Reports**

### **4.2.1. Planning Reports**

The planner's report recommends that permission is refused for the development in accordance with the Planning Authority's decision. The following provides a summary of the key points raised:

- The report outlines that the application provides an adequate justification for the proposed residential development on the Z15 lands in accordance with Category A criteria as set out within Section 14.7.14 of the Dublin City Development Plans 2022-2028. The principle of residential development can be considered on the site. The report outlines that on the basis of the details submitted in conjunction with the application that the first reason for refusal on the previous LRD pertaining to the site (ABP Ref: 314390-22) has been addressed.
- The report outlines that the proposal will open up the lands, which are currently set behind a high wall and accessible only through the school grounds, will provide new areas of public open space on the site with links through to the existing lake land amenity, will be subordinate in scale to the existing college buildings on the site, both in respect of land take and scale/massing, and will leave sufficient lands for the current and future operation of the school on the site.
- The report refers to the 2<sup>nd</sup> reason for refusal under ABP Ref:314390-22 which related to flooding. This issue is addressed within the drainage proposals and site-specific flood risk assessment submitted in support of the application. A report has been received from the Drainage Planning Policy and Development Control Section which states that there is no objection to

the proposal subject to conditions. The reason for refusal has therefore been addressed.

- In terms of the 3<sup>rd</sup> reason for refusal attached to ABP Ref 314390-22 the report outlines that the current proposal provides for 284 dwelling units on a 2.65-hectare site, resulting in a net density of 107 dwellings per hectare. The site is in a suburban location adjoining the boundary with South Dublin County Council. The proposed density is within the density range of 60-120 units per hectare set out for outer suburban areas in the Development Plan. The previous proposal was for 364 residential units on the same site, with a proposed density of 146 dwellings per hectare.
- The report cross refers to the report received from the Transportation Planning Division (TPD) which recommends that permission is refused for the development on the basis of insufficient car parking to serve the development. It is stated that the application has not adequately responded to issues and concerns raised by TPD at Opinion stage.
- The proposal provides for 1,143 sq.m. of community, culture and arts space which exceeds the minimum 5% requirement. The quantum of space provided is considered to be acceptable and in compliance with Objective CUO25.
- The report outlines that while the proposed crèche is minimal in size, it will cater for projected childcare demand within the subject site and add to the existing range of childcare facilities available in the wider area.
- The proposal would provide for an acceptable standard of residential amenity for future occupants.
- In terms of design and layout, the report outlines that the proposal retains the open character of the site as required under the Z15 zoning. The proposal also allows for public permeability into the site, creating a new public space and providing a direct link between Fortfield Road and the lake in the eastern part of the site. This is considered to provide planning gain to the area.
- The report outlines that the height and scale of the proposed development can be considered under the criteria set out within Table 3, Appendix 3 of the

DCCDP, subject to the proposal having no undue adverse impact on the residential and visual amenities of the area.

- The report outlines that the positioning of the proposed new buildings relative to existing homes would ensure that the proposal would not have a significant impact on surrounding residential amenities by way of either overlooking or overshadowing.
- In terms of visual impact of the development, it is stated that while the proposed development will result in a change in character along the eastern side of Fortfield Road it would integrate into the area in a satisfactory way. It is stated that the development would not unduly impact on the visual amenities of the area, including the setting of the buildings at Terenure College or the two-storey houses in the Fortfield Road, Greenlea Road and College Drive areas.
- The report refers to the concerns raised within the submissions on the application in relation to a potential pedestrian access to the Lakeland area from a gate in the boundary wall at Lakelands Park. There is no indication of this in the application and, if the gate is in the ownership of the residents, this would be a private matter between the residents and the site owners.
- The report cross refers to the reports received from the Conservation Officer and the City Archaeologist which raise no objection to the development subject to conditions.
- Section 12 of the report refers to the Appropriate Assessment/Natura Impact Statement submitted in support of the application. The report from the Parks, Biodiversity and Landscaping Services Division notes conclusions of the submitted NIS and the mitigation measures included. It is also noted that bird counts were undertaken on the site and these gave no indication of Brent Geese. There is a diversity of water birds on the lake, which has a value as a locally important habitat. The report recommends a range of conditions, which include a condition requiring the services of an ecologist to be retained throughout the construction period of the development to oversee all biodiversity and ecology matters and biodiversity mitigation and monitoring to be carried out in accordance with the submitted Natura Impact Statement and

Ecological Impact Assessment with written notification of their commencement to be submitted to the Planning Authority.

- It is noted that third parties have referred to the presence of Brent geese on the lands proposed for housing and in the vicinity of the lake, with photographs provided. In the event of permission being granted, the conditions recommended by the Parks Division would require ongoing biodiversity monitoring and mitigation to be undertaken on the site in accordance with the above condition.
- The Planning Authority concurs with the conclusions of the applicant's EIA Screening Report which outlines that the proposed development will not have any significant effects on the environment. All recommended mitigation measures and standard practices will be employed throughout the construction and operation phase of the development to ensure that the proposed development will not create any significant impacts on the quality of the surrounding environment.
- The proposed LRD has been assessed against national policy objectives and the provisions of the current Dublin City Development Plan (2022-2028). It is considered that, in this instance, the applicant has provided an acceptable justification for a residential development on the Z15 lands.
- The proposal for 284 residential units is considered to provide for an acceptable standard of residential amenity to future occupants, to have no undue adverse impact on the residential amenities of adjoining occupiers and to integrate into the surrounding context in an acceptable way. The proposal would provide for planning gain to the area by opening up the existing boundary wall which separates the site from Fortfield Road and provide for new public open space and linkages through to the existing Lakeland amenity in the eastern area of the site. The proposal also provides a new cultural and community space which would be accessible from Fortfield Road.
- There are concerns in relation to the accessibility of the site by public transport. The report from the Transportation Planning Division states that the applicant has failed to demonstrate that the range of travel needs of the future resident population can be met by the proposed development. The proposed

car parking provision is considered inadequate to serve the needs of future residents of the development, and there is concern that the proposed development would result in unacceptable levels of overspill and haphazard parking on adjacent roads and bus corridors. The development would seriously injure the amenities of the area and would endanger public safety by reason of traffic hazard and obstruction of pedestrians, bus services and other road users.

- The proposed development would not be in keeping with development plan provisions, or with the proper planning and sustainable development of the area.
- The report recommends that permission should be refused for the development.

#### 4.2.2. Other Technical Reports

##### Drainage Division:

- No objection subject to conditions.

##### City Archaeologist:

- No objection subject to conditions.
- The proposed development is adjacent to the former location of a 17th - century castle that is listed in the Record of Monuments and Places (RMP Ref: DU022-095 (Castle – unclassified)).
- Archaeological testing has not identified archaeological material within the subject site. Given the findings of the archaeological testing on the subject site the potential archaeological impact is considered to be low.
- It is recommended that a condition is included in any grant of permission that states that if any archaeological material is discovered during the course of site works the City Archaeologist should be notified immediately.

##### Parks, Biodiversity and Landscape Services Division:

- No objection subject to conditions.

- Park Services have some concerns of the proposed layout and distribution of public open space (POS) due to the measurement of POS up to proposed building facades whereas a buffer privacy strip is preferable for residential privacy and security (Development Plan Ch. 15 section 15.9.7) . The protruding of Block C into POS is also incompatible with open space layout as it partially divides it and compromises the open nature of Z15 lands (Development Plan Ch.14 Section 14.7.14).
- In addition, the submission fails to secure public access around the full lake perimeter and the resulting public circulation may therefore be compromised.
- The proposed POS will not be taken in charge by Park Services and the applicant/developer/management company or their agents will be responsible for all open space maintenance and management.
- The quantum of Communal Open Space is deemed acceptable.
- Further clarity is required on the provision of a play space within the development and a condition is recommended in this respect.
- Arboriculture: The proposed development will have a favourable low impact on existing trees and woodland in the site area with over 90% retained as 192 trees of 213 are stated as to be retained. A woodland management plan is required to maintain the historic tree /woodland plantation into the future and maintain appropriate tree risk management for public areas with trees.
- Appropriate Assessment: An NIS was conducted based on the AA Screening findings of potential impact due to hydrological link. The NIS concludes, in summary, that with mitigation no impacts are likely on European Sites which is noted. Mitigation and monitoring proposals in the NIS are included in draft conditions below. The report includes findings of bird count surveys conducted on site and includes no presence of Brent Geese. The surveys also indicate the presence of a diversity of water birds on the lake and its value as a locally important habitat.
- Parks, Biodiversity and Landscape Services, have some reservations on the application due to concerns expressed above on open space layout within



Z15 zoned lands. The overall landscape, arboricultural and biodiversity proposals are considered positive attributes of the scheme.

- The report includes recommended conditions in the instance of a grant of permission.

Conservation Officer:

- No objection subject to conditions
- Terenure College is not yet included in the NIAH Building survey of Dublin, as the NIAH survey for this part of the city has not yet been published by the NIAH. The results of this survey are expected in 2025/2026.
- The Conservation Section is of the opinion that the College and its buildings would be of Regional significance for their Archaeological, Architectural, Artistic, Cultural, Historical, and Social Interest. Terenure College is included in the NIAH garden survey (NIAH Garden Survey Ref. 2332).
- The fishpond and surrounding planting is proposed to be retained as an amenity, which is welcomed. The footbridges along the designed lake-side walk would be repaired and restored and sensitively designed rails applied for safety. The proposal is supported in principle.
- Through condition the applicant shall submit a detailed conservation strategy, method statements and specifications for the proposed repair of the bridges for the written agreement of the CO.
- The applicant proposes to improve the frontage along Fortfield Road which currently comprises a rendered wall running along the site's western boundary. The proposal seeks to open up the site creating a safer and more active frontage and more pleasant environment. The wall to Fortfield Road forms part of the historic demesne boundary. The wall has been assessed by a historic landscape consultant who identified that much of the wall in question has been altered over the last century. The applicant proposes to retain the majority of the concrete block wall but at a reduced height, retaining a 0.4m high plinth, topped with 0.9m railings. New pedestrian and vehicular entrances would be created in this wall. This proposal is deemed acceptable in principle.

Transportation Planning Division:

- Recommends that permission is refused for the development in accordance with the Planning Authority's decision. The following key points are raised:
  - From an analysis of the site using the NTA's Public Transport Accessibility Level (PTAL) tool, the site is determined to have "very poor to poor" public transport accessibility.
  - The proposed works to the western side of Fortfield Road are subject to a concurrent planning application to SDCC. The design of the proposed works was informed by feedback from DCC traffic as part of the pre-planning process on the previous LRD application on the site.
  - The width of the existing footpath on the eastern side of Fortfield Road (i.e. adjacent to the site) is inconsistent and constrained in places. The proposed parallel pedestrian route within the site provides access from the public footpath at multiple locations. The proposal would provide for adequate pedestrian movement along Fortfield Road.
  - Use of the existing access gates to the rugby club grounds and Lakelands Park is not proposed. The report outlines that use of the Lakelands Park access gate would enhance pedestrian / cyclist connectivity of the proposed residential development to amenities / services east and north of the application site, including public transport services. Additionally, this access would greatly enhance public access to the proposed public open space and would generally improve pedestrian / cyclist permeability within the receiving area.
  - Evidence of consultation with the NTA regarding the relocation of the bus stop is included in the submitted material.
  - The content of the submitted Quality Audit (including Stage 1 Road Safety Audit) are noted. A Stage 3 Road Safety Audit should be prepared and submitted to the Planning Authority prior to opening of the development to traffic. No objection is raised in relation to servicing or fire access arrangements.

- A total of 611no. cycle parking spaces are provided to serve the apartments, comprising 465no. long term spaces and 146no. short term spaces. This provision for residents and visitors exceeds the Dublin City Development Plan 2022-2028, Appendix 5, Table 1 minimum standards and the minimum standards of SPPR 4 of the Sustainable and Compact Settlements guidelines (2024).
- The submission from the NTA expresses concern at the overall quantity of double-stack parking proposed and seeks an increased quantity of Sheffield stands and e-bike charging facilities. This division considers the e-bike charging facilities proposed, at 10% of the total of long-term spaces, is sufficient. Provision of additional ground level (e.g. Sheffield) stands should be addressed by condition in the event of a grant of planning permission.
- The report questions the distance of the site from the proposed planned inbound BusConnects stop on Blessington Road. The location of the stop is based on the Preferred Route of the Tallaght to Terenure CBC. Given the location of the planned BusConnects stop, the proposed designation of the site as an 'Accessible' location is incorrect and not accepted.
- The 500m distance does not reflect the walking distances and times for future residents to planned high frequency bus services whereby all proposed residential units are located more than 500m walking distance from these planned services, substantially so in the case of Block D for example.
- The site would be designated an 'Intermediate' location under the Compact Settlement Guidelines, for which the maximum car parking rate would be 2no. spaces per dwelling in accordance with SPPR 3 (iii) of the Guidelines.
- The proposal results in a car parking ratio of 0.42 per unit for the 265no. residential apartments excluding car-share, visitor and accessible parking allocation (as per SPPR 3 of the Compact Settlement Guidelines, 2024). When including the houses, the resulting ratio is 0.46 per unit for the 284no. total residential units.

- Given the site's accessibility in accordance with Table 3.8 of the Compact Settlement Guidelines as set out above, and having regard to the suburban location of the site, the layout and nature of roads adjacent to the site, and to the frequency of bus services and quality of bus infrastructure (both existing and planned) serving the site, the proposed car parking provision is of serious concern to this division and considered inadequate to serve the needs of future residents of the development.
- It has not been demonstrated to the satisfaction of this division that the proposed significant relaxation of the maximum standards for Parking Zone 2 is justified in accordance with the criteria set out in Section 4.0 of Appendix 5 of the City Development Plan.
- Future residents would generally appear to be within 10 minutes walking distance of high frequency bus services, however there are no other high frequency public transport options within convenient walking distance.
- A car parking ratio of 0.5 spaces per unit or below, for a standard residential development is generally only considered acceptable for centrally located and highly accessible site locations such as those Zone 1 locations within the Canals, under the Dublin City Development Plan 2022-2028.
- The proposed alternative mobility options are noted, including the proposed variety and type of cycle parking and the availability of carshare spaces, however these are not sufficient to overcome the locational constraints of the site. Given the low car parking ratio, there are additional concerns that the development would result in increased overspill parking.
- While the submitted car parking management plan states that parking in prohibited areas would be managed and enforced within the site, there are concerns that overspill would lead to obstructions of junctions and bus routes on roads adjacent to the site, in particular on Fortfield Road. The issue of observed overspill parking in the area was raised in numerous third-party submissions recorded on file, with many noting significant spikes in demand for parking during school drop-off / pick-up in the area and during organized sporting and social events at nearby facilities.

- In terms of the Traffic Impact Assessment, it is stated that scope of the assessment scope is generally acceptable and the modelling of junctions Fortfield Road / College Drive, Fortfield Road / Templeogue Road / Bushy Park House, and Fortfield Road/ Wainsfort Road / The Orchard is noted.

#### 4.3. Prescribed Bodies

##### Uisce Éireann (21.01.25):

- No objection subject to conditions.
- Proposed Water connection is deemed feasible without infrastructure upgrade.
- Wastewater connection is deemed feasible subject to upgrades. The report outlines that in order to accommodate the proposed connection, upgrade of the existing 225mm VC sewer on Fortfield Road to 300mm ID sewer approximately 60m, will be required. The developer will be required to fund the upgrade works.

##### National Transport Authority (NTA) (31.01.25):

- Provision for Bus: The proposed relocation of the bus stop on Fortfield Road in order to provide a single access at the proposed 4-arm junction is considered acceptable.
- The NTA is of the view that the performance of the service, in particular when the significantly improved F1 is introduced in place of the 54A at this location, will be satisfactory.
- While to quantum of long-term cycle parking is deemed to be in accordance with Development Plan standards, the submission raises concern in relation to the format of cycle parking proposed and the reliance on two tier vertical racks. The submission recommends that consideration should be given to reviewing the basement and surface layout with a view to assigning more space to cycle parking, in order to ensure that those with heavier bikes including e-bikes, are accommodated in a more amenable manner. The provision of secure, appropriately arranged Sheffield Stands would meet these requirements to some extent.

- The NTA recommends that, in assessing the proposed development, the local authority considers the full range of potential users of the cycle parking in order to ensure that those e-bikes and heavier bikes, are catered for in a secure and convenient manner with the Development Plan standard as the minimum number of spaces to be provided.

#### Department of Education (31.01.25)

- The Department has been advised that the 6.5-acres site is surplus to Terenure College's educational requirements both now and in the future.
- It is the general position of the Department that the land use zoning should determine the future of the lands and that any development on Z15-zoned lands should therefore be protected for future educational and community use
- In this case, the total size of the site is very large relative to most school sites, and the Department is satisfied that there is sufficient scope in the balance of the lands (c.44.5 acres) to cater for the wider educational needs of the area, if and when they are required.
- In the context of the overall size of the site and the potential development of further educational facilities on the lands, the Department is not opposed in principle to the development of the subject site for uses other than educational.

#### **4.4. Third Party Observations**

A significant number of third-party submissions were made on the application. The key issues raised within the submissions reflect those within the grounds of appeal and are briefly summarised below.

- Principle of the Development of Z15 lands: The proposal would materially contravene the Z15 zoning objective as there are no highly exceptional circumstances to allow residential use on the site, institutional use is established, and the proposal does not meet the criteria for Z15 zoning.
- Planning History: The reasons for refusal on the previous application pertaining to the site (ABP Ref: 314390-22) still apply.

- Use Mix: The provision of community and cultural space is welcomed in a number of submissions. The size of the proposed creche and parking provisions are deemed inadequate.
- Tenure/ Mix: Excessive quantum of 1 and 2 bed units (86%). More houses should be provided to accommodate downsizers in the area.
- Part V: Part V units should not be segregated but integrated throughout the blocks.
- Scale, Density, Height: The scale, density and height of the proposal would result in overdevelopment and would be incompatible with local character. The development is deemed contrary to national policy including the Compact Settlement Guidelines and Building Height Guidelines.
- Open Space: Open spaces on the site will not be suitable for walking, running, dog walking or playing of sports, which will result in the Terenure College grounds being used for these purposes.
- Impact on Visual Amenity: The proposal would result in a visually prominent and monolithic form of development, which would be visually intrusive and detract from the visual amenities of the area.
- Impact on Residential Amenity: The development would detrimentally impact on the residential amenity of the area by reason for overlooking, overbearing, loss of sunlight, loss of privacy.
- Impact on Lake and Biodiversity: Insufficient commitment to long term maintenance of public access to the lake. Submissions raise concern in relation to the environmental impact of the proposal on the lake and the Impact of the development on Brent Geese.
- Pedestrian Gate at Lakelands Park: The gate at Lakelands Park should be removed and replaced with a stone wall. Concerns are raised in relation to parking overspill from the development and antisocial behaviour in the instance that the gate is retained.
- Impact on Infrastructure/Drainage: The observations raise concerns in relation to flood risk associated with the development.

- Traffic/Parking: Insufficient car parking is proposed to accommodate the development, and this will result in parking overspill in the adjoining residential estates.
- Procedural Issues: The application as the documents were only made available in January leaving insufficient time to examine the application.

## 5.0 Planning History

Appeal Site

LRD6004/22-S3, ABP Ref: 314390-22:

- 5.1.1. Under ABP Ref: 314390-22 permission was refused by ABP in February 2022 for a residential development on site comprising 364 no. units on the appeal site in accordance with the following reasons and considerations:
1. Having regard to the information submitted in the course of the application and the appeals, the Board considers that it has not been demonstrated that the site is not needed for its established educational and recreational use. The site in relation to the proposal is not in accordance with the objectives and requirements set out in section 14.7.14 of the Dublin City Development Plan 2022-2028 for residential development on lands zoned for Community and Social Infrastructure under Land-Use Zoning Objective 215. The proposed residential development would, therefore, materially contravene the zoning of the site.
  2. The proposed development would involve the construction of housing on lands partially in Flood Risk Zone B, as set out in the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009 and in the Dublin City Development Plan 2022-2028. The proposed location on residential development partially within this flood risk zone would be contrary to the advice at section 3.5 of the guidelines and section 4.5.2.1 of volume 7 of the Dublin City Development Plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.



3. The density of the proposed development exceeds that recommended for outer suburbs in Table 1 of Appendix 3 to the Dublin City Development Plan 2022-2028. The site is considered to be an intermediate urban location as set out in section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2022, and it is considered that the proposed density is not justified by the available capacity of current public transport facilities. The quantum of housing proposed is, therefore, excessive and would, therefore, be contrary to the proper planning and sustainable development of the area.

### *Concurrent Application*

Upgrade to Fortfield Road and College Drive - South Dublin County Council PA Ref: SD24A/0268W, ABP Ref: 321966-25

- 5.1.2. Under SD24A/0268W South Dublin County Council issued a notification of decision to grant permission in February 2025 for road and water services upgrade works on Fortfield Road and College Drive. The proposed upgrade works are to facilitate a concurrent Large-Scale Residential Development (LRD) planning application proposed by the applicant on adjoining lands within the functional administrative area of Dublin City Council (DCC). The Council's decision is currently subject to a 3<sup>rd</sup> party appeal to An Bord Pleanála.

HA29N.316272: Bus Connects Templeogue / Rathfarnham to City Centre Core Bus Corridor

- 5.1.3. Permission granted by An Bord Pleanála in December 2024 for BusConnects Templeogue / Rathfarnham to City Centre Core Bus Corridor scheme.

## **6.0 Policy Context**

### **6.1. National**

#### **Project Ireland 2040 – National Planning Framework (NPF) - First Revision**

- 6.1.1. The NPF First Revision was published in April 2025. The following NPO's are of relevance:

- National Planning Policy Objective 11: Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.
- National Policy Objective 12: 'Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.'
- National Policy Objective 22 provides that *"In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected"*.
- National Policy Objective 37 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'*.
- National Policy Objective 43 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'*.

#### Section 28 Ministerial Guidelines

- 6.1.2. Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on

file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities', 2007.
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018.
- Childcare Facilities – Guidelines for Planning Authorities (2001)

#### Sustainable Urban Housing: Design Standards for New Apartments 2023

6.1.3. Section 2.4 of the Guidelines outlines that: identification of the types of location in cities and towns that may be suitable for apartment development, will be subject to local determination by the planning authority, having regard to the following broad description of proximity and accessibility considerations:

1. Central and/or Accessible Urban Locations Such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including: • Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions; • Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and • Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services

The range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors

2. Intermediate Urban Locations Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net), including: • Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions; • Sites within walking distance (i.e. between 10-15 minutes or 1,000- 1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided; • Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services. The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

- 6.1.4. Sections 4.20 to 4.29 relates to car parking. This outlines that the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria.
- 6.1.5. Section 4.23 outlines that: For Central and/or Accessible Urban Locations Section 4.21 of the Guidelines outline that the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstance.
- 6.1.6. Section 4.23 of the Guidelines relates to Intermediate Urban Locations. This outlines that: In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

*Sustainable Residential Development and Compact Settlement Guidelines 2024*

6.1.7. Section 3.3 relates to Settlements, Area Types and Density Ranges. Policy and Objective 3.1 is of relevance as follows:

- Policy and Objective 3.1: It is a policy and objective of these Guidelines that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.

6.1.8. Table 3.1 sets out the details of Areas and Density Ranges for Dublin and Cork City Suburbs. The following definitions are of note:

- City - Urban Neighbourhoods The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations<sup>7</sup>, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.
- City - Suburban/Urban Extension Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).

6.1.9. Table 3.8 relates to Accessibility and outlines that while densities within the ranges set out will be acceptable, planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at intermediate locations and densities below the mid-density range at peripheral locations. Densities above the ranges are 'open for consideration' at accessible suburban and urban extension locations to the maximum set out in Section 3.3.

6.1.10. The following definitions are of relevance:

- High-Capacity Public Transport Node and Interchange: Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail<sup>11</sup>, light rail or MetroLink services; or locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop.
- Accessible Location Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services.
- Intermediate Location Lands within 500-1,000 metres (i.e. 10–12-minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services; and Lands within 500 metres (i.e. 6-minute walk) of a reasonably frequent (minimum 15-minute peak hour frequency) urban bus service.

6.1.11. Section 5.3.4 of the Guidelines relates to Car Parking – Quantum, Form and Location and outlines that:

*Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. In areas where car parking is reduced local authorities should be satisfied that the mobility needs of residents and workers can be satisfied (e.g. through shared mobility solutions such as car and bike share). On-site or proximate spaces should also be prioritised for use by mobility impaired persons and leased on a demonstrated needs basis rather than being sold with units. As part of this transition, it will be important that local authorities continue*

*to progress active travel projects in conjunction with the National Transport Authority and the Department of Transport and that new ways of addressing transport needs, such as mobility hubs, increased bicycle parking across settlements and car clubs, are supported in conjunction with reduced car parking.*

- 6.1.12. Table 3.8 defines 'Accessible', 'Intermediate' and 'Peripheral' Locations. These definitions should form the basis for the approach to car parking

#### *SPPR 3 – Car Parking*

- 6.1.13. It is a specific planning policy requirement of these Guidelines that: (i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling. (ii) In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling. (iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling Applicants should be required to provide a rationale and justification for the number of car parking spaces proposed and to satisfy the planning authority that the parking levels are necessary and appropriate, particularly when they are close to the maximum provision. The maximum car parking standards do not include bays assigned for use by a car club, designated short stay on–street Electric Vehicle (EV) charging stations or accessible parking spaces. The maximum car parking standards do include provision for visitor parking. This SPPR will not apply to applications made in a Strategic Development Zone until the Planning Scheme is amended to integrate changes arising from the SPPR. Refer to Section 2.1.2 for further detail.

## Housing for All – A New Housing Plan for Ireland to 2030, 2021.

- 6.1.14. The government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

### Other Documents

- Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021.
- Climate Action Plan 2024 and Climate Action Plan 2025.
- National Biodiversity Action Plan 2023-2030.

## **6.2. Development Plan**

### Dublin City Development Plan 2022-2028

#### *Chapter 14 – Land-use Zoning*

- 6.2.1. Chapter 14 of the Development Plan relates to land-use zoning. The appeal site is subject to 3 no. separate zoning objectives as illustrated within Map H of the Development Plan as detailed below:

- The majority of the site is zoned for Objective Z15 Community and Social Infrastructure purposes with an objective *'To protect and provide for community uses and social infrastructure.'*
- The lake on site is zoned under Objective Z11 Waterways Protection - *'To protect and improve canal, coastal and river amenities'.*
- A small area to the northeast of the lake is zoned Objective Z1 Sustainable Residential Neighbourhoods – *'to protect, provide and improve residential amenities'.*

- 6.2.2. *Section 14.7.14 relates to Community and Social Infrastructure – Zone Z15.* Section 14.7.14 states that Z15 lands comprise a variety of sites, often consisting of long-established complexes of institutional/community buildings and associated open grounds. Existing uses on these lands generally include community, social or institutional development such as schools, colleges, sports grounds, residential institutions and healthcare institutions, such as hospitals. Such facilities are



considered essential in order to provide adequate community and social infrastructure commensurate with the delivery of compact growth and the principle of the 15-minute city. It is the policy of the planning authority to promote the retention, protection and enhancement of the city's Z15 lands as they contribute to the creation of vibrant neighbourhoods, healthy placemaking and a sustainable well-connected city.

6.2.3. The Plan outlines that: In recent years, Z15 lands have come under increased pressure for residential development. However, protecting and facilitating the ongoing use of these lands for community and social infrastructure, as well as their use in some instances for charitable purposes, is a key objective of the Council. The Council are committed to strengthening the role of Z15 lands and will actively discourage the piecemeal erosion and fragmentation of such lands.

6.2.4. The Plan sets out criteria for: A) Development on Z15 lands B) Development Following Cessation of Z15 use as detailed below:

A. Development on Z15 Lands

*Limited residential/commercial development on Z15 lands will only be allowed in highly exceptional circumstances where it can be demonstrated by the landowner/applicant that the proposed development is required in order to maintain or enhance the function/operational viability of the primary institutional/social/community use on the lands. The following criteria must also be adhered to:*

- In proposals for any limited residential/commercial development, the applicant must demonstrate that the future anticipated needs of the existing use, including extensions or additional facilities would not be compromised.*
- Any such residential/commercial development must demonstrate that it is subordinate in scale to the primary institutional/social/community use.*
- Where appropriate, proposals should be subject to consultation with the relevant stakeholder e.g. Department of Education/Health Service Executive.*
- The development must not compromise the open character of the site and should have due regard to features of note including mature trees, boundary walls and any other feature(s) as considered necessary by the Council.*

- *In all cases, the applicant shall submit a statement, typically in the form of a business plan, or any other relevant/pertinent report deemed useful and/or necessary, as part of a legal agreement under the Planning Acts, demonstrating how the existing institutional/social/community facility will be retained and enhanced on the site/lands.*
- *In all cases the applicant shall be the landowner or have a letter of consent from the landowner.*

*Any proposed development for 'open for consideration' uses on part of the Z15 landholding, shall be required to demonstrate to the planning authority how the proposal is in accordance with and assists in securing the aims of the zoning objective; and, how such a development would preserve, maintain or enhance the existing social and community function(s) of the lands subject to the development proposal.*

#### *B: Development Following Cessation of Z15 Use*

*The cessation of an existing Z15 institutional/social/community use on a site or change in land ownership does not extinguish/negate the purpose of these lands for community and social infrastructure use. It is the objective of the Council that such lands should be retained for a use in accordance with the zoning objective unless exceptional circumstances prevail. In such circumstances (i.e. cessation of use on a Z15 site or disposal of all or part of a Z15 site) a variation or material contravention to the development plan will be required to develop such lands for residential/commercial purposes.*

#### *Masterplan Requirement*

*In either scenario A or B, it is a requirement for sites larger than 1ha that a masterplan is provided, which must set out the vision for the lands and demonstrate that a minimum of 25% of the overall development site/lands is retained for open space and/or community and social facilities. This requirement need not apply if the footprint of existing buildings to be retained on the site exceeds 50% of the total site area.*

*The 25% public open space should not be split up, unless site characteristics dictate otherwise, should comprise mainly of soft landscaping suitable for recreational and*

*amenity purposes and should contribute to, and create linkages with, the strategic green network. Development proposals must incorporate landscape features that contribute to the open character of the lands and ensure that public use, including the provision of sporting and recreational facilities which would be available predominantly for the community, are facilitated.*

*Where there is an existing sports pitch or sports facility on the Z15 lands subject to redevelopment, commensurate sporting/recreational infrastructure will be required to be provided and retained for community use where appropriate as part of any new development (see also Chapter 10: Green Infrastructure and Recreation, Policy GI49).*

- 6.2.5. Childcare facility, community facility and cultural/recreational buildings are listed as uses which are permissible on lands zoned for Z15 purposes. Residential is listed as a use which is “open for consideration” on lands zoned for Z15 purposes but only in accordance with highly exceptional circumstances as detailed in the Plan.
- 6.2.6. The Development Plan outlines the following in respect of open for consideration uses: *“An open for consideration use is one which may be permitted where the planning authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area”.*

#### Waterway Protection

- 6.2.7. Part of the site is also zoned Z11 (Waterway Protection) – ‘to protect and improve canal, coastal and river amenities.’ Section 14.7.11 of the development plan states that: *‘These areas generally include all the waterways and waterbodies in the Dublin City Council area. The purpose of the zoning is to protect the amenity and integrity of these areas, including views and prospects into/out of the areas (see Chapter 9, Section 9.5.2 Urban Watercourses and Water Quality, and also Chapter 10, Section 10.5.5 – Rivers and Canals).*
- 6.2.8. A limited range of uses will be considered within this zoning, on the basis that they would not be detrimental to Z11 zoned lands. Permissible uses on Z11 lands are open space and water-based recreational activities. Uses which are open for consideration are café/tearoom, public service installation and restaurant.

## Chapter 2: Core Strategy

- 6.2.9. The Plan outlines that the purpose of the core strategy is to guide the spatial direction of future development and regeneration in the city in line with the principles of compact growth.
- 6.2.10. Section 2.3 sets out the Settlement Strategy and outlines that the settlement hierarchy prioritises development in the Inner City, the Key Urban Villages and Strategic Development and Regeneration Areas.

## Chapter 4 Shape and Structure of the City.

- 6.2.11. Section 4.5.3 of the Plan relates to Urban Density. This outlines that Dublin's City core is characterised by a low to medium rise-built form. Densities vary across the city and are typically much lower in the suburbs, and increase in the city centre, particularly in new developing areas such as Dublin Docklands.
- 6.2.12. Policy SC10 as follows is of relevance:
- SC10 – Urban Density It is the policy of Dublin City Council : To ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), (Department of Environment, Heritage and Local Government, 2009), and its companion document, Urban Design Manual: A Best Practice Guide and any amendment thereof.
- 6.2.13. Section 4.5.4 of the Development Plan, set out the Planning Authority's strategy and criteria when considering appropriate building heights. The Plan outlines that *"The City Council advocates that when considering building height, regard must be had to the prevailing context within which the site is located and broader consideration must also be given to potential impacts such as overshadowing and overlooking, particularly in the lower scaled suburban areas of the city"*.
- 6.2.14. Policies SC15 to SC17 inclusive in section 4.5.4 of the Development Plan, set out the Planning Authority's strategy and criteria when considering appropriate building heights, including reference to the performance-based criteria contained in the

Appendix 3 to the Development Plan. Policy SC23 outlines that design statements shall be submitted for all large scale residential (+50 units).

Chapter 5 - Quality Housing and Sustainable Neighbourhoods

- 6.2.15. Chapter 5 of the Development Plan relates to Quality Housing and Sustainable Neighbourhoods. Under housing policy QHSN2 of the Development Plan, the Planning Authority will have regard to various Ministerial Guidelines.
- 6.2.16. Policy QHSN10 of the Development Plan promotes sustainable densities with due consideration for design standards and the surrounding character. The Development Plan includes a host of policies addressing and promoting apartment developments, including policies QHSN35 (Housing and Apartment Mix), QHSN36 (High Quality Apartment Development), QHSN37 (Houses and Apartments), QHSN38 (Housing and Apartment Mix) and QHSN39 (Management). In addition, Chapter 5 outlines a range of policies and objectives aimed at promoting regeneration, urban consolidation, densification, and healthy placemaking.
- 6.2.17. Section 5.5.8 of the Plan relates to Social and Community Infrastructure. Policies QHSN53 and QHSN55 are of relevance as follows:
- Policy QHSN53: Education Provision: It is the policy of the Council (i) To support the provision of new schools and the expansion of existing school facilities having regard to the requirements of the DES. (ii) To protect and retain the entire curtilage of school sites, including buildings, play areas, pitches and green areas, that may be required for the expansion of school facilities in the future, unless the Council has determined in agreement with the Department of Education that the use of the site for school provision is no longer required. (iii) To support the ongoing development and provision of third level education, further education and lifelong learning in the city.
  - Policy QHSN55: *To facilitate the provision of appropriately designed and sized fit-for-purpose affordable childcare facilities as an integral part of proposals for new residential and mixed-use developments, subject to an analysis of demographic and geographic need undertaken by the applicant in consultation with the Dublin City Council Childcare Committee, in order to*

*ensure that their provision and location is in keeping with areas of population and employment growth.*

6.2.18. Section 5.5.8 relates to the provision of Childcare Facilities and outlines that - 'The provision of good quality and fit-for-purpose neighbourhood-based and local childcare services are central to providing for sustainable communities.

6.2.19. The provision of childcare facilities within new and existing residential areas shall have regard to the capacity and geographical distribution of established childcare facilities in the locality and the emerging demographic profile of the area. Flexibility on lower provision will only be provided on the basis of an evidence-based demographic and locational justification (see Section 15.8.4 of Chapter 15: Development Standards)'.  
  
Chapter 8: Sustainable Movement and Transport

6.2.20. Section 8.5.7 relates to car parking.

- Policy SMT27: Car Parking in Residential and Mixed-Use Developments (i) To provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (see Appendix 5) so as to promote city centre living and reduce the requirement for car parking. (ii) To encourage new ways of addressing the transport needs of residents (such as car clubs and mobility hubs) to reduce the requirement for car parking. (iii) To safeguard the residential parking component in mixed-use developments.

#### Chapter 9

6.2.21. Section 9.5.2 relates to Urban Watercourses and Water Quality. This outlines that the Water Framework Directive (WFD) is environmental legislation which aims to protect and improve water quality in support of ecology and the attainment of good status in our rivers, lakes, groundwater and transitional coastal waters by 2027. The WFD's good ecological status objective applies to Dublin's estuaries, coastal areas and rivers Liffey, Tolka, Dodder, Camac, Santry and Mayne together with their sub-catchments. The Plan outlines that in Dublin City, pressures include contamination from surface water run-off; misconnections and urban wastewater; culverting and

other physical changes to historic river channels; and, increases in impervious surface cover due to urbanisation.

6.2.22. The following provisions are of relevance:

- Policy SI7: Water Quality Status To promote and maintain the achievement of at least good status in all water bodies in the City.
- Policy SI8: Physical Condition of Waterbodies To promote the protection and improvement of the aquatic environment and water-dependent ecosystems through proactive discharge and emissions management, and through the enhancement of the physical condition of waterbodies.
- Objective SIO4: River Basin Management Plan To implement the EU Water Framework Directive through the implementation of the appropriate River Basin Management Plan and Programme of Measures and individual river restoration strategies where available.

6.2.23. Section 9.5.3 relates to Flood Management. Policy SI13 is of relevance as follows:

Minimising Flood Risk To minimise the flood risk in Dublin City from all other sources of flooding as far as is practicable, including fluvial, coastal, reservoirs and dams, the piped water system, and potential climate change impacts.

## Chapter 12: Culture

6.2.24. The following objectives are of relevance:

- Objective CUO25 – Cultural Facilities ‘All new regeneration areas (SDRAs) and large-scale developments above 10,000 sq. m. in total area\* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need’. \*Such developments shall incorporate both cultural/arts and community uses

individually or in combination unless there is an evidence base to justify the 5% going to one sector.

### Chapter 15: Development Standards

- 6.2.25. Section 15. sets out general requirements for residential development.
- 6.2.26. Section 15.8.6 relates to Public Open Space. Table 15.4 “*Public Open Space requirements for Residential Development*” sets out a minimum requirement of 25% public open space for residential development on Z12 and Z15 zoned lands.
- 6.2.27. Section 15.9 sets out standards for apartment developments and cross refers to the SPPR’s set out within the Sustainable Urban Housing: Design Standards for New Apartments guidelines. The Plan relates to the requirements of SPPR 1 – Unit Mix, SPPR 3 -Minimum Floor Area Requirements, SPPR 4 – Dual Aspect (min 50% in suburban and/or intermediate locations), SPPR 5 – Floor to ceiling height and Private and Communal Amenity Space (Appendix 1).
- 6.2.28. Section 15.9.16.1 relates to Daylight and Sunlight and outlines that a daylight and sunlight assessment should be provided to assess the impact of the proposed development on the surrounding properties and amenity areas outside the site boundary and assess the daylight and sunlight received within each individual unit and communal areas of a proposed scheme.
- 6.2.29. Section 15.9.17 relates to separation distances and outlines that traditionally a separation distance of 22m was required between opposing first floor windows. Each application will be assessed on its merits in instances where these distances are not being met.
- 6.2.30. Section 15.11 outline that houses shall comply with the principles and standards outlined in Section 5.3: ‘Internal Layout and Space Provision’ contained in the DEHLG ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’(2007). Section 15.11.3 outlines that a minimum standard of 10 sq.m. of private open space per bedspace will normally be applied. This standard may be relaxed on a cases by case basis subject to qualitative analysis of the development.
- 6.2.31. Section 15.18.4 refers to the requirement of a Basement Impact Assessment for developments which include a basement.



*Appendix 3: Achieving Sustainable Compact Growth Policy for Density and building Height in the City*

- 6.2.32. Appendix 3 of the Development Plan sets out the Planning Authority's policies in relation to height and density. Section 1.0 of Appendix 3 notes that it is adopted planning policy at both national and regional level to promote compact growth and provide for increased density and height on underutilised lands within core urban areas in order to promote consolidation, prevent further sprawl and address climate change; however, it is recognised that increasing height and density can also bring challenges in terms of design and sustainability.
- 6.2.33. Section 3.1 sets out three general categories of height in the Dublin context – i.e. prevailing height, locally higher buildings and landmark/tall buildings. The main determining factor in considering appropriate heights is the need to create exemplar urban development with attractive streets, spaces and public areas that integrate successfully with the surrounding area. The key factors that will determine height will be impact on adjacent residential amenities, the proportions of the building in relation to the street, creation of appropriate enclosure and surveillance, provision of active ground floor uses, provision of a legible, permeable and sustainable layout.
- 6.2.34. Section 3.2 refers to density and outlines that appropriate densities are essential to ensure the efficient and effective use of land. Table 1 sets out the density ranges which will be supported in different areas of the city. In the outer suburbs the net density range is 60-120 dwellings per hectare. Where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply.
- 6.2.35. Table 2 sets out indicative plot ratio and site coverage standards for different areas of the city. In outer employment and residential areas of the city the indicative plot ratio is between 1.0 and 2.5, while indicative site coverage is between 45% and 60%. A higher plot ratio and site coverage may be permitted in certain circumstances.
- 6.2.36. Section 4.1 sets out a policy approach for the assessment of development of increased height, scale and density in the city that aligns with the Section 28 Guidelines. In accordance with the guidance set out therein and specifically SPPR 1, areas are identified where increased height will be supported. As per the

requirements of SPPR 3, a series of performance-based development management criteria are set out to ensure protection of residential, heritage, streetscape and landscape amenity. All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3.

- 6.2.37. The general principle is to support increased height and higher density schemes in the city centre, SDRAs, key urban villages, areas close to high frequency public transport and some other areas (as identified) considered as suitable for increased intensity of development.
- 6.2.38. In terms of public transport corridors, the Plan outlines that in line with national guidance, higher densities will be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station in the plan. Highest densities will be promoted at key public transport interchanges or nodes.
- 6.2.39. Outside the canal ring, in the suburban areas of the city, in accordance with the guidelines, heights of three to four storeys will be promoted as the minimum. Greater heights will be considered on a case-by-case basis, having regard in particular to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity and compliance with all of the performance criteria set out in Table 3.
- 6.2.40. The Plan outlines that there will be a requirement that for any significant scheme (on sites greater than 0.5ha) seeking to increase densities and height that a masterplan is prepared. The masterplan should provide a vision for the development of the entire site area, including how new buildings, streets, blocks, pedestrian and cycling routes, parks, and publically accessible and private open spaces will fit within the existing and planned context. It should include urban design studies to inform the architectural approach and to allow for the early testing of open space quantum's, sunlight, daylight, visual impact and wind effects.
- 6.2.41. Table 3 sets out Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale.

### Appendix 5: Transport and Mobility: Technical Requirements

- 6.2.42. Section 2.5 relates to Car Parking and Cycle Management. This outlines that the management of car parking provision within a development is an integral part of ensuring there is limited impact or overspill onto the adjoining road network.
- 6.2.43. The Plan outlines that Dublin City Council proactively works with developers to develop appropriate mobility strategies for new developments, including appropriate parking ratios. Car parking ratios for new developments are dependent on a number of factors in order to deliver a sustainable community. In particular locations, active travel (walking and cycling) infrastructure and provisions to support active travel modes and access to operational high frequency public transport corridors within 10 minutes walking distances are all key components for reduced car parking provision.
- 6.2.44. Where car parking is provided for a residential development, a rationale for the quantum of car parking proposed shall be provided. This should include an analysis of census data in relation to the car ownership levels by occupiers of a similar development (i.e. houses or apartments) in the relevant electoral area and existing mode split. Reference shall also be included to the quantum of parking in the immediate area as a result of planned developments (which are subject to current planning applications or have been granted permission and not yet developed)
- 6.2.45. Table 1 sets out Bicycle Parking Standards for Various Land Uses. For Residential Apartment Development a requirement of 1 space per bedroom and 1 visitor space per 2 apartments is set out. For houses a requirement is set out for 1 per unit and 1 visitor space per 5 units.
- 6.2.46. Section 4 relates to Car Parking Standards. This outlines that the City is divided into 3 parking areas for the purpose of parking control as illustrated on Map J. The site is located within Parking Zone 2 as defined within Map J “Existing and Future Strategic Transport and Parking Areas”. The Development Plan outlines that Parking Zone 2 occurs alongside key public transport corridors.
- 6.2.47. Table 2 specifies the requisite level of on-site parking to be provided for residents, staff and visitors for various types of development. These car parking standards shall be generally regarded as the maximum parking provision and parking provision in excess of these maximum standards shall only be permitted in exceptional

circumstances e.g. boundary areas, or where necessary for the sustainable development of a regeneration area (see Chapter 13).

6.2.48. The Plan outlines that “A relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location. Applicants must set out a clear case satisfactorily demonstrating a reduction of parking need for the development based on the following criteria:

- Locational suitability and advantages of the site.
- Proximity to High Frequency Public Transport services (10 minutes’ walk).
- Walking and cycling accessibility/permeability and any improvement to same.
- The range of services and sources of employment available within walking distance of the development.
- Availability of shared mobility.
- Impact on the amenities of surrounding properties or areas including overspill parking.
- Impact on traffic safety including obstruction of other road users.
- Robustness of Mobility Management Plan to support the development.

6.2.49. Table 2 sets out Maximum Car Parking Standards for Various Land Uses. The following are of relevance to the proposal:

- Houses Apartments/Duplexes – Zone 2 – 1 per dwelling.
- Creche/Childcare Services – 1 per 100sq.m. GFA ....3 Include Mobility Management Plan outlining how drop offs/pickups will be managed.

#### Appendix 9:

6.2.50. Appendix 9 of the Plan sets out Basement Development Guidance.

#### Volume 7: Strategic Flood Risk Assessment

6.2.51. Section 4.5.2.1 relates to New Development and outlines that: *It is not appropriate for new, highly vulnerable development to be located on greenfield land in Flood Zone A or B, whether it is highly or less vulnerable. In the main, such areas are parks and public open space within the wider built environment which provide flood*

*storage and reduce risks to existing development. There would be little or no opportunity to compensate for the loss of such storage areas, and development within them would be contrary to a number of the policies and objectives within this Plan. Such proposals do not pass the Justification Test. Instead, a less vulnerable use should be considered.*

### **6.3. Natural Heritage Designations**

The appeal site is not located within any designated European site. The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- South Dublin Bay SAC (Site Code 000210) – 6km
- South Dublin Bay and River Tolka SPA (Site Code 004024) – 6km
- Proposed Natural Heritage Areas (pNHA): Grand Canal (Site Code 002104) – 2.8km
- Proposed Natural Heritage Areas (pNHA): Dodder Valley (000991) – 2.8km

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

A first party appeal was submitted in respect of Dublin City Council's notification of decision to refuse permission for the development on behalf of the applicant. The following provides a summary of the grounds of appeal:

- The appeal outlines that DCC's reason for refusal is unreasonable and based on an incorrect interpretation and application of Policy SMT27 of the City Development Plan and relevant policies in the Section 28 Guidelines – Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) and the Sustainable Urban Housing: Design Standards for New Apartments (2023).
- The appeal outlines that the claims that the development will lead to overspill, and haphazard parking are unsubstantiated.

- Local and national planning policies promote substantial reductions in car parking standards in established, accessible urban locations. The appeal outlines that the site is located in an established and well serviced suburban location that is defined as a “High-Capacity Public Transport Node or Interchange” under Table 3.8 of the 2024 Compact Settlement Guidelines being located within 500m of the Bus Connects “Core Bus Connects Corridor” at Templeogue Road.
- In accordance with SPPR 3 (Car Parking) of the 2024 Compact Settlement Guidelines parking provision is to be “substantially reduced” at this location in order to make travel choices more sustainable, encourage greater walking, cycling and public transport use and in doing so helping to achieve the overarching aims of the Climate Action Plan 2024 to reduce private car travel.
- The decision of DCC to refuse permission for the development is contrary to these policies and contradicts recent planning decisions for a large-scale residential development on the site in which a lower parking standard was deemed acceptable.
- The Board is requested to overturn the Council’s reason for refusal and grant permission for the development.
- Despite the PA’s decision the principle of residential development was deemed acceptable. All departments, with the exception of the Transportation Planning Division (TPD), deemed the proposal to be acceptable.
- The appeal outlines that the PA could have requested further information to address the concerns of the Transportation Planning Division or apply a condition in relation to the provision of additional parking.
- The appeal quotes extracts from the Planner’s Report which address the acceptability of the principle of the proposal, the proposed density, open space provision, visual impact, flood risk and impact on visual amenity.

#### *Previous Reasons for Refusal*

- The appeal includes an overview of how the proposal addresses the previous decision of An Bord Pleanála to refuse permission for development on the site under ABP Ref: 314390-22 as summarised below.

- Zoning: the provision of residential development on the site is considered “open for consideration” subject to compliance with Section 14.7.14 of the DCDP. The appeal cross refers to the Compliance Statement submitted in support of the application which addresses compliance with the requirements of Section 14.7.14 of the DCDP. The proposed is therefore not considered to constitute a material contravention of the Z15 zoning objective.
- Flood Risk: The appeal outlines that issues relating to flood risk are addressed with the Site-Specific Flood Risk Assessment submitted in support of the application. The appeal site is located wholly in Flood Zone C.
- Density: The proposed quantum of units had been reduced by over 100 in the current application. The proposed density of 107 uph is deemed in accordance with the provisions for Outer Suburbs as set out within Appendix 3, Table 3 of the DCDP and is in line with the Compact Settlement Guidelines 2024 (City-Urban Neighbourhood) and the Apartment Guidelines 2023 (Urban Locations). The site falls within the definition of a High Capacity Public Transport Node or Interchange and Accessible Location due to its proximity to bus stop 1159. A density range of 50 to 250 uph shall generally be applied in urban neighbourhood in Dublin and Cork (Table 3.1 Compact Settlement Guidelines).
- The appeal outlines that none of the reasons for refusal attached to the previous decision of ABP related to car parking despite the previous application proposing more housing and a lower car parking ratio compared to the current proposal.
- The site is located within Zone 2 for parking as set out within the DCDP. Appendix 5 Table 2 sets out a maximum standard for development in Zone 2 of 1 space per dwelling. No minimum space per dwelling is set out.
- The Residential Travel Plan and Car and Cycle Parking Management Plan submitted in support of the application demonstrates that the proposed quantum of parking is appropriate for the location.

- The appeal outlines that the TPD report misinterprets Section 28 Guidelines and misapplied the previous ABP decision. The site is an “accessible location” as described within the Compact Settlement Guidelines. The maximum car parking space is 1.5 per dwelling not 2. The TPD report also disregards the new BusConnects F1 spine route which will travel along Fortfield Road.
- The appeal outlines that the Transportation Planning Division has determined the accessibility of the site on the basis of the National Transport Authority’s PTAL mapping system. The appeal outlines that these maps have not been updated since May 2024, do not illustrate future public transport provision and are not as up to date as the Transport Capacity Assessment submitted in support of the application.
- The appeal outlines that the PTAL maps have been negatively interpreted by the TPD. The appeal outlines that the majority of the site has a Medium level of service between 7am to 8am.
- The appeal refers to the observation on the application from the NTA which outlines that *“the NTA is of the view that the performance of the service, in particular when the significantly improved F1 is introduced in place of the 54A at this location, will be satisfactory”*.
- The appeal refers to the previous reasons for refusal pertaining to the site and the reference within the TPD report to the classification of the site as an “Intermediate Urban Location” in line with the 2023 Apartment Guidelines within the Inspectors Report which informed the decision of ABP to refuse permission for the development (ABP Ref: 314390-22). The appeal notes the following in this regard:
  - The Inspector’s classification of the site relates to density and not car parking. The Inspector’s report identifies that the site has better access to services and employment using public transport, walking and cycling than most places in the wider city region and a refusal of permission would displace housing to less accessible locations.
  - Bus Connects was approved in December 2024. Bus Connects stops are within 500m of the application site. Both the A1 and A3 Spine routes will run along Templeogue Road at a frequency of a bus every 12 minutes.



The F1 Spine Route will provide a bus stop within 50m of the site with a frequency of bus every 10 minutes at peak time and 15 minutes off peak. This equates to 3 new bus routes within 500m of the site, all of which provide a bus service at 10-minute intervals. This level of service has been disregarded by the Transportation Planning Division.

- Changes to national and local policy including the publication of the Compact Settlement Guidelines and the Dublin City Development Plan 2022-2028 (DCDP).
  - (a) The site has changed from Zone 3 under the DCDP 2016-2022 to parking Zone 2 within the DCDP 2022-2028. As a result, the maximum standards for car parking have been reduced. This change in designation is not reflected within the DCC TPD report.
  - (b) Under the Sustainable Urban Housing, Design Standards for New Apartments 2023 the site is located at the cusp between a Central and/or Accessible Urban Location and an Intermediate Urban Location. However, the site should be classified as an Accessible Urban Location (in accordance with Table 3.8 Accessibility Compact Settlement Guidelines) given the proposed upgrade to the route along Fortfield Road.
- The appeal sets out a justification for the proposed car parking provision. While acknowledging that the previous application pertaining to the site under ABP Ref:314390-22 sought permission for a Build to Rent development, it is stated that the Board considered the parking quantum proposed acceptable (ratio of 0.34 for apartments). The current proposal seeks permission of 0.42 parking spaces per apartment (excluding visitor, car share and disabled) with 1 car parking space per house. This level of parking is in accordance with Development Plan standards which sets a Maximum of 1 space per dwelling in this location.
- The appeal refers to the Residential Travel Plan submitted in support of the application which sets out a justification for the proposed parking provision on the basis of the 2022 Census Small Area Population Statistics for the area and the objective to promote sustainable modes of transport.

- The approach to car parking is also deemed to be in accordance with the objectives of the Climate Action Plan 2024 and the policies and objectives of the Dublin City Development Plan 2022-2028 (CA3, CA4, CA5, CA8, CA9, CA10, CA15, CA17, CA29, SC9, SC10 and SC11).

#### Alternative Solution – Extended Basement Plan

- The appeal includes revised proposals for the consideration of the Board which increases the provision of parking to serve the development. The total quantum of residential spaces proposed increases from 157 to 195 comprising 19 no. spaces for the housing units and 176 for the apartment units.
- The proposed parking ratio for the apartment would increase to 0.57 (152/265) excluding car club, disabled and visitor parking in accordance with SPPR 3. If these spaces are included the parking ratio increases to 176 equating to a ratio of 0.66 per unit.
- Updated plans and particulars are submitted in conjunction with the appeal which assess the extended basement car park layout which accommodates 195 no. spaces. The following plans and particulars were submitted in conjunction with the appeal:
  - Residential Travel Plan Update
  - Car and Cycle Parking Management Plan update
  - Basement Impact Assessment update
  - Outline CMP Update
  - TTA Update
  - Engineering Planning Statement Update
  - SSFRA Update
  - Proposed Ground Floor Drainage Layout
  - Proposed Basement Drainage Layout
  - Basement Excavation – ZOI Extents (Angle of Repose 45 degrees)
  - Basement Excavation – ZOI Extents (Angle of Repose 30 degrees)

- Environmental Noise Assessment
  - Natura Impact Assessment
  - Appropriate Assessment
  - CEMP
  - Basement Layout Plan (1:500)
  - Basement Layout Plan (1:200)
  - Proposed Site Plan Ground Floor Layout
  - Schedule of Accommodation
- The appeal outlines that the proposal would have no material impact on the Architecture, Visual Impact, Basement Impact Assessment, Drainage Proposals, Flooding, Traffic and Environment.

### Conclusion

- The Board is requested to overturn the decision of DCC and grant permission for the proposed development.

## **7.2. Planning Authority Response**

Dublin City Council provided a response to the grounds of appeal. The appeal response comprises 3 separate reports from the following:

- Senior Executive Planner – Planning, Property and Economic Development Department
- Senior Transportation Officer – Environment and Transportation Department
- Administrative Officer – Planning, Property and Economic Development Department

The following provides a summary of the key points raised within each of the reports.

Senior Executive Planner- Planning, Property and Economic Development  
Department (17/04/2025)

- The assessment and conclusions of the planner's report dated 18/02/25 continue to apply.
- The PA has accepted the justification provided for a residential development on the Z-15 zoned lands.
- The 284 residential units is considered the provide for an acceptable standard of residential amenity to future occupants, to have no undue adverse impact on the residential amenities of adjoining occupiers and to integrate into the surrounding context in an acceptable way.
- The proposal provides for planning gain to the area by opening up the existing boundary wall which separates the site from Fortfield Road, new cultural and community space and the provision of new public open space and linkages through the existing Lakeland amenity in the eastern area of the site.
- The report cross refers to the concerns relating to the proposal as set out within the report from the Transportation Planning Division.
- The report sets out recommended conditions in the instance that the Board is minded to grant permission for the development. 23 no. conditions are detailed within the report.

Senior Transportation Officer - Transportation Planning Division Report (17/04/2025)

- The report cross refers to the TPD report dated 13<sup>th</sup> of February 2025. It is not proposed to reiterate the issues and analysis of this report.
- The main points considered in the response relate to the designation of the site in terms of its level of accessibility and the ratio of car parking to be provided.
- The report outlines that a main point relates to whether the site is designated as an "Accessible" or "Intermediate" location in this context of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024. The application documentation referred to the site as an Accessible location on the basis of the proximity of the site to a bus stop along

a Core Bus Corridor (CBC) route. This was on the basis of the perimeter of the site touching the 500m distance from the bus stop. This measurement was based on an incorrect location of the bus stop. The proposed stop is further located from the site.

- The report furthermore notes that the interpretation of “within” is an important consideration. It is stated that this means a site is wholly or substantially within 500m of a bus stop and not that the perimeter of the site lies within 500m. The report outlines that in normal practice when developing walking and cycling isochrones the 500m should be taken from within the centre of the site using a 500m radius. Based on this requirement the division could not accept that the site is located in a designated “Accessible” area.
- The applicant’s reference to a new F spine is noted. This outlines that the majority of the development should be within 500m of same.
- In terms of the proposed car parking provision, the report refers to national guidance and associated SPPR’s cited within the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024. The report specifically refers to the requirements of SPPR 3 which outlines that the PA must be satisfied, upon local assessment of applications, that the rationale for the proposed car parking is acceptable. In this instance the report outlines that the PA is not satisfied that an appropriate level of car parking is proposed and does not accept the rationale put forward for low levels of parking.
- The report outlines that there is serious concern regard the external negative effects which would result of under provision of parking. National guidance permits a parking ration of 1.5 car parking spaces per unit in accessible locations. The Dublin City Development Plan permits a parking provision of 1 space per unit within Zone 2 area. The report outlines that a ratio of 0.7/0.8 per unit would be accepted in the area. This aligns with the Central Statistics Office Small Area Statistics which illustrate car ownership levels of 80% in the area.
- The report refers to the location of the site within an inner suburban area on the boundary with South Dublin County Council. The character of the area is

suburban with predominately semidetached housing and driveways. The planning application proposed a parking ratio of 0.42. A ratio of up to 0.5 is generally only considered appropriate within the canals. Having regard to the location of the site and the local receiving environment it is considered that the ratio proposed is unacceptable.

- The concerns raised by observers on the application in relation to parking overspill are noted. It is stated that insufficient parking within the development would externalise the impact and is not acceptable from a safety or residential amenity point of view.
- The report refers to the suggestion made by the applicant that additional car parking could be provided by means of condition. It is stated that additional parking would require material changes to the layout and is not a matter which could be addressed by means of compliance.
- The increased ratio suggested by the applicant is still too low based on the considerations set out above. The matter of seriously inadequate parking has not been addressed and overcome in the appeal submission.
- The Board is requested to uphold the decision of Dublin City Council and refuse permission for the development.
- The report includes the following suggested rewording of the reason for refusal in the instance that the Board accepts the Accessible designation of the site:

*The applicant has failed to demonstrate that the range of travel needs of the future resident population can be met by the proposed development specifically with regard to underprovision of car parking to serve the development. The proposed development would give rise to unacceptable levels of overspill and haphazard parking on adjacent roads and bus corridors, would seriously injure the amenities of the area and would endanger public safety by reason of traffic hazard and obstruction of pedestrians, bus services and other road users. The development is therefore considered contrary to Policy SMT27 and Appendix 5, Section 4.0 of the Dublin City Development Plan 2022-2028, Section 5.3.4 of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning*

*Authorities (2024) and Section 4.23 of the Sustainable Urban Housing: Design Standards for New Apartments (2023). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

- The PA is willing to proactively engage with the applicant with a view to a new application being prepared for the site.

Administrative Officer, Planning and Development Administration, Planning, Property and Economic Development Department (04/04/2025)

- The Board is requested to uphold the decision of the Planning Authority to refuse permission for the development.
- In the instance of a grant of permission, the Planning Authority requests that conditions are applied in respect of the following:
  - A condition requiring the payment of a Section 48 Development Contribution.
  - A condition requiring the payment of a bond.
  - A social housing condition.
  - A naming and numbering condition.
  - A management company condition.

### 7.3. Observations

- 7.3.1. 29 no. observations were submitted in respect of the appeal. Observations were made from the following:

Table 7.1 Observations on Appeal		
1. Keith and Charlotte Cairns	11. James Flynn	21. Seamus and Bernadette Carty
2. John Campbell	12. Aoidhbhen Ó Curraoin	22. Mark Folens and Aisling Cullen

3. Simon Roche	13. Sheena and Robert Mc Crohan	23. Michele Van Valey and Derek Hennessy
4. Coiln Keaney	14. Residents of Lakelands Park	24. Brendan Heneghan
5. Greg Ward	15. Tom O'Dwyer	25. Lorraine O' Grady
6. Terenure West Residents Association and Others	16. Sinead Mc Carthy	26. Michael and Noreen O' Sullivan
7. Éamonn Gavin	17. Patricia Doyle	27. Nick Hill
8. Naill Barry	18. Gregory Craig	28. C Mac Carthaigh
9. Elizabeth Smyth	19. Kerry Baxter	29. Terence O' Neill
10. David Byrne	20. Mairead O' Rourke	

7.3.2. The observations are primarily from residents within the immediate vicinity of the appeal site. Similar concerns are raised within the observations and in order to avoid undue repetition within the report the following provides a summary of the key points raised within the observations.

**Material Contravention of Z15 Zoning**

- The observations outline that the proposal constitutes a material contravention of the site's Z15 zoning objective. The development is deemed contrary to the requirements and objectives set out within Section 14.7.14 of the Dublin City Development Plan. The application does not address the previous reason for refusal on site of material contravention of the zoning objective pertaining to the site.
- The observations outline that the development is contrary to the requirements set out in Section 14.7.14 of the DCDP. In this regard, it is stated that The applicant has failed to demonstrate that "highly exceptional circumstances" apply to support the development or that the development is "required" for the future operation of the school. The site is zoned for Community and Social Infrastructure and there is a demand for such uses within the area. The



development will result in the loss of playing fields used by the school and others. No audit of the site would determine that it is not viable or suitable for social or community use (particularly recreational use).

- The observations outline that the scale and density of the development could not be considered “limited” (as required under AC 1). The observations outline that Dublin City Council’s planner’s report fails to address this matter.
- It is stated that the proposed development will not be “subordinate in scale” to the existing school (in accordance with AC 2). The DCDP relates to the overall school building not the Z15 lands. The heights, massing and scale of the development will dominate the school buildings as illustrated on the contiguous elevation (Block B). The proposed development will dominate the 2 storey buildings of the College at a profoundly greater scale and overall density.
- The applicant has also failed to provide evidence that the Z15 use has ceased (Category B).
- The open character of the site from Greenlea Road will be lost and the existing boundary along Fortfield Road will be replaced (contrary to the requirements of AC4).
- It is not clear if there are legal agreements for retention and enhancement of the school in accordance with AC5.
- A letter from the Department of Education wasn’t submitted in support of the application. The observations refer to the submission from the Department of Education on the previous application pertaining to the site which outlined that the proposal would impair the ability of the Department to plan for schools in the area. No rationale or justification for why this should have changed is provided for by the applicant.
- There is no basis to conclude that the open character of the site will be maintained and not compromised. A minimum requirement of 25% of Z15 lands is required for open space and/or community facilities. No public open space is provided on the Z15 lands. The development includes open space on the Z11 zoned lands. The 25% relates to Z15 zoning objective only.

- The site Masterplan is not considered to constitute a true masterplan as required for under the provisions of Section 14.7.14 of the Dublin City Development Plan. The masterplan is indicative only and includes the pond which should not be included in the future proofing of the site. The logical location for the expansion of the College is onto the appeal site.

#### Project Splitting

- The observations refer to the concurrent application for access to the site under South Dubin County Council PA Ref: SD 24A/0268W. This proposal formed part of the refused development under PA Ref: LRD6004/22. The sub-division of the applications amounts to project splitting.
- The proposed access arrangements are not assessed within the Environmental Impact Assessment Screening Report. The observations question the validity of the screening process in this regard.
- off/pick up areas.

#### Scale, Height and Density

- Proposed height and density of the development is unsuited to the character of the area. The design, layout, scale, height and mass of the development has not had any regard to the modest height and character of adjoining residential properties and will have a long term and profound impact on residential amenity and the character of development in the area.
- The scale of the development, with a potential population increase of 948 people, representing nearly 10 percent of the current population of Terenure will place an unmanageable burden on existing community resources and infrastructure.
- The Compact Settlement Guidelines state that net densities in the range of 40 to 80 units per hectare should be provided at suburban and urban extension locations such as the application site. The proposed net residential density is in conflict with these Guidelines.
- The net residential density is in conflict with Policy SMT27 and Appendix 5 Section 4 of the Dublin City Development Plan, Section 5.3.4 of the Sustainable Residential Development and Compact Settlement Guidelines for

Planning Authorities (2024) and Section 4.23 of the Sustainable Urban Housing: Design Standards for New Apartments (2023) and should be refused.

- Building heights are not transitional from Greenlea Road, Greenlea Grove, Greenlea Park, the rugby club and the school. The application fails to provide views from 3 of the 4 boundaries.
- The height at the north end is deemed excessive. The scheme includes 3-5 storeys at a height of 57m from Greenlea Road. The development will be visually obtrusive from Greenlea Road. The height of the northern end of the scheme should be reduced to 3 storeys.
- The height of the development has an overbearing impact on the surrounding residential area. A maximum height of 4 storeys should be provided on the site.
- The height and density of the development contravenes several Dublin City Development Plan objectives.
- The proposal constitutes an overdevelopment of the site. The proposal is not subordinate to the school, would not be considered a limited residential development and does not reflect the scale of development within the vicinity in accordance with SPPR 3 of the Building Height Guidelines.

#### *Impact on Residential Amenity Overshadowing*

- The application doesn't provide an overshadowing analysis for mid-winter. During winter months the development will overshadow Greenlea Road to its north and rugby pitch to the east.
- The application illustrates overshadowing of the all-weather rugby pitch even in March.
- The 6 storey apartment blocks will cast long shadows over homes on Greenlea Road significantly blocking daylight and reducing privacy for residents.
- The excessive height of the development will result in loss of residential amenity for existing properties in the area.

- The development will have a negative impact on the value of properties adjoining the boundaries of the appeal site on grounds of the overbearing nature of the development, decrease in light, privacy and residential amenity.
- The usability of the proposed public open space is questioned.

### Flooding

- The site includes Flood Zone Areas A and B. Planning permission was previously refused for development on site for reasons including flood risk. The observations outlines that this is not sufficiently addressed within the application. Flooding is dismissed as being pluvial in nature within the submitted Flood Risk Assessment and the FRA does not address displacement of the water table and impact on surrounding houses.
- Inaccurate information within the planning application form (Question 18 re history of flooding). The site has been prone to pluvial flooding after heavy rain. This is contrary to the Site-Specific Flood Risk Assessment which refers to flooding on the site. The observation raises concern in relation to flood risk on adjoining properties.
- The observations refer to contradictory statements within the FRA (Section 1 and Section 4.6. It is unclear whether the FRA has taken into account that the site has a history of pluvial flooding.
- The observations refer to the history of flooding from the Lake on site and raises concerns in relation to flooding of Lakelands Park.
- A survey of over 100 residents in the Greenlea/Parkmore areas showed that 90% of residents have been affected by flooding. The development of the site will result in flooding elsewhere in the area. One observation includes photographs of properties flooded in the area.
- The observations refer to the site contours as being similar to a shallow bowl and outlines that the site currently acts as a floodplain. The observations raise concern in relation to the proposed infilling of the site and lack of assessment of the impact of increased flood risk to surrounding properties at Lakelands Park and Greenlea Road.

- The observations raise concern in relation to the siting and capacity of the proposed attenuation tanks. The attenuation tanks are provided at the highest point of the site in the vicinity of Fortfield Road. These should be provided at the lowest point of the site in the area prone to flooding. Observations furthermore outline that they may not have capacity to manage water accumulation as grounds conditions have poor infiltration conditions.
- Clarification is required in relation to the presence of a spring on site as illustrated within historical mapping.
- It is stated that given the private ownership of the lands CFRAMS mapping would not provide an accurate history of flooding on the site.
- No rezoning of land should be carried out without the complete implementation of the Poddle FAS.
- Flood risk is a serious concern against a background of ever present and growing climate change.
- No detailed assessment of flood risk associated with the lake is provided. The lake provides relief from flooding of the River Poddle.
- It is unclear on what basis the FRA can conclude that the proposed larger basement has no impact on flood risk or hydrology.
- The proposed location of residential development partially within a flood zone is contrary to the advice at Section 3.5 of the Flood Risk Management Guidelines and Section 4.5.2.1 of the Dublin City Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.
- The observation on the appeal from David Byrne includes a Hydrology Review prepared by Envirologic Hydrological Consultants which raises concern in relation to the infilling of the site within a designated flood zone and information deficiencies within the Site-Specific Flood Risk Assessment. In particular it is stated that the applicant's FRA fails to analysis how the Poddle Alleviation Scheme will interact with the on-site pond and the proposal is deemed premature pending the delivery of the Poddle Alleviation Scheme. It

is stated that the previous concerns by the Board in relation to flood risk have not been overcome.

#### Impact on Water Quality / Water Framework Directive

- The environmental assessments do not adequately address the impact of the proposed development on waterbodies (including the lake on site which is connected to the River Dodder) and in particular the objective of the Water Framework Directive to prevent the deterioration of the ecological status of waterbodies.
- The observations cite case law including CJEU (Case C 461/13 and C525-20) outlines that no assessment has been made by the developer on impacts on the existing lake on site or the River Dodder. In the absence of a WFD report the Board should refuse permission for the development.
- Monitoring of the environmental quality of the lake should be carried out in the instance of a grant of permission for the development.

#### Access and Traffic Impact

- Observations raise concern in relation to vehicular or pedestrian access from the Lake and its Environs to Lakelands Park. While no access to Lakelands Park is proposed within the subject application, the Board is requested to include a condition to this effect to prevent future revisions to the access arrangements. It is requested that the gate is replaced by a wall.
- The observations raise concern in relation to negative consequences associated with opening these gates including: antisocial behaviour, overflow parking by residents of the scheme given the insufficient parking provision within the development, parking by members of the public wishing to access the lake in addition to existing parking overspill associated with Terenure Rugby Club and future overspill of parking associated with the completion of the Templeogue Bus Connects project.
- Traffic Impact – There are 5 schools within the vicinity and there is significant traffic congestion on Fortfield Road/ Greenlea Road in the morning and afternoon during school term time. The proposed development would exacerbate traffic congestion.

- Access to the site from Fortfield Road is narrow and cannot safely accommodate the volume and diversity of traffic on Fortfield Road. The proposed 4-way signalized junction at Fortfield Road will significantly impact traffic flow. Bus Connects will further restrict car movements. A comprehensive redesign of the access is required.
- A full Road Safety Audit and Traffic Management Plan should be provided.
- Lack of joined up thinking between Dublin City Council and South Dublin County Council resulting in inefficient and uncoordinated traffic management within the area. There is a requirement for an Integrated Campus Access to Templeogue Road to serve the entire Terenure College Campus.
- Overspill of traffic associated with the permitted Terenure Rugby Club Redevelopment. 340 people travelling for games to a car park with provision of 79 spaces. Overspill from the Rugby Club causes daily traffic issues.
- Each development within Terenure is being assessed in isolation despite evidence of strained infrastructure. There is a lack of holistic assessment in the area.
- The surrounding road network is incapable of accommodating traffic generated by the development. The observations outline that people returning to work post Covid will lead to additional congestion.
- Insufficient parking is provided leading to parking overspill within the area. The receiving environment comprises Fortfield Road which is due to receive feeder cycle lands and other adjacent roads including Greenlea Road/Park, Parkmore Drive, College Drive/Park, Fortfield Grove and Wainsfort Grove are narrow and unsuitable to cater for overspill of parking. The observations outline that the suggestion that 10 Go Cars are likely to replace over 250 private cars is utterly unrealistic.
- The observations question the designation as an Accessible location within the application documents. The site is over 600m to the 1159 bus stop and does not fall within the definition of an Accessible location. The bus connection to City West (65B) is infrequent (16 times over 18-hour period)

and is in excess of 600m from the site. The site is over 4km from the Luas line and there are therefore no linkages to Sandyford.

- There is insufficient capacity of buses serving Terenure, particularly at peak times.
- The observations outline that the traffic report only considers junctions in the vicinity of the site. The next junctions including the KCR junction, Terenure Village and Templeogue Village are congestion blackspots. An independent review of these junctions is required as all traffic is dependent on these junctions.
- The area is served by insufficient cycle infrastructure.
- The application does not consider the impact of a ban from Fortfield Road onto Greenlea Road.
- While the application outlines that there is no public right of way through the site, local people have been accessing the site for recreational purposes for generations.
- The roads in the area are congested and in need of safety measures. Residents in the area have been seeking safer crossings and traffic calming measures on Greenlea and Fortfield Road.
- The area is suburban in nature with mediocre public transport. Cars will be needed by residents and the proposed parking provision is insufficient.
- The distance to the closest bus stop is over 500m as stated in the application.
- The observations refer to the high court case of Ballyboden Tidy Towns Group V's An Bord Pleanala (IEHC 7) which raises a distinction between bus frequency and capacity. It is stated that similar considerations arise in the context of the proposal.
- The development provides reduced public access to the Lake.
- Table 3.8 of the Compact Settlement Guidelines is clear in the definition of the area as a suburban area with frequency of bus services and quality of bus infrastructure (existing and planned) is inadequate.



- The proposed increase in parking from 157 (as proposed within the application) to 195 (within the 1<sup>st</sup> party appeal) does not address the concerns of Dublin City Council's reason for refusal. The proposal remains contrary to Development Plan provisions and SPPR3.
- Revised proposals for increased basement have not been addressed sufficiently in terms of its wider impact on the environment. This option should be dismissed by the Board.
- The location of the site relative to public transport provision, services in terms of shops and other facilities or employment has not altered since the original decision.
- The spaces allocated for non-residential use are significantly insufficient and will result in further overflow car parking into adjoining residential areas.
- The observations outline that the Go Car assumptions (i.e. that 1 go car can replace 15 cars) are based on City Centre environment where there is a younger demographic. Use of go car should be in accordance with "Terenure Park Go Car" dataset.
- The quantum of cycle parking is more akin to a city centre development.
- Requirement for a cycle park in the area which could be accommodated as part of the development – in accordance with Objectives SMT 19 and SMT 20 of the DCDP.
- The observations raise significant concern in relation to parking overspill from the development. It is stated that Lakelands Park is narrow particularly at Greenlea Road end and overspill parking will obstruct access to homes and obstruct emergency access vehicles. No parking survey of adjoining residential areas including Greenlea Road, College Park, Fortfield Park and Fortfield Road was provided.
- Insufficient visitor parking.

### Planning History

- The observations on the appeal refer to the planning history pertaining to the site and the decision of An Bord Pleanála to refuse permission for an LRD

development on site under ABP Ref: The observations outline that the reasons for refusal on the previous application have not been overcome and remain to apply in the instance of the proposal.

- The observations support DCC's notification of decision to grant permission for the development and refer to other substantive issues that the Board is requested to consider including: contravention of Z15 zoning objective, flood risk and contrary to Appendix 3 of the Dublin City Development Plan – Achieving Compact Growth Policy for Density and Building Height, Sustainable Urban Housing, Design Standards for New Apartments.

#### Format of Development

- The observations raise concern in relation to the build to sell nature of the development. There is no guarantee against a single investor or agency purchasing the majority of units. This scenario would undermine the development of a stable and integrated long-term community.
- In the instance of a grant of permission the Board is requested to include a condition prohibiting wholesale disposal of apartments to investors.

#### Social Infrastructure

- The observations outline that there are insufficient services, facilities and amenities within the area (incl. GP's, medical clinics, schools, clubs, creches, dentists etc.). Schools in the area are oversubscribed.
- The observations cite Census 2022 results which illustrate that the Rathmines, Terenure and Templeogue areas have a higher percentage of population within the age group categories of 20-39 than the national average.
- Playing pitches were used by the Senior School. They cannot be deemed surplus to requirement on the basis of the closure of the Junior School.

#### Proposed Creche

- The proposed creche is inadequate to meet the needs of the anticipated no. of children (984 residents accommodating 186 no. children) and demonstrates a lack of understanding of the logistical requirements of childcare.

- The observations raise concern in relation to the siting of the creche at back of the site and insufficient car parking (2 no. dedicated spaces) with no drop

### Impact on Wildlife

- There will be a negative impact from wind associated with the development. Tree planting will not negate this issue.
- The observations raise concern in relation to the impact of the development on bats and birds. The application doesn't specify what measures it will take to protect wildlife in the area including Brent Geese, Canadian Geese, Oyster Catchers, Egret, Swans, Herrons, Moorhens which use the site and frogs and newts.
- The lake provides an important ecosystem which rely on the existing mature trees, open green space and lake for foraging, shelter and breeding. The development will result in severe and irreversible consequences for such wildlife.
- The impact of the development on wildlife has not been appropriately assessed within the application. A full and independent survey (covering all 4 seasons) is required to inform the application. Lighting and noise impacts should be assessed under the Bat Conservation trust guidelines.
- The observations raise concern in relation to the robustness of methodology and conclusions reaches within the Ecological Impact Assessment submitted in support of the application. The observations raise concerns in relation to the short period of the bird survey (February 2022). The bird survey fails to acknowledge the presence of Brent Geese on the site. Images of Brent Geese on the site are submitted with the observations.
- The use the lake as an amenity space for a residential development and associated light pollution will impact on its sensitive environment and bat habitats.
- The proposed new fencing along the College side of the Lake will potentially block wildlife access to the Lake, disrupting local ecosystems and reducing the amenity value of the lake for the community.

- Insufficient detail is provided in relation to the long-term management and maintenance of the lake. Approximately 120 no. trees around the lake are identified as being in poor condition or dead. No plans are provided for their removal or replacement.
- The lake suffers from over silting, uncontrolled algae growth, an accumulation of fallen trees and debris and a reduced flow rate.

#### Community Engagement

- The observations outline that there is a requirement for meaningful community engagement.

#### Part V

- The observations raise concern in relation to the concentration of all social housing in one block. It is stated that the development fails to provide genuine social integration in this regard.

#### Management of Development

- The observations raise concern in relation to the management of the lake and the development. Clarity in relation to the care and maintenance of the lake is important.

#### Application Documentation

- The observations raise concern in relation to inaccurate and conflicting information within the application documentation in relation to the distance from the site from Terenure and Templeogue Villages and proximity of closest schools.

#### Technical Issues

- The observations raise technical issues in relation to Dublin City Council's website during the application process – Issues arose in making online observations, observations not being uploaded on DCC's website and unavailability of files for inspection.
- Insufficient public consultation phase of 5 weeks.

## **7.4. Further Responses**

7.4.1. The revised drawings and documentation submitted in conjunction with the 1<sup>st</sup> party appeal was deemed significant by the Board and the applicant was requested to advertise. 6 no. observations were received during the 5-week consultation period from the following:

- Greg Ward
- Sinead McCarthy
- Cara and Olwen Rothwell
- Denis and Carmel Cogan
- C Mac Carthaigh
- Elizabeth Smyth

7.4.2. The issues raised within the observation primarily reflect those raised within the observations on the appeal and are briefly summarised below:

- Access Arrangements and Traffic Impact: The proposed single entrance is not appropriate for the scale of development proposed. Cumulative Traffic Impact associated with the development and BusConnects.
- Lack of Cycle Infrastructure within the area.
- Insufficient Car Parking: While the provision of additional parking is welcome it is still deemed insufficient to serve the development. Concerns are raised in relation to parking overspill to adjoining residential areas.
- Flood Risk: Covered Streams on Site. The holding tank in the basement should be taken in charge by DCC.
- Impact on Wildlife
- Impact on Lake and Management of Open Space: The proposed increased footfall associated with the development cannot be supported in fragile ecosystem and is contrary to the Z11 zoning objective of the site. Insufficient information is provided in relation to the management of the Open Space. Concerns are raised in relation to any future restrictions on access to the lake.

One observation questions the legality of including the Z11 zoned lands within an application for Z15.

- Gate at Lakelands Park: The Board is requested to include a condition precluding the opening of the gate.
- Height and Density: The height and density is deemed excessive for the area. The proposed no. of units should be reduced by a further 30%.
- Insufficient Social Infrastructure within Area: lack of Health Facilities and School Capacity.
- Part V proposals are deemed inappropriate.

## **8.0 Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the observations received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Density and Accessibility
- Flood Risk and Surface Water Drainage
- Design and Layout
- Traffic, Transportation and Car Parking
- Height and Impact on Visual Amenity
- Impact on Residential Amenity of Existing Properties
- Residential Amenity of Proposed Development
- Social and Community Infrastructure
- Impact on Water Quality – Water Framework Directive
- Impact on Ecology/Wildlife
- Other Issues

The first party appeal is accompanied by revised drawings and documentation which seek to address the concerns raised within Dublin County Council's notification of decision to refuse permission for the development. The revised proposal includes the

provision of an extended basement plan to provide an increased car parking provision of 195 no. parking spaces. The appeal documentation was deemed significant by the Board and the applicant was requested to readvertise. For the purposes of clarity, I have based my assessment on the revised layout.

## **8.2. Principle of Development**

- 8.2.1. The application site is primarily greenfield and was previously used as playing pitches associated with the Terenure College junior school. The eastern area of the site is occupied by a lake and woodland area. The proposed residential development includes 19 no. houses and 265 no. apartment units, a creche, community and cultural arts space and residential amenity space. Access to the development is proposed via Fortfield Road.
- 8.2.2. The site is subject to three zoning objectives within the Dublin City Development Plan 2022-2028:
- The bulk of the site is subject to zoning objective Z15 – ‘To protect and provide for community uses and social infrastructure’.
  - The lake has zoning objective Z11 – ‘To protect and improve canal, coastal and river amenities’.
  - A small area to the northeast of the lake is zoned Z1 – ‘to protect, provide and improve residential amenities’. The proposed residential development is all situated within the Z15 area.
- 8.2.3. The proposed residential development is located solely on lands zoned for Z15 purposes. Landscaping is proposed in the area zoned for Z11 and Z1 purposes as illustrated on the Landscaping Plans (Drawing no. L1-103 – General Arrangement). Residential use is open for consideration within the Z15 zoning, but only in highly exceptional circumstances, as provided for under Scenarios A (Development on Z15 lands) and B (Development following cessation of Z15 Use) as detailed below.

### **A. Development on Z15 Lands**

*Limited residential/commercial development on Z15 lands will only be allowed in highly exceptional circumstances where it can be demonstrated by the landowner/applicant that the proposed development is required in order to maintain or enhance the function/operational viability of the primary*

*institutional/social/community use on the lands. The following criteria must also be adhered to:*

- In proposals for any limited residential/commercial development, the applicant must demonstrate that the future anticipated needs of the existing use, including extensions or additional facilities would not be compromised.*
- Any such residential/commercial development must demonstrate that it is subordinate in scale to the primary institutional/social/community use.*
- Where appropriate, proposals should be subject to consultation with the relevant stakeholder e.g. Department of Education/Health Service Executive.*
- The development must not compromise the open character of the site and should have due regard to features of note including mature trees, boundary walls and any other feature(s) as considered necessary by the Council.*
- In all cases, the applicant shall submit a statement, typically in the form of a business plan, or any other relevant/pertinent report deemed useful and/or necessary, as part of a legal agreement under the Planning Acts, demonstrating how the existing institutional/social/community facility will be retained and enhanced on the site/lands.*
- In all cases the applicant shall be the landowner or have a letter of consent from the landowner.*

8.2.4. The application includes a Z15 Compliance Statement, Letter from the Landowner and Masterplan which collectively address compliance with the criteria set out under Section 14.7.14 of the Dublin City Development Plan 2022-2028. The following provides a summary of the key points raised within these documents.

#### **Z15 Compliance Statement**

- This outlines that the site is considered to fall under Category A) Development on Z15 lands. The remainder of the land, outside of the site the subject of this application, remains in educational use. Therefore Section 14.7.14 B) is not considered to be applicable in this instance.
- The application site ceased use as Institutional/Educational in 2018 (when the Junior School closed).



- The compliance statement addresses compliance with each of the criteria listed in Section 14.7.14 of the Plan as summarised as follows:
  - i. The retention of the existing education use of the wider landholding is guaranteed as a result of this redevelopment, providing the financial stability and viability for Terenure College to continue into the future.
  - ii. The submitted Masterplan illustrates that there is ample space and opportunity for expansion of the school. The proposal will not compromise or restrict the ongoing institutional use of Terenure College or restrict its future expansion. The school could nearly triple in size while still retaining 6 no. playing pitches on site to the north and north-east of the existing buildings. A further 2 additional post primary schools of 1,000 pupils on this site could be accommodated, or a primary and post primary, or a combination.
  - iii. Terenure College has a variety of building types which range in height, footprint and massing. The primary use of this land, for educational purposes, will remain on c.77% of the land. Only 13% of the site is proposed for the residential element of the development. The remaining 10% is Z11 zoned lands and will be landscaped, providing public access to this area along with the new public park because of this residential proposal. The layout of the proposed development is to contain all new buildings to the north-western side of the site, to the north of the existing Terenure College. The two and three storey houses are located to the north of the site adjacent to the existing two storey residential. The apartments, form a transition from the more domestic scale to the larger existing school buildings. Therefore, it is considered that the scale of the proposed development is subservient to the educational use both in terms of land take and visually. The scale of the proposed development, in terms of land take is smaller than that of the educational use retained on the site, and as such, is subservient to the primary use of the site.
  - iv. The Carmelite Order and Terenure College have confirmed that the land is surplus to requirements. The Carmelite Order has also consulted with the Department of Education since the previous decision on this site and the

Department of Education has confirmed to the Carmelite Order that the application site is not necessary for additional school provision in the future.

- v. The site is currently a green field site with a lake and woodlands to the east. The site is enclosed and inaccessible to the public at present. The development will open the site to Fortfield Road and create visual and physical linkages to the site. The development includes the provision of a public park on lands zoned for Z15 purposes along with the enhancement of the Z11 zoned lands in the vicinity of the lake, c.56% of the site delivered as Public Open Space. The compliance report cross refers to the Campus Masterplan document which illustrates that Terenure College could nearly triple in size, delivering three times the number of student places while retaining 65%, or 12.8ha of the total site area as Open Space.
- vi. The Statement of Compliance is considered to be an appropriate report demonstrating the intention that the remaining lands continue to be used for Educational Use. This is further demonstrated by the Carmelites Order retaining c. 77% of the land. Only 23% of the land is proposed for sale. The sale of this land will enable reinvestment into Terenure College. A draft legal agreement can be provided subject to the final grant of planning permission. This can be dealt with by way of condition.
- vii. A letter of consent from the landowner, the Carmelites Order, was submitted in support of the application.

#### Letter from Landowner

- The application includes a letter from the Carmelite Order, who currently own the site. The letter outlines that the overall Terenure College site has an area of 19.6ha and that the application site (2.65 ha) is surplus to the requirements of the Order. It is stated that there is sufficient capacity on the balance of the landholding to accommodate expansion of school facilities on the residual 15ha lands.
- The letter outlines that the development will provide a capital injection into the Terenure College thereby securing its future viability as a secondary school,

as well as benefitting the Order's work and ministry in Ireland, Zimbabwe and other parts of the world.

### Campus Masterplan

- A Masterplan is included within Section 4.0 of Architectural Design Statement. This outlines that the site was previously used to grow vegetables when the College operated as a boarding school and after 2016 as a playing pitch associated with the former Junior School. The school closed in 2018, and the land ceased to be used.
- The Masterplan illustrates future indicative development of the Terenure College Campus. The application site, with an area of 2.64 ha, represents 13% of the overall campus area of 19.6ha.

- 8.2.5. The observations on the appeal outline that the principle of the proposed development constitutes a material contravention of the Z15 zoning objective pertaining to the site. It is stated that the applicant has failed to demonstrate that the development comprises “highly exceptional circumstances” or that the proposal is required to maintain the established use on the site. The observations outline that the site is required for education/community use to accommodate on-site sports pitches or educational facilities for the wider area and outline that existing schools within the area are at capacity. The observations furthermore outline that Terenure College is thriving, with long waiting lists and its future viability is not in question.
- 8.2.6. The observations cross refer to the previous application pertaining to the site (LRD6004/22-S3, ABP Ref: 314390-22) wherein permission was refused for a residential development on the site for grounds including material contravention of the Z15 zoning objective pertaining to the site on the basis that it has not been demonstrated that the site is not needed for its established educational and recreational use in accordance with the objectives and requirements set out in section 14.7.14 of the Dublin City Development Plan 2022-2028. It is stated that similar concerns arise in the context of the proposed development.
- 8.2.7. In considering the concerns raised within the observations, I note that Dublin City Council accepted that the applicant had submitted an adequate justification for the development of the Z15 zoned lands and the Planning Authority's decision did not raise concern in relation to material contravention of the Z15 zoning objective. I refer

to the submission made on the application from the Department of Education which outlines that it is the general position of the Department that the land use zoning should determine the future of the lands and that any development on Z15-zoned lands should therefore be protected for future educational and community use. Notwithstanding this, the submission outlines that having regard to the large size of the overall Terenure College site relative to most school sites the Department is satisfied from its consultation with the School Trustees that the balance of the lands (c.44.5 acres) provide sufficient scope to cater for the wider educational needs of the area, if and when they are required. In this context, it is stated that they are not opposed in principle to the development of the site for uses other than educational.

- 8.2.8. In addition to the above, I consider that the applicant has made sufficient justification that the development is surplus to requirements and would fund the future needs of the school and charitable work of the Carmelite Order. I consider that “highly exceptional circumstances” can apply in the instance of the proposal in the context of the overall size of the Terenure College landholding, particularly when viewed in the context of other educational premises as detailed within the applicants Z15 Compliance Statement. The application documentation outlines that the site is privately owned and the previous uses of the site as playing pitches and a vegetable garden have now ceased. In terms of the requirement for playing fields in the area, I consider that the submitted masterplan has demonstrates that sporting facilities will be retained as part of any future development of the Terenure College lands.
- 8.2.9. The observations furthermore outline that the applicant has failed to provide evidence that the Z15 use has ceased (Category B). I accept the case set out within the application documentation that Category B does not apply in the instance of the proposal as the educational use of the site has not ceased.

**Material Contravention of Z11 zoning objective**

- 8.2.10. An observation on the appeal outlines that the proposed residential development would constitute a material contravention of the Z11 zoning objective pertaining to the site which seeks “*to protect and improve canal, coastal and river amenities*” on the basis of increased footfall through the area. In considering the issue raised I note that no residential development is proposed within the area of the site zoned for Z11 purposes. The proposal includes enhanced landscaping on lands zoned for Z11

purposes as illustrated within the landscaping plans. The proposed seeks to enhance the area around the existing lake by providing additional planting enhancing the existing area, restoring and improving the ecology and biodiversity of this area through the provision of native planting. In my view the proposed landscaping scheme provides for enhancement of the existing lake in accordance with the Z11 zoning objective pertaining to the site. The application is accompanied by an Existing Pedestrian Bridge Inspection and Assessment Report which recommends improvements to the bridge and outlines that subject to the implementation of same that the bridge will have sufficient capacity to accommodate pedestrian/cyclist capacity.

- 8.2.11. As detailed further within this assessment I furthermore consider that the development has been designed to negate against impact on existing wildlife in this area as detailed within the Ecological Impact Assessment submitted within the application and the mitigation measures set out therein. I consider that the provision of enhanced access to the woodland and lake area will provide a significant planning gain to the local community. I am satisfied that the development is not contrary to the Z11 zoning objective.

### Conclusion

- 8.2.12. Notwithstanding the issues raised within the observations on the appeal and having regard in particular to the contents of the submission on the application by the Department of Education, I consider that an adequate justification has been given for the principle of the proposed residential development on the Z15 lands under the criteria for Category A above. I do not consider that the proposal would constitute a material contravention of the Z15, Z11 or Z1 zoning objectives pertaining to the site. I consider that the principle of the development of the site for residential purposes can be considered subject to compliance with the detailed criteria set out under Section 14.7.14 of the Dublin City Development Plan relating to the scale and design of the development and other considerations including flood risk, traffic and impact on amenity as considered in further in this assessment.

## **8.3. Density and Accessibility**

- 8.3.1. The observations on the appeal raise concern in relation to the excessive density of the development. The observations refer to the planning history pertaining to the site

under ABP Ref 314390-22 wherein permission was refused for a residential development on site for reasons including excessive density as detailed below:

3. *The density of the proposed development exceeds that recommended for outer suburbs in Table 1 of Appendix 3 to the Dublin City Development Plan 2022-2028. The site is considered to be an intermediate urban location as set out in section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2022, and it is considered that the proposed density is not justified by the available capacity of current public transport facilities. The quantum of housing proposed is, therefore, excessive and would, therefore, be contrary to the proper planning and sustainable development of the area.*

8.3.2. The observations outline that this reason for refusal has not been overcome within the current application and state that the development is excessive and contrary to national and local policy provisions and the prevailing density in the area.

8.3.3. The application and appeal documentation outline that the proposal has been designed to address the reasons for refusal under ABP Ref. 314390-22. In this regard it is stated that the overall quantum of residential units proposed has been reduced from 385 no. units, as previously proposed, to 284 no. units (minus 101 units) and the overall density of the development has reduced by 27%. The proposed density of 107 uph is deemed in accordance with the provisions for Outer Suburbs as set out within Appendix 3, Table 3 of the DCDP (60-120 uph). The first party appeal furthermore refers to the changing policy context pertaining to the site including the publication of the Compact Settlement Guidelines and improvements to public transport provision in the area. The development plan also states that 'It is acknowledged that schemes of increased density are often coupled with buildings of increased height and scale. Where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply'.

8.3.4. I am satisfied that the proposed development is in compliance with the density range for the Outer Suburban Areas as set out within the Dublin City Development Plan 2022-2028. In this case, I am satisfied that the proposed development is generally in

line with Development Plan policy and does not materially contravene any specific density objectives. Notwithstanding this, given that the density of the development is higher than the prevailing density in the immediate vicinity of the site, and within the higher end of the density range as set out for outer suburbs area within the DCDP, I have considered the proposal in line criteria set out within Appendix 3 (Table 3) of the Plan in Section 8.7 of this assessment. Compliance with the criteria set out within Appendix 3, Table 3 is assessed by the applicant within the Local Policy Section of the Planning Report accompanying the application.

- 8.3.5. The observations on the appeal outline that the scale and density of the development could not fall within the classification of “limited residential development” as provided for on Z15 zoned lands. At the outset I note that there is no definition for what constitutes limited residential development within the Dublin City Development Plan 2022-2028. A case is made within the application documentation that the proposed residential development is confined to the northwest of the College Campus and the proportion of the overall campus lands is limited in comparison to the lands retained for educational use. I accept the case made by the applicant in this regard. In terms of the proposed density, I note that the site is located within Outer Suburbs area wherein a density range of 60 to 120 is set out within the Dublin City Development Plan and the proposed density of 107 uph is within this range.
- 8.3.6. National policy seeks to encourage the consolidation of urban areas, and this generally means that the density of units will increase in such a location. The Dublin City Development Plan incorporates and expands on this national policy and seeks to increase the number of residential units in appropriate locations throughout the city area. Dublin City Council’s notification of decision to refuse permission for the proposed development outlines that the development is contrary to national policy as set out within Section 5.3.4 of the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) and Section 4.23 the Sustainable Urban Housing: Design Standards for New Apartments (2023). I have considered the proposed density in accordance with the standards set out within these guidelines separately as follows.

*Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024)*

- 8.3.7. Table 3.1 of the Guidelines sets out Areas and Density Ranges for Dublin and Cork City Suburbs. The applicant has made a case that the appeal site falls within the classification of City-Urban Neighbourhoods within Table 3.1. Dublin City Council outlines that the site falls within the category of City Suburban Expansion Area. I do not consider that the site would fall within the category of City-Urban Neighbourhoods given its distance of over 6km from the City Centre within a residential suburban area and its distance from planned and existing high-capacity public transport. I concur with the classification of DCC and consider that the appeal site falls within the category of Suburban/Urban Extension Area.
- 8.3.8. The Guidelines outline that residential densities in the range of 40 dph to 80 dph shall be applied at “Suburban/Urban Extension Areas” and that densities of up to 150 dph shall be open for consideration at “accessible” suburban/urban extension locations. The proposed density at 107 uph is over and above the 40 to 80 uph density range. However, the applicant has made a case that the site falls within the classification of an “accessible location” in accordance with the definitions set out within Table 3.8: Accessibility of the Guidelines. I consider this point as follows.

*Public Transport Accessibility*

- 8.3.9. At the outset, I note that there are a number of conflicting references throughout the application and appeal documentation to the designation of the site in accordance with the definitions set out within Table 3.8 of the Guidelines which relates to Accessibility. In particular I note the reference with the appeal and applications documentation to designation of the site as a “High-Capacity Public Transport Node or Interchange” which is defined within the Guidelines as follows: *High-Capacity Public Transport Node and Interchange: Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail, light rail or MetroLink services; or locations within 500 metres walking distance of an existing or planned BusConnects ‘Core Bus Corridor’ stop.* I am satisfied that the site would not fall within this classification.



8.3.10. The key issue within the appeal relates to whether the site is designated as an “Accessible” or “Intermediate” location in the context of Table 3.8 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024. Such locations are defined as follows within the Guidelines:

- *Intermediate Location: Lands within 500-1,000 metres (i.e. 10-12 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services; and Lands within 500 metres (i.e. 6 minute walk) of a reasonably frequent (minimum 15-minute peak hour frequency) urban bus service.*
- *Accessible Location: Lands within 500 metres (i.e. up to 5–6-minute walk) of existing or planned high frequency (10-minute peak hour frequency) urban bus services.*

8.3.11. The application documentation is accompanied by a Traffic and Transport Assessment, Public Transport Capacity Study and Residential Travel Plan which address the existing and proposed public transport serving the site. In terms of existing public transport provision, the site is directly served by the 54a bus route utilising stops located on Fortfield Road. This bus route typically operates at 30 minutes headways throughout the day and provides a low frequency. The closest bus stops on Templeogue Road are located over 600m from the appeal site (1125 southbound, 1158 northbound). These are serviced by routes 15, 49, 65 and 65b. The Public Transport Capacity Study submitted in support of the application outlines that there is capacity on existing northbound and southbound services during the am and pm peak periods. On the basis of existing public transport provision I am satisfied that the site would not fall within the classification of an “accessible” location.

8.3.12. A case is made within the appeal that the proposed improvements to the public transport provision as part of BusConnects proposals will enhance the accessibility of the site. In particular route F1 will operate on Fortfield Road to the west of the application site providing a min 10-minute peak hour frequency.

8.3.13. The application documentation furthermore outlines that the existing bus stops along Templeogue Road will be relocated as part of the approved Templeogue/Rathfarnham to City Centre Core Bus Corridor Project. Figure 11.1 of the TTA

submitted in conjunction with the 1<sup>st</sup> party appeal outlines that the boundary of the appeal site falls within 500m of this relocated bus stops on Templeogue Road (499.41m). These form part of the A3 and A1 routes. This is disputed by the Transportation Planning Division in DCC who outline that the site falls outside the 500m band and furthermore outlines that none of the proposed residential units or blocks are within 500m of the bus stop. I have considered the detailed case made by the applicant and the Planning Authority and I consider that the appeal site is located over 500m from the proposed relocated bus stop and acknowledge the case made within the Transportation Planning Report that none of the proposed residential units or blocks would be within 500m of the proposed relocated bus stop.

- 8.3.14. Notwithstanding the above, on the basis of planned public transport improvements to the F1 route along Fortfield Road, it is my view that the site would fall within the classification of an “accessible” location within the Compact Settlement Guidelines. I refer to the submission on file from the NTA which outlines that on delivery of the F1 public transport in the site would be satisfactory. Densities of up to 150 uph can be considered acceptable within such locations and I am satisfied that the development at 107 uph falls within this range. I would furthermore highlight that the development is within the density rate of 60 to 120 uph in the Outer Suburbs as set within Table 3 of the Dublin City Development Plan 2022-2028. The Development Plan outlines that

*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023*

- 8.3.15. The application documentation makes a case that the appeal site is located at the cusp between a Central Accessible Urban Location and an Intermediate Urban Location. Under the previous application pertaining to the site under ABP Ref: 314390-22, the Board outlined that the site would be classified as an Intermediate Urban Location on the basis of the suburban location of the site and existing and planned bus services. Dublin City Council outline that the greenfield site at the edge city area would fall be classified as an Intermediate Urban Location. Having regard to the suburban location of the site and the definitions set out within Section 2.4 of the Guidelines I consider that the site would fall within the category of Intermediate Urban Location. The guidelines state that these areas are generally suitable for smaller scale, higher density development broadly above 45dph. The proposed development at 107 units per ha is above that level.

### Conclusion

8.3.16. Having regard to the above reasons and considerations, I consider that the principle of the proposed density of 107 uph on the site is acceptable having regard to planned public transport improvements to provide the F1 bus route in the immediate vicinity of the site. In considering the previous reasons for refusal in relation to density under ABP Ref: 314390-22, I note that the density of the development has been significantly reduced from that previously proposed and is now in accordance with the provisions of the Dublin City Development Plan 2022-2028.

8.3.17. I consider that the principle of the proposed density is acceptable subject to consideration of design and visual and residential amenity considerations as detailed further in this assessment.

#### **8.4. Flood Risk and Surface Water Drainage (New Issue)**

8.4.1. The observations raise significant concern in relation to flood risk associated with the proposal and the potential for the displacement of water from the site to adjoining residential areas. A number of the observations include photographs of flooding in adjacent properties. It is stated that the previous concerns by the Board in relation to flood risk have not been overcome. I refer to the planning history of the site wherein permission was refused for a residential development on site for reasons including Flood Risk (ABP Ref: 314390-22) as detailed as follows:

*“The proposed development would involve the construction of housing on lands partially in Flood Risk Zone B, as set out in the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009 and in the Dublin City Development Plan 2022-2028. The proposed location on residential development partially within this flood risk zone would be contrary to the advice at section 3.5 of the guidelines and section 4.5.2.1 of volume 7 of the Dublin City Development Plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area”.*

8.4.2. The application is accompanied by a Site-Specific Flood Risk Assessment. A revised flood risk assessment was submitted in conjunction with the first party appeal which considers the extended basement area. In responding to the previous reasons for refusal, the applicant's FRA refers to the Strategic Flood Risk Assessment mapping

included within the Dublin City Development Plan 2022-2028 (Volume 7) which illustrates that the site is partially located within Flood Zones A and B. The proposed residential development would be classified as a 'highly vulnerable development' in accordance with the Flood Risk Guidelines. The SFRA outlines that following consultation with DCC and their appointed engineers for the Poddle Flood Alleviation Scheme it was confirmed that flooding was pluvial in nature. The FRA cross refers to the guidance set out within the Flood Risk Management Guidelines which outlines that "flood zones are determined on the basis of the probability of river and coastal flooding only". The FRA concludes that the site was not subject to a risk of flooding was therefore in flood risk zone C, as defined in the 2009 Guidelines on Flood Risk Management, where residential development is stated to be appropriate.

- 8.4.3. The FRA outlines that to alleviate concerns relating to pluvial flooding at the site, the associated pluvial flow paths and flood volumes were examined. A proposal has been developed, in direct consultation with DCC, to address the pluvial flooding on Fortfield Road, which includes the provision of a detention basin within the proposed development site boundary. The proposed detention basin is located in the north west corner of the site as illustrated within Drawing no. DR-C-0470. The FRA outlines that this detention basin has a storage capacity of 91.80m<sup>3</sup>, representing a 31% overprovision for the 1% AEP flood event. This volume is designed to fully accommodate the predicted pluvial flood volumes in accordance with the design requirements for the 1% AEP flood extents.
- 8.4.4. The FRA outlines that these works will remove pluvial flooding from this section of Fortfield Road for storm events up to and including the 1%AEP event, offering a significant reduction in pluvial flood risk to that area. The FRA outlines that the provision of a suitable surface water drainage system for the proposed development on the site will mitigate against pluvial flood risk on site and concludes that the redevelopment of the site will not adversely affect pluvial flood levels or extents in the area.
- 8.4.5. Section 5 of the FRA includes a hydraulic model of the existing pond on site. The pond is fed via the Lakelands Overflow from the River Poddle at Wainsfort Manor located to the west of the site as illustrated on Figure 4.2 of the SFRA. The route of the Lakelands Overflow does not traverse the proposed residential site. Figure 5.2 of the FRA identifies the Contributing Catchment Area for the Pond on the basis of

data provided from DCC and online sources. The catchment runs to the southwest of the site. The FRA outlines that the surface water sewer network to the north of College Drive (i.e. on Greenlea Road, Parkmore Drive, and Lavarna Grove) does not contribute to the catchment area of the subject site. These sewers discharge separately to the River Poddle to the north. Due to the ground topography, the greenfield areas located adjacent to the pond do not drain into it. Figure 5.9 Flood Extents of the FRA illustrates that flood waters are contained within the pond channel and do not pose flood risk to the proposed development. It is not proposed to alter the topography of the site around the pond. Section 6.3 of the FRA sets out Flood Mitigation Measures including finished floor levels for residential units at 48.0mOD and the provision of a detention basin at the northwestern corner of the site to address pluvial flooding. The applicant's FRA outlines that given that the site is wholly located in Flood Zone C, a Justification Test is not required as part of this SSFRA report. However, given that the site is shown within Flood Zones A and B on the Dublin City Development Plan SFRA mapping it was deemed prudent to complete the Justification Test for Development Management. This is set out within Section 7 of the FRA.

- 8.4.6. The observations on the appeal raise concern in relation to the scope and content of the applicant's Site-Specific Flood Risk Assessment submitted in conjunction with the application and the conclusions set out therein. The observations question whether the flooding issue on site is pluvial in nature and refer to watercourses which traverse the site which have not been considered within the FRA. The observation on the appeal from David Byrne includes a Hydrology Review prepared by Envirollogic Hydrological Consultants which raises concern in relation to the infilling of the site within a designated flood zone and information deficiencies within the Site-Specific Flood Risk Assessment. In particular it is stated that the applicant's FRA fails to analysis how the Poddle Alleviation Scheme will interact with the on-site pond and the proposal is deemed premature pending the delivery of the Poddle Alleviation Scheme.
- 8.4.7. Having reviewed the all the information submitted in conjunction with the application and appeal including the Site-Specific Flood Risk Assessment and the detailed concerns raised within numerous observations on the appeal I share the concerns of the observers in relation to the conclusions of the Flood Risk Assessment. In

particular, I refer to the specific concerns raised within the observations on the appeal which relate the presence of historic watercourses through the site. The applicant's FRA outlines that an existing culvert identified as the Lakelands Overflow from the River Poddle runs through the college campus to the southwest of the appeal site and connects to the existing pond on site. The route of the Lakelands Overflow is illustrated on Figure 4.2 of the SFRA and does not traverse the proposed residential site. The route of the watercourse is reflected on Uisce Éireann mapping included within the confirmation of feasibility. The applicant's SFRA does not address any other watercourse/ water features on site. The applicant's Basement Impact Assessment outlines that the site is not located within 100m of a well or potential spring line.

8.4.8. I refer to OSI historic 25" mapping as illustrated within Figure 4.5 of the SFRA which illustrates a linear route of planting on the site. While not evident on Figure 4.5 this is identified as a spring on 25" mapping as illustrated within Figure 7 of the Geophysical Survey Report prepared by Shanarc Archaeology and OSI 25" mapping. Section 8 of this report relates to a Geophysical Survey and Section 8.4 refers to linear anomalies through the site which relate to features indicated on OS historic mapping. Section 9 of the report refers to the presence of a drain connected to a spring illustrated on 25" mapping and suggests that a modern drain and/or service ducts likely still follow the line of the former path/drain at this location as illustrated within Figure 17 of the Geophysical Survey Report. This feature is not identified or assessed within the applicant's Flood Risk Assessment, Basement Impact Assessment or Engineering Report and I consider that there are significant information deficiencies within the application in this regard. The footprint of the proposed basement as illustrated on Figures 1.3 and 1.4 of the Basement Impact Assessment is overlain on this feature. Section 2.1.2 of the Basement Impact Assessment outlines that the site is not location within 100m of an existing well or potential spring line.

8.4.9. I have concerns in relation to the scope and content of the applicant's SFRA and Basement Impact Assessment and the assessment of the existing baseline environment. I am not satisfied that the SFRA identifies the presence of existing watercourses through the site and the potential relationship, if any, to the existing pond on site and whether this feature could be contributing factor to the identified

flood zones as identified within the SFRA set out within the Dublin City Development Plan 2022-2028. I do not consider that the application documentation provides a thorough assessment of the baseline hydrological environment and have concerns in relation to the subterranean structures which may place the groundwater and surrounding environment at risk and result in dewatering of the site. I am not satisfied that the potential impacts on surrounding groundwater levels and flows have been addressed.

- 8.4.10. On the basis of the information set out within the applicant's Site-Specific Flood Risk Assessment I am not satisfied that the previous reasons for refusal in relation to flood risk have been addressed within the application. I am not satisfied that the applicant has provided evidence that the risk of flooding to the proposed development is low and will not exacerbate flood levels within the site or surrounding area. I recommend that permission is refused for the development on this basis.
- 8.4.11. The applicant's SFRA outlines that surface water proposals have been developed to address the identified pluvial flooding on site. The surface water proposals seek to outfall to the storm water sewer on the Fortfield Road after attenuation and SUDS measures that would limit the outflow to 9.2 l/s in line with recommendations of the Greater Dublin Strategic Drainage Study. Having regard to the concerns raised above, and in the absence of information in relation to existing historic watercourses through the site, I am not satisfied that the applicant has demonstrated that the proposed surface water strategy for the site has been designed to a sufficient capacity to negate against flood risk.
- 8.4.12. I have given consideration to whether this issue may be considered a new issue in the context of the appeal. In this regard, I note that while the issue of flood risk is raised within the previous decision of ABP pertaining to the site, within the numerous observations on the appeal and within the submissions on the planning application. Notwithstanding this I note that Dublin City Council's notification of decision to refuse permission for the development relates exclusively to car parking provision. The Board may therefore wish to seek the views of the parties or to seek further information on the matter.

### *Water Supply and Wastewater Treatment and Disposal*

- 8.4.13. The submission on file from Uisce Éireann indicating the proposed development could be provided with adequate water supply and foul drainage from its networks subject to upgrades of infrastructure located in the public road. The report outlines that in order to accommodate the proposed connection, upgrade of the existing 225mm VC sewer on Fortfield Road to 300mm ID sewer approximately 60m, will be required. The developer will be required to fund the upgrade works.

### **8.5. Design and Layout**

- 8.5.1. The proposed residential development sets out 4 no. apartment blocks ranging in height from 3-6 storeys along with a row of two – three storey housing along the northern portion of the site. The applicant's Design Statement outlines that the proposed building has been designed to create a transition from west to east, gradually rising in height away from the existing 2 storey housing in the adjoining areas. The development is set back from Fortfield Road and provides a green buffer area between the proposed housing and the road. Public open space is provided to the southeastern portion of the site with communal open space being provided in between blocks. Access to the site is proposed via the creation of a new entrance from Fortfield Road. Car parking is primarily provided at basement level. The application is accompanied by a Masterplan for the site which illustrates the indicative future development of the Terenure College Lands.
- 8.5.2. The first party appeal is accompanied by revised drawings and documentation which seek to address the concerns raised within Dublin County Council's notification of decision to refuse permission for the development. The revised proposal includes the provision of an extended basement plan to provide an increased car parking provision of 195 no. parking spaces. The appeal documentation was deemed significant by the Board and the applicant was requested to readvertise. For the purposes of clarity, I have based my assessment on the revised layout.

### *Consideration of Planning History*

- 8.5.3. The observations on the appeal refer to the planning history pertaining to the site and the decision of An Bord Pleanála to refuse permission for an LRD development on site under ABP Ref: 314390-22. The observations outline that the reasons for refusal on the previous application have not been overcome and remain to apply in



the instance of the proposal. The Planning Report submitted in support of the application provides a summary of the key design changes which have been implemented within the revised scheme to address the ABP reason for refusal including the following:

- Reduction in quantum and density of development proposed. The number of residential units proposed has decreased from 385 no. units to 284 no. units (minus 101 units). Overall density has reduced by 27%.
- All residential units are now Build to Sell (previously the apartments were Build to Rent).
- Reduction in building height from 7 storeys to a maximum of 6 storeys.
- Increase in the apartment car parking ratio 0.4 from to 0.52 spaces per unit.
- Provision of Community, Culture and Arts Space and a creche on site.
- The provision of additional attenuation/ SuDS area.
- Access to the Lakelands Park is omitted and there is a single vehicular/ pedestrian/ cyclist access off Fortfield Road

8.5.4. I have considered the proposed layout in terms of compliance with the criteria set out within Section 14.7.14 of the DCDP as it relates to Z15 zoned lands, the applicable development management standards set out within the Dublin City Development Plan and the guidance set out within the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024. Section 4.4 of the Guidelines relates to Key Indicators of Quality Urban Design and Placemaking including (i) Sustainable and Efficient Movement (ii) Mix and Distribution of Uses (iii) Green and Blue Infrastructure (iv) Public Open Space and (v) Responsive Built Form.

*Dublin City Development Plan 2022-2028 Provisions*

8.5.5. The observations on the appeal raise concern in relation to the scale and layout of the of the proposal. The observations refer to the various criteria set out under Section 14.7.14 of the Dublin City Development Plan and outlines that the development is not in accordance with the following criteria:

- The scale and density of the proposal does not constitute limited residential development.
- The development is not subordinate to the existing educational use on the site.
- The open character of the Z15 portion of the site will not be maintained.
- Impact on boundary wall along Fortfield Road

8.5.6. As detailed earlier in this assessment, I consider that the principle of the proposed density is acceptable subject to consideration of design, layout, visual and residential amenity considerations. In considering the scale of the proposed development, I refer to the applicants Z15 Compliance Statement which outlines that only 13% of the overall campus is proposed for residential development. The primary use of the site for educational purposes will remain on 77% of the land. The remaining 10% is the Z11 zoned lands. I am satisfied that a limited portion of the overall Terenure College site is devoted to residential use and note that the proposed density is within the range for Outer Suburbs as defined within the Dublin City Development Plan.

8.5.7. I considered that the scale of the proposed development is subordinate to the educational use both in terms of land take and visually. As detailed further in this assessment, I am satisfied that the verified views and the contiguous elevations submitted in support of the application demonstrate how the proposed development remains subservient visually to the existing educational buildings. I consider that the Masterplan submitted in support of the application illustrates the future development potential of the site.

- *Impact on Archaeological/Built Heritage Boundary Wall*

8.5.8. I note the concerns raised within the observations on the appeal in relation to the loss of the existing rendered boundary wall along Fortfield Road. At the outset I note that there are no protected structures or monuments on site and the site is not located within a Conservation Area or an Architectural Conservation Area. There is a recorded monument RMP DU022-095 classified as a castle which is no longer extant, identified in the area of the existing educational buildings at Terenure College. The location of the RMP is outside the site for the LRD planning application. I refer to the report from the Conservation Officer in DCC which outlines that while

existing buildings in the College are not on the NIAH the College and its buildings would be of Regional significance for their Archaeological, Architectural, Artistic, Cultural, Historical, and Social Interest. Terenure College is included in the NIAH garden survey (NIAH Garden Survey Ref. 2332).

8.5.9. The Cultural Heritage Impact Assessment submitted in support of the application outlines that the wall to Fortfield Road forms part of the historic demesne boundary and has been altered over the last century. The applicant proposes to retain the majority of the concrete block wall but at a reduced height, retaining a 0.4m high plinth, topped with 0.9m railings. New pedestrian and vehicular entrances would be created in this wall.

8.5.10. The proposal has been reviewed by the Conservation Officer in DCC and is deemed acceptable in principle subject to conditions. I have no objection to the proposal in this regard and consider that the proposed openings enhance the permeability of the site.

*Key Indicators of Quality Urban Design and Placemaking - Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024*

- *Responsive Built Form*

8.5.11. The Sustainable Residential Development and Compact Settlements Guidelines outline that the layout, position and composition of buildings and to how buildings address streets and open spaces is a key element in ensuring the creation of attractive and well-designed settlements. I consider that that the proposed layout reflects the established pattern of development in the vicinity and the proposed modulation in building height provides a transition from the existing lower density two storey housing, via the proposed 3 storey houses and stepping up to the apartments, reflecting the existing larger buildings to the south. Façade materials include a mix of brick in varying hues of red, cream and burgundy reflect the surrounding environment. The development would provide a well-defined edge to Fortfield Road and provide publically accessible enhanced public amenity spaces.

- *Public Open Space*

8.5.12. In terms of public open space provision and the overall objective to maintain the open character of the site, the observations outline that the requisite 25% open

space provision on the Z15 zoned portion of the site and question the usability of the proposed open space. The application documentation outlines that the proposed scheme provides 6,989.35 sqm of public open space within the net site area (2.64ha which excludes the existing lake and adjoining open space at the eastern side of the site and also excludes any works on Fortfield Road). This equates to 26.5% of the net site area and is above the minimum requirement of 25% (or 6,600 sqm) public open space. I am satisfied that the quantum of open space provided is in compliance with the 25% requirement set out within the Z15 zoning objective pertaining to the site. On an overall basis I consider that the public open space within the scheme is strategically located to integrate with the existing lake and woodland amenity on the site. I consider that the public open space will provide a new public park in the area, which is well overlooked, and will enhance the existing natural landscape features on the site.

8.5.13. The report on file from the Parks, Biodiversity and Landscape Services Division in Dublin City Council raises a number of concerns in relation to the layout and distribution of the proposed public open space in particular in relation to the following:

- i. The measurement of POS up to proposed building facades whereas a buffer privacy strip is preferable for residential privacy and security (Development Plan Ch. 15 section 15.9.7).
- ii. The protruding of Block C into POS is also incompatible with open space layout as it partially divides it and compromises the open nature of Z15 lands (Development Plan Ch.14 Section 14.7.14).

8.5.14. In terms of item (i) above I refer to comments on the appeal from Dublin City Council dated 17/04/25 which includes recommended conditions in the instance that the Board is minded to grant permission for the development. Condition 12 (e) refers to the submission of a revised landscaping scheme which includes the provision of a privacy strip on building facades adjacent to the public open space. I recommend the inclusion of this condition in the instance that the Board is minded to grant permission for the development.

8.5.15. In terms of item (ii), I concur with the recommendations of the Parks, Biodiversity, Landscaping Services Division. Block C is currently set back 12.673m from the site

boundary as illustrated on Drawing no. PP-101 Proposed Site Plan - Ground Floor. While I note that the proposed quantum of public open space is over and above the 25% requirement the Z15 zoned site I consider that there would be benefit to the provision of a staggered block layout to the proposed blocks both in design terms and to provide a more generous set back and interface with the open space area. In the instance that the Board is minded to grant permission I consider that this could be achieved through the omission of proposed apartment nos. in Block C: C-15 and C-16 (Ground Floor), C32 and C33 (First Floor), C49 and C50 (Second Floor), C66 and C67 (Third Floor) and C73 and C74 (Fourth Floor). I consider that this could be addressed by means of a condition in the instance that the Board is minded to grant permission for the development.

- *Sustainable and Efficient Movement*

8.5.16. The proposed development creates an attractive, highly permeable urban environment which provides new links through the development connecting it to existing and proposed amenity areas. I note that the observations on the appeal raise concern in relation to restrictions on access to the existing and proposed open space areas. However, I am satisfied that this can be addressed by means of condition in the instance that the Board is minded to grant permission.

8.5.17. The observations raise concern in relation to the reference in the application drawings to retention of two gateways from the Lake on site onto Lakeland Park. These gates are currently locked restricting access from the Lake to Lakelands Park. The observations refer to negative consequences associated with opening these gates including antisocial behaviour and overflow parking associated with residents of the proposed scheme, Terenure Rugby Club and visitors to the lake.

8.5.18. While no access to Lakelands Park is proposed within the subject application, the Board is requested to include a condition which provides for a wall in place of the existing gate to prevent the future opening of the gate. In considering the issues raised, I do not consider that the retention of a gate at this location would result in disamenity to the adjoining suburban area. I consider that there would be significant permeability advantages associated with the provision of a pedestrian access at this location. I do not recommend a condition removing the gate in this regard.

- *Green and Blue Infrastructure*

8.5.19. I refer to the Landscaping Drawings, Landscaping Design Statement and Ecological Impact Statement submitted in support of the application. The proposed seeks to enhance the area around the existing lake by providing additional planting enhancing the existing area, restoring and improving the ecology and biodiversity of this area through the provision of native planting. The proposed new public park also links into the existing open spaces, public and local amenities. SuDS measures are included throughout the development as set out in the PUNCH Consulting Engineers documents as well as within NMP Landscape Rationale.

- *Mix and Distribution of Uses*

8.5.20. The proposed development provides a mix of residential typologies and ancillary uses including a creche together with new community facilities in an established suburban area reducing the need to travel and creating a sustainable neighbourhood.

8.5.21. The observations on the appeal raise concern in relation to the limited size and siting of the proposed creche to the rear of the site and insufficient car parking. The proposed creche comprises 100 sq.m. gfa and external space of 153 sq.m and caters for 17 no. children. The Childcare Assessment submitted in conjunction with the application outlines that there is sufficient capacity within existing facilities to cater for development. Section 5.1 of the Childcare Assessment outlines that the proposal would generate a demand for 35 no. children. The report outlines that due to the characteristics of the development and proportion of 1 and 2 bed units proposed this demand is likely to be an overestimate.

8.5.22. Section 8.11 of the report outlines that the demand for childcare arising from this development is, therefore, considered to be very low, comprising a demand for 4 to 6 no. childcare spaces in accordance with the Childcare Guidelines (2001) and the Apartment Guidelines (2023). As required by the DCDP (2022 to 2028), childcare facilities within a 1 km study area have been reviewed and confirmed by telephone survey at a robust response rate of 82%. This survey confirms that there are 11 no. childcare facilities operating within 1 km of the subject site providing 550 no. childcare spaces and a vacancy rate of 8 no. children. As a consequence, no childcare provision is required as part of the development via a standalone facility or

otherwise. On the basis of the information provided I am satisfied with the proposed scale of the facility.

- 8.5.23. In terms of the siting of the creche, I note that the Noise Impact Assessment submitted in support of the application outlines that the creche has been located as to be set back from the main source of traffic noise and to benefit from acoustic screening from development buildings. Given the scale of the creche, I consider that it would cater for children predominately within the development and within the adjoining residential areas. I consider that an appropriate rationale for the siting of the creche has been set out within the application. Having regard to the small scale of the creche I consider that the proposed parking is sufficient.

### Conclusion

- 8.5.24. In conclusion I consider that the proposed layout and design of the development is acceptable and has been designed in accordance with the criteria set within the Compact Settlement Guidelines and complies with the criteria set out within Section 14.7.14 of the Dublin City Development Plan. I consider that the design and layout of the development responds to and provides an appropriate interface with the existing pattern of development within the area. The proposed public park and access to the existing lake on the site, would in my view, represent a significant planning gain to the area.

## **8.6. Traffic, Transportation and Car Parking**

### Access

- 8.6.1. Access to the development is proposed via Fortfield Road to the west of the site. Fortfield Road links the site with the R137 Templeogue Road (to the south) and the R817 Wainsfort Road (to the north). The road provides vehicular access to several residential housing estates as well as many residential driveway accesses along the road. It is a single lane two-way carriageway with footpaths on both sides of the carriageway.
- 8.6.2. Fortfield Road operates within a speed limit of 50km in the vicinity of the site. Fortfield Road runs in a straight alignment in the vicinity of the proposed site entrance and I am satisfied that there are no restrictions to visibility at the proposed site entrance. The proposal includes the relocation of an existing bus stop in the

vicinity of the site along Fortfield Road to facilitate access to the site. The applicant has consulted with the NTA in relation to the proposed relocation of the bus stop and I note that the submission on file from the NTA raises no objection in principle to the proposed relocation. In the instance that the Board is minded to grant permission I recommend the inclusion of a condition outlining the final location of the bus stop is agreed with the NTA prior to the commencement of development.

Improvement Works to Fortfield Road

- 8.6.3. The public notices outline that the proposed development seeks upgrading of the existing Fortfield Road and College Drive Junction to provide a 4-arm signalised junction at the proposed access, with controlled pedestrian crossings on all arms. The existing signalised pedestrian crossing on Fortfield Road just north of proposed junction is also proposed for removal.
- 8.6.4. Fortfield Road to the west of the application site falls within the administrative boundary of South Dublin County Council. Under SD24A/0268W South Dublin County Council issued a notification of decision to grant permission in February 2025 for road and water services upgrade works on Fortfield Road and College Drive. This application is subject to appeal to An Bord Pleanála ABP Ref: 321966-25.
- 8.6.5. I refer to the planning history of the site under ABP Reference 314390-22. The Board Direction includes the following notation: *The Board noted that the provision of access from the Fortfield Road requires works outside of the functional area of the planning authority to which the application was made. These works are considered to be integral part of the proposed development and cannot be authorised by grant of permission on the current application.*
- 8.6.6. DCC Transportation Division raised no concern in relation to the proposed access arrangements and outlines that the proposed junction works formed part of the previous LRD application at the subject site (see Planning History above) and that the design of the proposed works was informed by feedback from DCC traffic as part of the pre-planning process for that application.
- 8.6.7. I have reviewed the proposed upgrades to Fortfield Road and College Drive and consider that the provision of upgrades to this junction are integral to accommodate access to the site. In the instance that the Board is minded to grant permission for the development I recommend a condition outlining that the development shall not



commence in the absence of improvements to Fortfield Road as proposed under ABP Ref: 321966-25 or similar proposals.

*Internal Layout, Site Servicing and Fire Access*

- 8.6.8. The application includes a DMURS Statement prepared by Punch Engineers which illustrates how the proposed internal layout complies with the requirements of DMURS. Servicing is proposed to take place within the site. A turning area is proposed at the eastern end of the internal access road. A loading bay is proposed on the internal access road adjacent to Block A. This will accommodate deliveries and refuse collection. The submitted vehicular swept path drawings demonstrate sufficient turning and maneuvering for all vehicles along the access road. Fire tender access to all blocks along internal pedestrian/cycle routes (including turning head) is noted.

*Traffic Impact*

- 8.6.9. A number of the observations on the application raise concern in relation to traffic impact associated with the development. A revised TTA was submitted in conjunction with the first party appeal. I note that the report from the Transportation Planning Division does not raise concern in relation to traffic impact associated with the development or the scope and content of the TTA. I do not consider that the proposed development represents a scale or format of development which would lead to significant traffic impact on the surrounding road network.

*Public Transport – Existing and Proposed*

- 8.6.10. The application is accompanied by a Public Transport Capacity Study prepared by Transport Insights which provides a breakdown in existing service provision the area and an assessment of available capacity on buses at peak times. The study outlines that the proposed development site is directly served by the 54a bus route utilising stops located on Fortfield Road. This bus route typically operates at 30 minutes headways throughout the day and is not considered in the capacity assessment due to its existing low frequency.
- 8.6.11. The study outlines that the closest bus stops on Templeogue Road are located c. 630m from the appeal site (1125 southbound, 1158 northbound). These are serviced by routes 15, 49, 65 and 65b. The study was undertaken on weekdays in February

and November 2024 and outlines that there is capacity on existing northbound and southbound services during the am and pm peak periods. I am satisfied that at present the site is served by moderate level transport provision.

- 8.6.12. The application documentation outlines that future improvements to bus services within the area as part of BusConnects proposals will enhance the accessibility of the site. In particular route F1 will operate on Fortfield Road to the west of the application site providing a min 10-minute peak hour frequency.
- 8.6.13. The application documentation furthermore outlines that the existing bus stops along Templeogue Road will be relocated as part of the approved Templeogue/Rathfarnham to City Centre Core Bus Corridor Project. Figure 11.1 of the TTA submitted in conjunction with the 1st party appeal outlines that the boundary of the appeal site falls within 500m of this relocated bus stop (499.41m). These form part of the A3 and A1 routes. This is disputed by the Transportation Planning Division in DCC who outline that the site falls outside the 500m band and furthermore outlines that none of the proposed residential units or blocks are within 500m of the bus stop. I have considered the detailed case made by the applicant and the Planning Authority and I consider that the appeal site is located over 500m from the proposed relocated bus stop and acknowledge the case made within the Transportation Planning Report that none of the proposed residential units or blocks would be within 500m of the proposed relocated bus stop.
- 8.6.14. Notwithstanding the above, as detailed in Section 8.3 of this of this report, based on the planned improvements to the bus service along Fortfield Road (F1 spine) I consider that the site would fall within the “Accessible” Category as defined in the 2024 Compact Settlement Guidelines.

#### Car Parking Provision

- 8.6.15. Dublin City Council’s notification of decision to refuse permission for the proposed development relates to the inadequacy of car parking to serve the development as follows:

*“The applicant has failed to demonstrate that the range of travel needs of the future resident population can be met by the proposed development. Having regard to the site’s accessibility in accordance with Table 3.8 of the Compact Settlement Guidelines, the suburban and residential location of the site, the layout and nature of*

*roads adjacent to the site, and to the frequency of bus services and quality of bus infrastructure (both existing and planned) serving the site, the proposed car parking provision is considered inadequate to serve the needs of future residents of the development. It is therefore considered that the proposed development would give rise to unacceptable levels of overspill and haphazard parking on adjacent roads and bus corridors, would seriously injure the amenities of the area and would endanger public safety by reason of traffic hazard and obstruction of pedestrians, bus services and other road users. The proposed development would therefore be contrary to Policy SMT27 and Appendix 5, Section 4.0 of the Dublin City Development Plan 2022-2028, Section 5.3.4 of the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) and Section 4.23 the Sustainable Urban Housing: Design Standards for New Apartments (2023). The proposed development would be contrary to the proper planning and sustainable development of the area”.*

- 8.6.16. The observations on the appeal outline that the site is not well served by public transport, there is a shortfall of car parking provision and that the proposed development will give rise to traffic congestion and parking overspill in adjoining residential areas. Such concerns are reflected and reinstated within DCC’s Transportation Planning Division Report which informs the decision of DCC to refuse permission for the development.
- 8.6.17. The first party appeal outlines that the Planning Authority’s decision is contrary to national policy provisions and contradicts recent planning decisions for a large-scale residential development on the site in which a lower parking standard was deemed acceptable. The appeal furthermore outlines that DCC’s concerns in relation to overspill of car parking are unsubstantiated.
- 8.6.18. The appeal includes a revised basement layout (Drawing nos. PP-104 and PP-200 Proposed Basement Plans at scale 1:500 and 1:200) which increases the proposed car parking provision from 157 to 195 comprising 19 no. spaces for the housing units and 176 for the apartment units. The Revised Traffic and Transport Assessment submitted in conjunction with the appeal outlines the following car parking breakdown:
- 152 no. residential parking spaces (basement)

- 19 no. residential parking spaces (at grade, in – curtilage)
- 7 no. car club spaces (at grade)
- 9 no. disabled spaces (at grade)
- 8 no. visitor parking spaces (at grade)

8.6.19. The resulting car parking ratio for residential spaces is 0.57 (152/265). I consider that the proposed increase in car parking to serve the development is welcome and as earlier detailed, I have taken the revised layout into consideration for the purposes of this assessment. The appeal is accompanied by a revised and updated Basement Impact Assessment, Traffic and Transport Assessment, Car and Cycle Management Plan and Residential Travel Plan which sets out a rationale for the revised parking provision.

8.6.20. The revised proposals are deemed unacceptable by the Transportation Planning Division, and it is stated that a ratio of up to 0.5 is generally only considered appropriate within the canals. The report outlines that a ratio of 0.7/0.8 per unit would be accepted in the area. Having regard to the location of the site and the local receiving environment it is considered that the ratio proposed is unacceptable. The PA's appeal response recommends that permission is refused for the development in accordance with the Planning Authority's decision.

8.6.21. DCC's notification of decision to refuse permission for the development outlines the development is contrary to Policy SMT27 of the DCDP as follows: *Policy SMT27: Car Parking in Residential and Mixed-Use Developments (i) To provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (see Appendix 5) so as to promote city centre living and reduce the requirement for car parking. (ii) To encourage new ways of addressing the transport needs of residents (such as car clubs and mobility hubs) to reduce the requirement for car parking. (iii) To safeguard the residential parking component in mixed-use developments.*

8.6.22. Appendix 5, Section 4 of the DCDP relates to Car Parking Standards and outlines that Table 2 specifies the requisite level of on-site parking to be provided for residents, staff and visitors for various types of development. These car parking standards shall be generally regarded as the maximum parking provision and

parking provision in excess of these maximum standards shall only be permitted in exceptional circumstances e.g. boundary areas, or where necessary for the sustainable development of a regeneration area. The site is located within Zone 2 for parking as set out within Map J of the DCDP. Appendix 5 Table 2 sets out a maximum standard for development in Zone 2 of 1 space per dwelling. The proposed development does not provide a parking level which is over and above the maximum stated within the Development Plan. No minimum space per dwelling is set out.

8.6.23. The Plan outlines that *“A relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location. Applicants must set out a clear case satisfactorily demonstrating a reduction of parking need for the development based on the following criteria:*

- *Locational suitability and advantages of the site.*
- *Proximity to High Frequency Public Transport services (10 minutes’ walk).*
- *Walking and cycling accessibility/permeability and any improvement to same.*
- *The range of services and sources of employment available within walking distance of the development.*
- *Availability of shared mobility.*
- *Impact on the amenities of surrounding properties or areas including overspill parking.*
- *Impact on traffic safety including obstruction of other road users.*
- *Robustness of Mobility Management Plan to support the development.*

8.6.24. Compliance with the above requirements of the DCDP is set out within the Car and Cycle Management Plan and Residential Travel Plan submitted in conjunction with the appeal. The Car and Cycle Management Plan outlines that the proposed development incorporates 7 no. car club spaces and outlines that Go Car have advised that each space can replace 15 no. cars. The equivalent parking provision in this regard would be 1.03 parking spaces per residential unit. The application documentation outlines that an experienced parking company will be employed to manage the carpark and a Mobility Manager will be appointed for the scheme. The

application and appeal furthermore refers to planned enhancements to the bus service on Fortfield Road as part of the F1 line expansion. The submission on file from the NTA outlines that on delivery the proposed bus service in the area will be satisfactory.

8.6.25. A total of 611no. cycle parking spaces are provided to serve the apartments, comprising 465no. long term spaces and 146no. short term spaces. This provision for residents and visitors exceeds the Dublin City Development Plan 2022-2028, Appendix 5, Table 1 minimum standards and the minimum standards of SPQR 4 of the Sustainable and Compact Settlements guidelines (2024). I note the contents of the submission on file from the NTA which raises concern in relation to the 2 tier rack format of the proposed cycle parking space and the suitability of same for electric bicycles. However, I consider that the provision of additional at grade Sheffield format parking stands can be conditioned in the instance that the Board is minded to grant permission for the development.

8.6.26. I note the particular concerns raised within DCC's reason for refusal in relation to overspill of parking from the development to surrounding residential areas. Parking overspill is a key and recurring issue raised within the observations on the appeal from residents within the vicinity of the site. On the basis of the location of these streets relative to existing recreational and educational facilities, I accept that there would be parking overspill associated with peak hours and sporting occasions as detailed within the observations on file. The key consideration is whether the proposed development has provided sufficient parking to accommodate car storage or will it result in extensive overspill outside of the site. There are no parking restrictions at Fortfield Road or the surrounding local roads, with on-street parking freely available. On site inspection, I note that existing residential areas within the vicinity including Greenlea Road and the Lakelands are served by driveways. I note that the approved CBC includes a right turn ban from Fortfield Road to Greenlea Road would aid in negating against overspill parking from the development.

8.6.27. The first party appeal outlines that concerns in relation to insufficient car parking were not raised by ABP under the previous application pertaining to the site ABP Ref: 314390-22 wherein a parking ratio of 0.42 for a proposed 385 unit Build to Let development. In terms of concerns in relation to parking overspill raised within the application, the Inspectors Report outlined that: "*the public resource of on-street*

*parking will always require management and control which could not be avoided even if new housing is not introduced to an area”.* While I note the variations in the proposed residential model and I consider that the increased parking provision as provided for within the appeal is welcome, I concur with the conclusions of the inspector in terms of the requirement for management of on street parking.

8.6.28. As regards potential overspill, the application documentation outlines that it is not anticipated the development would generate a demand over and above the carpark provided for onsite and a key component in the continued efficiency of on-site car parking will be an active and enforced parking management strategy. This strategy will be managed by the building management company. The implementation of the car parking management regime as set out in the Car Parking Management Regime will therefore ensure that the risk of any ‘overspill’ car parking on the surrounding streets is minimised. I also have had regard to the proposed unit mix and prominence of 1 and 2 bed units within the development.

8.6.29. Having regard to the above reasons and considerations, it is my view that the proposed car parking provision is acceptable and is not contrary to the provisions of the Dublin City Development Plan 2022-2028. The site is located within Area 2 as identified within Map J of the DCDP wherein a maximum parking standard of 1 space per unit is cited. The development, as amended, includes 1 space per house and 152 no. car parking spaces to serve the 265 no. apartments.

8.6.30. DCC’s reason for refusal outlines that the development is contrary to national policy including Section 5.3.4 of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024) and Section 4.23 of the Sustainable Urban Housing: Design Standards for New Apartments (2023). Section 5.3.4 of the Compact Settlement Guidelines relate to Car Parking – Quantum, Form and Location and relates to reducing car parking ratios at locations which have good access to public transport. As detailed earlier in this assessment, based on planning improvements to the bus service within the vicinity I consider that the site would fall within the classification of an accessible location. SPPR 3 of the Guidelines relates to car parking and outlines the following:

*SPPR 3 – Car Parking*

*It is a specific planning policy requirement of these Guidelines that: (ii) In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.*

8.6.31. The proposed parking ratio at 1 per house and 0.57 per apartment is in accordance with the ratio set out within SPPR 3. The car parking ratios exclude car club and accessible spaces in accordance with SPPR 3. I do not consider that the proposal is contrary to the provisions of Section 5.3.4 or SPPR 3 of the Compact Settlement Guidelines in this regard.

8.6.32. Section 4.23 of the Sustainable Urban Housing: Design Standards for New Apartments (2023) relates to Intermediate Urban Locations. This outlines that: *In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.*

8.6.33. I do not consider that the proposed development is contrary to the provisions of Section 4.23 of the Guidelines. The site is designated within Area 2 of the DCDP wherein a maximum parking standard of 1 space per unit is applied.

#### *Conclusion*

8.6.34. On the basis of the information set out within the application and appeal I consider that the applicant has made a sufficient case for the proposed car parking ratio. Having regard to the location of the site, the proposed apartment mix, future public transport enhancements, cycle parking provision and the detailed measures set out within the Residential Travel Plan and subject to conditions requiring the appointment of a Mobility Manager for the scheme, I consider that the principle of the parking provision is acceptable. I do not consider that the proposed parking ratio is contrary to the car parking standards set out within the Dublin City Development Plan or the national policy provisions as cited within DCC's notification of decision to refuse permission for the development. I do not recommend that permission is refused for the development in accordance with the reasons and considerations set out within the Planning Authority's decision.



8.6.35. Notwithstanding the above, I note that the majority of the proposed car parking (157 no. spaces) is provided at basement level of the development as illustrated within Drawing nos. PP-104 and PP-200 Proposed Basement Plans at scale 1:500 and 1:200. A Basement Impact Assessment was submitted in support of the application in accordance with the requirements of Section 15.18.4 of the DCDP. As detailed in Section 8.4 of this assessment, I have concern in relation to the extent of the basement and its potential impact on a watercourse through the site.

## **8.7. Height and Impact on Visual Amenity**

8.7.1. The observations on the appeal raise concerns in relation to the height and visual impact of the proposed development. The observations outline that the proposal does not reflect the scale of development within the vicinity in accordance with SPPR 3 of the Building Height Guidelines. It is stated that a maximum of 4 stories should be permitted on the site. The observations outline that the proposed development would not be visually subordinate to the existing buildings in Terenure College and the proposal is deemed contrary to the Z15 criteria set out within Section 14.7.14 DCDP in this regard.

### **Building Height**

8.7.2. The proposed development comprises 4 no. apartment blocks ranging in height from 3-6 storeys along with a row of two – three storey housing along the northern portion of the site. The proposed houses adjoin existing residential dwellings at Greenlea Road to the north. The Architectural Design Statement outlines that the proposed development has been designed to create a transition from west to east, gradually rising in height away from the existing 2 storey housing in the adjoining areas. The apartments, form a transition from the more domestic scale to the larger existing school buildings.

8.7.3. The Dublin City Development Plan does not provide prescriptive height limits but reflects national guidance. Appendix 3 sets out specific guidance regarding the appropriate locations where enhanced density and scale including increased height will be promoted and also performance criteria for the assessment of such development. Appendix 3 also details the different classifications of building height in the city i.e., prevailing height in a given area; locally higher buildings (which are

typically up to 50m); and landmark/tall buildings which are significant features in the cityscape.

- 8.7.4. Regarding Outer City (suburbs) the Development Plan outlines that outside of the canal ring, in the suburban areas of the city, in accordance with the guidelines, heights of 3 to 4 storeys will be promoted as the minimum. Greater heights will be considered on a case-by-case basis, having regard in particular to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity and compliance with all of the performance criteria set out in Table 3 of Appendix 3.
- 8.7.5. In terms of national policy, the 'Urban Development and Building Heights Guidelines' promotes Development Plan policy which supports increased building height and density in locations with good transport accessibility and prohibits blanket numerical limitations on building height. Section 3 of the Guidelines deals with the assessment of individual applications and appeals and states that there is a presumption in favour of buildings of increased height in city cores and urban locations with good public transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings taller than prevailing heights. Compliance with these principles is set out within the applicant's Planning Report submitted in support of the application.
- 8.7.6. SPPR 3 of the Building Height Guidelines sets out that where a planning authority concurs that an application complies with the criteria outlined in section 3.2 of the Guidelines, taking account of the wider strategic and national policy parameters, the planning authority may approve such development even where specific objectives of the relevant development plan may indicate otherwise.
- 8.7.7. In this case, I am satisfied that the proposal is generally in line with Development Plan policy and does not materially contravene any specific building height objectives. Therefore, the proposal does not rely upon SPPR 3. Notwithstanding this, I acknowledge that the proposed development would be higher than the prevailing building height and I consider it appropriate to apply the criteria outlined in Appendix 3 (Table 3) of the Development Plan. The applicant has addressed in the Local Policy Section of the Planning Report accompanying the planning application.

8.7.8. Table 3 of Appendix 3 includes 10 objectives and performance criteria in assessing proposals for enhanced height, density and scale. I have reviewed the scheme relative to Table 3 as follows.

<b>Table 8.1 - Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale - Appendix 3 CDP</b>		
	<b>Objective</b>	<b>Assessment</b>
1.	To promote development with a sense of place and character	<p>The site is located within an established suburban area and is located to the northwest of Terenure College. The site is currently defined by a stone wall boundary along Fortfield Road and is inaccessible to the public creating a poor sense of place lacking legibility and indeed permeability.</p> <p>The proposed development has been designed to provide accessibility to the site and frontage to Fortfield Road. It is proposed to lower the entire wall to only 400 mm (+ 900 mm railing) and to open it where necessary. This maximises the permeability of the site and the active frontage, while maintaining the footprint of the existing wall. The development ranges from 2 to 6 storeys in height which creates a transition from west to east, gradually rising in height away from the existing 2 storey housing in the adjoining areas. The material palette reflects the mix of materials reflecting the adjacent developments and provides an appropriate and balanced mix of finishes.</p> <p>The proposal will include a public open space to the southeast of the site, adjacent to the (currently landlocked) lake. This will provide the opportunity to create a public open space which the wider community can enjoy. As such the development will reflect a distinctive and unique sense of character and identity.</p>
2.	To provide appropriate legibility	<p>The proposed development will provide a strong frontage to the western boundary of the subject site along Fortfield Road, replacing a currently non-active frontage which comprises a concrete wall. The development provides permeability through the site at various points, provides for the</p>

		<p>required 5% creative space, a creche and residential amenity space.</p> <p>The openings proposed within the boundary wall will enhance permeability and will create new entrances to the public open space and existing lake area. The proposed openings promote active uses at street level, enhancing passive surveillance and inviting community interaction.</p> <p>I am satisfied that the proposed building heights will avoid any abrupt transitions in scale and height from neighbouring residential dwellings.</p>
3.	To provide appropriate continuity and enclosure of streets and spaces	<p>The proposed development will provide a strong frontage to the western boundary of the subject site along Fortfield Road, replacing a currently non-active frontage which comprises a concrete wall. The development provides a public realm that prioritises ease of movement for pedestrians and bikes.</p> <p>The routes through the site will all be overlooked by the proposed apartment blocks ensuring adequate passive surveillance is provided to the public realm.</p> <p>Appendix 3 Table 3 of the DCDP establishes an appropriate street width to building height ratio of 1:1.5 – 1:3. The application documentation outlines that the heights and streets provide an appropriate street width to building height maintaining a ratio of under 1:1.5 with Fortfield Road.</p> <p>I am satisfied that the scheme provides for an appropriate level of enclosure whilst block orientation will provide an appropriate level of sunshine hours to penetrate the site and will enable appropriate thermal environment.</p> <p>I note that the application was accompanied by an Architectural Design Statement, and that the applicant's DMURS Statement, Quality Audit, and associated drawings address the requirements of DMURS.</p>
4.	To provide well connected, high quality and active public and	<p>The proposed development provide access to a previously private site. The proposed openings to the boundary wall on Fortfield Road will enhance permeability and will create new entrances to the public open space and existing lake area.</p>

	communal space	<p>The public open space located to the south of the site provides a connection to the lake area and is in easy walking distance of all dwellings and passively supervised. Communal open spaces for the development are also centrally located so as to be in easy walking distance of all dwellings and passively supervised. The layout of the blocks allows for light penetration into these areas of open space for maximum amenity.</p> <p>Landscaping and boundary treatments will ensure that communal and public open spaces are clearly defined from each other, ensuring a safe and enjoyable environment for the future residents.</p> <p>The Daylight Sunlight &amp; Overshadowing Assessment prepared by OCSC demonstrates that the proposed units and open spaces all achieve appropriate levels of daylight throughout the year in line with BRE guidance.</p> <p>The wind / microclimate study prepared by OCSC demonstrates that there will not be a negative wind impact resulting from the proposed development. The study concludes that <i>“Overall, the proposed development may be classified as a high-quality, comfortable environment for occupants throughout the year”</i>.</p>
5.	To provide high quality, attractive and useable private spaces	<p>Each dwelling has access to usable private outdoor space, in the form of terraces at ground floor level and balconies on all upper floors, which meets and/ or exceeds the minimum standards for residential dwellings detailed in the Apartment Guidelines. I refer the Board to the submitted HQA accompanying the application.</p> <p>The Daylight Sunlight &amp; Overshadowing Assessment prepared by OCSC demonstrates that the proposed units and open spaces (public and communal) all achieve appropriate levels of daylight.</p> <p>Separation distances and setbacks from surrounding properties have been proposed, thereby ensuring that that the existing residences are not overlooked.</p>
6.	To promote mix of	The proposed scheme includes a creche, and community/cultural space in

	use and diversity of activities	<p>accordance with Objective CUO25 of the DCDP. The site is located within walking distance of Terenure Village which provides a range of amenities such as retail, restaurants, public houses</p> <p>The proposed mix of studios, one, two and three bed apartments units and 4 bed housing units will improve the housing supply quality in the area and provide different options for people at different stages of the life cycle. The mix of dwelling types proposed will enhance the existing housing stock in the neighbourhood.</p> <p>I am satisfied with the proposed mix of uses and building/dwelling typologies.</p>
7.	To ensure high quality and environmentally sustainable buildings	<p>The proposed development has been designed to be fully compliant with existing Building Regulations and the application is accompanied by a Climate Action and Energy Statement which includes details of sustainable technologies, energy efficiency and climate resilience.</p> <p>Please refer to the SuDS plans and Engineering Planning Report prepared by PUNCH Engineering for details on SuDS solutions within the development including features such as green roofs, blue roofs, permeable paving, tree root system, infiltration trenches and landscaped areas.</p> <p>The design and layout ensures that 63% of units are dual aspect. The Architectural drawings and schedules, the Architectural Design Statement prepared by Urban Agency along with the Daylight, Sunlight and Overshadowing Assessment prepared by OCSC demonstrate that the proposed development has been modulated and oriented to maximise access to natural daylight, ventilation, privacy and views to minimise overshadowing and loss of light.</p>
8.	To secure sustainable density, intensity at locations of high accessibility	<p>The application is accompanied by a Public Transport Capacity Study prepared by Transport Insights which provides a breakdown in existing service provision the area and an assessment of available capacity on buses at peak times. The proposed development site is directly served by the 54a bus route utilising stops located on Fortfield Road. This bus route typically operates at 30 minutes intervals. Planned improvements for this</p>

		<p>route include its designation as the F1 route which will provide a minimum 10-minute peak hour frequency.</p> <p>Closest bus stops on Templeogue Road are located c. 630m from the appeal site (1125 southbound, 1158 northbound). These are serviced by routes 15, 49, 65 and 65b. The Public Transport Capacity Study demonstrates that there is capacity on existing northbound and southbound services during the am and pm peak periods.</p> <p>I am satisfied the that proposed density of 107uph is acceptable at this location.</p>
9.	To protect historic environments from insensitive development	<p>The site is not located within an Architectural Conservation Area and there are no Protected Structures within the immediate vicinity. There is a recorded monument RMP DU022-095 classified as a castle which is no longer extant, identified in the area of the existing educational buildings at Terenure College. The location of the RMP is outside the site for the LRD planning application. A Cultural Heritage Assessment and Historic Landscape Report is submitted in support of the application. The Cultural Heritage Assessment outlines that there is limited potential the development will impact on subsurface archaeological monuments, and that the proposal will have localised impacts on setting. The Historical Landscape Report concludes that the development of this site adds to the immediate surroundings with its intense landscaping proposals.</p>
10.	To ensure appropriate management and maintenance	<p>A Life Cycle Report and an Operational Management Plan by GAA are both included with this application. These documents set out the management strategy for the scheme post construction in order to demonstrate how once operational, the mechanics of the property management, security, waste management and public realm maintenance will work in practice and be maintained to the highest standards. I am satisfied noise management, environmental monitoring, construction waste, operational waste management and pest control can be addressed through the submission of a final CEMP.</p>

8.7.9. I am satisfied that the urban scale and building height proposed reflects a high standard of urban design, architectural quality and placemaking principles and the site has the capacity to accommodate increased building height in line with the provisions of Table 3, Appendix 3 of the Dublin City Development Plan. I note the concerns raised within the observations on the appeal which outline that the proposed building heights are higher than that within the vicinity and non-compliance with SPPR 3 of the Building Height Guidelines in this regard. However, in this regard I am satisfied the proposed development has been designed and building heights have been modulated to respond to the existing site context including existing residential properties to the north and Terenure College to the south.

*Impact on Visual Amenity*

8.7.10. The observations on the appeal outline that the development would have a negative visual impact on adjoining properties and the wider area due to the scale and bulk of the development. It is stated that the proposed development would be visually incongruous in the area and would not be visually subordinate to the existing buildings in Terenure College. The proposal is deemed contrary to the Z15 criteria set out within Section 14.7.14 DCDP in this regard.

8.7.11. The applicant has prepared a variety of drawings, studies and photomontage images to illustrate the development and its surroundings. The application is accompanied by Verified Views and Visualizations which includes 13 no. views of the development from the surrounding area. The observations on the appeal outline that building heights are not transitional from Greenlea Road, Greenlea Grove, Greenlea Park, the rugby club and the school and the application fails to provide views from 3 of the 4 boundaries. As earlier detailed, I consider that building heights have been appropriately modulated to respond to the site context. I am satisfied that verified views have been provided from the most visually sensitive site boundaries. Appropriate site sections and elevation drawings are also submitted in conjunction with the application illustrating the interface of the development with site boundaries.

8.7.12. On review of the application documentation, while I acknowledge that the proposed development will result in a change in vista and character along Fortfield Road, I consider the impact is considered to be largely positive in providing an active frontage with a brick façade and a boundary railing in place of the existing blank wall.



The design of the blocks with V-shaped roofs would break down the scale of the buildings and avoid an unduly horizontal emphasis. Existing trees along Fortfield Road would be retained.

- 8.7.13. I am satisfied that the development would not unduly impact on the visual amenities of the area, including the setting of the buildings at Terenure College or the two-storey houses in the vicinity including Fortfield Road and Greenlea Road.

#### **8.8. Impact on Residential Amenity of Existing Properties**

- 8.8.1. A common theme raised in the observations is the potential negative impact on the residential amenities of existing residential properties in the vicinity of the site arising in particular from overlooking, overshadowing, loss of sunlight/daylight and overbearing impacts. I had addressed concerns raised within the observations on the appeal in relation to flood risk separately in Section 8.4 of this assessment.
- 8.8.2. The closest residential areas to the site are the existing two-storey houses on the western side of Fortfield Road and the existing two-storey houses on Greenlea Road to the north. Block A, which has a height of three to four storeys, is situated on the eastern side of Fortfield Road and facing existing two-storey houses on Fortfield Road. The proposed three -storey houses back onto existing houses on Greenlea Road.

##### Overlooking

- 8.8.3. A number of the observations from residents at Greenlea Road raise concern in relation to overlooking from the proposed houses to the north of the site. The separation distances between proposed housing and houses on Greenlea Road range from 21.7m to 30.6m at ground level. The Development Management Guidance set out within Section 15.11.4 of the DCDP outlines that: *“At the rear of dwellings, there should be adequate separation between opposing first floor windows. Traditionally, a separation of about 22 m was sought between the rear first floor windows of 2-storey dwellings but this may be relaxed if it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers”*.
- 8.8.4. As illustrated on Drawing no. PP102 Proposed Site Plan- Typical Floor separation distances of 22m are provided between the upper floor windows of the proposed

dwelling and existing dwellings. The Landscaping Plan “General Arrangement 1 of 6” Drawing no. L1-104 illustrates that the proposed boundary treatment for the residential properties includes a 2m concrete and post timber fence.

- 8.8.5. The proposed separation distances are in excess of the standards set out within SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities which outlines that *“When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.”*
- 8.8.6. On the basis of the proposed separation distance between existing and proposed dwellings and the proposed boundary treatment, I do not consider that the proposal will result in overlooking of existing properties on Greenlea Road.

#### Overbearing

- 8.8.7. As detailed earlier in this assessment I consider that the building height of the development has been modulated to ensure that the development provides an appropriate transition in height from the nearby residential areas. I do not consider that the proposal would be visually overbearing from surrounding residential properties.

#### Impact on Sunlight and Daylight

- 8.8.8. A Daylight, Sunlight and Overshadowing Assessment was submitted in support of the application. Section 9 of the study relates to Sunlight Impact to Surrounding Amenity Space and Section 10 relates to Overshadowing Impact to Properties.
- 8.8.9. Section 8 of the Assessment outlines that the back gardens to the houses to the north of the proposed development at Greenlea Road fall within the 25° line shown in Figure 40, therefore the sunlight to these gardens should be assessed, to determine what impact, if any, the proposed development will have on these gardens. Figure 46 of the report illustrates that all the gardens receive 2 hours or more of sunlight on March 21st, both before and after the construction of the proposed development. The Assessment outlines that compliance with BRE Guide 3<sup>rd</sup> Edition is achieved and concludes that the proposed new development does not have a perceptible impact on sunlight in the existing garden spaces to the north. I note that the

observations on the appeal refer to the requirement for an all year assessment on overshadowing of adjacent properties, however I am satisfied that the proposal has been considered in accordance with the relevant guidance. Having regard to the proposed 2/3 storey height of the residential properties to the north of the site and proposed separation distances, I am satisfied that undue overshadowing of private amenity space will not occur. The observations on the appeal furthermore outline that no assessment of the Terenure Rugby pitch to the east of the development. Having regard to the orientation of the rugby pitch relative to the appeal site, I am satisfied that the pitch will continue to receive 2 hours or more of sunlight on the 21<sup>st</sup> of March. I furthermore note that this is a sporting facility rather than amenity space.

8.8.10. The Sunlight and Daylight Assessment has considered the impact of the proposal on sunlight and daylight received by existing homes, and states that the proposed development will not impact on surrounding residential units as careful consideration has been given to maintaining a reasonable distance to prevent any loss of light to existing windows. It is stated that: 'Only two properties were identified as potentially affected and required a Vertical Sky Component (VSC) analysis, one has no windows facing the development and the other demonstrated 100% compliance with Section 2.2.7 of the BRE Guidelines 'If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing Building'. The report also states that there will be minimal impact in respect of overshadowing. This is further supported by the fact that the proposed development does not subtend more than 25 degree angle to the horizontal from the existing windows'.

8.8.11. The observations on the application raise concern in relation to the scope and content of the Daylight, Sunlight and Overshadowing Assessment in terms of the absence of winter analysis.

8.8.12. Having regard to the above, the positioning of the proposed new buildings relative to existing homes would ensure that the proposal would not have a significant impact on surrounding residential amenities by way of either overlooking or overshadowing.

#### Devaluation of Properties

8.8.13. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. Having regard to the assessment carried out above, I consider that the proposal has been appropriately designed to negate against impact

on adjoining residential properties. I do not consider that the proposal will result in undue overlooking or overshadowing of adjoining properties or consider that the proposal represents a scale or format of development which would unduly impact on the residential amenity of existing dwellings. I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

### Conclusion

- 8.8.14. In conclusion, I consider that the proposed development has been designed to have regard to the residential amenities of adjoining dwellings. Having regard to the proposed set back from adjoining dwellings, proposed boundary treatment and the proposed modulation of heights I am satisfied that the development would not result in overlooking, overshadowing and would not be visually overbearing from adjoining residential properties.

## **8.9. Residential Amenity of Proposed Development**

- 8.9.1. In terms of the residential amenity of the proposed residential dwellings, I refer to the Housing Quality Assessment prepared by Urban Agency Architecture submitted in support of the application. This sets out the housing and apartment mix throughout the proposed development, the size of all the units, the quantum of private open space, storage space, living/dining/kitchen areas, bedroom areas, and dual aspect. The Housing Quality Assessment assesses compliance of the development with the standards set out in the statutory guidelines 'Sustainable Urban Housing: Design Standards for New Apartments' (2023) and 'Quality Housing for Sustainable Communities' (2007) (houses).

### Proposed Houses

- 8.9.2. The development includes 19 no. four bed houses located to the north of the site. All the proposed houses comply with the standards set out within the Quality Housing for Sustainable Communities' (2007). The proposed residential units have generous back gardens in excess of Development Plan requirements. In curtilage car parking is provided for 1 no. space per unit. I am satisfied that the proposed units would provide an acceptable standard of residential amenity for future occupants.

### Overall Unit Mix

- 8.9.3. The observations on the appeal raise concern in relation to the proposed unit mix within the development and the prominence of one- and two-bedroom apartments. The proposed development provides for 265 apartments of which ten are studios (4%), 117 are one-bedroomed (44%), 129 are two-bedroomed (49%) and nine are three-bedroomed (3%). When the 19 proposed four-bedroomed houses are included, the unit mix in the overall development is studios (3.5%), one-bedroomed (41%), two-bedroomed (45%) three-bedroomed (3%) and four-bedroomed (6.7%). As more than half of the units (with or without the houses) have two or more bedrooms, the proposal complies with SPPP1 of the Apartment Guidelines.

### Apartment Sizes

- 8.9.4. The HDNA outlines that that a number of the apartment units have aggregate living areas and bedroom areas which are marginally below the minimum requirement (29m<sup>2</sup> where 30m<sup>2</sup> is required for aggregate living areas and 11.3 where 11.4 is required for bedroom floor areas). In all instances where there are deviations these units are in excess of the overall apartment area requirement and variation from the standard is less than 5%. I refer to Appendix 1 of the Apartment Guidelines and the following notation which applies to Note: *Variation of up to 5% can be applied to room areas and widths subject to overall compliance with required minimum overall apartment floor areas*. This notation is included under the table entitled "Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms" and "Minimum bedroom floor areas/widths".
- 8.9.5. The Apartment Guidelines allow a variation of 5% of the minimum floor areas and apartment widths, subject to overall compliance with required minimum overall apartment floor areas. The 5% variation is applied to a number of units within the development, as detailed in the Housing Quality Assessment. In all instances the overall floor areas in excess of the minimum requirement. I consider that the proposed units would provide an acceptable standard of amenity and note that Dublin City Council have raised no objection to the minor deviation.

### Dual Aspect

- 8.9.6. 60% of the proposed apartments are dual aspect (63% when the houses are taken into account). The proposal therefore complies with the requirements for intermediate locations.

#### Public Open Space

- 8.9.7. As detailed earlier in this assessment, the quantum of public open space proposed complies with Development Plan standards. I consider that the public open space strategically located within the development and provides a connection to the existing pond on the site. As detailed earlier in this assessment, I recommend the omission of 10 no. units in Block C to provide for a more generous set back from the development to proposed public open space to address the concerns raised within the comments on the application from the Parks Department.
- 8.9.8. The public open space is located to the south of the apartment blocks and will therefore receive good sunlight and would provide for a pleasant amenity space. The Daylight, Sunlight and Overshadowing Assessment prepared by OCSC Consulting Engineers outlines that all open amenity spaces in the development show compliance with BRE Guide 3rd Edition recommendations in relation to sunlight, with all amenity spaces receiving more than 2 hours of sunlight on March 21st test day – Achieving ranges of between 76% and 100%.

#### Communal Open Space

- 8.9.9. The development includes 4,492.22sqm of communal open space is also proposed which exceeds the requirements of the DCDP and the Apartment Guidelines standards which requires a minimum of 1,609sqm. The communal open space is provided within or adjacent to the apartment blocks and is therefore accessible to the residents of these blocks. The Daylight, Sunlight and Overshadowing Assessment prepared by OCSC Consulting Engineers outlines that all communal amenity spaces comply with BRE 209 guidance and receive at least 2 hours sunlight on March 21<sup>st</sup>.

#### Private Open Space

- 8.9.10. Private open space is provided for each apartment unit in the format of balconies and terraces at ground floor units in accordance with or in excess of the required standards. I refer to the requirements of Condition 12 (e) of the suggested conditions provided by DCC within the appeal response which refers to the submission of a

revised landscaping scheme which includes the provision of a privacy strip on building facades adjacent to the public open space. I recommend that this condition is included in the instance that the Board is minded to grant permission for the development.

#### Daylight and Sunlight

8.9.11. The application is accompanied by a Daylight, Sunlight and Overshadowing Assessment prepared by OCSC Consulting Engineers. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE – 3<sup>rd</sup> Edition, 2022 (BR209).
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard
- Table 1 of Appendix 16 Dublin City Development Plan 2022 – 2028

#### *Daylight Results – Internal Daylight in Proposed Dwellings*

8.9.12. The Assessment outlines that there is a 98.7% compliance rate against Criteria I, a 98.3% compliance rate against Criteria II and a 99.7% compliance rate against DCC Appendix 16. All of the proposed houses within the scheme comply with the relevant criteria. Table 2 of the applicant's report provides a summary of apartments and spaces which fall short of compliance with the required standard. Tables 5 to 24 of the report provides specific details of the individual units which fall short of compliance and detail compensatory measures.

8.9.13. Units that do not meet the targets are identified in the applicant's report and details are provided of suitable compensatory measures including outlook, internal and external amenity space and design features including floor to ceiling height and increased overall unit size.

8.9.14. From the information provided in the 'Daylight Levels within the Proposed Development' in Section 5.0 of the applicant's report, I am satisfied that the internal daylight levels within the proposed apartment units are acceptable, and the proposed units are demonstrated to be generally compliant.

8.9.15. Section 7.0 of the applicant's a Daylight, Sunlight and Overshadowing Assessment relates to Sunlight Assessment. This outlines that in total 276 of the 284 residential units within the scheme (97%) meet the sunlight requirements of the BRE Guide 3<sup>rd</sup> Edition therefore achieving a compliance rate of 97% across the development. The units falling short are mainly located on the north, north-east and north -west aspects. Compensatory measures are proposed

8.9.16. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants of this development. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units. The proposed listed compensatory measures are considered to be acceptable/ appropriate for the proposed units/ the overall development of this site.

#### Conclusion

8.9.17. In conclusion I am satisfied that the proposed development will provide for a high quality of residential amenity in this established suburban area. The proposed development would provide a very significant amount of communal and public open space that would be available for the enjoyment of the residents of the proposed dwellings and is acceptable in this regard.

#### **8.10. Social and Community Infrastructure**

8.10.1. The observations on the appeal raise concern regarding capacity for the site to accommodate the proposed residential development on the basis of insufficient social and community infrastructure. The observations refer to capacity issues in schools, gp services and creche places.

8.10.2. In considering the issues raised I note that the appeal site is located within an established residential suburb. In accordance with requirements of Policy QHSN48 / Section 15.8.2 of the Dublin City Development Plan 2022-2028 a Social and Community Infrastructure Audit has been prepared for the site. The report concludes that there will be sufficient social, community including a proposed creche facility and cultural facilities both within the proposed development and the wider area to cater for the needs of the future occupants of the proposed development. The planning authority raised no concerns in this regard. I have reviewed the Social and Community



Infrastructure Audit and I am satisfied that sufficient social, community and cultural facilities will be available to facilitate the development.

8.10.3. Objective CU025 of the Development Plan requires that for all large-scale developments above 10,000sq.m in total area, a minimum of 5% community, arts and culture spaces including exhibition, performance and artist workspaces predominantly internal floorspace is to be provided. In compliance with this objective, the proposed development includes the provision of 1,214.6 sq.m. with external space of 199 sq.m.

8.10.4. A Cultural Infrastructure Assessment was submitted in support of the application. This includes a review of existing cultural facilities within the vicinity. Based on engagement the proposed space is split into 373 sq.m. for artist studios, 613 sq.m. of maker/hackerspace and 228.3 sq.m. of multipurpose community gallery. The Assessment outlines that the proposed space across 2 linked building Blocks A and B linked with a shared pavilion is sufficient in scale to host a range of cultural and community typologies. I am satisfied that the proposal complies with the requirements of Objective CU025 of the DCDP. I consider that the proposed facility is suitably located within the scheme.

#### **8.11. Impact on Water Quality – Water Framework Directive (New Issue)**

8.11.1. A number of the observations on the appeal raise concern in relation to the impact of the proposal on water quality. Observations outline that no Water Framework Assessment of the development has been undertaken.

8.11.2. The impact of the proposed development in terms of the WFD is set out in Appendix 5 to this report. The open drainage pond on site is fed by the Lakelands Overflow from the Poddle River at Wainsfort Manor (Terenure College Stream) which outfalls to the River Dodder c. 500m downstream. Areas of the subject site are identified as Flood Zones A and B within the SFRA set out within the Dublin City Development Plan 2022-2028. The Site-Specific Flood Risk Assessment outlines that the site is subject to pluvial flooding. As detailed earlier in this assessment The groundwater body is the

8.11.3. The WFD status of the Terenure College Stream as 'moderate' and 'at risk' of not meeting the WFD objective. Identified pressures are urban wastewater and urban run-off. The underlying ground water body is the Dublin Groundwater body

(IE\_EA\_G\_008). The WFD status of this waterbody is identified as being “Good” and “Not at risk”.

8.11.4. Section 9.5.2 of the Dublin City Development Plan outlines that the WFD’s good ecological status objective applies to Dublin’s estuaries, coastal areas and rivers Liffey, Tolka, Dodder, Camac, Santry and Mayne together with their sub-catchments. The Plan outlines that in Dublin City, pressures include contamination from surface water run-off; misconnections and urban waste water; culverting and other physical changes to historic river channels; and, increases in impervious surface cover due to urbanisation. The following provisions of the development Plan are of relevance:

- Policy SI7: Water Quality Status To promote and maintain the achievement of at least good status in all water bodies in the City.
- Policy SI8: Physical Condition of Waterbodies To promote the protection and improvement of the aquatic environment and water-dependent ecosystems through proactive discharge and emissions management, and through the enhancement of the physical condition of waterbodies.

8.11.5. As detailed earlier in this assessment I have concerns in relation to the scope and content of the applicant’s Site-Specific Flood Risk Assessment, Basement Impact Assessment and Engineering Report and their assessment of the baseline hydrological environment. In particular I note the presence of a historic watercourse/spring through the site as illustrated within 25” OSI mapping. While this feature is not identified within EPA mapping, the Geophysical Survey Report submitted in support of the application suggests that a modern drain and/or service ducts likely still follow the line of the former path/drain at this location as illustrated within Figure 17. Section 2.1.2 of the Basement Impact Assessment outlines that the site is not located within 100m of an existing well or potential spring line. The footprint of the proposed basement as illustrated on Figures 1.3 and 1.4 of the Basement Impact Assessment is overlain on this feature. This feature is not identified or assessed within the application documentation, and from review of the proposed site layout it is evident that the development which includes an extensive basement layout would result in physical changes to the historic watercourse.

8.11.6. I am not satisfied that the application documentation identifies the presence of existing watercourses through the site and the potential relationship, if any, to the

existing pond on site and whether this feature could be contributing factor to the identified flood zones as identified within the SFRA set out within the Dublin City Development Plan 2022-2028. I do not consider that the application documentation provides a thorough assessment of the baseline hydrological environment and have concerns in relation to the subterranean structures which may place the groundwater and surrounding environment at risk. I am not satisfied that the potential impacts on surrounding groundwater levels and flows have been addressed. I consider that there are significant information deficiencies within the application in this regard.

8.12. On the basis on the information set out within the application and appeal and further to the provisions of Appendix 5, I am not satisfied on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives. I consider that the proposal is contrary to Policies S17 and S18 of the Dublin City Development Plan in this regard. The reasons for this conclusion are as follows:

- The nature and scale of the proposed development.
- The proximity of the proposed development to waterbodies and the hydrological connections to same.
- The lack of identification or assessment of all waterbodies traversing the site including historic watercourses.
- The potential to impact on the water quality and hydrological regime of the waterbodies as a result of flood risk.

8.12.1. This issue may be considered a *new issue* in the context of the appeal, as Dublin City Council's notification of decision to refuse permission for the development related to car parking provision. The Board may wish to seek the views of the parties or to seek further information on the matter.

### 8.13. **Impact on Ecology / Wildlife**

8.13.1. The observations on the appeal raise concern in relation to the impact of the proposal on existing wildlife on the site. An Ecological Impact Assessment was submitted in support of the application. This outlines that while there are no rare or

protected habitats on site, the pond on site and surrounding woodland would be locally important for biodiversity as it provides significant nesting and foraging area for birds in addition to providing a locally important foraging and potentially roosting areas for bats. The EclA outlines that no trees of bat roosting potential are to be felled for the proposed project. A bat survey and wintering bird survey are attached to the EclA. No rare or plant species of conservation value were noted during the field assessment. The EclA identifies the presence of invasive species on site including cornered leek and curly waterweed and recommends the undertaking of an invasive species management plan.

- 8.13.2. The application is accompanied by a detailed Landscaping Plan and Arboricultural Report. The Arboricultural Report outlines that while the overall site area supports many trees, the form and location of the proposed development works are such as to affect very few. Much of the historic landscape and wooded area to the north of the ponds remains wholly unaffected. Those trees that are most likely to be adversely affected, tend to be small enough to be readily replaced, or of poor quality and offering limited sustainability. The proposed development will retain 192 of the 213 trees reviewed. This accounts for the immediate loss of all 17 category “U” trees; however, some might be retained with management for the short term. This represents a retention rate of circa 98%, of the site’s sustainable category A, B and C trees on site.
- 8.13.3. A comprehensive range of mitigation measures are proposed within Table 8 of the EclA to protect the local biodiversity of the site, in addition to the environmental control measures that have been incorporated into the design of the proposed development. I am satisfied that the identified measures are comprehensive. A suitable condition requiring all of the mitigation measures be implemented in full in accordance with best practice, will result in effective control measures to protect biodiversity and the receiving environment, in my opinion.
- 8.13.4. The proposed residential development is confined to the lands that were previously used as playing pitches that are identified as being of little significance in terms of ecology or biodiversity. The proposed development does not involve significant physical changes to the more valuable lands around the lake. On the basis of the information set out within the application and appeal, and subject to the implementation of the detailed mitigation measures set out within the EclA I am

satisfied that the proposed development will not impact on existing wildlife/ ecology in the area.

#### **8.14. Other Issues**

##### **Project Splitting**

- 8.14.1. The observations refer to the concurrent application for access to the site under South Dublin County Council PA Ref: SD 24A/0268W. This application is currently subject to appeal to An Bord Pleanála ABP Ref: 321966-25. The observations outline that the sub-division of the applications amounts to project splitting for the purposes of EIA. In considering the above I note that the works proposed under ABP Ref: 321966-25 are not of a Class Specified in Part 2, Schedule 5 or Planning and Development Regulations 2001 (as amended) or a prescribed type of proposed road development under Article 8 of Roads Regulations 1994. I am satisfied that the relevant application documentation including the applicant's TTA and Flood Risk Assessment includes appropriate reference to the proposed concurrent development.

##### **Part V**

- 8.14.2. The observations raise objection to the concentration of all social housing in one block. It is stated that the development fails to provide genuine social integration in this regard. I consider that the spatial distribution of Part V units within the scheme is a matter for agreement and consultation with DCC.

##### **Management**

- 8.14.3. The observers on the appeal raise concern in relation to the management of the development and potential restrictions to access to the lake area and proposed public open space. It is furthermore requested that all attenuation tanks serving the development are taken in charge by the PA to negate against flood risk.
- 8.14.4. A taking in charge drawing has been submitted in conjunction with the application. The pocket park / attenuation feature adjacent to the main vehicular entrance to the site is proposed to be taken in charge by DCC. The remainder of the site, including internal roads and parking and public open space area would be managed and maintained by an appointed management company. In the instance that the Board is minded to grant permission for the development, I recommend the inclusion of a

condition seeking the establishment of a management company who will be responsible for the management and maintenance of the development. In terms of the concerns raised in relation to restriction to access to the amenity areas, I am satisfied that this can be addressed via condition.

#### Community Engagement & Procedural Issues

- 8.14.5. The observations outline that there is a requirement for meaningful community engagement. In considering the issue raised I note that there is no statutory requirement to undertake such engagement. The application was subject to a statutory public consultation period of 5 weeks, and I am satisfied that all concerned parties had the opportunity to make submissions/observations and 3<sup>rd</sup> party appeals in respect of the application.
- 8.14.6. The observations raise procedural issues in relation to the on-line availability of the application. In terms of procedural matters and the alleged insufficiencies of public consultation I am satisfied that the matters raised did not prevent the concerned parties from making representations.

#### Construction Phase Impacts

- 8.14.7. Concerns are raised by some observers regarding construction phase impacts. While it is acknowledged that the proposed construction phase would cause noise and disturbance the works would be temporary. The use of best practice noise control measures, hours of operation, scheduling of works within appropriate time periods, strict construction noise limits and noise monitoring during this phase will ensure impacts are controlled to within the adopted criteria.

## **9.0 Environmental Impact Assessment Screening**

- 9.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 9.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000

as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’

- 9.3. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: *“Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”*
- 9.4. A detailed summary of the proposed residential development is set out within Section 2 of this report. The development includes 19 no. houses and 265 no. apartment units. The development also includes a creche, community and cultural arts space and residential amenity space on a 4.64ha site. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).
- 9.5. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, dated December 2024, and I have had full regard to same. The screening report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5, Part 2 of the Planning and Development Regulations 2001, due to the size of the net site area and due to the number of residential units at 284, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development.
- 9.6. The third-party observations refer to the concurrent application for access to the site under South Dubin County Council PA Ref: SD 24A/0268W. It is stated that this

proposal formed part of the refused development under PA Ref: LRD6004/22 and the sub-division of the applications amounts to project splitting for the purposes of EIA. In considering the above I note that the works proposed are not of a Class Specified in Part 2, Schedule 5 or Planning and Development Regulations 2001 (as amended) or a prescribed type of proposed road development under Article 8 of Roads Regulations 1994. I am satisfied that the relevant application documentation including the applicant's TTA includes appropriate reference to the proposed concurrent development, and I have taken this proposal into consideration in the assessment of the development.

- 9.7. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I also note SEA has been undertaken as part of the Dublin City Development Plan 2022-2028.
- 9.8. I have completed an EIA screening assessment as set out in Appendix 4 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment, at construction and operational stages of the development, and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the



application. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

- 9.9. I am satisfied that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required

## 10.0 **AA Screening**

### Appropriate Assessment Screening

- 10.1. I have completed a screening for Appropriate Assessment (Stage 1) and determined that the project may have likely significant effects on the following European sites: North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004004), South Dublin Bay and River Tolka Estuary SPA (004024) and North-west Irish Sea SPA (004236). An Appropriate Assessment (Stage 2) is required of the implications of the project on the same. I am satisfied that the possibility of likely significant effects by the project on other European sites could be excluded in view of the nature and scale of the project and those sites' conservation objectives.

### Appropriate Assessment

- 10.2. I have considered the Natura Impact Statement submitted by the applicant and all other relevant documentation accompanying the application and completed an Appropriate Assessment (Stage 2) of the implications of the project on the North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004004), South Dublin Bay and River Tolka Estuary SPA (004024) and North-west Irish Sea SPA (004236) in view of the sites' conservation objectives. I consider that the information submitted was adequate to allow the carrying out of an Appropriate Assessment.
- 10.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the following European Sites Nos 000206 North Dublin Bay SAC, 000210 South Dublin Bay SAC, 004004 North Bull Island SPA, 004024 South Dublin Bay and River Tolka Estuary SPA, 004236 North-west Irish Sea SPA subject to the implementation in full of appropriate mitigation measures.

10.4. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004004), South Dublin Bay and River Tolka Estuary SPA (004024) and North-west Irish Sea SPA (004236).
- An assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004004), South Dublin Bay and River Tolka Estuary SPA (004024) and North-west Irish Sea SPA (004236).

10.5. See Appendices 1 and 2.

## 11.0 Conclusion and Recommendation

Having regard to the foregoing assessments, I recommend that permission should be refused for the proposed development for the reasons and considerations set out in the following Draft Order.

## 12.0 Recommended Board Order

**Planning and Development Acts 2000 to 2020 as amended.**

**Planning Authority:** Dublin City Council

**Planning Register Reference Number:** WEBLRD6058/24-S3

Appeal by 1 Celbridge West Land Limited, against the decision made on the 21<sup>st</sup> of February 2025 by Dublin City Council to refuse permission to 1 Celbridge West Land Limited for the proposed Large Scale Residential Development application.

**Location:** Fortfield Road, Terenure, Dublin 6W

**Proposed Development:** Development of a Large-scale Residential Development (LRD) will consist of:

The proposal will consist of a residential development (c.28,169.5 sqm GFA excluding basement) providing 284 no. Units consisting of 19 no. 4-bed, 2-3 storey houses and 265 no. Apartments within 4 blocks ranging in height up to 6 storeys.

The 4 blocks of apartments provide 10 no. studios, 117 no. 1-beds, 129 no. 2-beds, and 9 no. 3-beds, along with a creche (c.100sqm + external space of 153sqm), community culture and arts space (c.1,214.6sqm + external spaces of 199sqm) and residential amenity space (c.301.3sqm).

- Block A ranges in height from 3 to 4 storeys and provides 61 no. residential units.
- Block B ranges in height from 4 to 5 storeys and provides 66 no. residential units.
- Block C ranges in height from 4 to 5 storeys and provides 74 no. residential units.
- Block D ranges in height from 5 to 6 storeys and provides 64 no. residential units.

Blocks A and B are connected by a single storey pavilion building providing the community culture and arts space. All residential units will be provided with associated private open spaces to the north/ south/ east/ west.

Vehicular/ pedestrian/ cyclist accesses will be provided from Fortfield Road with alterations to the existing boundary wall along Fortfield Road. The development will also include the upgrading of the existing Fortfield Road and College Drive junction to a 4-arm signalised junction (in conjunction with a separate, concurrent planning application to South Dublin County Council Reg. Ref. SD24A/0268W) and the relocation and upgrading of bus stop 2397 on Fortfield Road with the provision of a covered bus shelter.

The proposal will also include 165 no. car parking spaces, 633 no. cycle parking spaces and 14 no. motorcycle parking at surface and basement level (located under blocks A, B and C), public and communal open spaces, roof gardens, landscaping, boundary treatments, plant areas, waste management areas, and services provision

(including ESB substations) and all associated works required to enable this development including connection to the Uisce Eireann network.

A Natura Impact Statement (NIS) has been prepared in respect of the proposed development.

**Decision: REFUSE permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under.**

### **Reasons and Considerations**

1. The proposed development would involve the construction of residential development and basement on lands partially in Flood Risk Zones A and B, as detailed within the Strategic Flood Risk Assessment attached as Volume 7 of the Dublin City Development Plan 2022-2028. The proposed location on residential development partially within this flood risk zone would be contrary to the advice at section 3.5 of the Planning System and Flood Risk Management Guidelines 2009 and Policy SI14 and section 4.5.2.1 of Volume 7 of the Dublin City Development Plan 2022-2028. The Site-Specific Flood Risk Assessment submitted in conjunction with the application outlines that the existing flooding is pluvial in nature and the proposal includes surface water management measures to address pluvial flooding. Notwithstanding the measures proposed, in the absence of a full and detailed review and assessment of all water features on the site, having regard to the nature and extent of the proposed development and on the basis of the detailed observations made on the appeal in relation to flood risk, the Board is not satisfied that the proposed development would not result in an increased flood risk both within the proposed development and on surrounding lands. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. On the basis on the information set out within the application and appeal, the Board is not satisfied on the basis of objective information, that proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise

any water body in reaching its Water Framework Directive objectives. The reasons for this conclusion are as follows:

- The nature and scale of the proposed development.
- The lack of identification or assessment of all waterbodies traversing the site including historic watercourses.
- The proximity of the proposed development to waterbodies and the hydrological connections to same.
- The potential to impact on the water quality and hydrological regime of the waterbodies as a result of flood risk.

The proposed development is therefore considered contrary to the provisions of the Water Framework Directive and Policies SI7 and SI8 of the Dublin City Development Plan 2022 – 2028. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Stephanie Farrington  
Senior Planning Inspector

2<sup>nd</sup> of July 2025

## Appendix 1 – Appropriate Assessment Screening

### Screening for Appropriate Assessment

#### Screening Determination

##### Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The appeal site, which has a stated area of 4.64 ha, is located along Fortfield Road in the northwest corner of the grounds of Terenure College Senior School, in an established suburban area approximately 6km to the south of Dublin City Centre. The site is primarily greenfield and was previously used as playing pitches associated with the Terenure College junior school. The eastern part of the site is occupied by a lake and adjoining woodland area.

The Ecological Impact Assessment outlines that the habitats present on site include amenity grassland (GA2), flower beds and borders (BC4), an artificial lake of approximately 1.5 ha (FI 8), broadleaf and conifer woodland surrounding the pond (WD 2), Hedgerow (WL1), Treelines (WL2) as illustrated on Figure 29 Habitat Map of Proposed Development Site. The EclA outlines that no rare or protected habitats were recorded on site. The pond on site and surrounding woodland would be locally important for biodiversity as it provides significant nesting and foraging area for birds in addition to providing a locally important foraging and potentially roosting areas for bats

The SFRA set out within the DCDP identifies Flood zones A and B within the site. The Site-Specific Flood Risk Assessment submitted in support of the application identifies that the flood zones A and B are reflective of pluvial flooding on the site. A proposal to alleviate the pluvial flooding on Fortfield Road has been developed.

##### Proposed Development

The proposed development is described in Section 2 of this report. In brief the development includes a residential development on the portion of the site previously in use as the playing fields. The development includes 19 no. houses and 265 no. apartment units. The development also includes a creche, community and cultural arts space and residential amenity space. Access is proposed via the creation of a vehicular entrance from Fortfield Road and the development includes connection to existing water, waste water and storm water network along Fortfield Road, landscaping and associated site development works.

##### European Sites

The proposed development is not directly connected with or necessary to the management of a European site. Table 1 of the applicant's Screening Report provides a list of designated Special Area's of Conservation (SAC's) and Special Protection Areas (SPA's) within 15km of the site. 16 no. designated sites are identified within these Tables including 10 SAC's and 6 SPA's.

Table 2 of the applicant's AA Screening report outlines that eleven European sites were ruled out from being within the Zone of Influence because of the significant distance between the subject site and the relevant European site and lack of hydrological connections. Given the separation distance from those sites and the lack of ecological connection, this conclusion is accepted.

The closest Natura 2000 site to the application site are the South Dublin Bay SAC 5.9km and South Dublin Bay and River Tolka Estuary SPA 5.8 km.

The observations on the appeal refer to the use of the site by Brent Geese and raise concern in relation to the timeframe of the wintering birds survey.

### **Potential impact mechanisms from the project**

The site is not within/or adjoining any Natura 2000 sites or necessary to the management of any such sites. No direct habitat loss and/or alteration is expected as a result of the proposed development.

Table 2 of the applicant's Screening Report provides an Overview of Potential Impacts. Potential impacts are identified as including direct hydrological connection via surface water, indirect hydrological connection via wastewater and ex situ foraging or roosting site by species of qualifying interest from nearby SPA's. I consider that the following impacts could arise as a result of this development.

#### **Construction Phase:**

- Indirect hydrological pathway from the site to a designated site via the public surface water network.
- Surface water could contain silt, sediments or other pollutants.
- Indirect hydrological pathway from the site to a designated site via the public foul drainage system
- Potential for release of sediments and other pollutants to the air.
- Waste generated during the construction phase of the development.
- Potential for noise disturbance.
- Potential for light pollution.
- Increased human presence and activity at the site and in the vicinity as a result of the proposed development.

Having regard to the above potential impacts, the following can be excluded at this stage:

- Uncontrolled release of sediments etc to air would not impact on designated sites due to the separation distance and the urbanised nature of the area.
- Waste Generation during the construction phase – This will be controlled by the Construction Management Plan and the Construction & Demolition Resource Waste Management Plan and by best practice. There is no direct link that would result in an impact on designated European sites.
- Increased noise, dust, and vibrations/ and from construction vehicles – Standard construction practices will reduce any such impacts and the distance from the subject site to designated European sites will ensure that there are no impacts.
- Increased lighting (construction and operational phases) would not impact on any of the designated sites due to distance.

- Due to distance from designated sites, increased human presence (construction and operational phases) would not impact on these.

The elements of the proposed development that would potentially generate a source of impact include:

- Surface water run-off at construction and operational phase of the development
- Foul wastewater network

The observations on the appeal all raise concern in relation to the use of the site by Brent Geese.

- Ex situ – feeding breeding

There are no other readily apparent impact mechanisms that could arise as a result of this project.

### European Sites at risk

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Surface water pollution at construction/operational phase	If pollutants generated on site reached the existing lake on site, they would be carried south into the River Dodder, and then through Dublin City into the Liffey Estuary, reaching Dublin Bay coastal waters downstream.	<p>South Dublin Bay SAC (Site Code 000210) – 6km</p> <p>North Dublin Bay SAC (Site Code 000206) – 9.6km</p> <p>South Dublin Bay and River Tolka SPA (Site Code 004024) – 6km</p> <p>North Bull Island SPA (Site Code 004006) – 9.6km – stated as 8km within AA Screening</p> <p>North west Irish Sea SPA (Site Code 004236) – 10.4km</p>	<p><u>South Dublin Bay SAC</u></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]</p> <p><u>North Dublin Bay SAC</u></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt</p>



			<p>meadows [1410]  Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> <p><u>South Dublin Bay and River Tolka SPA</u></p> <p>Light-bellied Brent Goose [A046]  Oystercatcher [A130]  Ringed Plover [A137]  Grey Plover [A141]  Knot [A143]  Sanderling [A144]  Dunlin [A149] Bar-tailed Godwit [A157]  Redshank [A162]  Black-headed Gull [A179] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Wetland and Waterbirds [A999]</p> <p><u>North Bull Island SPA</u></p> <p>Light-bellied Brent Goose [A046]  Shelduck [A048] Teal [A052] Pintail [A054]  Shoveler [A056]  Oystercatcher [A130]  Golden Plover [A140]  Grey Plover [A141]  Knot [A143]  Sanderling [A144]  Dunlin [A149] Black-tailed Godwit [A156]  Bar-tailed Godwit [A157] Curlew [A160]  Redshank [A162]</p>
--	--	--	---

			<p>Turnstone [A169]  Black-headed Gull [A179] Wetland and Waterbirds [A999]</p> <p><u>North west Irish Sea SPA</u></p> <p>Red-throated Diver (Gavia stellata) [A001], Great Northern Diver (Gavia immer) [A003], Fulmar (Fulmarus glacialis) [A009], Manx Shearwater (Puffinus puffinus) [A013], Cormorant (Phalacrocorax carbo) [A017], Shag (Phalacrocorax aristotelis) [A018], Common Scoter (Melanitta nigra) [A065], Black-headed Gull (Chroicocephalus ridibundus) [A179], Common Gull (Larus canus) [A182], Lesser Black-backed Gull (Larus fuscus) [A183], Herring Gull (Larus argentatus) [A184], Great Black-backed Gull (Larus marinus) [A187], Kittiwake (Rissa tridactyla) [A188], Roseate Tern (Sterna dougallii) [A192], Common Tern (Sterna hirundo) [A193], Arctic Tern (Sterna paradisaea) [A194], Guillemot (Uria aalge) [A199], Razorbill (Alca torda) [A200], Puffin (Fratricula arctica) [A204], Little Gull</p>
--	--	--	--

			(Hydrocoloeus minutus) [A862]  Little Tern (Sternula albifrons) [A885]
Foul water pollution	Foul water generated on site being discharged from Ringsend WWTP into Dublin Bay	South Dublin Bay SAC (Site Code 000210) – 6km  North Dublin Bay SAC (Site Code 000206) – 9.6km  South Dublin Bay and River Tolka SPA (Site Code 004024) – 6km  North Bull Island SPA (Site Code 004006) – 9.6km – stated as 8km within AA Screening  North west Irish Sea SPA (Site Code 004236) – 10.4km	As above.
Ex situ foraging or roosting site	Ex-situ foraging or roosting site for any species of qualifying interest from nearby SPA's	South Dublin Bay and River Tolka SPA (Site Code 004024) – 6km  North Bull Island SPA (Site Code 004006) – 9.6km – stated as 8km within AA Screening  North west Irish Sea SPA (Site Code 004236) – 10.4km	SPA sites as listed above.
<b>Step 4: Likely significant effects on the European site(s) 'alone'</b>			
<b>Table 2: Could the project undermine the conservation objectives 'alone'</b>			
		<b>Could the conservation objectives be undermined (Y/N)?</b>	

European Site and qualifying feature	Conservation objective (summary) <sup>1</sup>	Surface water pollution	Indirect pathway through the public foul drainage system.	Ex situ – feeding breeding
South Dublin Bay SAC (Site Code 000210)				
Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC.	The AA Screening outlines that in a strict application of the precautionary principle effects may occur in the absence of mitigation measures due to the direct hydrological connection.	No. See discussion below	Not Applicable.
North Dublin Bay SAC (Site Code 000206) – 9.6km				
Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with	Four QIs have, as their conservation objective, to maintain its favourable conservation objective i.e. 1140, 1330, 1395 and 1410.  The remaining 6 no. QI's have, as their conservation objective, to restore its conservation objective i.e. 1210, 1310, 2110, 2120, 2130, 2190.	The AA Screening outlines that in a strict application of the precautionary principle effects may occur in the absence of mitigation measures due to the direct hydrological connection.	No. See discussion below.	Not Applicable.

Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]				
South Dublin Bay and River Tolka SPA (Site Code 004024) – 6km				
Light-bellied Brent Goose [A046] Oystercatcher [A130] Ringed Plover [A137] Grey Plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Bar-tailed Godwit [A157] Redshank [A162] Black-headed Gull [A179] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Wetland and Waterbirds [A999]	13 of the 14 SCI's have, as their conservation objective, to maintain its favourable conservation condition  A141 – The CO for Grey plover outlines that this species is proposed for removal from the list of SCI's for the SPA, as a result a site-specific CO has not been set for this species.	The AA Screening outlines that in a strict application of the precautionary principle effects may occur in the absence of mitigation measures due to the direct hydrological connection.	No. See discussion below	No. See discussion below
North Bull Island SPA (Site Code 004006) – 9.6km				
Light-bellied Brent Goose [A046] Shelduck [A048] Teal [A052] Pintail [A054] Shoveler [A056] Oystercatcher [A130] Golden Plover [A140] Grey Plover [A141] Knot	Every SCI has, as their conservation objective, to maintain its favourable conservation condition.	The AA Screening outlines that in a strict application of the precautionary principle effects may occur in the absence of	No. See discussion below.	No. See discussion below

[A143] Sanderling [A144] Dunlin [A149] Black-tailed Godwit [A156] Bar-tailed Godwit [A157] Curlew [A160] Redshank [A162] Turnstone [A169] Black-headed Gull [A179] Wetland and Waterbirds [A999]		mitigation measures due to the direct hydrological connection.		
North-west Irish Sea SPA (Site Code 004236) – 10.4km				
Red-throated Diver ( <i>Gavia stellata</i> ) [A001], Great Northern Diver ( <i>Gavia immer</i> ) [A003], Fulmar ( <i>Fulmarus glacialis</i> ) [A009], Manx Shearwater ( <i>Puffinus puffinus</i> ) [A013], Cormorant ( <i>Phalacrocorax carbo</i> ) [A017], Shag ( <i>Phalacrocorax aristotelis</i> ) [A018], Common Scoter ( <i>Melanitta nigra</i> ) [A065], Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179], Common Gull ( <i>Larus canus</i> ) [A182], Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183], Herring Gull ( <i>Larus argentatus</i> ) [A184], Great Black-backed Gull ( <i>Larus marinus</i> ) [A187], Kittiwake ( <i>Rissa tridactyla</i> ) [A188], Roseate Tern ( <i>Sterna dougallii</i> ) [A192],	15 no. QIs have, as their conservation objective, to maintain its favourable conservation objective i.e. A001, A003, A013, A065, A179, A182, A183, A187, A192, A193, A194, A195, A199, A200, A862.  The remaining 6 no. QI's have, as their conservation objective, to restore its conservation objective i.e. A009, A017, A018, A184, A188, A204.	The AA Screening outlines that in a strict application of the precautionary principle effects may occur in the absence of mitigation measures due to the direct hydrological connection.		

Common Tern (Sterna hirundo) [A193], Arctic Tern (Sterna paradisaea) [A194], Guillemot (Uria aalge) [A199], Razorbill (Alca torda) [A200], Puffin (Fratercula arctica) [A204], Little Gull (Hydrocoloeus minutus) [A862], Little Tern (Sternula albifrons) [A885]				
--	--	--	--	--

#### *Surface Water*

In relation to surface water quality, the proposed development works within the vicinity of the existing pond on the site. This connects to the River Dodder and which outfalls to the River Liffey and ultimately the marine environment at Dublin Bay.

The applicant's AA Screening Report outlines that it is proposed to discharge storm water to the existing storm water to the existing onsite pond. However, I note that this does not reflect the engineering proposals. At operational phase, surface water from the site will be directed towards a surface water detention basin before being discharged to the existing stormwater sewer on Fortfield Road. Notwithstanding this, the development includes landscape works in the vicinity of the existing pond on site and works within the watercourse. The applicant's Screening Statement outlines that the surface water strategy for the site has the potential to give rise to impacts on downstream designated sites in the absence of mitigation measures. The applicant's AA Screening Report outlines that

*"In a strict application of the precautionary principle, the AA Screening concluded that significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North-West Irish Sea SPA cannot be ruled out from the proposed works in the absence of mitigation measures, primarily as a result of direct hydrological connection to the site via the direction of surface water to the River Dodder and into the River Liffey, with possible downstream impacts from the project during the construction, landscaping and drainage works"*

It is stated that a NIS is required for the development on this basis. Therefore, the potential for likely significant impacts on water quality which could have an indirect impact on this European sites **cannot be ruled out**.

#### *Foul Water Network*

At operational stage, wastewater generated within the development will be directed to the existing foul water network in the vicinity of the site which outfalls to Ringsend WasteWater

Treatment Plant (WWTP). Potential for significant effects at construction and operational phase of the development is negligible due to dilution effects, treatment at the Ringsend WWTP, with additional capacity provided here, location of discharge is not adjacent to the identified Natura 2000 sites and additional available capacity at Ringsend. It is considered that significant effects on marine biodiversity and the European sites within Dublin Bay from the current operation of Ringsend WWTP are unlikely.

#### *Wintering Birds*

I note the concerns raised within the observation on the appeal in relation to the impact of the proposal on Brent Geese. The applicant's screening report provides the results of winter bird surveys over 9 days in November 2023 to March 2024 which indicate that the appeal site was not used by Brent Geese or wading birds that could be part of the populations protected at the SPAs at Bull Island. Appendix 2 of the AA Screening Report includes details of further 10 bird surveys undertaken between November 2022 and March 2023 which do not indicate Brent Geese on site. The wintering bird surveys undertaken suggests the site is not an important location for ex situ foraging or roosting for any species of qualifying interest from nearby SPA's.

Given the separation of more than 5km from those SPAs, the conclusions of the AA screening report it is not likely that the appeal site provides significant ex situ habitat to support the protected species of the SPAs is accepted. Furthermore, given this context and the relative scale of the c2.6ha of playing fields to that would be changed to residential land, compared to the amount of similar land closer to the SPAs, it is considered that in the proposed development would not be likely to have significant effects on the qualifying interests or the conservation objectives of the relevant SPAs. I do not consider that the development of the site would be a limiting factor in this area. While I note that the site may have been used occasionally by Brent Geese it is not a significant ex-situ site in terms of the various amenity grassland sites used by this species throughout Dublin.

#### **Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that it is not possible to exclude the possibility that proposed development alone would result significant effects on European Sites Nos 000206 North Dublin Bay SAC, 000210 South Dublin Bay SAC, 004004 North Bull Island SPA, 004024 South Dublin Bay and River Tolka Estuary SPA, 004236 North-west Irish Sea SPA or any other European site, in view of the sites' Conservation Objectives from effects associated with deterioration on water quality as a result of surface water run off from the proposal.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening.



## APPENDIX 2 – Appropriate Assessment

### Overview

The applicant has provided a Natura Impact Statement (NIS) in accordance with the requirements of the Stage 2 Appropriate Assessment process. Supporting documentation is referenced in the NIS.

I am satisfied that the submitted NIS is in accordance with current guidance/legislation/best practice and the information included within the report, in relation to baseline conditions and potential impacts, is clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on the following European Sites Nos 000206 North Dublin Bay SAC, 000210 South Dublin Bay SAC, 004004 North Bull Island SPA, 004024 South Dublin Bay and River Tolka Estuary SPA, 004236 North-west Irish Sea SPA or any other European site, in view of the sites' Conservation Objectives on the basis of the direct hydrological connection (from the subject site via the existing lake on site to the aforementioned Natura 2000 sites via the proposed surface water drainage strategy. The NIS outlines that Mitigation Measures are required to primarily mitigate against the potential impact of contaminated surface water entering Dublin Bay and impacting on the Conservation objectives of Natura 2000 sites. As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

### Impact Prediction

Table 13 of the NIS is entitled "Potential for adverse effects on the qualifying interests and conservation objectives of European Sites". The table provides an overview of potential impacts and details the QIs for each identified site that may be affected as summarised in the Table below.

South Dublin Bay SAC (Site Code 000210)		
Qualifying Features	Pathway	Effect
Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	Direct surface water hydrological connection via existing pond on site	Unmitigated works have the potential for downstream impacts on habitats of conservation importance through the introduction of silt and pollution during construction and operation. Silt and pollution could

		potentially lead to effects resulting in reduction in diversity and abundance of sensitive communities and habitats within the SAC.
<b>North Dublin Bay SAC (Site Code 000206) – 9.6km</b>		
<b>Qualifying Features</b>	<b>Pathway</b>	<b>Effect</b>
Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]	Direct surface water hydrological connection via existing pond on site	Unmitigated works have the potential for downstream impacts on habitats of conservation importance through the introduction of silt and pollution during construction and operation. Silt and pollution could potentially lead to effects resulting in reduction in diversity and abundance of sensitive communities and habitats within the SAC.
<b>South Dublin Bay and River Tolka SPA (Site Code 004024) – 6km</b>		
<b>Qualifying Features</b>	<b>Pathway</b>	<b>Effect</b>
Light-bellied Brent Goose [A046] Oystercatcher [A130] Ringed Plover [A137] Grey Plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Bar-tailed Godwit [A157] Redshank [A162] Black-headed Gull [A179] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Wetland and Waterbirds [A999]	Direct surface water hydrological connection via existing pond on site	Instream works have the potential for downstream impacts on aquatic biodiversity through the introduction of silt and petrochemicals. Impacts on the SPA from upstream sources have the potential to directly impact on the SCI's of the SPA in the absence of mitigation measures.
<b>North Bull Island SPA (Site Code 004006) – 9.6km</b>		
<b>Qualifying Features</b>	<b>Pathway</b>	<b>Effect</b>
Light-bellied Brent Goose [A046] Shelduck [A048] Teal [A052] Pintail [A054] Shoveler [A056] Oystercatcher [A130] Golden Plover [A140] Grey Plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Black-tailed Godwit [A156] Bar-tailed Godwit	Direct surface water hydrological connection via existing pond on site	Instream works have the potential for downstream impacts on aquatic biodiversity through the introduction of silt and petrochemicals. Impacts on the SPA from upstream sources have the potential to directly impact on the SCI's of the SPA in the

[A157] Curlew [A160] Redshank [A162] Turnstone [A169] Black-headed Gull [A179] Wetland and Waterbirds [A999]		absence of mitigation measures. The NIS furthermore refers to remote potential for disturbance/displacement during construction works on the SCI's of the SPA.
<b>North-West Irish Sea SPA</b>		
<b>Qualifying Features</b>	<b>Pathway</b>	<b>Effect</b>
Red-throated Diver ( <i>Gavia stellata</i> ) [A001], Great Northern Diver ( <i>Gavia immer</i> ) [A003], Fulmar ( <i>Fulmarus glacialis</i> ) [A009], Manx Shearwater ( <i>Puffinus puffinus</i> ) [A013], Cormorant ( <i>Phalacrocorax carbo</i> ) [A017], Shag ( <i>Phalacrocorax aristotelis</i> ) [A018], Common Scoter ( <i>Melanitta nigra</i> ) [A065], Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179], Common Gull ( <i>Larus canus</i> ) [A182], Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183], Herring Gull ( <i>Larus argentatus</i> ) [A184], Great Black-backed Gull ( <i>Larus marinus</i> ) [A187], Kittiwake ( <i>Rissa tridactyla</i> ) [A188], Roseate Tern ( <i>Sterna dougallii</i> ) [A192], Common Tern ( <i>Sterna hirundo</i> ) [A193], Arctic Tern ( <i>Sterna paradisaea</i> ) [A194], Guillemot ( <i>Uria aalge</i> ) [A199], Razorbill ( <i>Alca torda</i> ) [A200], Puffin ( <i>Fratercula arctica</i> ) [A204], Little Gull ( <i>Hydrocoloeus minutus</i> ) [A862], Little Tern ( <i>Sternula albifrons</i> ) [A885]	Direct surface water hydrological connection via existing pond on site	Instream works have the potential for downstream impacts on aquatic biodiversity through the introduction of silt and petrochemicals. Impacts on the SPA from upstream sources have the potential to directly impact on the SCI's of the SPA in the absence of mitigation measures. The NIS furthermore refers to remote potential for disturbance/displacement during construction works on the SCI's of the SPA.

Table 3 of the NIS provides details on the 'In-combination Effects' considered. The applicant reports that most applications were small scale and would not give rise to significant effects. The operation of Ringsend WwTP is also considered in the context of potential in-combination effects. It was concluded that there is no

possibility for any significant in-combination effects to European sites involving the proposed development.

In addition to the projects listed, I note the concurrent application for improvements to Fortfield Road in the vicinity of the site (ABP Ref: 321966-25) and the permission for Bus Connects Templeogue / Rathfarnham to City Centre Core Bus Corridor (ABP Ref: HA29N.316272).

Other developments in the vicinity of the site are subject to the terms of the development plan which was itself the subject of appropriate assessment. It is therefore concluded that the proposed development would not in cumulation with other plans or projects, be likely to have significant effects on any Natura 2000 site.

### **Mitigation Measures**

Table 14 of the applicant's NIS sets out Mitigation Measures and cross refers to the detailed measures set out within the Ecological Impact Assessment, Outline Construction Management Plan and Outline Resource and Waste Management Plan. The NIS outlines that the outlined mitigation measures and ecological supervision and monitoring will prevent impacts on the River Dodder which is a pathway for potential impacts on European sites. The detailed mitigation measures relate to the construction and operational phases of the development and include the standard construction phase mitigation measure together with site specific measures including the appointment of an ecologist to oversee the works and consultation with Inland Fisheries Ireland.

The NIS concludes that *“with the successful implementation of mitigation measures to limit surface water impacts on the River Dodder, including mitigation/supervision, no significant impacts are foreseen from the construction or operation of the proposed project. Residual impacts of the proposed project will be localised to the immediate vicinity of the proposed works and would not impact on Natura 2000 sites. Given that the proposed development is within an urban and existing relatively high disturbance environment it would not be expected that works on site would impact on birds on adjacent sites”*.

The NIS concludes that: *“Following the implementation of the mitigation measures outlined, the construction and presence of this development would not be deemed to*

*have a significant impact on the integrity of European sites. No significant impacts are likely on European sites, alone in combination with other plans and projects, based on the implementation of standard construction phase mitigation measures”.*

### **NIS Assessment**

I have relied on the following guidance: - Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

The main aspects of the development that could impact the conservation objectives of the European sites are through deterioration of water quality in the Dodder River. Notwithstanding outstanding flood risk concerns and local water quality concerns as set out within the recommended reasons for refusal, I consider that any flood related impacts on the quality or regime of water would be diluted/dispersed to insignificant levels at the distant downstream European Sites.

A range of mitigation measures are provided in the NIS, for the construction and operational phases of the development. These include site-specific surface water mitigation measures are proposed to protect the water quality of the existing lake on site which flows to the River Dodder. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on downstream Natura 2000 sites. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan and appropriate monitoring through the construction phase of the development.

### **Appropriate Assessment Conclusion**

The proposed residential development at Fortfield Road, Dublin 6W been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposed development may have a significant effect on the following European Sites Nos 000206 North Dublin Bay SAC, 000210 South Dublin Bay SAC, 004004 North Bull Island SPA, 004024 South Dublin Bay and River Tolka Estuary SPA, 004236 North-west Irish Sea SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the following European Sites Nos 000206 North Dublin Bay SAC, 000210 South Dublin Bay SAC, 004004 North Bull Island SPA, 004024 South Dublin Bay and River Tolka Estuary SPA, 004236 North-west Irish Sea SPA subject to the implantation in full of appropriate mitigation measures.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004004), South Dublin Bay and River Tolka Estuary SPA (004024) and North-west Irish Sea SPA (004236).
- An assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004004), South Dublin Bay and River Tolka Estuary SPA (004024) and North-west Irish Sea SPA (004236).

I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004004), South Dublin Bay and River Tolka Estuary SPA (004024) and North-west Irish Sea SPA (004236).

### APPENDIX 3 - Form 1 - EIA Pre-Screening

<b>Case Reference</b>	233106-25
<b>Proposed Development Summary</b>	Residential Development comprising 19 no. houses and 265 no. apartment units. The development also includes a creche, community and cultural arts space and residential amenity space.
<b>Development Address</b>	Fortfield Road, Terenure, Dublin 6W
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<p>Class/Threshold: Part 2 Class 10</p> <p>(b)(i) Construction of more than 500 dwelling units.</p> <p>B (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'</p> <p>The number of housing units proposed in this instance is 284 which is well below the 500-unit threshold, while the site area at c. 4.64 ha gross (2.46ha net) is also below the 10ha threshold for urban development in other parts of a built up area that's not a business district.</p> <p>Class 15 relates to any project listed in Part 2 of Schedule 5 which does not exceed a quantity, area or other limit specified in Part 2 in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>



<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input checked="" type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 4: Form 3 - EIA Screening Determination Form

### A. CASE DETAILS

<b>An Bord Pleanála Case Reference</b>	<b>322106-25</b>	
<b>Development Summary</b>	Residential Development comprising 19 no. houses and 265 no. apartment units, creche, community and cultural arts space and residential amenity space.	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>Yes</b>	The PA's assessment concurs with the conclusions of the applicant's Screening Report
<b>2. Has Schedule 7A information been submitted?</b>	<b>Yes</b>	
<b>3. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An AA Screening Report and Natura Impact Statement have been submitted in conjunction with the application. A revised Natura Impact Statement and AA Screening Report was submitted in conjunction with the first party appeal.
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	
<b>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	<b>Yes</b>	The Dublin City Development Plan 2022-2028 has been subject to SEA Proposed development has been subject to Screening for Appropriate Assessment

B. EXAMINATION	Yes/ No/ Uncertain	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<p><b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b></p>			
<p><b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)</p>			
<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p><b>No</b></p>	<p>The proposed development would provide for a new residential development at a suburban location that exceeds the predominately building height immediate to the site. However, it is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development having regard to the design approach employed.</p>	<p><b>No</b></p>
<p><b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>No</p>	<p>The site is currently greenfield and extends to include an existing lake and woodland area. The proposed development will result in the development of the site for residential purposes. The proposal incorporates an amenity area adjacent to the existing lake on site.</p> <p>I refer to the recommended reasons for refusal in relation to flood risk and impact on local</p>	<p><b>No</b></p>

		waterbodies. These require further standalone assessments/consideration.	
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	<b>No</b>	Construction materials will be typical for an urban development of this nature and scale.	<b>No</b>
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	<b>No</b>	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the Outline CEMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	<b>No</b>
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	<b>No</b>	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Phase Environmental Management Plan, the project would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant.	<b>No</b>
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto	<b>No</b>	Operation of the standard measures listed in the Construction Environmental Management Plan, will satisfactorily mitigate emissions from spillages during construction and operation. The	<b>No</b>

the ground or into surface waters, groundwater, coastal waters or the sea?		operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and SUDS. Surface water drainage will be separate to foul services within the site.  I refer to the reason for refusal which relates to the potential impact on local water features and local water quality. These require further standalone assessments/consideration.	
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	<b>No</b>	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Outline Construction Environmental Management Plan and Lighting proposals.	<b>No</b>
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	<b>No</b>	Construction activity is likely to give rise to noise, dust emissions and contaminated run off. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Outline Construction Management Plan, the Construction Environmental Management Plan, Outline Resource Waste Management Plan and Operational Waste Management Plan would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for the piped water supplies in the area.	<b>No</b>
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	<b>No</b>	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature .	<b>No</b>

		<p>Parts of the site are located within Flood Zone A and B within the DCDP. A Site-Specific Flood Risk Assessment was submitted in support of the application which outline that the site is at risk of pluvial flooding and the surface water strategy is proposed to address this. I refer to the recommended reasons for refusal in this regard. These require further standalone assessments/consideration.</p> <p>The site is located in proximity to any Seveso/COMAH designated sites.</p>	
<b>1.10</b> Will the project affect the social environment (population, employment)	<b>No</b>	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.	<b>No</b>
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	<b>No</b>	A Masterplan has been submitted in support of the application. This illustrates indicative future development of the overall Terenure College Campus in terms of its potential to accommodate additional educational facilities. The proposed development is reliant on improvements to the junction of Fortfield Road, College Drive on lands within the administrative boundary of South Dublin County Council to facilitate access to the proposed development. This application is subject to a concurrent application to An Bord Pleanála ABP Ref: 321966-25.	<b>No</b>
<b>2. Location of proposed development</b>			
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> </ul>	<b>No</b>	The appeal site is not located within or adjacent to any designated European site. An AA Screening Report and NIS was submitted in support of the application. The nearest European sites are listed in Appendix 1 of this report	

<ul style="list-style-type: none"> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>		Protected habitats or habitats suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. On the basis of the implementation of mitigation measures, the proposed development would not result in significant impacts to any protected sites, including those downstream.	
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	<b>No</b>	The proposed development would not result in significant impacts to protected, important or sensitive species. The proposed residential development relates to the former playing pitches. The area adjoining the lake is not subject to significant works.	<b>No</b>
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?		There are no protected structures on site. The site is not located within a Conservation area or Architectural Conservation Area. There is a recorded monument RMP DU022-095 classified as a castle within the existing educational buildings. The castle was replaced by a mansion in the late 17th century and rebuilt again in 1787 and is now the site of Terenure College. The site is located outside of the zone of archaeological interest identified within the DCDP 2022-2028. This is addressed within the Cultural Heritage Impact Assessment submitted in support of the application.	<b>No</b>
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	<b>No</b>	The site includes a lake, grassed area and includes tree and hedge boundaries and a woodland surrounding the lake to the east of the site. Detailed measures are set out within the EclA to protect the existing woodland and lake. The area adjoining the lake is not subject to	<b>No</b>

		significant works. No residential development is proposed within this area of the site.	
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	<b>Yes</b>	The proposed development is not likely to have significant effects on the lake on site which is not subject to works. Surface water from the development will discharge to the storm water sewer network on Fortfield Road. The site is identified in Flood Zones A and B as set out within the DCDP SFRA. A Site-Specific Flood Risk Assessment was submitted in support of the application which outlines that the site is subject to pluvial flood risk and mitigation measures are proposed to address same. I refer to the reasons for refusal which relate to flood risk and potential for impact on local water features. These require further standalone assessments/consideration.	<b>No</b>
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<b>No</b>		<b>No</b>
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?		The site is served by a local road network. There are sustainable transport options available for future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	<b>No</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?		No The site is in close proximity to community facilities and schools. However, there is no negative impact anticipated as a result of the proposal.	
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?		There is a concurrent application for road improvement works to Fortfield Road and College Drive on lands within the administrative boundary of South Dublin County Council. This application is currently subject to	



		appeal to An Bord Pleanála, ABP Ref 321966-25. This is addressed within the application documentation.	
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?		Any minor impacts will be contained in the immediate vicinity of the site.	
<b>3.3</b> Are there any other relevant considerations?			<b>No</b>
<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<input checked="checked" type="checkbox"/>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Required	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			
<p><b><i>EG - EIAR <u>not</u> Required</i></b></p> <p>Having regard to: -</p> <ol style="list-style-type: none"> <li>the criteria set out in Schedule 7, in particular             <ol style="list-style-type: none"> <li>the nature and scale of the proposed housing development, in an established residential area served by public infrastructure</li> <li>the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone</li> <li>the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)</li> </ol> </li> <li>the results of other relevant assessments of the effects on the environment submitted by the applicant</li> <li>the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,</li> </ol> <p>The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.</p>			

**Inspector:** \_\_\_\_\_

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

**Assistant Director of Planning:** \_\_\_\_\_

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

**APPENDIX 5 - WFD IMPACT ASSESMENT****STAGE 1: SCREENING****Step 1: Nature of the Project, the Site, and Locality**

<b>An Bord Pleanála Ref. No.</b>	ABP-322106-25	<b>Townland/Address</b>	Fortfield Road, Terenure, Dublin 6W
<b>Description of project</b>	The proposed development is for a residential development of 284 no units comprising 19 no. houses and 265 no. apartment units. The development also includes a creche, community and cultural arts space and residential amenity space. The development includes the creation of a new access to the site from Fortfield Road, car parking and all associated development.		
<b>Brief site description, relevant to WFD screening</b>	<p>The appeal site, which has a stated area of 4.64 ha, is located in the northwest corner of the grounds of Terenure College Senior School, in an established suburban area approximately 6km to the south of Dublin City Centre. The site is primarily greenfield and was previously used as playing pitches associated with the Terenure College junior school. The eastern part of the site is occupied by a lake and adjoining woodland area.</p> <p>The topography of the site varies from approximately 48.5m AOD at the south-western corner, to 47.0m AOD at the north-eastern corner of the development site.</p> <p>The Dublin City Development Plan Strategic Flood Risk Assessment identifies that part of the application site is within Flood Zones A and B. The Site-Specific Flood Risk Assessment identified that there is pluvial flooding on development site. A proposal to alleviate the pluvial flooding on Fortfield Road has been developed to address pluvial flood risk. However as detailed within the assessment I have concerns in relation to the scope and content of the SFRA and conclusions set out therein.</p>		

	<p>The application documentation outlines that the soil type on site comprises a mixture of generally impermeable soils, including soft/firm brown sandy gravelly clay and stiff dark brown sandy gravelly clay. This soil type conforms with Soil Type 4 as per the GDSDS. Infiltration tests showed poor infiltration to negligible infiltration in places.</p> <p>The groundwater is described as on EPA mapping as poorly productive bedrock. GSI Groundwater Recharge and Groundwater Subsoil Permeability data indicates that infiltration at the site is low.</p> <p>EPA mapping identified that the site is located on a locally important (LI) Aquifer with Low Vulnerability.</p> <p>Terenure College Stream (IE_EA_09D010900-Segment Code 09_2139) traverses the site which outfalls to an existing lake. The Stream flows through to the east and outfalls to the River Dodder (IE_EA_09D010900) Segment Code 09_2137. The underlying ground water body is the Dublin Groundwater body (IE_EA_G_008). The WFD status of this waterbody is identified as being “Good” and “Not at risk”.</p> <p>The presence of a historic watercourse/spring through the site as illustrated within 25” OSI mapping While this feature is not identified within EPA mapping, the Geophysical Survey Report submitted in support of the application suggests that a modern drain and/or service ducts likely still follow the line of the former path/drain at this location as illustrated within Figure 17. This watercourse is not identified or assessed within the application documentation.</p>
<b>Proposed surface water details</b>	<p>It is proposed to discharge to the 300mm stormwater sewer on Fortfield Road. The Engineering Planning Report submitted in support of the application outlines that due to the</p>

	topography across the development site, it is not possible to discharge the surface water from the development site to the existing lake on the development site.
<b>Proposed water supply course and available capacity</b>	Water supply is from the public main and there is available capacity according to the Uisce Éireann submission on this file.
<b>Proposed wastewater treatment system and available capacity and any other issues</b>	<p>Foul treatment is by the public system along Fortfield Road. Foul wastewater will then outfall to Ringsend WWTP for treatment. The submission from Uisce Éireann outlines that wastewater connection is feasible subject to upgrades. The report outlines that in order to accommodate the proposed connection, upgrade of the existing 225mm VC sewer on Fortfield Road to 300mm ID sewer approximately 60m, will be required. The developer will be required to fund the upgrade works.</p> <p>The Uisce Éireann Wastewater Treatment Capacity Register published in December 2024 outlines that there is spare capacity available within the Ringsend WWTP. There is a WWTP Project Planned/ Underway. The submission on file from Uisce Éireann raises no concern in relation to the capacity of the WWTP. The proposed connection of the existing foul network is deemed acceptable subject to upgrades. The Dublin City Development Plan 2022-2028 outlines that the phased upgrade of the Ringsend WWTP Project and Greater Dublin Drainage Project remain critical wastewater infrastructure investment priorities in the short-to-medium term.</p> <p>The Uisce Éireann Annual Environmental Report for 2023 for Ringsend states the wastewater treatment plant (WWTP) which discharges to the River Liffey was non-compliant with emission limit values for BOD,COD,TSS, Total P and Total N due to overloading. It is stated under subsection 2.1.3.1 (Ambient Monitoring Summary for the Treatment Plant Discharge ...', The primary discharge from the wastewater treatment plant</p>

			does not have an observable negative impact on the Water Framework Directive status in the Liffey Estuary'.				
Others?			No.				
Step 2: Identification of Relevant Water Bodies and Step 3: Source-Pathway-Receptor (S-P-R) Connection							
Identified water body	Distance (metres)	Water body name (code)	WFD status (2016-2021)	Risk of not achieving WFD status i.e. at risk, review, not at risk	Identified pressure on that water body	Pathway linkage to water feature e.g. surface water run-off, drainage, groundwater	
River waterbody (Terenure College Stream)	Within application site	EPA Code 09T02  Terenure College Stream / River Dodder _050  IE_EA_09D010900) Segment Code 09_2139	Moderate	At risk	Urban wastewater, Urban run-off	Surface water run-off	
River Waterbody (River Dodder)	Approx 520m from the lake to the south-east of the site and approx. 800m from the	EPA Code 09D01  River Dodder _050  IE_EA_09D010900) Segment Code 09_2137	Moderate	At Risk	Urban wastewater, Urban run-off	Surface Water Run – off  Hydrological link between Terenure College	

	proposed residential area.					Stream and River Dodder	
Groundwater waterbody	Underlying site  Poorly productive bedrock	Dublin Groundwater body (IE_EA_G_008)	Good	Not at Risk	N/A	Drainage to groundwater	
Historic Spring through site – identified on OSI 25” mapping	Through site	Not identified	Not identified	Not identified	Not identified	Directly impacted by proposed layout	
Step 4: Detailed Description of any Component of the Development or Activity that may Cause a Risk of Not Achieving the WFD Objectives Having Regard to the S-P-R Linkage							
Construction Phase							
No.	Component	Water body receptor (EPA code)	Pathway (existing and new)	Potential for impact / what is the possible impact	Screening stage mitigation measure(s)	Residual risk? Y/N  Detail	Determination to proceed to Stage 2. Is there a risk to the water environment? If ‘screened in’ or ‘uncertain’

							<b>proceed to Stage 2</b>
1.	Site clearance & construction	Onsite EPA Code 09T02 - Terenure College Stream  Downstream (River Dodder) EPA Code 09D01	Existing site watercourses including Terenure College Stream and the lake	Water Pollution - Deterioration of surface water quality from pollution of surface water run-off during site preparation and construction	Mitigation measures set out within the NIS, EclA and Outline Resource and Waste Management Plan are incorporated within the Outline Construction Environmental Management Plan.	Yes  While, I am satisfied that the preventative measures which are aimed at interrupting the S-P-R will reduce possible effects to a non-significant level. However the relationship between the pond and the existing watercourse/spring on site is unclear within the application.	Screened in
2.	Works within and adjacent to existing pond on site	EPA Code 09T02 - Terenure College Stream	Works adjacent to and within existing pond on site.	Deterioration of surface water quality from pollution of surface water run-off and	Mitigation measures in the CEMP include appointment of a site ecologist, storage of topsoil away from the	Yes. I am satisfied that the preventative measures proposed would ensure that	Screened in



		Downstream (River Dodder) EPA Code 09D01		interference with the morphology of the lake in limited and localised areas	pond, silt traps, bunding of fuel, oil and chemical storage areas, consultation with Inland Fisheries Ireland and development of an invasive species management plan to control cornered leek and curly waterweed on site.  Measures contained in the Natura Impact Statement and the Ecological Impact Assessment have been incorporated into the CEMP.	there would not be a reduction in the water quality of the existing pond on site. However the relationship between the pond and the existing watercourse/spring on site is unclear within the application.	
3.	Existing spring through site as identified in OSI 25" mapping	Existing Spring through site as identified on 25" OS Mapping. Not illustrated within EPA mapping	The proposed basement is overlain on this feature.	Removal of this watercourse to accommodate development.	This watercourse is not assessed within the application.	Yes. This feature is not identified or assessed within the applicant's Flood Risk Assessment, Basement Impact Assessment or SuDS strategy. The	Screened in

						proposed development and basement are overlain on this feature.	
4.	Flood risk	EPA Code 09T02 - Terenure College Stream Downstream (River Dodder) EPA Code 09D01	<p>The Site-Specific Flood Risk Assessment identifies that flood waters are contained within the pond channel extents and do not represent a flood risk to the proposed development.</p> <p>The Strategic Flood Risk Assessment within the Dublin City Development Plan identifies flood zones A and B on site. The Site</p>	Flood risk to development site from fluvial flooding or possible pluvial flooding	<p>The SFRA of the Dublin City Development Plan identifies Flood Zones A and B on the appeal site. The Site-Specific Flood Risk Assessment identifies the site is located within Flood Zone C. Hydraulic modelling of the existing pond on site identifies that flood waters are contained within the existing pond channel.</p> <p>The finished floor levels of the ground floor of the existing building will be set at or above 48.0mOD equating to the 0.1% AEP including a 20%</p>	<p>Yes. I refer to the reason for refusal and concerns raised in respect of the Site Specific Flood Risk Assessment submitted in support of the application.</p> <p>I am not satisfied that the proposed development would not result in significant alteration to the existing flood regime or result in flood risk to areas outside the site. I am also not satisfied that the proposed surface water</p>	Screened in

			Specific FRA outlines that this is associated with pluvial flooding.		allowance for climate change and 300mm freeboard.  A proposed detention basin to the north-western corner of the site shall accommodate pluvial flood water.	strategy for the site is sufficient.	
4.	Groundwater	Dublin Groundwater body (IE_EA_G_008)  Underlying site	Drainage to ground	Reduction in groundwater quality from pollution of surface water run-off	Mitigation Measures set out within Table 6 of the Outline CEMP relates to groundwater and include reference to appropriate storage and bunding of potentially hazardous materials.	Yes. I am not satisfied that proposed development would not be affected by flooding. May significantly alter water quality and the hydrological regime.	Screened in
<b>Operational Phase</b>							
1.	Surface water run-off	EPA Code 09T02 - Terenure College Stream	Run-off to watercourses/river	Deterioration of water quality	Incorporation of silt and oil interceptors to ensure clean discharge and	Yes. I am not satisfied that proposed development would not be	Screened in

					which must be serviced regularly	affected by flooding. May significantly alter water quality and the hydrological regime.	
2.	Discharges to ground	Dublin Groundwater body (IE_EA_G_008) Underlying site	Drainage	Reduction in groundwater quality	None	Yes. I am not satisfied that proposed development would not be affected by flooding. May significantly alter water quality and the hydrological regime.	Screened in
3	Existing spring through site as	Unknown	Existing Feature on site	Removal of feature	None identified	Yes. Feature not assessed	Screened in

	identified in OSI 25" mapping					within application	
Decommissioning Phase							
Decommissioning is not anticipated as this is a permanent residential development							

## STAGE 2: ASSESSMENT

### Details of Mitigation Required to Comply with WFD Objectives – Template

#### Surface Water

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<b>Objective 1: Surface Water</b> Prevent deterioration of the status of all bodies of surface water	<b>Objective 2: Surface Water</b> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<b>Objective 3: Surface Water</b> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<b>Objective 4: Surface Water</b> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp; 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)</b>
	<b>Describe mitigation required to meet objective 1:</b>	<b>Describe mitigation required to meet objective 2:</b>	<b>Describe mitigation required to meet objective 3:</b>	<b>Describe mitigation required to meet objective 4:</b>	
<b>Construction Works</b>	Site specific construction mitigation methods described in the CMEMP; flood mitigation measures. However the impact of construction works on all water features through the site is unclear.	Site specific construction mitigation methods described in the CMEMP; flood mitigation measures. However the impact of construction works on all water features through the site is unclear.	Site specific construction mitigation methods described in the CMEMP; flood mitigation measures. However the impact of construction works on all water features through the site is unclear.	N/A	No
<b>Stormwater Drainage</b>	SUDs features; Flood Mitigation Measures. As detailed within the reasons for refusal,	SUDs features; Flood Mitigation Measures. As detailed within the reasons for refusal, the adequacy of	The impact of construction works on all water features through the site is unclear.	N/A	No

	the adequacy of SUDS measures is uncertain.	SUDS measures is uncertain.			
Works within the vicinity of existing lake	Site specific construction mitigation methods described in the CMEMP, EclA; flood mitigation measures. However the impact of construction works on all water features through the site is unclear.	Site specific construction mitigation methods described in the CMEMP, EclA; flood mitigation measures. However the impact of construction works on all water features through the site is unclear.	Site specific construction mitigation methods described in the CMEMP; EclA flood mitigation measures. However the impact of construction works on all water features through the site is unclear.	N/A	No
Works to existing spring/watercourse identified on OSI 25” mapping and within Geophysical survey	Not identified or assessed	Not identified or assessed	Not identified or assessed	Not identified or assessed	No
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<b>Objective 1: Groundwater</b> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<b>Objective 2 : Groundwater</b> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<b>Objective 3 : Groundwater</b> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity		Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:		

<b>Construction Works</b>	<p>Site specific construction mitigation methods described in the CMEMP; flood mitigation measures. As detailed within the reasons for refusal, the adequacy of SUDS measures is uncertain.</p> <p>Basement is proposed through the identified spring which may place the groundwater and surrounding environment at risk and result in impacts on surrounding groundwater levels and flows have been addressed.</p>	<p>Site specific construction mitigation methods described in the CMEMP; EclA, flood mitigation measures. As detailed within the reasons for refusal, the adequacy of SFRA and proposed surface water strategy is uncertain.</p> <p>Basement is proposed through the identified spring which may place the groundwater and surrounding environment at risk and result in impacts on surrounding groundwater levels and flows have been addressed.</p>	Basement is proposed through the identified spring which may place the groundwater and surrounding environment at risk and result in impacts on surrounding groundwater levels and flows have been addressed.	No
<b>Stormwater Drainage</b>	SUDs features; Flood Mitigation Measures. As detailed within the reasons for refusal, the adequacy of SUDS strategy is uncertain.	Adequately designed SUDs features; EclA, Flood Mitigation Measures	N/A	No