



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-307092-20

Strategic Housing Development

Demolition of existing structures,
construction of 250 no. Build to Rent
apartments and associated site works.

Location

Lands at Palmerstown Retail Park,
Kennelsfort Road Lower,
Palmerstown, Dublin 20.
(www.palmerstownshd2.ie)

Planning Authority

South Dublin County Council

Applicant

Randelswood Holdings Ltd.

Prescribed Bodies

Inland Fisheries Ireland
Irish Water
National Transport Authority
Transport Infrastructure Ireland

Observer(s) Appendix 1 (87 no submissions)

Date of Site Inspection 21st of July 2020.

Inspector Karen Hamilton

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The development site (c. 1.2708 ha)is located approximately 6 km to the west of Dublin city centre, at the junction of Kennelsfort Road Lower and the Chapelizod Bypass (R148). The site fronts onto the Chapelizod Bypass and contains a number of commercial units e.g. furniture and car sales units, proposed to be demolished. Part of the site is known as the former Vincent Byrne Site and is referred as such in the development plan.
- 2.2. To the west of the site, is a Circle K petrol filling station and to the north west are further commercial and light industrial units, including a steel works unit. To the north and east is residential development accessed off the Old Lucan Road and Rose View. Access to the site is currently via the Kennelsfort Road Lower in close proximity to the junction with the R-148.
- 2.3. Palmerstown village itself is typically low rise with buildings generally two storey in height. The main concentration of commercial uses is along Kennelsfort Road where the site is accessed from. The large number of suburban type dwellings are located along the north of the site.
- 2.4. Aldi is also accessed off the Old Lucan Road, to the west of the site. There is a turning circle at the western end of the Lucan Road (cul-de-sac). Waterstown Park, which is within an area designated as a Special Amenity Area Order, is located c. 500m north of the development site along the northern boundary of Palmerstown.
- 2.5. There is a QBC located along the Chapelizod Bypass, c. 100 metres from the site. This QBC forms part of the BusConnects proposals. There is a foot bridge immediately adjacent the B & B, on the opposite side of the Kennelsfort Road which provides a crossing route to the other side of the R-148. Bus stops are located along Old Kennelsfort Road and in close proximity to either side of the footbridge along the R-148.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed residential development includes the demolition of commercial buildings (c. 3,629m²) and the construction of 5 no apartment blocks with 250 Build To Rent (BTR) units and ancillary services. The proposal includes alterations and a new vehicular access along the Kennelsfort Road Lower. The proposal is accompanied by a masterplan for the site and those lands directly adjoining the subject site.
- 3.2. The following tables provide a summary of the key details of the proposed development.

Table 1: Key development details

Detail	Proposal
No. of Units	250 apartments
Site Area	1.2708 ha red-line boundary
Density	197 units per ha
Building Height	4 to 8 storeys
Public Open Space	14% of total site area
Car parking	125 spaces (120 in basement and 5 at surface)
Bicycle parking	276 spaces (250 in basement and 26 at surface)
Dual Aspect Apartments	50%
Part V	25 no. units
Residential Amenity	Block A - reception/ concierge/café/ cinema/games room

Table 2: Number of Residential Units proposed

Apartments	No of units	% of each Unit type
1 bed	134	54
2 bed	116	46

Total Apartments	250	100%
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Table 3: Unit type and height for each Block

Apartment Block	Height (storey)	1 Bed Units	2 Bed Units	Total of Units in each Block
Block A	3-6	13	14	27
Block B	6	18	28	46
Block C	6	30	17	47
Block D	7	33	34	67
Block E	8	40	23	63
Total Unit Types		134	116	250

4.0 Chief Executive (CE) Report.

A submission to the SHD application was received from the CE of South Dublin County Council (SDCC) on the 20th of July 2020 and includes a summary of the points raised in the third party submissions, the opinion of the Elected Members, the interdepartmental reports and the planning assessment of the proposed development. The changes to the overall scheme since the previous refusal on the site are noted. The proposed development is considered acceptable in general although the absence of private amenity space for 9 no units, the allocation of communal facilities across all the blocks and the inclusion of lighting and pedestrian links along the right of way are highlighted as issues to be addressed. The submission has been summarised below.

4.1.1. SDCC Planning Assessment

Zoning

- The VC zoning permits residential use.

- A statement of Material Contravention is submitted relating to H7 Objective 4.

Tenure- Build to Rent

- Policy H10 Mix of Dwelling Types seeks a wide range of housing types and tenures in accordance with the County Housing Strategy.
- An Operational Management Plan is submitted in accordance with SPPR 7 and the shared facilities appear acceptable.
- No communal laundry facilities are proposed although the units meet/ exceed the apartment guidelines standards and can therefore accommodate a washing machine.
- A draft legal covenant is submitted to comply with Section 5 of the apartment guidelines although a condition on any grant of permission should be applied.

Development Strategy

- The proposal includes a stepped height with higher buildings along the R148 stepped down towards Kennelsfort Road Lower.
- The Architectural Design Statement indicates compliance with the 12 Urban Design Principles.
- The impact on the adjoining dwellings has been reduced by way of height reduction at sensitive locations
- The Masterplan as submitted shows future potential connectivity.
- The density of 197 units per hectare is acceptable subject to quality, layout and design of the overall proposal.
- Taking account the number of 3 bedroom units in the vicinity of the site, the unit mix is appropriate.

Heights

- The height of the proposal is in excess of the heights in the area and the permitted height under UC6 SLO:1.
- The proposal has been assessed against the criteria in Section 3.2 of the Urban Development and Building Heights Guidelines is served well by public transport, is currently a brownfield site

4.1.2. **Summary of Inter-Departmental Reports**

Environment Services Department- Water & Drainage Design - No objection subject to conditions.

Parks & Landscaping - No objection subject to conditions

Housing Section - No objection subject to Part V condition

Roads Section - No objection subject to conditions

Public Lighting Section - Additional Information Required

4.1.3. **Recommend Conditions**

The PA recommend the inclusion of 30 no conditions on any grant of permission.

The following conditions are of note:

C2- Alterations to the scheme

- Insertion of balconies/ private amenity space for all 9 no units in Block A (units 2, 12 & 22) & D (8, 18, 28, 38, 48 & 58) that currently do not have the benefit of balconies. If balconies cannot be provided, a design solution shall be provided amalgamating the specified apartments with the adjoining apartments to ensure each unit has private amenity space. Or alternatively omit the apartments from the scheme.
- Inclusion of traffic signals/ wall along the Kennelsfort Road from the N4 junction to the Old Lucan Road junction in order to link future traffic signals at these junctions.
- A toucan crossing constructed across the Kennelsfort Road at the junction with the N4.
- The right of way access with a pedestrian route demarcated from the Old Lucan Road Junction to the western boundary of the site.
- Provision of 6 no. mobility impaired parking spaces.

C4- SuDS revisions.

- Revisions to show all SuDS features including the proposed location of tree pits. The SuDS shall be main integrated multi-disciplinary approach and include swales etc.

C6 - Retention of a Landscape Architect

C7- Details of play space proposals.

C8 - Phasing

C9 - Sample of External Materials.

C10- Management Company

C 13- 100% parking shall have connections for future with 10% for electric charging.

C 22- Implementation of the tree protection strategy.

C23- Bat Survey

- Prior to commencement of development the applicant shall lodge a bat survey for bat usage carried out across the entire site and immediately adjoining site to assess roosting and feeding/ foraging activities and assessing potential impact on these species.
- Works to be carried out by a qualified and experienced bat surveyor.
- If bats are found no development shall take place without the necessary permission/ derogation licence.
- The bat mitigation measures within the Bat Survey prepared by Faith Wilson, shall be adhered to at all times.

C26- Notification of Weston and Casement Aerodromes to ensure construction do not impact aviation safety.

C28- Use of the units for Build To Rent only and long term rentals only.

C29- Submission of a covenant or legal agreement confirming the proposal will remain operated by an institutional entity for a period of 15 years.

C 30- Continued Operation of Build to Rent model for 15 years.

4.1.4. **Views of the Elected Members.**

The elected members raised a number of issues with the PA at an Area Committee meeting held on the 26th of May 2020, as summarised below:

- Reference if made to the previous refusal.
- The site is unsafe for pedestrians and cyclists.
- The development is monolithic and too big for this location.
- There is a limit on the development plan for 3 storeys.
- The proposal will not serve the community and is no good for Palmerstown Village.
- The 8 storey element will have a negative impact on the residential amenities.
- There is concern in relation to the impact of the traffic at the junction.
- The proposal is overdevelopment.
- The village has vulnerable people living within it.
- The proposal, as overdevelopment, should be refused.

5.0 **Prescribed Bodies**

5.1.1. **Inland Fisheries Ireland (IFI)**

- Surface Water management measures are noted.
- Regular inspection and maintenance of SuDs infrastructure and petrol/oil interceptors should be a condition on any permission.
- Construction should be in line with a Construction Environmental Management Plan (CEMP).
- Best practice measures to deal with deleterious matter and pollutants should be detailed in the CEMP. Measures to minimise sediment and silt to be included and precautions to ensure no entry of solids to the surface water system.

- There should be local infrastructure capacity to deal with increased foul and storm water to protect the ecological integrity and receiving aquatic environment.
- Wastewater will discharge to Ringsend Wastewater treatment plant which is overloaded and the proposal is premature until the upgrade is commissioned.

5.1.2. **Irish Water (IW)**

- The development would require the diversion of an existing Irish Water owned Foul Water Sewer.
- The applicant has engaged with Irish Water in respect of design proposal for which they have been issued a Statement of Design Acceptance for the development
- A condition should be included requiring connection and diversion agreements with IW.

5.1.3. **National Transport Authority (NTA)**

Secondary Access to Old Lucan Road

- The right of way providing access into the site from the Old Lucan Road does not form part of the subject site.
- The proposals and improvement on this link are referred to as “potential” and “subject to agreement” (Drwg PR224738-ACM-00-00-DR-CE-00-0002).
- In the absence of this link there would be no permeability through the site.
- The previous SHD was refused for lack of permeability.
- In the absence of any clarity on this second access it is assumed that this secondary access cannot be taken into consideration in assessing the application.

Kennelsfort Road Access

- Assuming the access via the Kennelsfort Road is the only access the 3rd reason for refusal for SHD 302521 is highlighted.
- The current proposal does not adequately demonstrate how traffic impacts and access can be overcome.

- The reliance on a single access/ egress and the proximity to the R-148 junction would impose significant additional traffic congestion and reduce safety for all modes.
- The traffic turning off the R-148, onto the Kennelsfort Road Lower and then into the site would have a negative on traffic flows.
- A secondary access is required or the redesign of the Kennelsfort Road access for pedestrian / cycle access only.

Public Transport

- Corridor 6- Lucan to City Centre, of the NTA's Core Bus Corridor (CBC) is provided for in the Transport Strategy for the Greater Dublin Area.
- Plans for the corridor are not finalised and subject to developing BusConnects proposals at the Kennelsfort Road Lower.
- With the evolving proposals any grant of permission should require the applicant to liaise with NTA in particular, location of a central refuses/ staggered Toucan crossing and pedestrian and cycle access.

Car parking

- The provision of 125 carparking spaces at a rate of 0.5 spaces per unit is considered high considering the location close to a high frequency bus corridor.
- The car parking should be restricted.

Cycling

- Cycling Infrastructure in compliance with NTA "National Cycle Manual"
- There is not sufficient cycling provided (Section 5.5.6) of the Cycle Manual.
- The gradient for the basement car park exceeds the recommended maximum and should comply with the NTA National Cycle Manual.

5.1.4. Transport Infrastructure Ireland (TII)

- No observations.

6.0 Third Party Submissions

A total of 87 no submissions where received in relation to the proposal of which 4 no. of these are prescribed bodies, previously detailed. The remaining submissions are from residents in the vicinity of the site, Resident's Associations, organisations representing the community of Palmerstown, businesses within Palmerstown and Councillors and the issues raised are similar in nature. Therefore I have summarised into common themes below.

A submission from a business owner adjoining the site was accompanied by a peer review of the Traffic and Transportation documentation which has been summarised under the traffic and transport theme below.

6.1.1. Operational

- The public could not effectively participate in the planning process during Covid Lockdown.
- The Boards website could not assure the public that electronic submission and payments could be supported.
- The assessment in relation to bats is inadequate.
- The proposal relies on outdated environmental and transport assessments.
- The site notices misinform the public on the timeframes for making observations.
- The development description is misleading as access is only over a right of way and there is no existing entrance into the site via Palmerstown Business Park.

6.1.2. Principle of Development

- The master plan is unrealistic and there was no consultation with the residents.
- The entire master plan lands are not within the control of the applicant.
- The owners of part of the lands within the master plan where not consulted and have no intention of implementing the contents.
- Build To Rent does not lend itself to a long term sustainable community.

- BTR is out of character in Palmerstown Village and policies and objectives of the development plan.
- The proposal is overdevelopment on the site.
- The proposed development of c. 197 units per ha is an excessive increase compared to the national guidance.
- The population of Palmerstown is not stagnating or declining.
- The National Objective 4 in the National Planning Framework to create well designed urban spaces is not being met.
- The developer has a lack of interest in investing in the Village.
- The inferior BTR typologies will not meet the current or future demographics of the city population.
- The village needs a retirement centre for the elderly residents, close to amenities.

6.1.3. Material Contravention

- The material contravention statement is flawed.
- It is disputed that there are any conflicting objectives in the CDP.
- The proposed development is not consistent with the building heights guidelines.
- It cannot be argued that the proposal is similar to the type of development beside a high rise, SDZ or train station where BTR is appropriate.
- The infill should be sympathetic to and enhance the built environment.

6.1.4. Village Zoning

- The proposal does not support the objectives for the village centre, as per the development plan.
- The proposed development and other permissions such as Church (SD17A/0466) and a 55 bedroom B&B (SD19A/0218) will be contrary to UC3 Objective 5 and UC6 SLO1 of the development plan relating to the preservation of the Village setting.

- An 80% increase in the number of resident units in the village is not sustainable.
- The proposal contravenes zoning Objective VC of the development plan.
- The infill is not sympathetic to the architectural interest, character or visual amenity of the area

6.1.5. Previous permission

- The reasons for refusal have not been sufficiently addressed
- The five reasons for refusal should be used again.

6.1.6. Traffic and Transport

- More frequent changing of traffic lights will slow the traffic approach from the N4 and no change in traffic lights will have a knock-on effect on vehicles leaving Palmerstown Village.
- There is no clarity as to the location of the second access through Palmerstown Business Park as the route is not included in the red line.
- Palmerstown Business Park Management Company have not confirmed any agreement for works over the right of way and it is in conflict with current uses and activities in the park.
- The current route through the business park is unsuitable for pedestrians or cyclists.
- Palmerstown is used as a park and ride with people parking at the church and Aldi.
- Palmerstown requires a bypass to the N4.
- The single access point is too close to the main junction with R148 and Kennelsfort Road.
- The traffic generated will have a negative impact on the pedestrian movement in the village.
- There is currently traffic congestion at peak times in the village.
- The bollards proposed to restrict access onto the site is already a pinch point.

- A recent grant of permission for a Church (SD17A/0466) in the village and a 55 bedroom B&B (SD19A/0218) will generate a significant amount of additional traffic in the village and is not included in the traffic impact assessment.
- There is insufficient parking on the site.
- There is a proposed reduction in bus services under the proposals for the BusConnect and not all workers travel to the City Centre.
- It is impractical to place a mini roundabout at the village T-Junction as there is no safe crossing anywhere on the road.
- There should be an increase in dedicated cycle lanes along the Old Lucan road to protect cyclist and require the removal of roadside spaces.
- The increase in activity along Kennelsfort would have a negative impact on the pedestrian activity.
- The Dublin bus is already at capacity.
- Bus Connect proposes changes to the junction with cycle lanes and a traffic light pedestrian crossing on the R148 adjacent to the pedestrian walk over bridge.
- The additional vehicular capacity onto a busy junction will be detrimental to local businesses.
- The Road Safety Audit highlighted the problem with the R148 and the entrance into the site with regards vehicular and pedestrian safety.
- Table 6.5 of the development plan includes a 6 year road programme with an objective for a grade separated junction between Kennelsfort Road and the R148. The proposal as it stands would interfere with this proposal.
- Should permission be granted a condition requiring a contribution to the junction upgrade.
- The submitted Traffic & Transport Assessment is inaccurate and misleading as use of the existing right of way will not improve permeability through the site.

- There is no parking availability in the Village and the insufficient parking spaces will lead to pressure.
- The existing right of way through Palmerstown Business Park is substandard.
- There is only 1 pedestrian crossing for the entire village of Palmerstown.
- The distance between the entrance from Kennesfort and the N4 is too short.
- Traffic lights similar to that for RTE should be used with access via a slip road from the N4.
- The Cycle parking is below the minimum required by the apartment guidelines (276 provided/ 491 required).
- There is no cycle or pedestrian provision on the right of way.
- Refuse collection is reliant on access through the right of way with the Waste Management Plan indicating 33,120 litre of waste per week.

Submission from Dr Rogers on behalf of adjoining business owner:

- Only a 30m sightline is available, rather than the DMURS requirement of 65m and will cause a traffic hazard from increased likelihood of vehicular collision.
- The electoral information indicates a modal split of 60% in this region rather than 40% as suggested by the Mobility Management Plan.
- The underestimation of the car driver population call a doubt over the limited parking provision.
- The reason for refusal in No 3 remains as the sub-standard left-in/ left –out access arrangement at the primary entrance will not cope with the traffic generated by the 250 dwelling development.

6.1.7. Height

- The CDP requires a height restriction of 3 storeys.
- The 8 stories is too high.
- Rebuilding Ireland is not a legal document and the CDP should be considered.
- The proposal is unsympathetic due to the abrupt transition in scale.

- The height is out of character with the area and the scale of different would be extreme.

6.1.8. Local Services

- There is insufficient school or childcare spaces.
- Children will have a long commute to schools.
- There is currently 3 community buildings in the village
- The gym and community centre are reliant on the Management Company.
- The inclusion of a café in the proposal would cause an oversupply in the Village.
- The proposal will have a negative impact on vulnerable residents of Palmerstown Village.
- Stewarts Hospital residents are vulnerable road users and have not been considered.

6.1.9. Residential Amenity

- The houses adjacent will suffer a loss of sunlight.
- The amenity offer for the future residents is limited.
- There is insufficient open space provision for the proposed development (contravention HP 13) and some of the blocks have no private open space.
- The proposal does not provide long term sustainable growth of communities due to the restriction in unit sizes.
- There is insufficient laundry facilities.
- The additional traffic will lead to an increase in noise and nuisance
- An acoustic report has been commissioned by an appellant relating to the noise emanating from their business beside the site (Kennedy Steel) which states that the steel works can be as loud as 75 dB(A).
- The proposal will lead to a loss of privacy at the rear of existing dwellings.
- The Community spirit from Palmerstown will be affected by the BTR units.

- There is a requirement for a structural and stability report of the adjoining properties and any impact on these.
- The boundary wall should remain at the rear of the dwellings.

6.1.10. Visual Amenity

- The proposal fails to protect the character of the ACA IN the village (Mill Lane) and is therefore a contravention of UC3 Objective 1, 2 & 4.
- The proposal is not in keeping with the built environment.
- Granite and red stone is the dominant feature of dwellings in the village.
- The proposal will block the view of the Farmleigh Tower from the village
- The proposal would be visually intrusive and area aesthetically unappealing.
- The apartment blocks are overbearing.
- The design of the Blocks does not respect the linear design of the village.
- Views of Dublin Mountains will be cut off by some residents.
- There are no north facing elevation plans submitted, therefore the visual impact from the rear of the existing dwellings cannot be determined.

6.1.11. Waste Water & Surface Water

- Proposal for a Hotel (SD04A/098) was refused by SDCC in 2004 as there was lack of capacity in the foul sewer downstream of the site.
- There is a major concern in relation to the upgrade of the sewerage system as there is no upgrade planned since the last application.
- The Vincent Byrne site was built on wetlands/ floodplains.
- It is not clear if the previous issues on surface water from the first SHD have been addressed.
- The JR challenge to SHD application in Carpenstown (305980). SEA, wastewater solutions and impacts on Natura 2000.
- The proposal relies on the use of the current water/ waste water and surface water system which is already over capacity. An NIS is required.

6.1.12. Part V

- The value proposed for the Part V units is well above the market value.

6.2. **Elected Member submissions.**

Four submissions were received from elected members representing the local community. The issues raised are summarised below under each individual submission although I have also consolidated these issues within the common themes above.

6.2.1. Cllr Alan Haynes

- Impact on vulnerable community users
- Significant increase in traffic volume having regard to other permissions granted.
- There remains a negative impact on the pedestrian and cyclists.
- The entry exit point onto the Kennelsfort Road is unsafe.
- The development is too big for the location.
- The restriction from the county development plan for 3 storeys should remain.
- The masterplan submitted is not realistic.
- The proposal will not benefit the community.

6.2.2. Cllr Gus O Connell, Cllr Paul Gogarty & Cllr Liona OToole

- The proposed development is out of character with the site and is overdevelopment.
- The BTR proposal is not in keeping with the Palmerstown Community.
- The proposal will have a negative impact on the residential amenity of adjoining residents.
- The proposal would have a negative impact on the character of Palmerstown Village.
- The access and egress into the site will have a negative impact and has safety concerns on traffic in the immediate vicinity and other junctions in the village.

- There are no conflicting objectives in the development plan to allow a material contravention of the development plan
- The proposed development is not consistent with the Building Heights Guidelines.
- BTR units are typically found in more central locations.

6.2.3. Cllr Shane Moynihan

- The proposed development is inappropriate within the village of Palmerstown and it does not respect the heritage and character.
- The proposal materially contravenes the county development plan.
- The BTR scheme encourages a growth in transient renting population with no ties to the area.
- The traffic volume will lead to increased congestion and impact of the lack of parking capacity in the village.
- The proposal will have a negative impact on the public transport including the BusConnects.
- The proposal will have a negative impact on the residential amenity of the existing and proposed residents.
- There has been no structured consultation with the applicant and the community.

6.2.4. Eoin O Broin TD, Mark Ward TD & Cllr Lisa Kinsella- Colman

- There is a need for mixed use development which provides specific accommodation for social and affordable and downsizing in line with increase provision of infrastructure.
- The height and density is not in line with the CDP.
- There is concern over the use of BTR typology at this location.
- The Part V costing is not acceptable.
- The access/ egress is not appropriate along Kennelsfort Road.

- The interface with the surrounding undeveloped lands remains inappropriate and the masterplan has not been agreed with the surrounding land owners.
- It is not clear if there is adequate surface water infrastructure.
- The proposal does not address the inappropriate design solution from the first refusal.

7.0 Planning History

PL.06S.234178 (Reg Ref SD09A/0021)

Permission granted for a significant mixed-use development including retail, offices, 102 residential units, 220 bed aparthotel, café/restaurant, library and health centre and on the site. The proposal comprised of 6 buildings ranging in height from 4 to 6 storeys.

Permission extended under reg. ref. SD09A/0021/EP and expired on the 20th of May 2020.

SHD ABP 302521-18

Permission refused by the Board in December 2018 for a Strategic Housing Development comprising the construction of a residential mixed use development of 303 no. apartments (26 no. studios, 125 no. 1 beds, 133 no. 2 beds and 19 no. 3 beds) with a crèche facility, a gym, a community/sports hall, a concierge office and a community room in 2 no. blocks.

The reasons for refusal are summarised as follows:

1. It is considered that the proposed design strategy as it relates to scale, mass and orientation of structures on the site and the surrounding area and the overshadowing and overbearing impact on the existing properties to the northern boundary, particularly numbers 4 and 5 Roseview.
2. The proposed development would be self-contained with a single access and egress point onto Kennelsfort Road Lower. It is considered that the layout of the proposed development provides limited opportunities to facilitate potential future access to the rear gardens of the houses to the north and is premature

pending the preparation of a master plan for the subject site and adjoining industrial sites that addresses connectivity and permeability for all road users.

3. The traffic generated and the provision of a single vehicular access/egress point at the junction of Kennelsfort Road Lower and the R-148 regional road, would endanger public safety by reason of traffic hazard from increased traffic movements and would lead to conflict between road users, that is, pedestrians, cyclists and vehicular traffic.

The proposal for a pedestrian and cycle route through an existing industrial/commercial area, which appears to be in private ownership, is inappropriate and would militate against the creation of an attractive pedestrian environment.

4. The location of the public and semi-private open space along the frontage of the R-148 regional road, which is heavily trafficked, would compromise the use and enjoyment of this area by future residents.

The design, bulk and massing of Block A, a number of the single aspect one-bed units within this block would have a poor aspect, with limited penetration of daylight and sunlight.

5. There is inadequate information on the capacity in the existing surface water network to cater for the proposed development.

the storm water outflow arising from the development can be limited such that it would be in accordance with the requirements of Greater Dublin Regional Code of Practice for Drainage Work (Volume 2 New Development version 6.0) or that the site, when developed, can be adequately and sustainably drained so as not to result in any significant environmental effects on the quality of the receiving water, the River Liffey, as a result of the potential increased discharges or such as to give rise to a risk of flooding.

There were a number of notes attached to the Boards Direction as follows:

Note 1. Regard is given to the Urban Development and Building Heights Guidelines for Planning Authorities, as this relates to objectives of the South Dublin County Development Plan which set specific limitations on building height on the subject site (and adjoining lands).

Note 2. In including reason number 2, the Board had regard to the Urban Development and Building Heights Guidelines for Planning Authorities, and in particular paragraph 2.11 of these Guidelines, which refer to the need to prepare master plans for areas that have the potential for comprehensive urban development or redevelopment, and where assessment of movement, public realm, design and other issues are best addressed at a neighbourhood level rather than at an individual site scale.

Note 3. In including reason number 3, the Board had a query over the selection parameters and filtering selection chosen for the model used in the submitted Traffic and Transport Assessment were inappropriate, and were not properly representative of the location and circumstances of the site. The sole access and egress from the junction of Kennelsfort Road Lower and the R-148, would be unacceptable.

7.1. Section 5 Pre Application Consultation

- 7.1.1. A pre application consultation took place at the offices of An Bord Pleanála 11th of December 2019, commencing at 2.30 pm and following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála issued an opinion that the documentation submitted required **further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála as summarised below:

Development Strategy

Further consideration and/or justification of the documents as they relate to:

- The alignment, scale, massing and articulation of blocks, particularly when viewed along the R148. In this regard, the prospective applicant should satisfy themselves that the design strategy provides for the optimal architectural response to the site in line with the 12 criteria in the urban design manual.
- The design, depth, and disposition of the blocks, particularly of Block A and in its interface with the public realm, proximity to the basement ramp and the amenity of internal units.
- Block C in terms of its impacts to the residential properties to the north and interface with public open space.

- The quality of the proposed open spaces and public realm particularly in terms of overshadowing, wind tunnel effects and the standard of amenity.
- The landscaping proposals; details of boundary treatment; treatment of public plaza at Kennelsfort Road.
- Finishes and materials and treatment of balconies along the R148.

Residential Amenity

Further consideration and/or justification of the documents as they relate to:

- Clarity regarding the extent of dual aspect units and extent of north facing single aspect units.
- The internal amenity of apartments in terms of sunlight and daylight penetration, particularly Block A.
- The potential impact of the development on the residential amenities of properties to the north, notably 4 and 5 Roseview.
- Amenity of residential units fronting onto terraces and units not served by balconies from the principle living area.
- Quality and location of residential support facilities and amenities having regard to the fact that it is a proposed BTR development;

Pedestrian/Cyclist Permeability and Car Parking

Further consideration and/or justification of the documents as they relate to:

- Quality of public realm and particularly future pedestrian and cyclist connections through to the Lucan Road. Clarity should be provided regarding any upgrade works proposed to the right of way including public lighting. In the absence of appropriate pedestrian and cyclist connections, full justification for the proposed through route should be provided including an assessment of traffic safety.
- Extent of car parking having regard to the guidance set out under SPPR 8.

Drainage

Further consideration and/or justification of the documents as they relate to:

- Clarity regarding presence of culverted stream on the site and whether this requires diversion to facilitate the development.
- Detailed assessment of the surface water attenuation volumes required to facilitate the development.
- Site specific soil tests and whether SuDs measures can be designed to promote infiltration and surface water run off to ground.
- Detailed SuDS design.
- Response to the technical requirements of the Water Services Department of South Dublin County Council as detailed in their report dated the 14th of November 2019.

7.1.2. Furthermore, the prospective applicant was advised that the following **specific information** should be submitted with any application for permission:

1. Daylight and sunlight analysis, details of interactions along the north at Rose View.
2. Photomontages and assessment as from the Liffey valley Special Amenity Area Order.
3. Phasing plan.
4. Taking in charge layout.
5. External finishes and treatments.
6. Landscaping details.
7. Residential Amenity and service report.
8. Build to rent management and lifecycle report.
9. Covenant or legal agreement.
10. Housing Quality Assessment.
11. Childcare demand and Analysis.
12. Detailed Quality Audit.
13. Noise Impact Assessment.
14. Operational Waste Management.

15. Microclimate Study.

8.0 Applicant's Statement

8.1. Applicants Response to the Pre-application Consultation:

Development Strategy

- Block A is redesigned into two smaller blocks.
- Bloc C has been set back and reduced in height.
- The café and ancillary services are in Block A.
- A detailed daylight and Sunlight analysis is included.
- High quality landscaping and public realm allows for permeability through the site.
- Landscaping is designed with microclimate experts.

Residential Amenity

- The proposal complies with the Sustainable Residential Guidelines.
- 50% dual aspect is provided.
- Balconies have been reconfigured.
- Overshadowing is not an issue.
- Alterations to Block A will allow additional light to penetrate apartments
- There will be an increase in sunlight to Roseview and No. 15 Kennelsfort from the demolition of commercial properties.
- The BTR operational management and market justification reports provide details on the operation of the BTR scheme.

Pedestrian/ Cyclist Permeability

- A Traffic and Transport is submitted
- The proposed pedestrian connection onto the Old Lucan Road via Palmerstown Business Park will be a more direct route.

- Enhanced public lighting is proposed in Palmerstown Business Park (not part of this application)
- Parking provision of 0.5 per apartment unit is sufficient to cater for the anticipated demand.
- Two access locations at both Kennelsfort Road Lower and Old Lucan Road allow permeability.

Drainage

- There is an existing 225mm diameter surface water sewer at the north-east crossing the site, discharging to another at the south-east corner 750mm diameter surface water sewer (R148- Kennelsfort Road Lower junction).
- It is proposed to discharge to the proposed surface water network by gravity.
- The soil index reveals a type 3 soil.
- The landscaping area takes account of the runoff coefficient of 30%.
- An attenuation storage tank with volume capacity 426m³ is included on the site.
- The proposal includes the decommissioning of the existing surface water pipework and diversion into the proposed drainage network.
- The proposal includes the decommissioning of an existing 600mm concrete sewer connecting to a manhole on the western side and diversion on the grass area to the south of the site.
- 2 no CCTV surveys were carried out to establish if the current 600mm concrete sewer was in use. Debris was encountered due to heavy rainfall and the survey was stopped at 40m.
- The proposal includes the decommissioning of a 600mm sewer on the site and diversion via a proposed 600mm along the green strip to the north of the R148, 5m away from the proposed blocks.

8.1.1. **Statement of Material Contravention**

The application has been advertised as a material contravention of the South Dublin County Development Plan 2016 -2022 having regard to the proposed building which is 3 to 8 storeys and those policies in the development plan summarised below which restricts heights:

- H7 Objective 4- heights restricted to 3 storeys,
- UC6 SLO 1- Limit future development on the former Vincent Byrne site to three storeys and two storeys where it backs or side adjoining two storey housing.

The height restrictions are considered contrary to the Section 28 Ministerial Guidance and not in line with proper planning and sustainable development. Policies in order sections of the development plan requiring higher densities are highlighted including:

- HB Objective 1- densities should ensure the efficient use of zoned lands,
- H8 Objective 2- consider higher densities at centres and in lines with the sustainable residential guidelines.
- H9 Objective 1- Encourage varied height for urban design.

Justification for the heights relate to the location close to public transport and the requirements for compact urban form in the National Planning Framework, the Sustainable Residential Development , the Design Standards for Apartment guidelines and the Urban Development and Building Heights guidelines.

Planning Precedence for higher buildings has been set by a grant of permission for SHD PL06S.302521.

9.0 Relevant Planning Policy

9.1. National Policy

9.1.1. Project Ireland 2040 - National Planning Framework

A number of key National Policy Objectives (NPOs) are noted as follows:

- NPO 3(a): Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

- NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 13: 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.
- NPO 27: 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.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35 seeks to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

9.1.2. **Section 28 Ministerial Guidelines**

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)

- Design Manual for Urban Roads and Streets (December 2013)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment’, August 2018.

9.2. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

A number of key Regional Policy Objective (RPOs) are noted as follows:

RPO 5.4 : Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.5 : Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

9.3. South Dublin County Development Plan 2016-2022

The site is zoned as VC-Village Centre where it is an objective “*To protect, improve and provide for the future development of Village Centres*”.

- Residential is permitted in principle.
- The VC zoning is to support the protection and conservation of the special character of traditional village and provide for enhanced retail and retail services, tourism, residential, commercial, cultural and other uses that are appropriate to the village context.

Site Specific local Objective:

UC6 SLO 1- *To preserve the character of Palmerstown Village by limiting any future development on the former Vincent Byrne site to three storeys in height, and two storeys where it backs or sides onto adjoining two storey housing.'*

development to the east of the M50 and south of the River Dodder”.

Heights

Housing (H) Policy 7 Urban Design in Residential Developments.

H7 Objective 4 states: *“that any future development of both residential and/or commercial developments in Palmerstown Village and the greater Palmerstown Area shall not be higher than or in excess of three stories in height.”*

UC6 Objective 1: *“To encourage varied building heights in town, district, village, local and regeneration areas to support compact urban form, sense of place, urban legibility and visual diversity while maintaining a general restriction on the development of tall buildings adjacent to two-storey housing”.*

UC6 Objective 2: *“To ensure that higher buildings in established areas take account of and respect the surrounding context.”*

Settlement Hierarchy

- Table 1.1 of the CDP sets out the settlement hierarchy for South Dublin.
- Palmerstown is identified as an area for “consolidation within the gateway”.
- The plan sets out that there is no significant road, water supply or drainage constraints. Proposed high capacity transport projects would increase capacity of zoned lands.
- Table 1.10- Housing capacity is 9,620 for areas in the “consolidation areas within the Gateway” , 2016-2022

Core Strategy

Core Strategy Policy 1 Consolidation Areas within the Gateway sets out that “it is the policy of the Council to promote the consolidation and sustainable intensification of

HCL Policy 14 Liffey Valley Special Amenity Order (SAA0)

The Liffey Valley Special Amenity Area Order 1990 (SAAO) and proposed Natural Heritage Area associated with the Liffey Valley are located to the north of the site.

Village Centre

Urban Centres (UC) Policy 3 Village Centres

“It is the policy of the Council to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value.”

UC3 Objective 2: *“To promote design standards and densities in traditional village centres, that are informed by the surrounding village and historic context and enhance the specific characteristics of each town or village in terms of design, scale and external finishes.”*

Infill- UC3 Objective 4: *“To continue to improve the environment and public realm of village centres in terms of environmental quality, urban design, safety, identity and image.”*

UC3 Objective 7: *“To reinforce village centres as a priority location for new mixed-use development and to promote and support new development that consolidates the existing urban character with quality of design, integration and linkage as important considerations.”*

Roads

Table 6.5 - Six Year Road Programme

- Kennelsfort Toad and the R148- Upgrade existing junction- Provision of grade separated junction to enhance the efficiency of the junction, particularly for buses on the N4/Lucan Road QBC and ensure safe crossing facilities are provided for all users.

Table 6.6- Medium to Long term Road Objectives

- Junction 8- M50- Re-establishment of the J8 Junction -To promote development of enterprise lands at Clondalkin (and Park West) and to alleviate traffic congestion within Clondalkin and Palmerstown Villages.

TM Policy 7- Car parking. Management of Public Parking

- Pay and display parking and inclusion of residential permit systems in Palmerstown will prioritise on-street parking for residents and reduce traffic to these areas.

Cycling

Table 6.4- Six year cycle network programme

- Liffey Valley Greenway- Green Route- Lucan to Palmerstown
- S6- Primary Route- Lucan to Palmerstown via N4
- 7a- Primary Route- Lucan to Palmerstown via Liffey Valley

9.4. **Designated Sites**

9.5. The site is located c. 7.7km to the east of Rye Water Valley/ Carton SAC (001398) and c. 10km north of Glenasmole River Valley SAC (001209).

9.6. The site is located c.10km to the west of Dublin Bay which supports the following European Sites:

- South Dublin Bay and River Tolka Estuary SPA (004024),
- South Dublin Bay and River Tolka Estuary SAC (00210),
- South Dublin Bay SAC (000210),
- North Bull Island SPA (004006),
- North Dublin Bay SAC (00206).

9.7. **Applicant's Statement of Consistency**

The statement of consistency demonstrates that the proposal is consistent with the relevant National and Regional Policies. The apartment units comply with all aspects of the national guidance, in particular SPPR 7 & 8 of the Sustainable Urban Housing: Design Standards for New Apartments (March 2018) and guidance relating to BTR units.

The Core Strategy of the development plan requires the consolidation of housing within the gateway of which Palmerstown is included. Housing objectives of the plan support infill development which higher densities along transport corridors. Two housing units are proposed although there is a range of diversity for unit layout.

With regard the height and a restriction in Site specific objective UC6 SLO 1 & H7 Objective 4, the proposal is on an arterial route for Dublin City and the national policy for building heights discourages blanket height restrictions

10.0 **Assessment**

10.1. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Impact on Palmerstown
- Material Contravention of the South Dublin County Council Development Plan 2016-2022.
- Build To Rent (BTR)
- Masterplan and Permeability
- Urban Design, Layout & Residential Amenity
- Traffic and Transport
- Surface Water & Flooding
- Other

Impact on Palmerstown

10.2. The site is located within Palmerstown on lands zoned in the South Dublin County Development Plan as Village Centre (VC) where there is an objective *“To protect, improve and provide for the future development of Village Centres”*. Palmerstown is identified in the county development plan as an area for “consolidation within the gateway”. The site is a typical brownfield site and comprises a large number commercial units which are occupied by light industrial and retail warehouse uses. Further west and north west additional commercial and industrial uses extend into Palmerstown Business Park and a right of way extends into the site from the Old Lucan Road and through this business park. A row of two storey and single storey

dwellings are located immediately north of the site, some of which are separated from the site by long linear rear gardens.

- 10.3. In addition to the subject site and the Palmerstown Business Park, the VC zoning extends along the east of Kennelsfort Road Lower and around the junction with the Old Lucan Road. The majority of the local services for the Palmerstown area are located around these crossroads. Upon site inspection I noted a variety of facilities and services and range of retail product available on these lands.
- 10.4. The Village Centre Zoning includes residential as a permissible use. Policy 3 Urban Centres (UC) Village Centres, of the development plan requires the council to strengthen traditional villages of the county by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value. The current commercial properties do not contain any features of interest which add to the architectural or heritage value of the area and therefore I do not consider their removal would be detrimental to the surrounding area.
- 10.5. A significant number of third party submissions have noted concerns in relation to the impact of the proposed development on Palmerstown, including both the heritage and the community, and do not consider the proposed 250 BTR units will lead to a long term sustainable community. Particular reference in the third party submission is made to the impact on both the Stewarts Care/ School and the Simon Community Retirement Home. I have addressed the specific issues of the BTR units separately below.
- 10.6. I note the Stewart's School, a special education facility, is located c.200m to the north of Palmerstown along Waterstown Avenue on the opposite side of the Old Lucan Road. Stewarts School adjoins the overall complex of Stewarts Hospital which spans c. 500m along the north of the Old Lucan Road. The site is separated by a number of resident estates and the current Palmerstown Village. I consider the subject site is sufficiently separated from the Stewarts School so as not to have a direct impact on the functioning of this facility. Issues relating to traffic and transport are assessed separately below. No information was provided by any observers on the location of the Simon Community Retirement Home, although I note from site inspection there are no facilities directly within or adjoining the site.

- 10.7. Residential amenity facilities provided in Block A comprise of a reception/concierge, café, meeting room, works space, cinema and games room (total 626m²). Aside from the café which fronts onto Kennelsfort Road, the proposed facilities are restricted for the use of future occupants. A Community & Social Infrastructure Audit has been undertaken by the applicant and the findings submitted with the application conclude that the residential facilities are of a scale for the residents of the proposed development. Having regard to the scale proposed I do not consider the use of these facilities would conflict with any of the existing services in the village centre.
- 10.8. In terms of heritage, I note there are no designated Architectural Conservation Areas on the site or in the vicinity of the site. Two buildings listed on the Record of Protected Structures are located on the corner of Kennelsfort Road Lower and old Lucan Road. The distance from the site will prevent any direct impact on the protected structure and the visual impact on the surrounding area is further assessment below in detail.
- 10.9. Having regard to the commercial use on the site, the village centre zoning, the range of services and facilities provided in Palmerstown and the proposed development and the location of the site adjoining a business park, residential area and along the R148 I do not consider the uses proposed would have a negative impact on the character or heritage of Palmerstown Village or the existing community.

Material Contravention of the South Dublin County Council Development Plan 2016-2022.

- 10.10. The proposed development comprises of 5 no. apartment blocks (A-E) which range in height from 3 to 8 storeys. The site, previously known and referred to in many documents as the former Vincent Byrne Site, has two specific policies objectives in the South Dublin County Development Plan 2016-2022 which restrict the height of proposed buildings to two and three storeys as detailed below.

Urban Centres (UC) Policy 6 Building Heights

UC 6 SLO:1 *“To preserve the character of Palmerstown Village by limiting any future development on the former Vincent Byrne site to three storeys in height, and two storeys where it backs or sides onto adjoining two storey housing.”*

Housing (H) Policy 7 Urban Design in Residential Developments

H7 Objective 4: *“That any future development of both residential and/or commercial developments in Palmerstown Village and the greater Palmerstown Area shall not be higher than or in excess of three stories in height”.*

10.11. The proposed development has been advertised as a material contravention of the development plan and a Statement of Material Contravention accompanied the application. This report sets out justification for the height of the proposed development having regard to national guidance and planning precedence on the site. The submission from the PA acknowledges the material contravention having regard to those site specific restrictions from the development plan although notes the relevance of the criteria for higher buildings as per Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities 2018 and SPPR 1 of the Apartment Guidelines (2018). Having regard to the information submitted, the PA are satisfied that the applicant meets the criteria for higher buildings and refers to SPPR 3 of the apartment guidelines that provides for planning authorities to grant permission contrary to their development plan subject to their satisfactions that the applicant has met the relevant criteria.

10.12. I note the height of the proposed buildings and the specific height restrictions detailed in UC 6 SLO:1 and H7 Objective 4 of the development plan and I consider the height of the buildings at 8 storeys (23.15m) significantly exceeds the 3 storey height restriction. In this regard I consider the proposal a material contravention of the development plan.

10.13. Section 37(2)(b) of the Planning and Development Act of 2000 as amended provides that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with specific criteria. Whilst the PA have not recommended a refusal of permission, the proposed development deemed as a material contravention of the plan and as per the strategic housing development act, the Board may only grant permission for a strategic housing development which would materially contravene the development plan or local area plan where it considers section 37 (2) (b) of the Act of 2000 were to apply. I have provided an assessment under each of the criteria listed under Section 37 (2) (b) as follows;

- (i) the proposed development is of strategic or national importance.

A Strategic Housing Development may be regarded as of strategic importance for the delivery of essential housing in line with national policy for addressing homelessness, subject to meeting appropriate planning standards and achieving targeted growth. The National Planning Framework 2040 requires a focus on redevelopment projects with regard underutilised land within the M50 ring for a more compact urban form, facilitated through well designed higher density development. National Policy Objectives (NPO) 35 seeks to “increase density in settlements, though a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

The subject site is located on a brownfield site adjacent to a busy carriage way which leads into Dublin City Centre. The R148 operates as a QBC and frequent bus services operate in the vicinity. A BusConnect route runs along the front of the site along Kennelsfort Road and Old Lucan Road. No maximum density is set within the development plan and the density as provided at c. 197units per ha is considered appropriate on the site. My detailed assessment on the design and layout of the scheme concludes that the scheme will comply with the 12 criteria of the Urban Design Manual and is therefore considered a well-designed scheme. In my opinion the integration of buildings greater than 3 storeys at locations similar to this site is necessary in order to comply with those NPOs in the NPF and I consider the delivery of building heights within the proposed development of 23.15m and of c. 197 units per ha will be of strategic importance for the delivery of essential dwelling units and targeted growth within the Dublin metropolitan area in line with national policies.

- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

The two site specific objectives on the site UC 6 SLO:1 and H7 Objective 4, severely restrict potential design solutions on the subject site. The general polices of the county development plan support increased densities and the implementation of national guidance at appropriate locations.

Section 2.23 of the national guidance Design Standards for New Apartments Guidelines for Planning Authorities notes the application of performance based

criteria, as per the NPF, rather than general blanket restrictions on building height. Policy H13 Objective 1 and Policy H14 Objective 1 require new apartment developments to meet the qualitative and quantitative standards in the national guidelines for apartments. I consider the use of specific objectives UC 6 SLO:1 and H7 Objective 4 conflicts with the policies of the county development plan requiring the use of the national standards for new apartments.

The Sustainable Residential Guidelines addresses the issue of acceptable heights in the accompanying Urban Design Manual and the impact on residential amenity should be considered. The urban design manual requires the integration of appropriate heights relative to the street widths. Policy H7 Objective 1 and H8 Objective 1 & 2 of the development plan requires the creation of communities and new residential schemes in accordance with the requirements of the Sustainable Residential Guidelines. I note the location of the site along the side of the R148, a double carriageway leading into the City Centre. In addition, a Daylight and Sunlight analysis which accompanied the application concludes there will be no significant negative impact on the adjoining residential properties, further discussed below. In this instance I consider the height restrictions on the site in the site specific policies UC 6 SLO:1 and H7 Objective 4 are in conflict with those policies of the development plan which require consideration of a site specific assessment as per the Sustainable Residential Guidelines and accompanying Urban Design Manual. A site specific assessment is considered below, having regard to Section 3.2 of the building height guidance.

- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

The Urban Development and Building Heights guidelines advocates increased building heights at urban locations with good public transport accessibility. The subject site is located immediately adjacent to a QBC and the Bus Connects upgrade proposals include the Kennelsfort Road. SPPR 1 of these guidelines state that *“increased building heights will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning*

Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.”

Section 3.2 of the Urban Development and Building Height Guidelines provide development management criteria for which a proposal for a higher buildings should be assessed against. At a scale relevant to Dublin City I note the location of the site within the M50 ring within an area designated for consolidation of the gateway, adjacent to a large carriage way and QBC. I consider the urban design is appropriate to the location of the site at an importance entrance into the City and the high quality treatment of Block A at the entrance of the site facing onto Kennelsfort Road will create a visual interest to the streetscape adding to the character of Palmerstown Village. Therefore, having regard to the criteria in Section 3.2 of the Urban Development and Building Heights guidelines , it is my opinion that the proposed development:

At the scale of the relevant city/town;

- Is well served by public transport with existing bus corridor and further proposals for bus connects,
- Provides an appropriate frontage onto a main transport corridor into the City Centre with a variety of heights and massing to ensure a strong urban edge,

At the scale of district/ neighbourhood/street;

- Integrates into the character of the area and provides enhanced public realm at the corner of the site fronting onto Kennelsfort Road,
- Supports the appropriate development of a brownfield site by way of increase heights, providing connectivity into adjoining sites,
- The proposed design includes a variety of heights, materials and is not monolithic, as further discussed below,
- The proposed mix of 1 and 2 bed apartments will contribute to the range of tenure available to the community of Palmerstown and surrounding environs,

At the scale of the site/ building;

- The proposed development includes 50% dual aspect units, can meet the BRE guidelines for daylight in the proposed units and will not cause any overshadowing on the existing residential properties to the north of the site.

Site Specific Assessment;

- The submitted Pedestrian Level wind microclimate assessment indicates that wind mitigation measures have been integrated and the wind microclimate for all levels is expected to be suitable for the intended use.
- The submitted Visual Impact Assessment notes the characteristics of the site, area in the vicinity and the proposed development. Having regard to the photomontages submitted I consider the impact will be significant but positive along the R148 and moderate and consistent with the emerging environment from the remaining approaches to the site. The design strategy further discussed below, provides an optimal architectural solution on the site.

In my opinion the proposed height of the building up to 23.15m is appropriate at this location subject to the protection of the adjoining residential amenity, as further discussed below, which I consider is acceptable.

- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

A recent grant of permission for a B& B, on the opposite side of Kennelsfort Road has been raised by observers, with particular reference to the traffic and transportation impact. A proposal for a boutique hotel has been granted permission by SDCC (SD19A/0218) and an appeal has been submitted to the Board (307596-20), I do not consider this proposal has any implications for the assessment of height as the site specific restrictions do not apply to this site. Aside from this proposal I am not aware of any proposals in the vicinity which would have any relevance to the grant of permission for increased heights at this location.

10.14. It is my opinion that the delivery of residential development on brownfield sites on underutilised lands within the M50 ring should be in a compact form comprising higher density units, in order to ensure consistency with national and regional policies. The height proposed fronts onto a wide carriage way adjoining a high

capacity public transport corridor within the Dublin metropolitan area. Having regard to the location and characteristics of the site I consider the proposal as submitted complies with the development management criteria in Section 3.2 of the Urban Development and Building Height Guidelines and is acceptable with regard design and amenity standards.

10.15. Therefore, having regard to my assessment above I consider a grant of permission under Section 37 (2) (b) (i), (ii) and (iii) of the Planning and Development Act 2000 (as amended), is justified in this instance.

Built To Rent (BTR)

10.16. The proposed development is for 250 no. BTR apartment units, as advertised and in the development description. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 provides guidance on Build-to-Rent (BTR) which is defined as “*purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord*”. A covenant for the entire building is required at a minimum of 15 years. A BTR Operational Management Plan accompanied the application and includes the credentials of the proposed operational management service who advise on the development of BTR units internationally.

10.17. A number of observations have raised concern in relation to the use of the units as BTR and refer to the impact of the type and tenure on the existing and future community in Palmerstown.

10.18. The Community & Social Infrastructure Audit which accompanied the application notes the target market for the BTR units as single professionals, young couples, small young families and elderly looking to downsize. The dominance of 3-bed and 4-bed dwellings in Palmerstown Village Area is noted and the applicant considers the BTR units would provide a diverse mix of units and revitalise the area.

10.19. SPPR 4 of the Urban Development and Building Height Guidelines requires that in planning for the future, planning authorities must secure the minimum densities as set out in the Sustainable Residential Guidelines, a greater mix of building heights and typologies and avoid mono-type building typologies. As highlighted in the documentation submitted with the application, and from site inspection I note the

characteristics of the existing dwellings in the vicinity of the site are of suburban 2 storey. A greater mix of unit type, in the form of one and two bed units, in the Palmerstown area would ensure compliance with the national guidance on sustainable residential development and provide an additional housing tenure to support an urban community. Having regard to the information submitted in the Community & Social Infrastructure Audit and the current pattern of development in the vicinity I do not consider the management of the apartments as BTR rather than Build to Sell should have a negative impact on the existing residences, rather the model will provide a better experience for the tenant, having regard to the range and mix of typologies provided and the supplementary residential amenities, discussed below.

Housing Mix, Apartment Size & Private Amenity Space

10.20. 134 no. one bed (54%) and 116 no. 2 bed (46%) apartment units are proposed. SPPR 8 of the apartment guidelines, sets out a reduction in the normal apartment standards for developments that qualify as specific BTR developments in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply and the submitted Housing Quality Assessment Schedule note that all apartments either meet or exceed the standards required in Appendix 1 of the apartment guidelines. Flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units as set out in Appendix 1 of the guidelines, in relation to the provision of the communal amenity space, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. 9 no residential units do not contain any private amenity space namely Units 2, 12 & 22 in Block A and units 8, 18, 28, 38, 48 & 58 in Block D. The submission from the PA has raised concern in relation to the absence of this private amenity space and requires a condition integrating balconies or alternatively removing the apartments. I note the location of these units in Block A on the north west corner with aspects on three side. The Housing Quality Assessment Schedule states that each of the units in Block A exceed the requirements floorspace sizes. I also note the location of the 6 units in Block D with no private amenity space are one bed units wand the Housing Quality Assessment notes they exceed the floorspace required, these are single aspect west facing onto the R148. Whilst I note the amount of communal amenity space provided in Block A may offset the absence

of the private amenity space in those apartments, I consider the absence of any compensatory communal amenity space in addition to the absence of private amenity space would have a significant negative impact on the residential amenity of these residents and therefore I consider a condition as recommended by the PA reasonable.

Communal and Recreational Facilities

- 10.21. SPPR7 categorises these facilities as i) Residential Support facilities (operational e.g. laundry/ concierge etc.) and ii) Residential Services and Amenities (other communal recreational e.g. – comprising of facilities for communal recreational e.g. sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.. The proposed development includes tenant amenity space (c. 626m²) in the form of café, gym, meeting room & co-working space, residents lounge, cinema room and games room all of which are located in Block A adjoining the entrance to the site at Kennelsfort Road. The PA submission notes the location and quantum of residential amenity provision and whilst there is no objection to the amount, it is considered the location in Block A is remote from the other Blocks.
- 10.22. The applicant has reduced the provision of private amenity space for 9 no apartment units, permitted in SPPR 8. SPPR 8 requires this offset to be on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. As stated above, I consider the inclusion of balconies for the 9 no units required to support the residential amenity of those future occupants and subject to this condition, I do not consider the additional compensatory communal facilities is required in Blocks B- E.

Dual Aspect

- 10.23. SPPR 4 requires the provision of a minimum of 33% of dual aspect units in more central and accessible urban locations and 50% for suburban sites. The Schedule of Accommodation states that 79 no. apartments have dual aspect, c.50% of the accommodation. The response from the PA considers the 50% acceptable and notes no north facing apartments. I consider the proposal complies with the national guidelines.

Stair Core

10.24. SPPR 8 (v) removes the requirement for a maximum of 12 apartments per floor subject to overall design, quality and compliance with building regulations. No more than 12 no apartments per core are provided and complies with SPPR 8.

Car Parking

10.25. The site is located directly along the R148 a QBC. 125 no. car parking spaces are provided with 120 in the basement and 5 surface spaces. Section 4.19 of the apartment guidelines and SPPR8 (iii) states there shall be a default of minimum or significantly reduced car parking provision and a strong central management regime is intended to contribute to establish and operate shared mobility measures. The Roads Department submission noted the provision of 0.5 parking spaces per unit complies with the development plan guidance and has no objection subject to conditions requiring the integrations of EV charging, visitor spaces, mobility impaired, car club spaces and motor cycle spaces. The submission from the NTA has raised concern with the access into the site and considers the car parking provision should be restricted and is too high considering the location close to a high frequency bus corridor. Third party submissions consider the car parking provision is too low considering the infrequency of the bus service and a peer review of the traffic information considers there is an underestimation of the car driver population calling into doubt the limited parking provision.

10.26. I note the default position for restricted parking in SPPR 8 is predicated on the operation of shared mobility measures. A Mobility Management Plan accompanied the application which notes the closest railway station 3.3km to the south of the site, a variety of Go Car hire locations, cycle network and upgrades proposed and the increase frequency of bus routes proposed along the Chapelizod Bypass every 6 to 7.5 minutes under the BusConnects proposals. A Mobility Management Coordinator (MMC) to promote sustainable transport within the proposed development is proposed. I consider the rate of 0.5 as a reduced quantum acceptable. With regard the NTA's request to reduce the parking provision, I note they have also raised concern on the secondary access into the site, which I have addressed below separately and concluded this access to be acceptable. In this regard I do not consider the removal of the parking a necessity although should the Board consider

a condition to remove the parking I can confirm the site is well serviced by the provision of a high quality public transport corridor as subject to compliance with the Mobility Management Plan there would be no adverse impact on the future occupants amenity.

Conclusion

10.27. Having regard to the location of the site within the Pamserstown Village, adjoining the R148, adjoining public transport corridors and within the ring of the M50 where it is an objective in the development plan to consolidate future development, I am satisfied that the BTR scheme is suitable and justifiable at this location and the overall design complies with the national guidance for BTR development.

Masterplan and Permeability

10.28. The third reason for refusal on the previous SHD application referred to the prematurity of the proposal pending the preparation of a masterplan for the site and the surrounding area addressing connectivity and prematurity for all road users as detailed below:

The proposed development would be self-contained with a single access and egress point onto Kennelsfort Road Lower. It is considered that the layout of the proposed development provides limited opportunities to facilitate potential future access to the rear gardens of the houses to the north, or for future connectivity (pedestrian, cyclist and vehicular) to the lands to the west of the application site. The proposed development is, therefore, premature pending the preparation of a master plan for the subject site and adjoining industrial sites that addresses connectivity and permeability for all road users, and to permit the development of this site, as proposed, would prejudice the future redevelopment of adjoining lands in a comprehensive fashion.

10.29. Note 2 of the Board order referred to paragraph 2.11 of the Urban Development and Building Heights Guidelines for Planning Authorities which refer to the need to prepare master plans for areas that have the potential for comprehensive urban development or redevelopment, and where assessment of movement, public realm, design and other issues are best addressed at a neighbourhood level rather than at an individual site scale.

- 10.30. The submitted Architectural Urban Design Statement includes a Masterplan for the site and illustrations for 2 no. potential future access points into residential properties and existing industrial/ commercial properties along the north boundary. The potential development on these sites is indicative. The site layout plan and accompanying drawings illustrate one proposed future access at the rear of no. 5 & 6 Old Lucan Road.
- 10.31. The CE report notes and accepts the potential connectivity as provided in the Masterplan. Third party submissions consider the Master plan unrealistic, the lands are not within the control of the applicant and none of the owners where consulted.
- 10.32. I note the information contained within the Masterplan within the applicant's control includes potential connectivity to lands in the vicinity with the potential for future development. Illustrations for the development of adjoining lands are purely indicative and whilst these are not within the applicant's control, I note no specific objective in the development plan for the applicant to prepare or agree a masterplan for the site and surrounding area. This aside, the information in paragraph 2.11 of the Urban Development and Building Heights Guidelines is particularly relevant to the development of this site having regard to the scale of development and location between commercial and residential properties. This section requires development plans to integrate appropriate master planning exercises for site in excess of 2 ha with the potential for comprehensive redevelopment.
- 10.33. Section 3.2 of the Urban Development and Building Heights Guidelines, provides a list of development management criteria with a requirement for comprehensive urban design, regeneration and streetscapes solutions with the proposal making a positive contributions to the improvement of legibility through the site. In this instance, the proposal provides for future vehicular, pedestrian and cyclist connectivity for sites along the northern boundary. The design and layout of the scheme, in addition to the height, is further detailed below, although I consider the design and layout is appropriate for the site and the connections integrated into the masterplan proposal will improve the legibility through the site, into adjoining sites and comply with the Urban Development and Building Heights Guidelines.
- 10.34. The discrepancy between the indicative connection points in the masterplan and proposed access points on the drawings is noted. I consider the potential future

development of the commercial lands is also important for any comprehensive redevelopment and should be included within any grant of permission. A 2m high brick wall is proposed along the north of the site. Provision for future access into the rear of those lands to the north should be included as a condition on any grant of permission.

10.35. Having regard to the provision of potential future access points into those lands along the northern boundary and the integration of pedestrian and cycle connectivity through the Palmerstown Business Park, I consider the submitted masterplan and accompanying documentation is acceptable to illustrate connectivity and permeability for all road users and the design and layout will facilitate any future growth on adjoining lands.

Urban Design, Layout & Residential Amenity

10.36. The proposed development includes 5 no apartment blocks of varying heights facing directly onto the R148, Chapelizod Bypass. Block A at the entrance of the site includes a reception area and a public café on the ground floor is linked to a public plaza adjoining Kennelsfort Road Lower, adjoining the vehicular and pedestrian access into the site. The external materials are predominantly brick and render with aluminium cladding and expanses of glass. Recessed balconies are provided.

Previous SHD

10.37. The previous SHD application on the site (302521-18) was refused for 303 no apartments with the first reason relating to the scale, mass and orientation of structures in relation to the R-148 regional road and to the established character and pattern of residential development along the northern boundary which is located within an existing traditional village setting. The design was considered monolithic, represented overdevelopment and would have an overbearing and overshadowing impact on the existing residential amenities of the properties to the northern boundary, particularly numbers 4 and 5 Roseview.

Urban Design

10.38. An Architectural Urban Design Statement accompanied the application which demonstrates how the proposal contributes to the creation of place and responds to the site context. Policy H7 Objective 1 of the development plan includes guidance on

appropriate urban design which is to be of a high standard and requires compliance with the national guidance on urban design '*Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009*' and the accompanying design manual. These Guidelines advocate high quality sustainable development that are well designed and built to integrate with the existing or new communities and the design manual provides best practice design criteria such as context, connections, inclusivity, variety, efficiency, layout etc.

10.39. I consider the staggered location of each block and variety of height provides an interesting design, relevant to the location as an important interface with the Chapelizod Bypass. Block A provides a focal point into the site and the proposed height of 3 stories corresponds sufficiently with the adjoining row of terraced dwellings. The PA submission notes the design approach proposed in comparison to the previous SHD and considers the proposal is sympathetic to the built environment. I consider the separation of blocks ensures that the monolithic design approach has been removed on the site and having regard to the variation of elevation treatment, heights and layout as proposed, the design response to the site is appropriate complies with the 12 criteria in the urban design manual and will not cause any overbearing on the surrounding area or residential amenity in the vicinity.

Communal open space

10.40. Communal open space for Block C is located along the south of the site beside the bypass and the remaining communal areas (total 14%), and 2 no playgrounds proposed are to the north of the site, separated from the bypass. Microclimate and ground floor analysis of the openspace is included with the application. The Parks Department note an increased potential of tunnelling effect from tall buildings. The recommended conditions do not include any alteration to the design. The submitted microclimate assessment illustrates a degree of overshadowing of that communal open space along the north of the blocks in the afternoon, the wind conditions on the site are no considered to cause any adverse impact on the enjoyment of the amenity space. Having regard to the orientation of the blocks I do not consider overshadowing will occur for the entirety of the day and would only be for a limited period. I also note additional communal open space provision to the front, south of block C, along the R148. I consider there would be a variety of open space amenity options for the occupants of the proposed development.

Overshadowing & Overlooking

10.41. The subject site is to the south of a terrace of dwellings, Old Lucan Road, and a small cul-de-sac of two storey semi-detached dwellings at Roseview. Block C is located c. 50m to the rear of No 5 Roseview separated by open space and the through access. The height of Block D & C, the most visible blocks from the rear of the closest dwellings No 4 & 5 Roseview, is 7 & 6 storeys respectively. Potential Daylight and Sunlight Impact Report accompanied the application which overshadows to the rear of those gardens to the north of the site in the late evening during the spring. Observations submitted consider the submitted shadow projection is incorrect and the design of the blocks will cause overlooking.

10.42. I note the distance of c.50m from the rear of the closest dwelling which I consider would be generally acceptable within an urban context. The northern elevation treatment of Block D does not include any balconies and a limited number of balconies are included on the northern elevation of Block C. This aside, I consider the distance between the proposal and the dwellings sufficient to prevent any significant negative impact by way of overlooking on any properties.

Traffic and Transport

10.43. The site is located on the northern side of the Chapelizod Bypass (R148), c. 500m to the east of the M50 Motorway. The main access into the site is from the Kennelsfort Road Lower which is immediately adjacent to the Chapelizod Bypass.

10.44. The proposed development includes two access points into the site. The existing access into the site at the junction with Chapelizod Bypass and Kennelsfort Road Lower will be relocated further north from the existing junction by 15m for both access and egress. This relocated access junction will permit left in/ left out vehicle movements only, with no right turns permitted to/from Kennelsfort Road Lower. The manoeuvres into the site will be restricted by pencil bollards along the Kennelsfort Road Lower. The second access point, from the Old Lucan Road, into the north west of the site, is via an existing right of way through Palmerstown Business Park, for both access and egress.

10.45. The application is accompanied by a Traffic & Transport Assessment (TIA) and a Mobility Management Plan, in addition to other drawings and documentation.

Impact on the proposed development on the existing network

- 10.46. The TIA submitted uses data collected by the applicant's engineers on the existing residential development in close proximity to the subject site (donor site- Knockmaree) and an analysis of the public transport interchange opportunities and a range of retail/ leisure facilities. Table 4.6 of the TIA details the reduction of traffic proposed from the proposed development and the previous permitted mixed use at peak times. The TIA notes at the worst case scenario there will be an impact of 11.2% on the Kennelsfort Road/ Lucan Road junction at peak times. An assessment of all junctions up until 2036 is included in the modelling data.
- 10.47. A previous refusal for permission on the site for 303 no apartment units, further detailed below, included a note on the Board direction stating that the trip generation predictions for the development were not convincing, and was of the view that the selection parameters and filtering selection chosen for the model used in the submitted Traffic and Transport Assessment were inappropriate, and were not properly representative of the location and circumstances of the site. The planning history, and entry only access with exit for vehicular traffic onto the Old Lucan Road was also highlighted.
- 10.48. A significant number of the third party submissions raised concern in relation to the impact of the proposal on the existing road network, the potential to increase traffic congestion at peak times and the absence of any further capacity in the network.
- 10.49. The submission from the Roads Department notes the TIA information and considers a level of degree of saturation at peak times would be expected at the Kennelsfort Road/ Lucan Road junction and the level of queues at peak times are at acceptable limits. The capacity of the Kennelsfort Road/ N4 junction and Old Lucan Road remains within capacity.
- 10.50. Alterations from the previous SHD refusal (302521-18) include a reduction in parking spaces from 300 to 125. The use of the donor site in Knockmaree as a comparative study and detailed analysis of the surrounding junctions and public transport system in the TIA, conclude there will be a trip generation of 80 two way trips in the AM peak and 98 two-way trips in the PM peak. I consider the data in the TIA is sufficient to demonstrate the impact on the surrounding area would be minimal and congestion would be normal to that which is expected in an urban setting such as this. Having

regard to the TIA information and confirmation from the PA submission in relation to the network capacity, I do not consider the proposed development would have a significant negative impact on the flow of traffic in the area.

Previous SHD application (302521-18) and the secondary access proposed from the Old Lucan Road.

10.51. A previous SHD application for 303 no. apartments was refused permission by the Board for 5 no. reasons of which two of these related to traffic and access.

10.52. The third reason for refusal related to the reliance on one single access and egress from the Kennelsfort Road was considered unacceptable, having regard to the limited opportunities to facilitate potential future access to the rear gardens of the houses to the north, or for future connectivity (pedestrian, cyclist and vehicular) to the lands to the west of the application site. The proposal was considered premature pending the preparation of a master plan for the subject site and adjoining industrial sites to accommodate connectivity and permeability for all road user. The reason for refusal is stated as follows:

It is considered that the traffic generated by the proposed development of 303 residential units and the provision of a single vehicular access/egress point at the junction of Kennelsfort Road Lower and the R-148 regional road, would endanger public safety by reason of traffic hazard from increased traffic movements and would lead to conflict between road users, that is, pedestrians, cyclists and vehicular traffic. Furthermore, the proposal for a pedestrian and cycle route through an existing industrial/commercial area, which appears to be in private ownership, is inappropriate and would militate against the creation of an attractive pedestrian environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

10.53. As stated above the proposal as submitted includes a primary and secondary access, with the main alterations relating to the use of an existing right of way through the Palmerstown Business Park. This right of way has not been included in the red boundary, as part of the application. The absence of this integration is highlighted in the NTA submission. The NTA consider that in the absence of this right of way in the submitted proposal, only the access from the Kennelsfort Road

can be considered and the previous reason for refusal remains relevant to the proposal. The NTA consider the Old Lucan Road access should only be used for pedestrian/ cyclist access.

10.54. I note the applicant has detailed the secondary access from the Old Lucan Road as an existing right of way and upon site inspection access into the site along this right of way was achievable. This access through Palmerstown Business Park includes speed ramps and is through an existing carpark for general use by the occupants of the business park. A number of third party submissions have raised the sub-standard nature of this access although none of these submissions questions the applicant's right to use this right of way. The submitted documentation includes potential works and indicative pedestrian footpaths along the right of way and refers to enhanced public lighting currently proposed within the business park. The submission from the Roads Department notes no objection to the use of this access subject to the upgrade of the public lighting along.

10.55. I note the existing use of this access into the site only provides access to the subject site and business park and is currently lightly trafficked. The design and use of speed ramps proves to slow traffic and therefore I do not consider there will be any significant conflict between all road users along this stretch of road. As the access is currently in use and the proposal is not reliant on any upgrades at this access I do not consider the inclusion of the road should have to be within the red boundary line, although I do not consider the Board can condition any works required such as an upgrade in public lighting. I consider the access can operate effectively without any upgrades. I am satisfied that the applicant's TIA and the PA assessment provide adequate information, and a robust analysis and I consider that this analysis to be acceptable, and I do not accept the NTA position that no parking or traffic can be accommodated on the site.

10.56. As noted in the car parking section above, the absence of parking within a BTR proposal is supported in the national guidance, in particular SPPR 8 of the Sustainable Urban Housing: Design Standards for New Apartments. Should the Board consider the use of the existing right of way not acceptable, I consider the removal of all car parking and restriction of movement through the Palmerstown business park for pedestrian/cyclist only, as per the NTA submission, can be reasonably conditioned on any grant of permission.

Primary Access at Kennelsfort Road & Sightlines

- 10.57. The proposed visibility splays for the Kennelsfort Road Lower junction are illustrated on Drwg No PR224738-ACM-00-00-DR-CE-00-0101. A visibility splay of 49m from the proposed entrance right towards the Chaplizod Bypass (R148) is proposed. No works are proposed to the Old Lucan Road junction.
- 10.58. The submission from the Roads Department have not raised any issues with the sightlines or overall roads layout aside from the treatment of the entrance onto the Old Lucan Road, further assessed below. As detailed above the NTA does not consider secondary access is acceptable therefore reliance on the primary access will have a negative impact on the flow of traffic. In the event of a grant of permission the NTA require the applicant to liaise with them regarding the location of a central refuse/ staggered Toucan crossing and pedestrian and cycle access.
- 10.59. A significant number of third party submissions have raised the design and layout of both the Kennelsfort Road access and the Old Lucan Road access to accommodate traffic. A peer review of the Traffic and Transport documentation which accompanied one of the third party submissions states that only a 30m sightline is available, rather than the DMURS requirement of 65m and the proposal will cause a traffic hazard from increased likelihood of vehicular collision. It is also considered the primary access remains sub-standard.
- 10.60. The TIA includes a DMURS Statement of Compliance and Section 3.7 states that the visibility splay of 49m into the site R148/Kennelsfort Road Lower as this junction is signal controlled and the vehicles would not be traveling at a speed limit of 60kph. Section 2.1.2 of DMURS recognises that the characteristics of the street environment can influence the speed which drivers travel. Table 4.2 of DMURS includes reduced Stopping Sight Distance (SSD) Standards where the design speed of the road is lower. Section 4.4.5 Visibility Spays also notes the correlation between the y distance and reduced SSD and confirms that busy radial roads can also have reduced visibility splays. In this instance, I note the location of the site beside the junction and the toucan crossings proposed along the front of the site at Kennelsfort Road Lower and I consider the speed of traffic towards the access should be less than 60kph and the proposed visibility splays are acceptable. I consider documentation within the application clearly indicates the modified and upgraded

junction at Kennelsfort Road Lower, restricting right turning into the sight, which I consider reasonable.

Bus routes

10.61. The R148 is currently a QBC with frequent bus services into and out of the City Centre and the NTA confirms in their submission that Corridor 6- Lucan Road to City Centre is a NTA Core Bus Corridor (CBC) as provided for in the Transport Strategy for the Greater Dublin Area. A bus service currently runs along the Kennelsfort Road and up to the Old Lucan Road. Third party submissions highlight proposed alterations to the bus service and changes proposed at the junction with cycle lanes and a traffic light pedestrian crossing as part of the BusConnects works. I have assessed the existing and proposed bus routes on the Bus Connects website (www.busconnects.ie) and I note the site is well served by public transport. The routes along the Kennelsfort Road will be altered to return into the City Centre at the junction with the Old Lucan Road, rather the left past the secondary access into the site, although these changes will lead to a more frequent bus service along the Kennelsfort Road which would provide a long term benefit for any residents of the proposed development.

Cycling permeability

10.62. The proposal includes 276 cycle spaces in the basement and 26 at surface level. A submission from the NTA requires the provision of cycling in line with Section 5.5.6 of the National Cycle Manual at a rate of 1 cycle space per bedroom and additional visitor parking at a rate of 1 space per 2 residential units. In addition all cycling infrastructure should be in compliance with the NTA National Cycle Manual.

10.63. Section 4.17 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities includes a requirement for cycle parking generally in line with those standards in the NTA cycle manual. In this regard c. 490 cycle spaces would be required for the proposed development. The CDP minimum cycle requirements for 250 apartments is 75. The response from the Roads Department notes the figures in the national guidance and the quantum provided and considers 276 bicycle parking spaces is reasonable for this location.

10.64. I note quantum of cycle spaces provided is lower than apartment guidelines and greater than the development plan requirements. In addition to the 276 cycle spaces,

217 car parking spaces is also proposed. I note the location of the site adjoining a QBC. In this regard I note a variety of transport modes are currently available to the future occupants of the proposal. A detailed Mobility Management Plan accompanied the application which recommends the employment of a Mobility Management Coordinator (MMC). Having regard to the cycle spaces exceeding the quantum required in the development plan, the range of transport modes available and the inclusion of a MMC the provision of 276 cycle spaces is considered a reasonable quantum at this location.

10.65. As stated above, the submitted masterplan includes indicative connectivity to those site to the north and into the Palmerstown Business Park, through the right of way. The submission from the PA notes the upgrade of a cycle route along the Old Lucan Road as part of the NTA Greater Dublin Cycle Network Plan. I consider the proposal supports cycle connectivity throughout the site.

Surface Water & Flooding

10.66. The fifth reason for refusal on the previous SHD application (302521-18) related to the proposed surface water treatment on the site as stated below:

The Board is not satisfied that adequate information has been provided to demonstrate that there is adequate capacity in the existing surface water network to cater for the proposed development. In the absence of the required information, the Board is not satisfied that the storm water outflow arising from the development can be limited such that it would be in accordance with the requirements of Greater Dublin Regional Code of Practice for Drainage Work (Volume 2 New Development version 6.0) or that the site, when developed, can be adequately and sustainably drained so as not to result in any significant environmental effects on the quality of the receiving water, the River Liffey, as a result of the potential increased discharges or such as to give rise to a risk of flooding. The proposed development would, therefore, be contrary to the proper planning and sustainable development.

10.67. Since the previous SHD application the applicant's technical team have undertaken further investigations on the surface water system including 2 no CCTV surveys. Evidence of site investigation and correspondence between the applicant's technical team and the Environment and Water Section of South Dublin County Council are

appendices to the Infrastructure Report. Following these investigations, the proposal as submitted includes the decommissioning of an existing 600m sewer, 58m upstream, and the diversion on this along the green strip north of the R148. The proposal integrates of a Stormtech attenuation tank and the Qbar rate has been re-calculated to 5.35l/s due to the poor soil infiltration properties.

10.68. A Flood Risk Assessment accompanied the application. The assessment notes the absence of any flooding on the current OPW flood maps although acknowledges an area of pluvial flooding on the east of the site. The assessment considers the high percentage of hardstanding on the site generates a large volume of runoff which cannot enter the sewers. A number of observations state that this site was built on a wetland/ floodplain. These observations also require clarity on the previous reason for refusal relating to surface water.

10.69. The surface water treatment has been designed to comply with the guidelines of the Greater Dublin Sustainable Drainage Systems (GDSDS) and will contain the 1 in 100 year event plus 20% for climate change. Discharge of surface waters into the public system are controlled and filtered through drains to prevent any water pollution. Petrol interceptors are used to prevent hazardous run-off into the public sewers. The inclusion of these measures will ensure the treatment of the surface water will not result in any significant environmental effects on the quality of the received water, the River Liffey. The information in the Flood Risk Assessment notes the removal of hardstanding from the site and replacement with a carefully managed system for the surface water runoff and attenuation. I consider these works will ensure no run-off onto lands adjoining the site. The drainage section of the Council note no objection to the surface water treatment subject to the integration of additional natural features, in particular swales, integrated trees pits and rain gardens. Considering the amount of landscaping throughout the development I consider these features can be integrated and can be reasonably included as a condition on any grant of permission.

10.70. Therefore, having regard to the investigative works undertaken on the existing surface water system, the proposed design of the surface water treatment system and integration of SuDS features, I consider the surface water can be effectively managed so as not to have a negative impact on the existing surface water system or any lands in the vicinity of the site. In addition, I consider the applicant has clearly

demonstrated through the investigative works and consultation with the Water Services Section of the SDCC that there is capacity in the existing surface water network to cater for the proposed development.

Other

Bats

- 10.71. The proposal includes the demolition of the existing commercial properties. A Bat and Badger Survey is included as Appendix 1 of the AA screening assessment. A bat survey was carried out on the site on 20th of September 2017 and the site was revisited again on the 25th of March 2020. The survey noted one species of bat, a Lesser bat, in the vicinity of the site in 2017. There were no confirmed roosts in the trees or building on the site. Recommendations from the survey include removal of the buildings under supervision and application for derogation licence if necessary.
- 10.72. Observations to the application consider the Bat Survey is outdated and inadequate. The submission from the PA notes the information in the survey and consider the inclusion of a condition requiring the site to be resurveyed by a specialist and application for a derogation licence is necessary, prior to any works is best practice. I note the conditions on site and the information in the submitted Bat Survey and I do not consider there would have been any significant changes since the initial survey in 2017, and note that the site was revisited again on 25th March, 2020. This aside, I consider a condition, as recommended by the PA, would provide adequate protection to any potential roosts on the site.

Aircraft Safety

- 10.73. The landuse zoning map of the development plan illustrates the site within the critical safety zone for the Casement Aerodrome and outside the protection zones for both the Weston and Casement Aerodrome. Policy IE9 Objective 3 and of the development plan prohibits development which may have an impact on the Aerodromes. The submission from the PA refers to a submission from the Irish Aviation Authority (IAA) and recommends a condition that the applicant notify the Weston and Casement Aerodromes to ensure construction does not impact aviation safety. I note no submission has been received from the IAA. The site is not located within any zones which restrict heights although having regard to the location of the site within an identified safety zone I consider the potential use of the cranes during

construction may have an impact and should be highlighted to the applicant. In this case, the recommended condition by the PA is reasonable.

Archaeology

10.74. An Archaeological Desk Study accompanied the application to state that previous works on the site reduced the potential to assess the potential for any intact archaeological remains on the site. The report recommended the inclusion of a condition for monitoring and reporting on archaeological issues during any ground works. Having regard to the report submitted, I consider a standard archaeological monitoring condition is reasonable.

Operational

10.75. A number of third party submissions raised concern in relation to the processing of the application during the Covid lockdown, in particular the information contained in the site notices for the submission for the making of observations. In regard to the timescales, the Board will be aware of the freeze on planning applications under the Emergency Measures in the Public Interest (Covid-19) Act 2020. The period of public consultation was extended in line with the lockdown period which permitted additional time for submissions. The proposed development was submitted 21st of April 202 and 87 no. third party submissions where received. The offices of An Bord Pleanala remained open for any queries and submissions. In this regard, I consider it reasonable the public would have been aware of an extension of duration for submissions on the proposed development.

11.0 Conclusion

11.1. The site is located in the Palmerstown in an area identified for consolidation of growth for the gateway. The site is currently in use as a brownfield site with a number of commercial units which do not provide any contribution to the character and setting of the village. The area is well serviced to support a growth in population and there is a substantial amount of suburban type housing in the vicinity of the site and the surrounding area. The submission from the Planning Authority notes the positive changes since the previous Strategic Housing application on the site and considers the proposal is a wider option of residential units to the wider area. The issues relating to contravention of the South Dublin County Development Plan 2016-

2022, and those site specific height restrictions are addressed in detail in my report and it is of note the proposed scheme complies with the national guidance for apartments, sustainable residential development and the urban building heights. Therefore, I consider the proposed development should be **granted permission** subject to the conditions below in the Recommended Board Order.

12.0 Environmental Impact Assessment (EIA)

- 12.1. The applicant has submitted an Environmental Impact Assessment (EIA) Screening Report which concludes that having regard to the nature, scale and location of the proposed development, it is not anticipated that the construction or operational phases of the proposed development whether considered on its own or together with in combination projects or plans, will give rise to likely significant environmental effects. The application was accompanied by an Appropriate Assessment Screening, Arboriculture Report and Landscape Report, amongst other documentation.
- 12.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development is for 250 Build To Rent, on a site area of c. 1.2798ha. The proposed development is considered to be 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).

- 12.3. As per section 172(1) (b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where

no EIAR is submitted or an EIA determination is requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

12.4. Schedule 7 sets out the relevant criteria to be applied in the screening process. This information has been provided by the applicant in the EIA Screening Report under the following headings with additional information under other sub criteria.

1. Characteristics of Proposed Development
2. Location of Proposed Development
3. Types and Characteristics of Potential Impacts

12.5. I have assessed the proposed development having regard to the above criteria and associated sub criteria having regard to the Schedule 7 information and information which accompanied the application, inter alia, Appropriate Assessment Screening, Arboriculture Report and Landscape Report.

Characteristics of Proposed Development

The proposal for 250 BTR apartment units are located on an urban site which comprises of extensive hard standing. It is not proposed that the construction or operation of the site will lead to excessive production of waste, pollution or lead to significant nuisances. Having regard to the use of best practice methods in construction and compliance with urban design principles, a risk of major accident or impact to human health is not expected. Surface water and waste water will connect into the public system and no capacity issues have been identified. The cumulative impact of other development is considered in the EIA screening assessment and there are no permissions or large scale plans in the area which would lead to a significant environmental impact. The proposed layout has been designed to consider the best practice urban design throughout.

Location of Proposed Development

The site is currently in commercial use and the lands are zoned for Village Centre uses in the County Development Plan. The quantum of development proposed and the location contiguous to a built up area will not have any impact on the natural resources of the area. The main use of natural resources is the land, however the

site is a brownfield site. The site does not contain any wetlands or watercourse. The Appropriate Assessment screening below, notes a lack of hydrological connectivity to any European Designated Site and concludes there will be no significant effects on any European Site. The site is located c.500 from the Liffey Valley a proposed Natural Heritage Area. A detailed Visual Impact Assessment accompanied the application. The impact on visual amenity has been addressed above and in my opinion the proposed development will have no significant negative impact on the visual amenity or Special Amenity Area.

From this information I can conclude that there is sufficient absorption capacity of the natural environment for the proposed development.

Types and Characteristics of Potential Impacts

The subject site is a c. 1.2ha brownfield site, zoned, serviced lands within the urban context of the M50 ring of Dublin. The size and design of the proposed development would not be unusual in the context of a developing urban area. The proposed use as residential would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the vicinity and the site will connect to the public foul sewer, water and utilise the existing road network. The site is not zoned for the protection of a landscape or for natural or cultural heritage. The project will be managed during construction using best practice methods so as there is no likelihood of any impact to the environment. The design of the proposal is such that there will be no negative impact on any residents in the vicinity and any increase in traffic is minimal having regard to the carrying capacity of the surrounding traffic network.

12.6. Having regard to:

- (a) Characteristics of the proposed development,
- (b) The nature and scale of the proposed development, on zoned lands served by public infrastructure,
- (c) The types and characteristics of potential impacts,

It is concluded that, by reason of the nature, scale and location of the subject site, there are no significant environmental sensitives in the area, accordingly the proposed development would not be likely to have significant effects on the

environment. I consider the need for an Environmental Impact Assessment can, therefore, be excluded.

13.0 **Appropriate Assessment**

Screening Report

- 13.1. The application is accompanied by a Habitats Directive Assessment for Screening for Appropriate Assessment in accordance with the requirements of article 6 (3) of the EU Habitats Directive. This has been undertaken by Faith Wilson, Ecological Consultant and concludes that the proposed development concludes that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any Natura 2000 sites and that a Stage 2 Appropriate Assessment is not required.
- 13.2. The Habitats Directive Assessment includes a description of the proposed development. Section 2.3.1 of the report provides a description of the receiving environment where there are no extant habitats of natural value and notes the site is fully developed with warehousing, buildings and hard standing road surfaces such as tarmacadam. Section 2.2 provides an assessment of relevance of proposed development to Natura 2000 sites. The report identifies eight Natura 2000 sites within a 15km radius of the site. There are no sites located either within or directly adjacent to the proposed development site.
- 13.3. Section 3 of the screening report provides an assessment of proposed development on any Natura 2000 site. The report notes the site is not directly connected to any Natura 2000 site and is 7.7km from the site i.e. Rye Water Valley/Cartron SAC. Surface waters from the environs of Palmerstown ultimately drain to the River Liffey c. 750m the north of the site and the screening report notes indirect hydrological connections to the Dublin Bay. The treatment of surface water will ensure there is no pollution to any waters and no measures proposed are specifically required to protect any Natura 2000 site.
- 13.4. Appendix 1 includes a Badger and Bat Survey. Following a detector survey in September 2017 and additional investigations in 2020, the report concludes there was currently no potential for any impact on any bat roosts. There was no evidence of any badger setts or badger activity.

13.5. It is concluded that “given the nature of the project and the implementation of standard construction measures in relation to the protection of water quality, there will be no negative impacts on the qualifying interest or species of any Natura 2000 site”. The report sets out that cumulative/in combination impacts have also been considered and concludes that the proposed development, either individually or cumulatively/in combination with other identified plans and projects, will not adversely affect the integrity of any Natura 2000 sites. Stage 2 appropriate assessment is therefore not required.

Identification of sites

13.6. The screening report identifies 8 Natura 2000 sites within a 15km radius from the proposed development, in line with best practice, in order to determine any potential link from the site to any Natura 2000 site.

Natura 2000 sites with potential connectivity

Natura 2000 Code	Site Code	Distance to site (as crow flies)	Qualifying Interests
Rye Water Valley/Carnton SAC	001398	7.9km west of the site	7220 Petrifying springs with tufa formation (Cratoneurion)* * denotes a priority habitat 1014 Narrow-mouthed Whorl Snail Vertigo angustior 1016 Desmoulin's Whorl Snail Vertigo moulinsiana
Glenasmole River Valley SAC	001209	10km south of site	6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)

			6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7220 Petrifying springs with tufa formation (Cratoneurion)*
South Dublin Bay and River Tolka Estuary SAC	000210	11.1km east of site	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]
South Dublin Bay and River Tolka Estuary SPA	004024	9.7km east of site	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999]
North Bull Island SPA	004006	13km east of site	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052]

			<p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
North Dublin Bay SAC	000206	13km east of site	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>

Wicklow Mountains SPA	004040	14.3km south of site	Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]
Wicklow Mountains SAC	002122	14.3km south of site	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] <i>Lutra lutra</i> (Otter) [1355]

Assessment of likely Significant Effects on Designated Sites

13.7. The site synopsis and conservations objectives for each of the 8 Natura 2000 sites listed above are available on the NPWS website and detailed in the submitted screening assessment. I have utilised this information in my assessment, in conjunction with the submitted Habitats Directive Assessment, on the potential for

likely significant effects of the proposed development on the conservation objectives of any Natura 2000 sites.

- 13.8. The development site in question is not part of or located adjacent to any of the designated sites. Having regard to the 'source-pathway-receptor' model, the site has an indirect hydrological connection via surface water discharge to the Dublin Bay. Surface waters from the site will discharge via surface water network which eventually feeds into the River Liffey entering Dublin Bay at Dublin Port where the boundaries of the South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North Dublin Bay SAC are located. No "source-pathway-receptor" is identified between the Rye Water Valley/ Carton SAC (001398), Glenasmole River Valley SAC (001209) or the Wicklow Mountains SPA (004040) and Wicklow Mountain SAC (002122).
- 13.9. Third party submissions have raised concern over the treatment of the waste water and surface water, in particular the previous issues with the surface water treatment in the previous SHD application. The capacity issues to treat both surface water and waste water are highlighted and the need for a Stage 2 assessment is considered necessary by the third parties.
- 13.10. The surface water treatment includes an attenuation storage tank and has been designed to comply with the guidelines of the Greater Dublin Sustainable Drainage Systems (GDSDS). Discharge of surface waters into the public system are controlled and filtered through drains to prevent any water pollution. Petrol interceptors are used to prevent hazardous run-off into the public sewers. These are standard measures in all new developments and are not included here to avoid or reduce an impact to a European site. The drainage section of the Council note no objection to the surface water treatment subject to the integration of additional natural features. Having regard to the information in the submitted screening report and the documentation in the application I consider there is currently capacity to treat any surface water and any run-off from the site will not have a significant negative impact on the conservation objectives of any Natura 2000 site.
- 13.11. The foul effluent will be pumped into the public sewerage system via a proposed rising main. A submission Inland Fisheries Ireland notes the discharge of the wastewater to the Ringsend Wastewater treatment plant which they consider is

overloaded and therefore the proposal is premature until the upgrade is commissioned. The Ringsend WWTP is currently operational under an EPA licence from 2007, subsequently amended. This licensing process is subject to its own Appropriate Assessment. The proposed development generates foul loading equivalent to 730PE and the current capacity of the Ringsend WWTP is 1.64million PE (www.water.ie). The additional loading into the WWTP is not significant with regards the operation of this plant and I note any foul waste generated from the proposed development is so slight there will have no significant impact on the conservation objectives of any Natura 2000 sites in the Dublin Bay. Irish Water in their submitted report has indicated no issues with regard to wastewater infrastructure and I note the connection of the development to wastewater infrastructure is subject to agreement with Irish Water

13.12. With regard to direct impacts, the application site is not located adjacent or within a European site and there are no watercourses on the site or habitats linked to European sites, therefore there is no risk of habitat loss, fragmentation or any other direct impacts.

13.13. With regards indirect impact, whilst I note the public system eventually discharges into the River Liffey, which leads to the Dublin Bay, having regard to the suburban nature, design of measures and the distance of the site from the Bay, I consider the connection will not result in any significant negative impact on the water quality of the Dublin Bay, nor is there any potential for a negative impact on the conservation objectives of the following Natura 2000 sites:

- South Dublin Bay and River Tolka Estuary SPA (004024),
- South Dublin Bay and River Tolka Estuary SAC (00210),
- South Dublin Bay SAC (000210),
- North Bull Island SPA (004006),
- North Dublin Bay SAC (00206).

AA screening – Conclusion

13.14. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and the proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed

development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

13.15. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

14.0 Recommended Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21st of April 2020 by Downey Planning on behalf of Randelswood Holding Ltd.

Proposed Development:

The demolition of existing commercial units on the site and construction of a residential development of 250 Build To Rent apartment units (134 no. 1 beds, 116 no. 2 beds) in 5 no. blocks; with a café and ancillary residential amenity facilities, comprising:

- Block A containing a total of 27 no. apartments comprising of 13 no. 1 beds and 14 no. 2 beds, in a building ranging from 3-6 storeys over basement in height, with 1 no. communal roof garden (at third floor level), and most apartments provided with private balconies/terraces. Block A also provides a café, a reception/concierge with manager's office and bookable space at ground floor level; meeting rooms and workspace/lounge at first floor level; a gym at second floor level; and a cinema and a games room at basement level;
- Block B containing a total of 46 no. apartments comprising of 18 no. 1 beds and 28 no. 2 beds, in a building 6 storeys over basement in height, and all apartments provided with private balconies/terraces;

- Block C containing a total of 47 no. apartments comprising of 30 no. 1 beds and 17 no. 2 beds, in a building 6 storeys over basement in height, and all apartments provided with private balconies/terraces;
- Block D containing a total of 67 no. apartments comprising of 33 no. 1 beds and 34 no. 2 beds, in a building 7 storeys over basement in height, and most apartments provided with private balconies/terraces;
- Block E containing a total of 63 no. apartments comprising of 40 no. 1 beds and 23 no. 2 beds, in a building 8 storeys over basement in height, and all apartments provided with private balconies/terraces.
- The development also includes the construction of a basement providing 120 no. car parking spaces, 10 no. motorcycle spaces, 250 no. bicycle spaces, and a plant room and bin stores.
- The proposal also incorporates 5 no. car parking spaces and 26 no. bicycle spaces at surface level; upgrades and modifications to vehicular and pedestrian/cyclist access on Kennelsfort Road Lower; utilisation of existing vehicular and pedestrian/cyclist access via Palmerstown Business Park (onto Old Lucan Road); 1 no. ESB sub-station; landscaping including play equipment and upgrades to public realm; public lighting; boundary treatments; and all associated engineering and site works necessary to facilitate the development.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the following:

- (a) the location of the site on lands with a zoning objective for residential development in the South Dublin County Council 2016-2022,
- (b) the nature, scale and design of the proposed development and those issues relating to the contravention of Site Specific Objectives UC 6 SLO:1 and H7 Objective 4 of the South Dublin County Council 2016-2022,
- (c) the National Planning Framework, Project 2040,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Eastern & Midland Regional Assembly RSES 2019-2031;
- (f) the Design Manual for Urban Roads and Streets (DMURS), 2019
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (i) Spatial Planning and National Roads Guidelines (DoECLG), 2012
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a wide range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the report of the Chief Executive of South Dublin County Council;
- (m) the submissions and observations received, and
- (o) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenity of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- a) the nature and scale of the proposed development on a site served by public infrastructure,
- b) the absence of any significant environmental sensitivities in the area,
- c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that a grant of permission could materially contravene the South Dublin County Development Plan 2016-2022. The Board considers that, having regard to the provisions of section 37(2)(b) (i) ,(ii) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Specific Site Objective UC 6 SLO:1 and H7 Objective 4, which relate to a restriction in height of proposed development, would be justified for the following reasons and consideration:

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to: the definition of 'strategic housing development' pursuant to section 3 of the *Planning and Development (Housing) and Residential Tenancies Act 2016* (as amended); and support for the National Policy Objectives in the National Planning Framework, in particular Objective 35 which seeks to *"increase density in settlements, though a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights"*. In this regard, the brownfield characteristics of the site, the location directly adjoining the Chapelizod Bypass (R148) and the high quality of urban design at an importance interface into Dublin City are considered of particular relevance.

In relation to section 37 (2)(b) (ii) of the Planning and Development Act 2000 (as amended):

It is considered that those Specific Site Objective UC 6 SLO:1 and H7 Objective 4 which include a blanket height restriction on the subject site are in direct conflict with Policy H13 Objective 1 and Policy H14 Objective 1 of the South Dublin County Development Plan 2016-2022 which requires compliance with the Sustainable Urban Housing: Design Standards for New Apartment: Guidelines for Planning Authorities

and assessment of heights and Policy H7 Objective 1 and H8 Objective 1 & 2 of the South Dublin County Development Plan 2016-2022 requires compliance with the requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas Guidelines and the assessment of heights for sustainable communities.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the 'Urban Development and Building Height Guidelines' (in particular section 3.2 SPPR 3 & SPPR 4).

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanala for determination.

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:

(a) Units no 2, 12 & 22 in Block A and no. 8, 18, 28, 38, 48 & 58 in Block D shall include the provision of balconies/ private amenity space. In the absence of balcony provision a design solution for the amalgamation of these units shall be provided.

(b) Future connectivity into the commercial lands, as per the submitted masterplan, along the north of the site shall be integrated into the internal road layout

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development.

Reason: In the interests of residential amenity and to ensure future connectivity is retained.

3. The proposed cycle access into the site and the basement area shall be designed so as to comply with all necessary standards in the NTA National Cycle Manual.

Details of the layout, marking demarcation and security provisions for the cycle spaces and cycle infrastructure shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

4. The proposed car parking layout shall be modified so that at least 6 no. spaces are provided for persons with impaired mobility. These spaces shall be located as close as possible to the building entrance. The layout, dimensions and markings for these spaces shall be in accordance with the guidance set out in the document “Building for Everyone - a Universal Design Approach” (National Disability Authority). Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory parking provision for the proposed development that is accessible to all users.

5. The applicant shall notify/engage with Weston and Casement Aerodromes to ensure that any crane operations during construction do not adversely impact the safety of operation and the operation of cranes shall be co-ordinated with the Air Corps Air Traffic Services, no later than 30 days before use.

Reason: In the interest of public safety and aviation movement.

6. The development hereby permitted shall be for 250 residential units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

Reason: In the interest of the proper planning and sustainable development of the area.

7. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.

Reason: In the interests of orderly development and the proper planning and sustainable development of the area.

8. Prior to expiration of the 15-year period referred to in the covenant, the owner shall be submitted to and agreed in writing with the planning authority, ownership details and management structures proposed for the continued

operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

9. Prior to the commencement of development, the owner shall submit to and agreed in writing with the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be let or sold separately for that period.

Reason: In the interests of proper planning and sustainable development of the area

10. Details of all external shopfronts and signage in Block A shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area/visual amenity

11. The areas of public open space shown on the lodged plans shall be reserved for such use and shall soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The design of the children's play areas shall be submitted for the written approval of the PA and designed in accordance with the relevant standards,

This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose

12. A) Prior to the commencement of development, the applicant/owners shall lodge the following for the written agreement of the Planning Authority: a bat survey for bat usage carried out across the site and immediately adjoining sites to assess roosting and feeding/ foraging activities and assessing potential impact on the species arising from the proposed development. No building, structure, feature or tree/ hedgerow shall be altered, destroyed or removed prior to this assessment. The survey shall be undertaken by a qualified and experienced bat surveyor carrying professional indemnity insurance during the correct time of the year and under the weather conditions appropriate for the survey of such species. The requirements of the Heritage Officer shall be ascertained in this regard prior to the commencement of development.

If bats are found to be present on the site or immediately adjoining sites no development shall take place until the necessary permission/ derogation licence has been obtained from the National Parks & Wildlife Service.

B) The bat mitigation measures within the Bat Survey prepared by Faith Wilson, Ecologist shall be adhered to at all times during demolitions and construction works.

Reason: To ensure the protection of the natural heritage on the site.

13. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

15. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

16. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

17. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

18. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

19. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

20. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Karen Hamilton
Planning Inspector

14th of August 2020

Appendix 1- List of Submissions
(including prescribed bodies)

1. Aidan Connolly and Nessa Skehan
2. Alan Hayes
3. Amanda and Graham O'Cheallaigh
4. An Claiomh Glas
5. Andrew and Tara Calder
6. Anne Coffey
7. Anne-Marie O'Shea
8. Biggerstaff Services Limited
9. Brendan Clancey
10. Carmel Varley and Colette Jordan
11. Caroline and Colm Roche
12. Catherine Fallon
13. Christopher and Anita Donohoe
14. Christy Leonard
15. Clair and Steven Mordue
16. Colm O'Brien
17. Conor Haugh
18. Daniel Kennedy Steel Supplies
19. David Byrne
20. Declan and Jennifer O'Dowd
21. Denis and Christine Hickey
22. Derereca Carey
23. Dermot Fitzsimons
24. Des and Ethel Byrne
25. Dympna Houston
26. Elizabeth and James Conway
27. Emer Higgins
28. Eoin O'Broin
29. Eugene and Adele Hutchinson
30. Fallon Palmer
31. Felicity McGeever and Senan Bannon
32. Fiarce and Paula Gaffney
33. Fiona Glennon
34. Fiona Measey
35. Geoffery Simpson
36. Geraldine and Richard Ford
37. Geraldine Fagan
38. Grainne Ni Mhuiri
39. Gus O'Connor and Others
40. Helen Mullaly
41. Home Owner 20 Riversdale Grove
42. Inland Fisheries Ireland
43. Irish Water
44. Jacinta Walsh

45. Jessica Hickey
46. Joan O'Connor
47. Joe Harrington
48. John and Adrienne Dunne
49. John and Susan Hoey
50. John Gray
51. Joseph Byrne
52. Josephine Kelly and Paul Lynch
53. Justin Byrne
54. Justin Hennelly
55. Liam Maguire
56. Lorraine Coffey
57. Madeleine Johansson and Other
58. Marion Reid
59. Mary and Brian Fleming
60. Mary Ong
61. Mary Reynolds
62. Maura Delamere
63. Michael Callan
64. Michael Knightley and Jennifer Brophy
65. National Transport Authority
66. Palmerstown RPM Company No. 2 Limited
67. Palmertown Court Residents
68. Patrick and Gertrude Reynolds
69. Phillip Maguire
70. Residents Association
71. Residents of Palmerstown Village
72. Rhona and Keith McCann
73. Rita McGeever
74. Riverside, Riverview and Old Lucan Road Residents Group
75. Robert Nolan
76. Shane and Claire King
77. Shane Moynihan.pdf
78. Simon Hall
79. Susan Lockwood
80. Suzanne Barr and Mark Lynch
81. Tara Fitzsimons
82. Teresa Moylan
83. The Workers Party
84. Thomas and Bernie Noonan
85. Thomas and Phyllis O'Dowd
86. Transport Infrastructure Ireland
87. Ulton O'Reilly